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VILLAGE OF COLD SPRING

Village of Cold Spring Planning Board Resolution
Butterfield Redevelopment
New York State Environmental Quality Review Act
Determination of Significance * Negative Declaration

WHEREAS, Butterfield Realty, LLC ("Butterfield") has applied to the Village Board of Trustees to rezone its 5.7 acre parcel in the Village located near the intersection of Route 9D and Paulding Avenue ("Premises") and seeks a Zoning Code text amendment and Zoning Map amendment that changes the zoning designation of the majority of the Premises from Zoning District B4 to Zoning District B4A (Medical and Health Care Facility Mixed Use District) and a small portion of the Premises along Paulding Avenue from B-4 to R1, and requires approval of a site plan that substantially conforms to a Concept Site Plan prepared by Stephen Lopez, Landscape Architect (Tim Miller Associates Inc.), dated January 18, 2013 and last revised on May 6, 2013 ("Concept Plan"); and

WHEREAS, the proposed redevelopment of the Premises contemplates a 15,000 square foot office/retail building located off Route 9D, a 17,500 office/retail building and 55 market-rate condominium units designated for senior citizens (with one additional superintendent unit) to be contained within three buildings, with a resident community center which will join and link two of the condominium buildings. The Lahey Pavilion, consisting of 11,500 square feet, will continue its existing use as a medical office building. Three single family homes will be constructed along the northern portion of the Premises along Paulding Avenue on lots to be subdivided (collectively the "Action"). The Action requires subdivision and site plan approvals by the Planning Board as well as approvals by other agencies, in addition to rezoning; and

WHEREAS, on May 7, 2013, Butterfield Realty ("Applicant") submitted their expanded Full Environmental Assessment Form ("EAF") to the Board of Trustees, and thereafter the Board of Trustees declared its intent to be Lead Agency pursuant to the New York State Environmental Quality Review Act and promulgated regulations ("SEQRA"); and

WHEREAS, on June 26, 2013, after consultation with the Planning Board and the Applicant, the Board of Trustees decided that the Planning Board is more suited to be Lead Agency for the Action, and thereafter rescinded its resolution declaring its intent to be Lead Agency in the SEQRA process for the Action; and

WHEREAS, after circulating its intent to be Lead Agency to involved and interested agencies and having received no written objections within thirty days, on August 21, 2013 the Planning Board declared and established itself as Lead Agency for the purposes of conducting the environmental review for the Action and thereafter on September 4, 2013, conducted its initial meeting for presentation and review of an EAF prepared by Butterfield dated May 7, 2013 and having affirmed classification of the Action as "Type I" under SEQRA, 6 N.Y.C.R.R. Part 617.4(b); and

WHEREAS, thereafter on September 18, 2013, the Planning Board conducted a site visit of the Premises and thereafter at the meeting of the same date, instructed their Planning Consultant and special counsel to commence review of the May 7, 2013 EAF; and

WHEREAS, on October 7, 2013, the Planning Board conducted an initial discussion of the EAF as well as preliminary review comments from consultants; and

WHEREAS, on October 9, 2013, the Planning Consultant produced a technical review comment memo outlining issues, comments, errors, omissions, revisions, and additional information required for inclusion in the EAF before it could be deemed substantially complete and ready for a full review by Planning Board; and

WHEREAS, on October 16, 2013, the Planning Board conducted a review and discussion of the Planning Consultant's October 9, 2013 technical review memo in relation to the EAF and on October 17, 2013, the Planning Consultant produced a revised technical review memo based on comments of the Planning Board and thereafter submitted the memo to Butterfield; and

WHEREAS, on November 19, 2013 Butterfield submitted their revised EAF and at the next regular meeting of the Planning Board on December 4, 2013, the Planning Board conducted a review of the revised EAF with additional information identified by the Planning Board to be included in the EAF; and

WHEREAS, on December 11, 2013, Butterfield submitted additional information for inclusion in the revised EAF and a revised narrative outlining all revisions made to the EAF to date; and

WHEREAS, on December 18, 2013, the Planning Board accepted the revised EAF as substantially complete and ready for formal review by the Planning Board with minor additional revisions requested, and thereafter those revisions to the revised EAF having been submitted by Butterfield; and

WHEREAS, Planning Board members reviewed the revised EAF and at their January 8, 2014 meeting, discussed the revised EAF and requested additional information based on that review; and

WHEREAS, thereafter Butterfield submitted the additionally requested information and an EAF Part 3 "working draft" was also prepared for the Planning Board's review at the January 15, 2014 meeting, with the Planning Board having identified minor revisions to the revised EAF and the working draft at that meeting; and

WHEREAS, thereafter all revisions were incorporated into the final EAF document that is identified as the January 8, 2014 version of the EAF ("Final EAF"), and the February 5, 2014 meeting of the Board having been cancelled due to inclement

weather, at the next scheduled meeting held on February 12, 2014, the Planning Board conducted its final review of Part 3 Working Draft which will be annexed to the Final EAF, identified minor revisions to the Final EAF and directed counsel to draft a determination under SEQRA finding no significant adverse environmental impacts for the Action; and

WHEREAS, the Planning Board as SEQRA Lead Agency has completed a careful and thorough review of the EAF, including all revisions and the Final EAF over a period of approximately five months, and has considered (i) comments by involved and interested agencies and the public and (ii) all additional information provided by Butterfield; and

WHEREAS, the Planning Board has thoroughly analyzed the relevant areas of environmental concern to determine if the Action may have a significant adverse impact on the environment and has set forth an analysis and reasoned elaboration of its decision in Part 3 of the Final EAF.

NOW THEREFORE, on motion of Ms. Dunn, and seconded by Mr. Pergamo:

BE IT RESOLVED, the Planning Board as Lead Agency hereby affirms that all procedural steps of SEQRA have been fully satisfied in connection with review of this Action; and.

BE IT FURTHER RESOLVED, that in accordance with the vote of this Board taken on February 19, 2014, the Planning Board has determined the Action will have no significant adverse environmental impacts and the annexed Determination of Significance for the Action (Negative Declaration) is hereby adopted.

The motion passes:

In favor: Ms. Dunn, Ms. Impellizzeri, Mr. Molloy, Mr. Pergamo, Mr. Saari
Opposed: None
Absent: None

Dated: February 19, 2014

Barney Molloy
Chairman, Village of Cold Spring
Planning Board

Filed on the 21st day
of February, 2014

Mary Saari
Village Clerk

SEQR

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: Butterfield Redevelopment

Date: February 19, 2014

This notice has been issued in accordance with Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and its implementing regulations, NYCRR, Title 6, Part 617.

The Village of Cold Spring Planning Board, as Lead Agency, has determined that the Proposed Action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Butterfield Redevelopment, premises located at the site of the former Butterfield Hospital at the intersection of Route 9D and Paulding Avenue ("Premises").

SEQR Status: Type I __X__

Unlisted _____

Conditioned Negative Declaration: _____ Yes

__X__ No

Description of Action: The Proposed Action contemplates demolition of an abandoned hospital and construction of a 15,000 square foot office/retail building, a 17,500 office/retail building, and 55 market-rate condominium units designated for senior citizens (with one additional superintendent unit) to be contained within three buildings, with a resident community center which will join and link two of the condominium buildings. An existing medical office building, consisting of 11,500 square feet, will continue its existing use as a medical office building. Three single family homes will be constructed along the northern portion of the Premises along Paulding Avenue on lots to be subdivided (collectively the "Proposed Action"). The Proposed Action requires a Zoning Code text amendment and Zoning Map amendment to change the zoning designation of the Premises from Zoning District B4 to Zoning District B4-A and for a small portion of the Premises along Paulding Avenue be rezoned from B-4 to R1, subdivision and site plan approvals by the Planning Board, as well as approvals by other agencies.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended).

Site of the former Butterfield Hospital
Intersection of Route 9D and Paulding Avenue
Village of Cold Spring, Putnam County
Designated on the tax map of the Village of Cold Spring as tax lot ID 49.5-3-45

Reasons Supporting This Determination:
(See 617.7(a), (b) and (c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

See Attachment.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed. **N/A**

Lead Agency: **Village of Cold Spring Planning Board**
Village of Cold Spring
Village Hall
85 Main Street
Cold Spring, New York 10516

For Further Information:

Contact Person: Planning Board Chairman Barney Molloy

Address: Village Hall, 85 Main Street, Cold Spring, New York 10516

Telephone Number: (845) 265-3611

For Type I Actions and Conditioned Negative Declarations, a copy of this notice has been filed with:

- Mayor, Village of Cold Spring, 85 Main Street, Cold Spring, New York 10516
- Commissioner of New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233
- Village of Cold Spring Planning Board
- Village Clerk
- Involved Agencies
  - *Village Board of Trustees
  - *Village Planning Board
  - *Village HDRB
  - *Putnam County Health Dept.
  - *Putnam County Planning Board
  - *NYS DEC
  - *NYS DOT
- Interested Agencies
- Butterfield Realty

For Unlisted Actions, a copy of this notice has been filed with: N/A

For Type I Actions and Conditioned Negative Declarations, notice of this determination has been provided to the following organization for publication in the ENB:

ENB, New York State Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, New York 12233-1750

ATTACHMENT TO NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION

The Village of Cold Spring Planning Board as SEQRA Lead Agency, following a coordinated review under SEQRA in accordance with 6 NYCRR 617.6(b)(3) has determined the Proposed Action is a Type I Action and has concluded the Proposed Action will have no significant adverse environmental impacts. After conducting a thorough and open SEQRA review process and requiring the submission of extensive additional information, plans, reports, and studies, the Planning Board has carefully reviewed the potential adverse environmental impacts, and as more fully set forth in the Final Environmental Assessment Form ("EAF") and in particular based on the analyses contained in EAF Part 3 and Part 3 Narrative, has reasonably come to the following conclusions:

a. The Proposed Action will utilize existing water and sewer systems which have been demonstrated to have available capacity.

b. Egress to and from the site will be directly onto a New York State road, which has available capacity.

c. The Proposed Action is projected to result in a net tax benefit to the Village of Cold Spring, the Haldane School District, Town of Philipstown and Putnam County.

d. Redevelopment of the Butterfield property will occur in substantially the same areas as are currently developed and thus the drainage patterns are substantially the same as they are under existing conditions. The increase in impervious surface area for the subject site is relatively small, approximately 0.5 acres and is subject to NYS DEC permitting (GP-0-10-001).

e. The Proposed Action will not have any negative impact on rare, threatened, endangered species or species of statewide concern according to the project sponsor. The site has been improved for many years with buildings, driveways and landscaped areas.

f. Although the density of development will increase, the redevelopment program of the proposed project will eliminate an abandoned building, has features such as landscaping, architectural detailing anticipated to be consistent with the Village architecture; and site grading that will be used to reduce the visual impact.

g. Limited tree removal is necessary to accommodate new parking areas, roads and buildings which will result in a change to the visual conditions of the site. A landscape plan will be developed in consultation with the Planning Board during the site plan review that will include substantial new tree plantings, foundation plantings, etc. which will serve to soften the visual changes that will occur to the subject site. The Applicant is committed to the preservation of the copper beech tree which is viewed by the community as an aesthetic resource.

h. The Applicant intends to preserve approximately 67% of open lawn area designated as "Gateway Park", located in the southeastern portion of the project site. It is anticipated that at a minimum, the Applicant will make the lawn available to the Village and general public subject to an access agreement.

i. The Proposed Action is not anticipated to have a significant adverse impact on the local road conditions based on the traffic analysis that has been reviewed based on anticipated land uses.

j. A Phase 1A Historic and Archaeology Assessment Report concludes that "There is no expectation that the Butterfield Hospital Site will contain historic cultural resources." The study also finds that the project site has been profoundly disturbed thus there is a low potential to recover intact prehistoric cultural resources. Based upon the results of that report, the Proposed Action is anticipated only to have minimal

impacts on designated historic resources in the Cold Spring Historic District, including The Grove that is contiguous to the project site.

In consideration of the foregoing, the Village of Cold Spring Planning Board as SEQRA Lead Agency can reasonably conclude that the Proposed Action, as more fully set forth in the Final EAF dated January 8th, 2014, will not have any significant adverse environmental impacts.

Based upon review and consideration of the Final EAF, all other application materials and supplemental materials prepared for this Proposed Action and comments, the Village of Cold Spring Planning Board has made a Determination of Significance as follows:

- The Proposed Action will not have a significant adverse environmental impact as a result of any physical change to the project site.
- The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.
- The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.
- The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.
- The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.
- The Proposed Action will not have a significant adverse environmental impact as a result of altered drainage flow or patterns, or surface water runoff.
- The Proposed Action will not have a significant adverse environmental impact on air quality.
- The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.
- The Proposed Action will not have a significant adverse environmental impact on any non-threatened or endangered species.
- The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.
- The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.
- The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.
- The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.
- The Proposed Action will not have a significant adverse environmental impact on the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to 6 NYCRR Part 617.14(g).

- The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.

- The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.

- The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.

- The Proposed Action will not have a significant adverse environmental impact on the public health and safety.

- The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.

- The Proposed Action will not have any significant adverse environmental impacts. It is acknowledged there has historically been and continues to be considerable public interest in and some controversy associated with redevelopment of the Premises. In making this Determination of Significance, the Planning Board has followed the dictates of SEQRA by applying requirements of 6 NYCRR Part 617.7 and by (i) completing a careful and thorough review of the EAF, including all revisions and submissions, and of the Final EAF and all additional information provided by the Applicant over a period of approximately five months and (ii) considering comments by involved and interested agencies and the public.