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~~November 19, 2013~~ Revised December 11, 2013

Mr. Barney Molloy
Planning Board Chairman
Village of Cold Spring
Cold Spring, NY 10516

Re: Butterfield EAF responses

Dear Mr. Malloy:

Please see below our responses to the various comments and questions made on the EAF material submitted in support of the Butterfield rezoning application submitted earlier this year.

Long EAF Part I & II (dated May 7, 2013)

1. Page 1 of 21 ó The name of lead agency noted on the EAF incorrectly lists the "Board of Trustees, Village of Cold Spring" as the Lead Agency. The Village of Cold Spring Planning Board has declared its intent to be Lead Agency and has circulated said intent to all Involved and Interested Agencies accordingly. This part of the EAF should be revised.

Acknowledged and revision made.

2. Page 1 of 21 ó The name and title of the responsible officer in lead agency listed on the EAF incorrectly lists "J. Ralph Falloon, Mayor" as the responsible lead agency officer. Again it is our understanding that the Village of Cold Spring Planning Board has declared its intent to be Lead Agency and has circulated said intent to all Involved and Interested Agencies accordingly. Mr. Barney Molloy is the current Planning Board Chairman and should be listed as the responsible lead agency officer. This part of the EAF should be revised.

Acknowledged and revision made.

3. Page 5 of 21, Question 20 ó Please answer this question by revising this portion of the EAF and narrative where appropriate.

Done

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4. Page 5 of 21, Question 20 (B)(1)(c) ó It is assumed that a portion of the proposed öGateway Parkö will remain undeveloped. This information should be revised to match the current site plan.

Acknowledged and revision made.

5. Page 5 of 21, Question 20 (B)(1)(f) ó Please revise this portion of the EAF form to reflect accurate parking space data totals.

Acknowledged and revision ~~made~~ made. There are a total of 221 parking spaces provided including six spaces for the single family residences on Paulding Avenue.

6. Page 5 of 21, Question 20 (B)(1)(i) ó The dimensions of the largest structure appear to be inaccurate as compared to the current site concept plan. This information should be revised to match the current site plan.

Acknowledged and revision made. The largest structure on site is the Lahey Pavilion; the largest new structure is Building 3.

7. Page 8 of 21, Question 25 (Approvals Required) ó The project site is contiguous to a site listed on the National Register of Historic Places and in close proximity to other historic sites. As such the New York State Office of Parks, Recreation and Historic Preservation is an Involved Agency and has discretionary approval authority over any project in proximity to a registered State or National historic resource. The EAF should be revised to include NYSOPRH under the öState Agenciesö part of this form.

NYSOPRHP has no approval authority on this project. They would not qualify as an involved agency under the definitions set forth in SEQRA. They would be an interested agency; ~~potentially~~ potentially, and the Village may wish to include them on the distribution of SEQR documents.

8. Page 8 of 21, Question 25 (Approvals Required) ó The Village of Cold Spring (and the project site) are within a NYS designated Coastal Management Zone administered by the NYS Department of State Dept. of State Office of Communities and Waterfronts. As such they should be noted on the EAF as a potential involved agency.

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NYSDOS has no approval authority on this project. They would not qualify as an involved agency under the definitions set forth in SEQRA. They would be an interested agency, potentially, and the Village may wish to include them on the distribution of SEQR documents.

9. Page 14 of 21, Question 6 ó The proposed redevelopment of the Butterfield site will include substantial site grading, leveling and significant alteration of existing contours across a majority of the site. In addition far more impervious surface area(s) is proposed as compared to the existing condition. As such there will be major alterations in the drainage flow and patterns of surface water across the entire site. This part of the EAF should be revised accordingly to recognize this potential impact.
- *The existing Butterfield site has 96,950 sf of impervious surface area. The proposed project will add 22,500 sf ~~of additional~~ of additional impervious surface area. This would be a modest increase in the context of the existing site. Major grading changes are not anticipated.*
 - *Since the site drains almost entirely to the stormwater system in Route 9D, it is inaccurate to state that there will be major alterations in the drainage flow and patterns of surface water across the entire site. The site will continue to drain to the very same system that supports the property today. Any increase in the rate of stormwater runoff will be attenuated onsite, in accordance with the provisions of New York State General Permit GP-0-10-001. During site plan review, a full and detailed stormwater pollution prevention plan will be provided to the Planning Board that demonstrates compliance with Village and State requirements. That being the case, there is no reason to anticipate adverse impacts from the changes proposed for the subject property.*
10. Page 15 of 21, Question 9 ó The proposed redevelopment of the Butterfield site will include substantial redevelopment of large portion of the site that are currently undeveloped. As such there will be removal of approximately 1.1 acres of vegetation across the entire site. There have been no threatened or endangered species identified to date on the site. However there is a resource found on the site that has been identified as a significant ecological and community resourceí the large Copper Beech tree located on the northern side of the site. Based on information provided in the concept plan and obtained from recent site tours, this important ecological resource may be directly impacted by the proposed development, in particular the close positioning of new buildings and structures. Accordingly, this part of the EAF should be revised by answering öYESö and checking the öpotentially large impactö checkbox.

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Revision made. Refer to Figure 4-1 which provides an overlay of the proposed project on an aerial of existing conditions.

The copper beech tree on the subject property is not viewed as an important "ecological resource". This tree is a non-native ornamental derived from a European Beech. It represents an aesthetic resource. A New York State Arborist has reviewed the tree and its relationship to the proposed construction program and his report is provided in the amended EAF material.

11. Page 16 of 21, Question 11 ó The proposed concept plans illustrate significant new buildings of varying heights spread across the entire site. This new building scale, height and massing will have a significant altering effect on the overall visual context of the site. Accordingly this part of the EAF should be revised to recognize this potential impact. A Visual EAF should be prepared and submitted to more fully understand the potential visual changes to the site and identify possible mitigation measures to minimize the visual impacts to and from the site.

In the context of the allowable uses on the site under existing zoning, it is not reasonable to conclude that the proposed zoning action will have significantly different visual changes than that which would be permitted under the existing zoning. See response to comment 9.0, No 1 for information review of what the site could support under the existing B-4 zoning. It is much more than contemplated under the proposed action.

Moreover, there is a view in the community that the existing Butterfield building and surrounds have detracted from the aesthetics of the neighborhood for many years. The removal of that building (for which approvals have already been granted) would be a benefit of the project.

The EAF provides renderings of the various anticipated building styles (see Figures in Appendix B) The building architecture is intended ~~to offer~~ to offer visual interest and acknowledge the goals of the community vis a vis the local Historic District.

Ultimately the building architecture will be subject to review and approval of the Cold Spring Historic District Review Board, who will have responsibility for determining their consistency with the District goals. This will ultimately warrant an acceptable fit of the buildings on the subject site. The EAF has been supplemented with a visual EAF addendum.

12. Page 16 of 21, Question 12 ó There are ~~significant—historical~~ significant historical resources in close proximity to the site. However it is less clear as to potential impacts on archeological resources that may be present on the actual site despite the fact that the site has been previously disturbed. A Phase IA Archeological study should be conducted to

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better understand the potential for archeological resources on the site. If it is determined that there is the potential for archeological resources on the site, a Phase IB study should also be conducted.

A phase 1A study has been carried out and is provided in the Appendix. It recommends no further physical testing on the subject site. [Refer to Appendix J.](#)

13. Page 17 of 21, Question 13 ó The reduction of the lawn area from 3.7 acres to 2.6 acres which constitutes a reduction of 30%, should be recognized on this part of the EAF form and noted as a "potentially large impact". This issue should also be clearly addressed in Part III Section 7 of the applicant's expanded EAF narrative.

The applicant and the Village acknowledge that the lawn is private property no different in accessibility to the public than any residential yard in the Village. Under the existing zoning, any owner of the Butterfield site would be entitled to the full use of the land consistent with the bulk requirements set forth in the code. Such activity would be likely to utilize the majority of the property and for the most part would likely eliminate the lawn area.

The applicant acknowledges the concern raised in the above comment. The retention of the open space "gateway" ~~area, area~~ is being offered as a discretionary benefit by the applicant in consideration of ~~the Village's~~ [the Village's](#) commitment to the concept plan attached to the proposed B-4A zoning request.

Under the existing zoning, the retention of the lawn could not be mandated.

14. Page 19 of 21, Question 19 ó Based on information provided by the applicant in the Part III Narrative, it may be necessary to revise this part of the EAF form to reflect potential large impacts to the municipal budget for capital expenditures.

The fiscal study includes an analysis of costs and revenues which are anticipated as a result of the project. The results of the analysis indicate that adverse changes to the Village's municipal budget is not likely to occur.

15. Page 20 of 21, Question 20 ó The proposed redevelopment of the Butterfield site has a rather long, significant and well-documented history spanning approximately 5+/- years. It is our understanding that during this time, there has been significant public interest and focus on the project. Therefore it is reasonably anticipated that there will be continued public interest associated with this project as it moves forward through the SEQRA, re-zoning and land use approval process. This part of the EAF should be revised to reflect this possibility.

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Acknowledged and revision made.

Long EAF Part III – Narrative (dated May 7, 2013)

1.0 Project Description

1. Given the extensive amount of time that this project has been in development with the Village of Cold Spring, the applicant should revise this section by providing a detailed discussion of the events that have transpired to date, in chronological order, to better illustrate the various comments, discussions, meetings, activities and changes the project has undergone to bring it to its current form. A more detailed "Project History" should be provided to avoid potential redundancy in requesting information that may have already been developed or provided to the community by the applicant.

Acknowledged and revision made. Chronology included in Appendix G.

2. The applicant should provide a detailed project review and development schedule/timeline that outlines the review and approval steps to be taken, and the intended construction sequencing of the project to full build out.

Acknowledged and revision made.

It is anticipated that SEQRA reviews will be completed in 2013 and the Village Board will hold public hearings and make a zoning decision in the first quarter of 2014. Once a zoning decision is made the applicant will make a formal application for site plan approval with the Planning Board in the first half of 2014. Assuming site plan review can be accomplished in four months or less, given the amount of review and work accomplished to date, construction start could occur in the fall of 2014.

A likely sequence of construction is provided in the project description section of the EAF. Refer to page 1-5.

3. Current concept plans do not show the proposed new relocation of the existing cell phone antenna that is currently on the Butterfield hospital building. The applicant should revise their plans to show the proposed new location of this cell antenna and if necessary provided a visual impact assessment of the new antenna location so that the Planning Board can fully assess any potential negative impacts associated with this relocation.

It is anticipated that the cell antennae will be relocated to the cupola in buildings 1, 2 or 3. Final decisions will be made prior to site plan application and will be subject to review by the planning board. The Cross Sections in Appendix B have been modified to

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show this cupola on Building 3. A final determination as to placement will be made during site plan review.

4. The current site plans do not show any accessory structures or support areas for the proposed residential and commercial buildings like loading docks, trash receptacle/compaction areas, snow storage areas, etc. With the current site layout and roads utilizing most of the buildable area, it is necessary to know where and how any accessory structures or support facilities will be incorporated into the overall concept design to ensure adequate space, circulation and access. The concept plans should be revised accordingly.

See Figure 1-4 that shows potential locations for dumpsters and loading areas. Final decisions will be made at the time of site plan review.

5. To better understand how the site and properties will be managed and operated, the applicant should provide the Planning Board with a copy of any Homeowners Association Covenants, or a copy of the site's Operations and Management Plan.

It is premature to prepare HOA documents or an operations and management plan. However, there will be multiple associations formed to manage aspects of the subject project. A master association will manage landscaping, security lighting, snow removal and interior infrastructure such as common roads and stormwater management facilities. Individual associations may be formed to address the needs of the residents of the senior housing and the common elements of that use such as parking areas, lights, common interior spaces, community center, etc. Details of these responsibilities will be set forth in the applicable documents at the time of site plan approval or as a condition thereto.

2.0 Economic and Demographic Resources

1. The Fiscal Analysis (Section 2.0) should be revised to include a discussion of potential fiscal impacts on the water and sewer district.

The applicant will pay user fees to the water and sewer district consistent with every other user in the Village. User fees are set up to offset the operating costs of the districts. It is reasonable to conclude that there would therefore be no adverse impact to the district. Refer to Tables 2-4 and 2-5 contained in Section 2.0.

2. The Fiscal Analysis (Section 2.0) should be revised to include a discussion of potential fiscal impacts on public safety services. i.e.: police calls and new operational costs; fire calls and new operational costs; EMS calls, etc.

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The fiscal analysis performed a per-capita evaluation of the costs of providing services to residents of Cold Spring. This would take into account all services, excluding those that have fees associated with them.

3. The Fiscal Analysis (Section 2.0) should be revised to include a discussion of potential impacts on variable General Fund revenues.

The fiscal study includes an analysis of costs and revenues which are anticipated as a result of the project. The results of the analysis indicate that adverse changes to the Village's municipal budget is not likely to occur.

4. The Fiscal Analysis (Section 2.0) should be revised to include a discussion of potential impacts on variable General Fund expenses.

See Response to item 3 above.

5. The Fiscal Analysis (Section 2.0) should be revised to include a discussion of potential impacts of any anticipated tax abatement requests by the applicant for any portion of the project.

The applicant has no plans at this time to request tax abatements for this project.

6. Please provide a quantitative breakdown in chart form of the calculation used to determine the number of persons projected to reside on the site after full build out. Please provide a citation and reference to the CUPR multiplier data used to support the demographic data offered in the EAF.

| *See revised material in EAF. [Refer to Table 2-1 in Section 2.0.](#)*

7. The EAF fiscal impact analysis assumes that the project will add 83+/- new residents to the Village of Cold Spring. This may not be accurate as it can be reasonably anticipated that several existing village residents may opt to move to this location from their homes inside the village. The EAF should be revised to include an analysis of the potential impacts on existing housing stock in the village caused by the project's new housing options for new and/or current village residents.

There is no reason to anticipate any impact on existing housing stock in the Village as a result of the Butterfield project. Anytime functional housing is abandoned by its current residents, it is returned to the marketplace where new residents may occupy it regardless for the reason behind its abandonment.

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8. Please provide a citation and reference to the IBC and ITE multiplier data used to support the long range employment data offered in the EAF.

Noted in EAF.

9. The Fiscal Analysis (Section 2.0) should be revised to include a thorough discussion of potential contingencies in the event that the proposed 55 units of "Senior" housing cannot be sold to seniors. Also provide an analysis of the fiscal impacts if the units do not sell for the higher anticipated asking price noted in the EAF.

The senior units can only be occupied by age qualified principals. That is defined in the proposed zoning ~~and—therefore~~ and therefore is a use requirement no different than "retail" or "office".

Residential occupancy at the Butterfield site that is not age qualified would be a violation of the zoning code and subject to fines, penalties and imprisonment unless immediately corrected, according to Section 134-39 of the Cold Spring code.

Given the demographics for senior housing demand, as the "baby boomer" population enters retirement age, it is unlikely that the project will not sell to age qualified individuals. Many senior housing projects have waiting lists, depending on affordability factors.

If the units do sell for more than the asking price noted in the EAF, they will generate greater fiscal benefits to the Village. If they sell for less, the benefits will be reduced in direct proportion to the percentage of price differential than that examined in the EAF.

10. Where does the range of jobs data, found on page 2-7, of "20 to 75 full-time jobs" come from? Approximately 21 new jobs are described in the "Long Term Employment Opportunities" section, which also says that some jobs may be relocated. Please revise this section of the EAF to include more detailed information on jobs.

Revisions made as requested. Refer to page 2-11.

11. The Fiscal Analysis (Section 2.0) should be revised to include a thorough discussion of the impacts to the number of persons living on the site if the "Senior Housing" age restrictions were to be removed in the event the applicant cannot sell, rent or lease the 55 units as "senior housing".

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The EAF has not been revised to respond to this comment. See response to comment 9 above. The project cannot be occupied by non age qualified families. The matter is moot as such occupancy would be in violation of the zoning.

12. In addition, the proposed age restrictions need to be better defined and described as it is not clear if all residents living on the site have to be older than 55yrs, or if just the owners or leasees themselves have to be 55yrs or older. Would residents older than 55 yrs. who still have children living with them be allowed to own and/or rent? How will the age restriction be enforced? Please clarify.

The proposed zoning is consistent with the language contained in the existing zoning code for B-4 excepting the age restriction has been lowered to age 55. It is anticipated that the residential HOA documents will contain a covenant restricting occupancy to one individual at least 55 years of age older and a second individual at least ~~24~~18 years of age or older. The age restriction will run with the use...that is the Village Building inspector may enforce is, as well as the HOA.

13. Under the "Local Economy Spending" section of the EAF the fiscal impact analysis assumes that all 55 proposed units on the site would be occupied by "new" families to Cold Spring, resulting in roughly \$825,000 in new spending in the village per year. This may be inaccurate given the fact that a certain percentage of the families occupying the 55 units can reasonably be assumed to be relocations from within the village and who already are spend resources locally. As such the dollar estimate increase in local spending provided by the applicant may be higher than can be expected.

See response to Comment 7. The net increase in Village occupants has been stated in a reasonably accurate fashion in the EAF. Existing housing will be reoccupied. Whether that re-occupancy is one-to-one regarding the people moving out versus people moving, cannot be projected with certainty.

3.0 Soils and Topography

1. As noted by the applicant, test borings were dug at various locations across the site. The logs for these excavations should be provided to the Planning Board for review by their technical consultants to further understand the site soil, ground water, and depth to bed rock conditions.

Logs and a drawing showing the location of testing is provided in an appendix to the EAF. No rock or groundwater was encountered in any of the testing activities at the

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subject site and the applicant does not anticipate that soil conditions will represent an impediment to site development. In any event, this is not a zoning issue. The same soils would exist if construction were to occur under existing zoning conditions.

2. The applicant should provide a qualitative analysis utilizing existing (and if necessary new) soil borings across the site to prove that blasting may or may not be necessary on the site so that any negative impacts associated with blasting activities can be fully understood and analyzed in the EAF. A preliminary Geotechnical Report should be prepared and submitted by the applicant that fully discusses existing conditions across the entire site.

The soils information that the applicant has obtained to date as well as historic construction on the subject site and in the Village surrounds indicates very little impediment to site development. No rock or water was encountered in any of the recent borings, and generally, 2.5 story structures have been easily accommodated throughout the Village.

There has been no geotechnical report prepared to date and generally, it would not typically be done for this type of construction.

In the highly unlikely event that rock is encountered on the site, the applicant will either use mechanical means to remove it (rock chipping), or controlled blasting subject to a blasting protocol as set forth in an appendix to the EAF. Blasting protocols are utilized throughout the Hudson Valley and when adhered to have been found to eliminate damage from ground vibration. No adverse impacts would therefore be likely to occur.

3. Anecdotal evidence indicates the presence of granite bed rock close to the surface, which may contain radon. Accordingly the applicant should provide an analysis of the potential for any adverse impacts associated with Radon that may be present on the project site.

The applicant has not encountered rock in any of the testing that has occurred to date. If required, however, foundations can be tested for radon and established practices for radon mitigation for residential buildings will be employed if it is encountered at levels that call for its remediation. Radon is easily mitigated through proper venting.

4.0 Water/Stormwater

1. Conceptual plans do not show where proposed infiltration and stormwater storage infrastructure would be located on this sloping site. Please provide conceptual level details. While infiltration is generally an amenable stormwater practice the technical data

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of borings, percolation testing and hydrologic modeling have not yet been presented. Reference was made to borings and preliminary percolation tests but said information was not included in the submission. Concerns for location of infiltration practices are for slopes towards Route 9D and nearby properties with basements that may be impacted by re-charging the local water table during wet weather. Slope stability could be an issue if increased groundwater levels, even in the temporary sense, could be a concern. The report discusses a second system of infiltration chambers to attenuate the 10 year and 100 year storm events beyond the treatment of lesser storm events via proprietary devices and first infiltration system. Some development is proposed near Route 9D in the form of a 7,000 S.F. office retail building which is close to existing properties across the street and sanitary sewer infrastructure that may have infiltration and inflow issues currently.

A prior preliminary engineering study of the project sited stormwater practices under the planned open space in the Gateway Park area. It is anticipated that that practice would be further studied and finalized during site plan review, to accomplish a stormwater plan that meets the requirements of New York State.

The increase in impervious surface area for the subject site is relatively minor at approximately 0.5 acres. All indications are that onsite soils are pervious and do not exhibit shallow groundwater.

Again, this is not a zoning issue, as stormwater would need to be properly managed under any zoning alternative.

2. The submission discusses the fill soils over the original soils and discusses native soils as Riverhead loam. This can be an amenable soil for development at this site if shallow groundwater levels are not encountered which remains to be seen as borings and soil investigation data has not been presented and could be only a cursory scope insofar as the full site development. More information is required to fully evaluate the potential for stormwater infiltration practices at this site.

See response to comment 1 above.

3. The use of the NYSDEC re-development requirements is appropriate for a portion of the site while newly developed areas will need to comply with the NYSDEC permit GP-0-10-001. Please describe how and where these re-development requirements will be utilized on the site. Particular attention will be needed to appropriate storage and conveyance of runoff from large storm events to minimize impacts to storm sewer and sanitary sewer infrastructure.

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Stormwater on the subject site will be properly managed, post development, so as to not increase the rate of runoff to local stormwater conveyance systems. This will be studied in detail during the site plan review and approval process. At the present time, there is no reason to believe that an effective SWPPP cannot be accomplished for the developed site.

Sanitary sewage will not be mixed with stormwater, but rather will be conveyed to the Village's existing lines and then to the sewage ~~treatment plant~~treatment plant on Fair Street.

4. There is no discussion of the use of alternative options to minimize the very large amount of impervious surface area proposed for the site. The EAF should be revised to include a discussion of other green stormwater management options that could be used on the site including but not limited to banked parking, pervious pavement in parking lots, green roof designs, rain gardens, etc.

The applicant will consider green stormwater options as noted above and include applicable functional measures in his site plan application. It is premature to address such details at the zoning stage of the project.

5.0 Ecology

1. The Copper Beech tree has been recognized by the applicant and the community as a significant ecological resource on the project site. As such, an assessment of the tree's current condition as well as the potential impacts the proposed new buildings and construction activities will have on the tree should be conducted to fully understand if this valuable resource will be impacted in a negative way. An assessment of the tree's current condition and identification of any impacts the proposed redevelopment may have on the tree should be conducted by a NYS certified Arborist/Botanist and provided to the Planning Board in a stand-alone report.

The copper beech tree on the subject property is not viewed as an important "ecological resource" and is not protected under and local or state regulations. This tree is a non-native ornamental derived from a European Beech. It represents an aesthetic resource. A New York State Arborist has reviewed the tree and its relationship to the proposed construction program and his report is provided in the amended EAF material. Refer to Appendix K.

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2. The site concept development plans and EAF describe the existence of a small number of sizable trees across the Butterfield redevelopment site. As it appears that all or most of these trees will be removed to accommodate new parking areas, roads and buildings, this will result in a considerable change to the visual character to and from the site. Please describe in greater detail how the loss of these trees will impact the visual character of the site and what measures will be taken to mitigate those anticipated visual impacts.

The subject site cannot be developed without the removal of trees. Tree removal will represent a change in the visual conditions of the site. However, a landscape plan will be developed in consultation with the planning board during the site plan review proceedings that will include new tree plantings, foundation plantings, etc. that will serve to soften the visual changes that will occur to the subject site. Refer to Figure 5-3 which shows the locations of mature trees to remain and those to be removed.

6.0 Historic & Archeology

1. A Phase 1A Archeological Assessment Report should be conducted by a NYS certified Archeologist and a report provided to the Planning Board.

See Phase 1A report in Appendix of EAF. Refer to Appendix J.

2. The applicant should revise this section to include an expanded discussion on potential impacts to all identified and/or designated historic resources in the Cold Spring Historic District that are in proximity to the site such as the sites along Paulding Avenue and the West Point Foundry Preserve. Discussion should not be limited to the Grove site.

The project is not anticipated to have any impacts on designated historic resources in the Cold Spring Historic District. It is well removed from most resources.

From the perspective of many local citizens, the existing Butterfield hospital building represents an eyesore within the district. Its removal and replacement with buildings having more architectural interest and consistent with the visual goals of the district is viewed by the applicant as a benefit. Also, see comments in the Phase 1A report which is consistent with this view. This specific topic is discussed in Appendix J on pages 25 and 26.

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7.0 Open Space

1. Please provide a description about how the existing great lawn area is currently used (on a yearly basis) by the public. Also provide additional details about the intended use, maintenance, access and ownership of the proposed Gateway Park to be located on the western portion of the site. Will ownership of this park be deeded over to the Village? Will the park be open to the public? Who will be responsible for the parks maintenance and upkeep? Who will be responsible for maintaining the necessary insurances for users of the park? How will users be able to access the park? Will dedicated parking be made available to park users? Consideration should be given to adding sidewalks along the southern side of Paulding Avenue along the entire length of the property to allow better pedestrian connection to and from Route 9D to the historic neighborhood and Gateway Park.

The field on the Butterfield site is private property and is not open to the public. Any use of the field in the past year has occurred without the permission of Butterfield, LLC.

The applicant is open to discussing potential uses for the future lawn area. It is anticipated that at a minimum, the applicant will make the lawn available to the Village subject to an access agreement to be worked out with Village officials during the site plan review process. Donation of the land may create issues for the subject site with respect to the zoning requirements for open space, building coverage, etc.

Such an agreement will set forth the responsibilities of the various parties with respect to permitted activities, hours of use, maintenance, insurance, etc. Access to the lawn would be available from public roads including the ample frontage along Route 9D and Paulding Avenue. The lawn is within walking distance of almost all residential areas of the village. Any parking could take place on local streets.

8.0 Traffic

1. There is a discrepancy in the amount of retail square footage between the EAF text (13,000 SF) and the traffic study (7,000 SF). The applicant should revise all pertinent sections of the EAF to reflect the correct data.

Done. Information contained in ~~the EAF~~ the EAF text has been added to the traffic study. The traffic study examined the proposal with 7,000 square feet of retail. Page 8-3 of the EAF discussed the maximum retail alternative with 13,000 square feet of retail in relation to the proposal. That has been added to the traffic study.

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The order of magnitude of increased vehicle delay is less than 0.6 seconds per vehicle. In the a.m. peak hour there is a reduction in delay. Both the a.m. peak hour and the Saturday peak hour show increased trip generated volumes below 100 trips.

It is noted that the suggested threshold in the new EAF workbook for doing a traffic study is 100 trips. The p.m. at 103 and 117 trips is barely above that threshold.

The lack of substantial change in delay and level of service is a reflection of these low volume increases.

2. The study does not include analyses of the site driveways other than to say that they should operate at level of service A. The technical analyses should be provided for each driveway as at least a level of service C is expected.

Traffic from the site accesses have been added to the figures in Attachment A. It is clear considering the amount of site traffic when coupled with Lahey Traffic (see item 3) that level of service is not going to be an issue. This can be seen by a comparison with the Benedict Street and NYS Route 9D intersection that has considerable more traffic and is operating acceptably.

The New York State Department of Environmental Conservation (NYS DEC) Short Environmental Assessment Form (SEAF) was recently revised along with the associated Workbook to be effective October 7th of 2013. The NYS DEC workbook page 20) indicates a 100 trip peak hour threshold for the resultant traffic increase to be substantial enough to warrant full evaluation of traffic impacts (a capacity analysis).

Based on the trip generation below the NYS DEC threshold value for analysis (particularly the a.m. peak hour and Saturday peak hour), no detailed capacity analysis would typically be recommended for this site and no significant impact on traffic capacity operations would likely be expected.

The applicant, in this case, has provided a capacity analysis at the intersections proximate to the site that carry the heaviest volumes of traffic. As all other intersections carry lower volumes, conducting capacity analysis on them would be extraneous and unnecessary for impact evaluation.

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3. The study needs to account for the amount of existing site traffic in its analyses (i.e., Lahey Pavilion). This may impact the results of the analyses in #2 above. In addition, the study should clearly show and analyze anticipated traffic patterns entering and exiting the site at all proposed driveway locations to better understand how traffic moving onto and off the site will impact current and future traffic patterns on Route 9D.

Lahey traffic peaks at 15 vehicles in the a.m. peak hours and 25 vehicles in the p.m. peak hour. This traffic is already on the network, was included in existing volume counts and only concerns that access.

Trips moving through the proposed driveways have been added to weekday traffic figures and that information is shown in Attachment A. Saturday data was not collected as most of the Lahey offices are closed. Thursday traffic would be lighter as some doctor offices are closed on Thursday.

4. The traffic study should be revised to show anticipated internal traffic circulation patterns based on the proposed land use of each new building on the site.

Figure 5 in Attachment H illustrates the parking associated with each building. That will influence internal circulation. All internal drives are expected to operate as two-way roads and none of those roads are expected to carry enough volume to influence internal intersections adversely.

Attachment H Figure 6 shows the internal pedestrian ways serving pedestrian traffic between the buildings, and the parking and external pedestrian facilities.

5. Given the proposed layout of new buildings, an emergency vehicle access assessment and analyses should be provided that illustrates clear and unopposed access to all internal and external areas of the site for all of the Village's existing emergency response vehicles. This analysis needs to provide quantitative data to prove that large fire apparatus can easily access all areas of the site.

A review of the concept plan reveals that, in fact, the entire site is easily and readily accessible to large vehicles. It has substantial frontage on public roads, ~~multiple~~, multiple points of access from Route 9D, and the internal loop road and internal drives are standard in size with 90 degree intersections. There is no reason to believe fire access would be an issue.

The site plan will be circulated to the Fire Department during site plan review for any other firematic concerns.

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6. The study should indicate why trip rates were used instead of the formulas provided in the *Trip Generation* manual.

Attachment J has been added to the Traffic Study further explaining trip rates and changes made in Table 2. In certain instances the ITE Trip Generation publication does not provide formulas or the formulas are not applicable, as in the case of small sample sizes. In these instances the average rates are preferred.

7. The close proximity of the streets Paulding Avenue, Chestnut Street, and Bank Street at Route 9D creates a 5-leg intersection and are integral to each other. The *Highway Capacity Manual (HCM) 2010* does provide procedures for analyzing 5-leg intersections and this should be done for this study instead of separating the intersections. While it is correct that Synchro does not analyze 5-leg intersections, it is just a tool for running the procedures of the HCM. The *Highway Capacity Software (HCS)* tool can be used for analyzing this 5-leg intersection.

Attachment F, Figure 1 shows the proximity of the Paulding Avenue and Bank Street intersections with NYS Route 9D. Synchro was used in the EAF review because the New York State Department of Transportation requests the use of Synchro rather than the Highway Capacity Software.

The volumes at the intersection case are low and there is very little interaction of traffic at the aforementioned approaches to Route 9D. Given the low volumes - in particular the fact that the combined left turns from all minor streets are less than 25 vehicles - as well as the fact that the approaches operate at levels of service B and C, treatment the matter as a 5 legged intersection will not change the results. Again, the applicant believes that the guidance of SEQRA should be relied upon here and where there is little to no likelihood of significant impact, exhaustive analysis should be discouraged.

8. The study should identify what resource was used for determining the background growth rate of 1% per year.

The traffic study in Appendix D has been modified. Attachment I describes the sources and the precedent to use a one percent annual growth rate.

9. The site plan includes three access points (existing access points) to Route 9D within 700 feet of each other. The study should include an analysis that eliminates one of the access drives. This would be in keeping with access management principles.

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Tenants at the subject site may include municipal offices which can be expected to have special events and frequent night meetings. A third access is recommended to handle the short term demand associated with such events and meetings and to ensure adequate emergency response in such all situations.

The site volumes are low and analysis of a two option configuration is not anticipated to be different from the three access alternative during normal peak hour traffic.

10. The site is located on the inside of a curve along Route 9D and sight distance for vehicles entering and exiting the site is significantly limited. The study should include a sight distance analysis for the driveways as well as a crash analysis along this section of Route 9D.

A discussion of sight lines has been added to the traffic review and photos have been included in Attachment G. There do not appear to be any major impediments to providing acceptable sight distances at the proposed driveway locations along Route 9D. Actual sight distances at the proposed driveways will be measured and added to plans during final site plan design. Sight distance would be further investigated as part of the highway permit process but does not appear to be an issue.

This section of Route 9d is not known to be unsafe nor does it have a history of vehicular accidents. Based on New York State records, the entire Village of Cold Spring has had only three fatal or personal injury accidents per year in the years 2009 to 2011.

A detailed crash analysis would not be expected to identify issues turning into and out of site driveways as the hospital has been closed and Lahey Pavilion has very low volumes of traffic.

11. The site plan shows 36 on-street parking spaces on the inside of the curve, which further exacerbates the limited sight distance noted in #8 above. This will also impact the ability of westbound vehicles on Route 9D to adequately see car doors being opened. Has any communication with NYS DOT been initiated to see if DOT is open to allowing on-street parking on/within the State Right-of-Way (ROW)? Please provide copies of all correspondence with NYS DOT regarding any proposed changes to or along NYS Route 9D.

The applicant proposes no parking along Route 9D. It would only be done if the Village chose to pursue it under some other program.

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12. The study should address how the on-street parking spaces will be built on Route 9D.

See above.

13. The traffic study makes reference to the closing of the access to NYS Route 9D at the Foodtown location. This access will not be closed or removed. Please revise the traffic study to reflect this reality.

At the time the traffic study was conducted the Serroukas (FoodTown Plaza) planned to close the access as part of their expansion. Given the location of the driveway proximity to Benedict Street it is possible this driveway may in the future be closed.

The FoodTown expansion traffic was included in the No-Build Condition.

Regardless of whether the driveway is closed and/or expansion occurs, the volumes on the road will not change and levels of service will remain the same.

14. The study in general terms mentions pedestrian and bicycle traffic in and around the site, including access to Village businesses and trails, some of which will require pedestrians to cross Route 9D. There are also residential units directly across the project site that may be attracted to the retail, office, and government uses. The study should include a detailed description of the existing pedestrian and bicycle accommodations and how the future pedestrian and bicycle traffic will be accommodated with the project, especially with the sight distances issues.

A discussion of pedestrian access has been added to the traffic study. Attachment H includes anticipated internal pedestrian crossings and sidewalks. The one pedestrian crosswalk near the site and is shown in Attachment H Figure 7.

9.0 Land Use, Zoning and Community Character/Services

1. The applicant should provide a Build-Out Analysis to show the current build out of the site based on current zoning, as well as the full build out of the site under the new B-4A zoning.

The existing site has 96,950 sf of building and impervious surface area associated with the Lahey Pavilion, the hospital building and paved areas.

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The proposed project would have 119,436 sf of impervious area exclusive of the three home sites or about 0.5 acre more.

The full buildout of the site under the new B-4A zoning is as shown on the concept plan attached to the zoning petition EAF Figure 1-3. Under that plan 22,500 sf of land would be removed from the commercial zoning by converting it to R-1 and subdividing it into three home sites. It shows building coverage of 52,686 sf and paved areas of 66,750 sf.

Under an as of right development, there would be no subdivision of residential lots. The lot area at 248,216 sf with coverage at 25 percent, and 2.5 stories of building would permit a 155,135 sf medical facility. It could be medical offices, a nursing facility or a hospital. Such a facility, if medical office would require 621 parking spaces. There would be no community park under such an alternative.

| *Ray Curran, the planner retained by the Village during the ~~charrette~~Charrette last year, was asked to prepare a buildout plan under the existing B-4 zone. That plan is also provided in the EAF. Refer to Figure 9-2.*

2. The applicant should provide a more detailed discussion as to how the proposed project and zone change meets the intent of the specific goals of the Comprehensive Plan, or is otherwise consistent with the goals of the Comprehensive Plan.

| *See revised section of EAF. Refer to pages 9-1 and 9-2*

3. The EAF provides repeated references to a "community center" and "senior center" proposed for the site. Clarification is needed to determine how this facility is to be characterized, used, owned and maintained. Will the center be open to the general public or limited to just residents of the site proper? If open to the general public, the traffic study should be revised to reflect this more intense land use that may draw off-site visitors.

The residential community center shown on the plans would be for the onsite residents of the senior housing, not the general public.

The applicant will build commercial space in buildings 1 and 2 and that space could be leased to a public or private party for use as a senior center. However, such a use would be subject to a tenant stepping forward and leasing the available space. It is not proposed as a targeted or specified use associated with the proposed action.

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4. A more thorough analysis of the potential impacts to senior-related community services needs to be provided to better understand how this aged population will be taken care of. An analysis of utilization rates of community services (i.e. ambulance, EMS, etc.) for other similarly structured senior housing facilities should be provided to determine the potential impacts that could be reasonably anticipated with this site. This should be in comparison to non-age restricted sites as well.

See revisions in EAF. A Study funded by FEMA and prepared by the Lacey Fire Department, WA (included in Appendix N for reference), studied the impacts of aging demographics on emergency services. The Study reports that it can be expected that calls for emergency services may double in populations in the age range 65 to 84 and may triple in populations over 85 compared to traditional standards. Given that the residents of Butterfield will be active adults over 55 years of age, a projection of 2.5 times the number of emergency service calls provides a conservative analysis. Refer to page 9-10.

5. The Applicant needs to demonstrate that sufficient fire flow capacity is available for the project site. What is the Needed Fire Flow (NFF) for the Project Area and building requiring the highest available fire flow? Has testing of existing hydrants within or adjacent to project area been performed to confirm available fire flow rate and duration fire flow rates can be sustained?

See revisions in EAF. Refer to page 9-14.

6. Water Service:
 - a. Need to demonstrate sufficient water capacity exists to service project area.
 - In EAF Part 3 - Section 9.6 "Utility Services", is the stated water demand of 19,000 gpd the average daily water demand or maximum day water demand? This flow requirement is not consistent with 10,000 gpd valve listed in the EAF. Please clarify.
 - Calculations need to be provided deriving the average and maximum daily water demands for project area.
 - Per the letter dated February 7, 2012 prepared by Gregory R. Phillips, Village of Cold Spring DPW; the Village is requesting that an independent source of water be utilized for site irrigation/landscaping. The proposed project's water demand

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should therefore not account for water usage associated with site irrigation/landscape.

- In EAF Part 3 - Section 9.6 "Utility Services", the municipality's current average daily water demand is referred to and used as the basis for determining that sufficient water capacity exists to service project area. The correct way to evaluate the available water system capacity should include the following:
 - The applicant needs to determine the design capacity of the water system before stating that sufficient capacity exists to serve their project. What is the maximum daily amount of water that can be produced by the municipality's water production facility(s) and utilized in the distribution system?
 - The applicant needs to determine what the current maximum daily water demand in the distribution system is based on most recent metered water usage data, if available.
 - The applicant needs to compare water system design capacity to future maximum daily demand (equal to current maximum daily demand plus additional maximum daily demand of project area) to verify sufficient water capacity is available.

See Revisions in EAF.

7. Sewer Service:

- a. The applicant needs to demonstrate sufficient sanitary sewer capacity exists to service the project area. Per the letter dated February 7, 2012 prepared by Gregory R. Phillips, Village of Cold Spring DPW; it is stated that the Village sewer Collection System experiences inflow and infiltration (I&I) which is currently contributing to influent flows received at wastewater treatment plant which are in excess of SPDES permitted flow. The Village has requested that the consultant evaluate and inspect collection system components (i.e. existing structures, sewers, force mains, and pump stations) to be utilized by the proposed project to convey sewage to wastewater treatment plant and repair, replace and/or upgrade

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collection system components/capacity as necessary. B&L technical staff can assist the applicant in determining how best to evaluate and collect this data.

- In EAF Part 3 - Section 9.6 "Utility Services", is the stated sewer demand of 19,000 gpd the average daily sewer demand or maximum daily sewer demand?
 - Calculations need to be provided deriving the average daily, maximum daily, and peak hourly sewer flows of project area.
- In EAF Part 3 - Section 9.6 "Utility Services", the municipality's permitted SPDES flow rate at the Wastewater Treatment Facility is used as their basis for determining sufficient sewer capacity exists to service the project area. However, additional evaluation of the sewer system needs to be performed to verify if sufficient sewer capacity exists.
 - In order to determine if sufficient sewer capacity exists, the applicant needs to also evaluate and describe the design capacity of downstream gravity sewers and pump stations which will service project area, that are influenced by and include infiltration and inflow.
 - In addition, the applicant needs to evaluate current peak flows through downstream gravity sewers and pump stations which will service project area. Flow monitoring should be performed in the collection system during wet weather periods (i.e. when wastewater treatment facility experiences higher than typical flows) to evaluate peak flows which include contribution from I&I.
 - Current peak flows plus additional peak flow from project area should then be compared to available capacity of collection system infrastructure utilized to convey the project area's flows to the wastewater treatment facility.

See revisions in EAF.

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8. The use of geothermal heating and cooling systems have been suggested by the applicant in Part III of the EAF. However the EAF should be revised to include a more detailed evaluation and assessment of the site and project to potentially support this type of infrastructure as it is unclear where geothermal systems could be placed on the site or how it would affect the overall site layout.

The applicant no longer proposes geothermal heating and cooling systems.

9. There is no mention in the EAF of how the applicant will address or incorporate green building designs and standards into their overall plan. Will any level of LEED building design accreditation be pursued for any of the proposed new structures on the site? The EAF should be revised to include a detailed discussion of this issue.

The proposed building construction, will at a minimum, comply with New York State energy code requirements. Construction will employ to the greatest extent possible, local workers, local goods, and materials that are recycled. Energy star appliances, low flow water fixtures, and properly insulated walls, roofs, doors and windows will be utilized.

10.0 Construction Related Effects

1. The applicant should provide a preliminary Erosion & Sediment Control Plan to show how they intend to address and deal with the movement of soils on the site as significant site grading and soils stockpiling are anticipated. Given the existing topography on the site, the Planning Board needs to fully understand how the site will be graded and what mitigation measures will be utilized to stabilize the site during construction to ensure no impacts to off-site facilities (Village sewer/stormwater basins) or adjacent properties.

Significant grading of the subject site is not anticipated. The proposed construction is expected to largely honor the existing grades on the subject site. All exposed areas of the site will be maintained in a stabilized condition including soil stockpiles and such areas will be further protected by properly placed and installed silt fence at all downgradient locations.

A detailed grading plan will be prepared at the time of site plan application and with that, a fully detailed stormwater management and erosion and sediment control plans will be submitted that conforms to the New York State General Permit requirements. Such a plan will eliminate impacts associated with site grading and construction.

2. Any site work or construction access from Paulding Avenue should be limited to what is necessary for the construction of the three single family units or any necessary site

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infrastructure that will need to connect to facilities and improvements on Paulding Avenue. Access from Paulding Avenue during construction should not be used for general site access, to lessen any impacts on the existing adjacent historic neighborhood. The applicant should revise the expanded EAF narrative to include a description of how this will be achieved and how impacts to the Paulding Avenue neighborhood will be minimized during construction. [Reference page 10-4](#)

3. The applicant should revise the EAF to include Demolition Related Effects. The applicant should provide the Planning Board with a site demolition plan of all structures that are proposed to be demolished, including detailed plans for dealing with any anticipated and non-anticipated hazardous materials such as lead paint, asbestos, USTs, chemicals, etc. As part of this Demolition Plan, the applicant should also provide the Planning Board with the Decommissioning Plan the Hospital used when it ceased operations years ago. The information contained in the decommissioning plan could identify previously unknown conditions or contaminants found on the site. Also were there any underground bulk petroleum storage tanks located on or removed from the site? If so, a copy of any tank removal report should be provided to the Planning Board.

[Refer to revisions in Section 10.0 for a discussion of the Butterfield hospital demolition.](#)

We hope that this material is explanative and responsive to the various comments and questions that have been raised. Kindly advise if you have any further questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Miller', with a stylized, cursive script.

President
TIM MILLER ASSOCIATES, INC.