

Appendix C
Correspondence

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, New York 10516

Phone (845) 265-4400

Fax (845) 265-4418

January 11, 2013

Mr. Matt Moran
Unicorn Development
Garrison, NY 10524

Re: Demolition Permit, Butterfield

Dear Mr. Moran:

You have asked me to review the SEQRA requirements as it might relate to a "demolition permit" for the Butterfield project. Chapter 40 of the Cold Spring code states as follows:

The Building Inspector shall have all of the powers relating to administration and enforcement of the New York State Uniform Fire Prevention and Building Code set forth in Article 18 of the Executive Law, including the power to institute and prosecute actions and proceedings for the injunction and abatement of illegal construction pursuant to §385 thereof, and shall have the power to administer and enforce any and all other building regulations applicable to the village under any other law or ordinance relating to building regulations now or hereafter applicable to the village. The term "building regulations" shall not be deemed to include zoning ordinances.

Section 134-20 states that the Building Inspector does not possess discretionary authority except where specifically set forth in the code. "It is his duty to enforce provision of the Zoning Law literally." In the matter of a building and/or demolition permit, if all requirements have been met, the permit is a ministerial act and must be granted.

The New York State Environmental Quality Review Act defines actions that are subject to SEQRA as Type 1 and Unlisted. Type II actions are not subject to SEQRA review. The list of Type II actions specifically in Section 617.5 Environmental Conservation Law includes:

"(19) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);"

A demolition permit is a Type II action and not subject to SEQRA.

If you have any questions, kindly advise.

Sincerely



President
TIM MILLER ASSOCIATES, INC.



VILLAGE OF COLD SPRING

85 MAIN STREET, COLD SPRING, NY 10516

TEL: (845) 265-3611

FAX: (845) 265-1002

WEB: WWW.COLDSRINGNY.GOV

SETH J. GALLAGHER, *MAYOR*
mayor@coldspringny.gov
BRUCE CAMPBELL, *TRUSTEE*
trustee.campbell@coldspringny.gov
J. RALPH FALLOON, *TRUSTEE*
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vcsclerk@bestweb.net
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STEPHEN J. GABA, *ATTORNEY*
WILLIAM BUJARSKI, *BUILDING INSPECTOR*
building@coldspringny.gov
KIMBERLY DESOCIO, *FIRE INSPECTOR*
Fire@coldspringny.gov
CODE ENFORCEMENT TEL: (845) 265-3964

February 7, 2012

Mr. Bradley G. Cleverley, PE
DCAK - MSA Architecture
Re: Proposed Project - Butterfield Senior Residences

Mr. Cleverley:

As regards your recent inquiry of the capacity of Village water & wastewater systems to handle flows to and from the proposed project cited above, I offer the following:

Sanitary Sewer – our treatment facility on Fair Street has a maximum daily flow (set in our SPDES permit) of 0.5 Million Gallons per Day (MGD). In the past 24 months, our average daily Influent Flow to the facility was 0.275 MGD, which seems more than adequate to handle the estimated 0.019 MGD additional flow from the project. The Collection System (CS) for the sanitary flow, has been proven to be susceptible to Inflow and Infiltration (I&I) of storm and groundwater to the CS. Annually, this I&I has been responsible for Influent Flows in excess of the permit level. As a result, I would require any existing structures or piping intended for reuse be inspected and, if necessary, improved such that no I&I contribution from is possible.

Potable Supply – The average daily flow to the Distribution System (DS) for the past 24 months was 0.266 MGD. The estimated 0.019 MGD additional flow needed for the project should not have a negative impact on the system's capacity. If site irrigation is being planned for landscaping, I would like to see that an independent source of water be used (i.e. irrigation well), due to the size of the property.

Overall, I see no problem with the proposed project's estimated flow requirements of Village water and wastewater systems.

Sincerely,

Gregory R. Phillips
Superintendent of Water & Sewer

cc: Mayor & Board of Trustees
Joseph Barbaro, Chairman – Planning Bd.
Donald MacDonald, Chairman – Zoning Bd.
Rob Cameron, PE – Putnam Engineering

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

March 5, 2012

Officer George Kane
Village of Cold Spring
85 Main Street
Cold Spring, New York, 10516

**Re: Proposed Butterfield Redevelopment Project,
Village of Cold Spring, Putnam County, NY**

Dear Officer Kane,

Tim Miller Associates is preparing an Environmental Assessment for the proposed redevelopment of the Butterfield site in the Village of Cold Spring. I have enclosed a preliminary site plan for your reference. As shown on the site location map, the site is located on at the intersection of NYS Route 9D and Paulding Avenue.

The proposed project is a mixed use redevelopment of the Butterfield Hospital Site. The project will include private roads and appurtenances. The residences would be served by public sewer and water.

The recently adopted Village Comprehensive Plan, (January 10, 2012) refers to the site as a gateway to the community. The need for increased affordable senior housing is also noted throughout the Comprehensive Plan. It presently supports a medical office building and the remains of the former Butterfield Hospital which is vacant and dilapidated.

The applicant has submitted a petition to the Village Board relating to the approximately 5.7 acre site on tax parcel 49.5-3-45 that proposes an new overlay zone referred to as Gateway Planned Unit Development ("Gateway PUD") District. This district would allow a mixed use development project.

The project components include 50 units of affordable senior rental apartments, a superintendent's apartment and 38 market rate senior condominium units. In addition to the senior residential components, the project includes continued use of the existing 11,000 square foot Lahey Pavilion for medical office space and construction of a new three story building which would house approximately 6,000 square feet of commercial space on the first floor and approximately 15,000 square foot of municipal office space on the second and third floors.

As part of the environmental review process, we wish to include any concerns your office may have relative to this proposed project. We would appreciate your written response on the ability of the Police Department to provide police protection services to this property. Information which would be useful in that regard would include:

- the number of police calls per year
- service ratio (police officers to population served)
- your typical response time to a site in this location
- the location of police station(s) near the site
- your current manpower and equipment levels
- any anticipated staff or facility expansion or equipment procurement plans

Village of Cold Spring Police Department

83 Main Street Cold Spring, New York 10516-2810

Telephone: (845) 265-3407 Dispatch: (845) 265-9111 Fax: (845) 265-7635

Ann Cutignola

March 8, 2012

Re: Butterfield
Intersection of NYS Route 9D and Paulding Avenue
Village of Cold Spring, New York Police Service

Mrs. Cutignola

I have reviewed the site plan for Butterfield site located on Rout9D and Paulding Ave. Taking into consideration the number of Buildings and residents I can assure you that the Cold Spring Police Department has adequate personnel and equipment to provide services at this Site. The Police Department is now stationed less than one half mile from this location and response times to this development would be less than one minute. At this time the Cold Spring Police Department has 14 Officers and operates 24/7 and has four patrol vehicles. One Officer is assigned to each of the three tours during any given day. The Police Department typically responds to approximately 85-90 calls per month in the village, with the proposed site I can only assume that the number of Medical calls will increase which I do not see as a problem for the police. Should you require any further information please feel free to contact me.

*Sincerely,
George M Kane
Officer-In-Charge*



February 23, 2012

James A. Hickey
Facilities Manager
United States Postal Service
6 Griffin Road North
Windsor, CT 06006-0300

Dear Mr. Hickey:

I am writing to you at the suggestion of Mr. Joseph Barbaro, the Village of Cold Spring Planning Board Chairman.

Mr. Paul Guillaro of Unicorn Contracting is our client for the redevelopment of the current Butterfield Hospital site. It is Mr. Guillaro's desire to have the United States Postal Service as a tenant in the new municipal building which will be located at the Butterfield site.

Consistent with this, we have developed preliminary plans for this purpose which I am attaching with this letter. Please contact either myself or Mr. Guillaro with regards to this matter, and to set up a time to review these plans with you.

Sincerely,

Drazen Cackovic
Principal

Cc: ✓ Paul Guillaro, Unicorn Contracting
Joseph Barbaro, Planning Board Chirman

Encl.: First Floor Plan, Municipal Building
Proposed Butterfield Site Plan

DC:mcl

RECEIVED
FEB 27 2012

BY:

Matt Moran

From: Matt Moran <Matt@unicorncontracting.com>
Sent: Thursday, February 23, 2012 1:59 PM
To: Drazen Cackovic
Cc: paul@unicorncontracting.com; matt@unicorncontracting.com
Subject: Butterfield
Attachments: memo HVHC Butterfield parking 001.jpg

Drazen,

Attached is an email corespondence Paul had with HVHC. It is brief but does indicate they have no issues with the current parking. This is for your use in adding to our submissions.

Matthew G. Moran

PO Box 170
Garrison, NY 10524
(O) 845-424-4400
(F) 845-424-3229
(C) 914-804-5208

From: Mark Webster <MWEBSTER@hvhc.org>

To: 'Paul Guillaro' <pguillaro2@aol.com>; Edmund Coletti <ecoletti@hvhc.org>

Subject: RE:

Date: Tue, Oct 18, 2011 7:29 am

I have never heard a complaint about the parking. So, I am assuming that it is adequate.

From: Paul Guillaro [<mailto:pguillaro2@aol.com>]

Sent: Monday, October 17, 2011 3:46 PM

To: Mark Webster; Edmund Coletti

Subject:

Mark & Ed,

I am finalizing my conceptual drawing for Butterfield. Is your present parking situation adequate? For your reference there are approximately 34 parking spots on site now.

Paul

Butterfield Realty LLC

P.O. Box 170

Garrison, New York 10524

Phone: 845-424-4400 - Fax: 845-424-3229

Monday March 5, 2012

Central Hudson
284 South Avenue
Poughkeepsie, NY 12601

Attn: Call Center

Re: Butterfield Hospital Site, 53 Paulding Avenue, Cold Spring, NY 10516 – Natural Gas and Electric Service

To Whom It May Concern,

I have faxed a natural service request to you call center as requested by a customer services representative last week. I would like to discuss the future needs of our proposed planned unit development. This project is currently in the approval process with the Village of Cold Spring. Proposed are 38 condos (6 buildings), a commercial/retail building, and a 51 unit senior housing building.

It is understood that natural gas is not directly in the area. However, at the request of the planning board, we are investigating the feasibility of bringing it to the site. An electrical data form as well as a letter that was sent on December 15, 2011 is attached. Also, please see attached a rendering of the proposed project. I welcome the opportunity to discuss both of these issues.

Please contact me at (914) 804-5204.

Thank you,



Matt Moran
Project Manager, Unicorn Contracting Corp.

Mr. Cleverly,

I have reviewed your revised plans and feel that these are better suited to meet our current firematic operations. I do appreciate you taking our concerns into consideration and incorporating them into the newly altered proposal.

Before signing off on the proposal, I would like to bring your revised plans back to my membership for any further concerns or questions. As Chief, I feel it is important to have the backing of the membership, as they are the backbone of our firematic operations.

The membership meets on March 6th and at that time we should be able to give you a final decision on your new proposal. In the meantime, I will be working with the officers of the department reviewing the new proposal and discussing appropriate firematic operations regarding the development.

Once again, I do appreciate your patience with the matter. I know that we both want what is the safest for the community, the residents, and my firefighters. Should you have any questions or concerns in the meantime, please feel free to contact myself or the Cold Spring Fire Company.

Sincerely

Matthew Steltz

Chief Cold Spring Fire Company

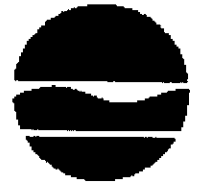
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

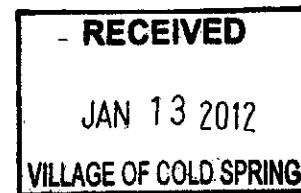
21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 FAX: (845) 255-4659

Website: www.dec.ny.gov



Joe Martens
Commissioner



January 11, 2012

Seth Gallagher, Mayor
Village of Cold Spring
85 Main Street
Cold Spring, New York 10516

**Re: SEQR LEAD AGENCY DESIGNATION
BUTTERFIELD HOSPITAL PROPERTY REDEVELOPMENT
VILLAGE OF COLD SPRING, PUTNAM COUNTY**

Dear Mr. Gallagher:

This is response to your notice dated December 28, 2011 requesting SEQR Lead Agency Status for above noted project. From the information provided, it is apparent that the project is an Type I action in accordance with 6 NYCRR Part 617, State Environmental Quality Review Act, since it involves a project or action that is substantially contiguous to Cold Spring Historic District listed on the National Register of Historic Places.

Based upon our review of the circulated documents, this office has identified the following environmental concerns in connection with this project:

1. According to Department records, the following state-listed threatened species has been recorded within or near the project site: Bald Eagle, *Haliaeetus leucocephalus* (Linnaeus, 1766). The potential impacts of the proposed project on this species should be fully evaluated within the DEIS. In addition, project modifications may be needed to adequately mitigate any potential impacts identified. To avoid impacts to bald eagles and their habitats, project plans should incorporate mitigation as described in the US Fish and Wildlife Service 2007 National Management Guidelines (NBEM Guidelines). If the potential adverse impacts cannot be entirely mitigated using the NBEM Guidelines, an impact assessment will be required and should be incorporated as part of the DEIS.

Please note that pursuant to Article 11, Title 5, Section 535 of the Environmental Conservation Law, Threatened and Endangered Species, a permit may be required from DEC for any proposal in which it is determined that a "take" of a threatened or endangered species will occur.

2. Approval of plans for any proposed sewer extensions or facility expansions will be required from the Putnam County Department of Health. An engineering report must be prepared to confirm the capacity of these facilities to serve the development. The specific facilities to be used should be identified. The location routes of the proposed sewer and water lines to be connected to existing municipal facilities must be provided in order for DEC to determine if other permits may be required from the Department.
3. Since project activities will involve land disturbance of over 1 acre, the project sponsor is required to obtain a State Pollutant Discharge Elimination System General Permit (GP-0-10-001) for Stormwater Discharge from Construction Activities. Since this site is within an MS4 area (Municipal Separate Storm Sewer System), the SWPPP must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department. Other permits will not be issued until the SWPPP is approved. Authorization for coverage under the SPDES General Permit is not granted until the Department issues any other necessary DEC permits.

**Re: SEQR LEAD AGENCY DESIGNATION
SACKETT LAKE RESORT AND CONVENTION CENTER
TOWN OF THOMPSON, SULLIVAN COUNTY**

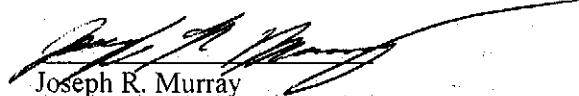
The increased emphasis on a holistic approach to resource protection, water quality treatment, flow volume control, maintenance cost reduction, and the dynamics of stormwater science has led to several changes in State regulations regarding stormwater management. The New York State 2010 Stormwater Management Design Manual provides a general overview on how to size, design, select, and locate stormwater management practices in order to comply with State stormwater performance standards. This manual is available at: <http://www.dec.ny.gov/chemical/29072.html>. This latest edition of the Design Manual is intended to address runoff reduction through the process of site planning to preserve natural features and reduce impervious surfaces by applying green infrastructure techniques.

By copy of this letter we are advising project representatives of the potential need for these permits. It is possible that the New York State Department of Environmental Conservation permit requirements noted above may change based upon additional information received or as project modifications occur.

In addition to transmitting the above comments, this letter also serves to confirm that we have no objection to the Town of Thompson Planning Board assuming lead agency status for this project. As such, it will be the responsibility of the Town of Thompson Planning Board to determine the significance of the action (i.e. positive/negative declaration).

If you have any questions or comments about this letter, please contact me at (845) 256-3040.

Sincerely,



Joseph R. Murray
Environmental Analyst
Division of Environmental Permits

cc: Putnam County Department of Health

ecc: L. Masi, DEC R3

Mary Sarri

From: "Joseph Barbaro" <solnikov@optimum.net>
To: "Seth Gallagher" <mayor@coldspringny.gov>
Cc: "Bruce D. Campbell" <Trustee.Campbell@coldspringny.gov>; "Airinhos Serradas" <a.serradasvcs@gmail.com>; <JRF344@aol.com>; "Charles Hustis" <chustisvcs@hotmail.com>; "Stephen Gaba" <sgaba@drakeloeb.com>; "Mary Sarri" <vcsclerk@bestweb.net>
Sent: Wednesday, January 25, 2012 7:54 PM
Subject: Planning Board opinion on the Village Board becoming lead agency for SEQRA review for Butterfield Realty, LLC
January 25, 2012

Mayor Seth Gallagher
Village of Cold Spring
85 Main Street
Cold Spring NY 10516

Dear Mayor Gallagher and Village Trustees:

The Planning Board held its initial workshop meeting for Butterfield Realty, LLC last evening. We discussed the intention of the Village Board to act as lead agency for the SEQRA review for both the change in the Village Code to create a Gateway Planned Unit Development (PUD) district and the subdivision/site plans for the Butterfield site.

A motion was made and seconded as follows:

The Planning Board has no objection to the Village Board becoming lead agency although the Planning Board believes it is better suited to be undertaking this role.

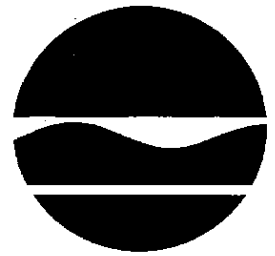
The motion passed by a vote of 4-0 with one member not attending the meeting due to illness.

While it might seem obvious to the Village Board that it should act as lead agency for a change to the Village Code, some Planning Board members thought that was not the case for matters relating to the subdivision/site plan. Nevertheless, the wording of the motion was a compromise that permitted all attending members to find favor with Village Board acting as lead agency for both aspects of the SEQRA review.

The Planning Board stands ready to assist the Village Board in its deliberations and to share the analysis of our engineering consultant in his appraisal of the proposed PUD local law and the Environmental Assessment Form submitted by the applicant.

Regards,
Joseph Barbaro, Chairman
Village of Cold Spring Planning Board

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

February 9, 2012

Bradley G Cleverley
DCAK-MSA Architecture
53 Hudson Avenue
Nyack, NY 10960

Dear Mr. Cleverley:

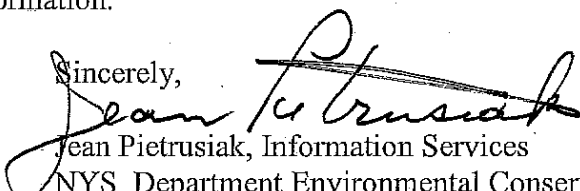
In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Development – Mixed Use Complex, area as indicated on the map you provided, located at Rte 9D and Pauling Avenue Intersections, Village of Cold Spring, Putnam County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

The enclosed report may be included in documents that will be available to the public. However, any enclosed maps displaying locations of rare species are considered sensitive information, and are intended only for the internal use of the recipient; they should not be included in any document that will be made available to the public, without permission from the New York Natural Heritage Program.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.ht ml.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

Jean Pietrusiak, Information Services
NYS Department Environmental Conservation

Enc.
cc: Region 3

RECEIVED

FEB 15 2012

DCAK - MSA
ARCHITECTURE

72

Natural Heritage Report on Rare Species and Ecological Communities



NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,
Albany, NY 12233-4757
(518) 402-8935

~The information in this report includes only records entered into the NY Natural Heritage databases as of the date of the report. This report is not a definitive statement on the presence or absence of all rare species or significant natural communities at or in the vicinity of this site.

~Refer to the User's Guide for explanations of codes, ranks and fields.

~Location maps for certain species and communities may not be provided 1) if the species is vulnerable to disturbance, 2) if the location and/or extent is not precisely known, 3) if the location and/or extent is too large to display, and/or 4) if the animal is listed as Endangered or Threatened by New York State.

Natural Heritage Report on Rare Species and Ecological Communities



BIRDS

Haliaeetus leucocephalus

Bald Eagle Nonbreeding	NY Legal Status: Threatened Federal Listing: Last Report: ** County: Putnam Town: Philipstown Location: At, or in the vicinity of, the project site. General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located.	NYS Rank: S2S3B,S2N - Imperiled Global Rank: G5 - Secure EO Rank: **	Office Use 5782 ESU S
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Ixobrychus exilis

Least Bittern Breeding	NY Legal Status: Threatened Federal Listing: Last Report: ** County: Putnam Town: Philipstown Location: At, or in the vicinity of, the project site. General Quality and Habitat: **For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located.	NYS Rank: S3B,S1N - Vulnerable Global Rank: G5 - Secure EO Rank: **	Office Use 8769 ESU
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COMMUNITIES



Chestnut oak forest

This occurrence of Chestnut Oak Forest is considered significant from a statewide perspective by the NY Natural Heritage Program. It is either an occurrence of a community type that is rare in the state or a high quality example of a more common community type. By meeting specific, documented significance criteria, the NY Natural Heritage Program considers this occurrence to have high ecological and conservation value. Office Use

NY Legal Status: Unlisted **NYS Rank:** S4 1886

Federal Listing: **Global Rank:** G5

Last Report: 2009-06-26 **EO Rank:**

County: Dutchess, Putnam

Town: Fishkill, Philipstown

Location: Bull Hill

General Quality and Habitat: This is an oak-dominated community of moderate size in a good landscape of connected natural areas, with good species diversity and relatively few exotic species overall. However, high recreational use and invasive species have impacted some locales and low tree regeneration may be occurring due to lack of fire and/or high deer densities in some areas. The community consists of four patches of forest to woodland dominated by chestnut oak, red oak, black oak, and red maple, occupy northeast trending upper slopes and south-facing rocky hillsides on the east side of the Hudson River. The surrounding landscape is dominated by Appalachian oak hickory forest and mesic oak-tulip tree forest, which grades into the chestnut oak forest on dry upper slopes. Numerous rocky outcrops occur along the ridge and on shoulder slopes. Most of these are currently defined as pitch pine-oak-heath rocky summit or red cedar rocky summit and all exhibit varying degrees of tree and shrub cover, graminoid dominance, and exposed rock outcrop, and are well-buffered by the surrounding large patches of chestnut oak forest. Rocky su

Brackish intertidal mudflats

This occurrence of Brackish Intertidal Mudflats is considered significant from a statewide perspective by the NY Natural Heritage Program. It is either an occurrence of a community type that is rare in the state or a high quality example of a more common community type. By meeting specific, documented significance criteria, the NY Natural Heritage Program considers this occurrence to have high ecological and conservation value. Office Use

NY Legal Status: Unlisted **NYS Rank:** S1S2 5755

Federal Listing: **Global Rank:** G3G4

Last Report: 2000-10-11 **EO Rank:**

County: Putnam

Town: Philipstown

Location: Constitution Marsh

General Quality and Habitat: The mudflats community is a relatively large, good example with some exotic species. No Hudson River marsh is entirely unaffected or unaltered by human activity, historical or current. The artificial features at Constitution Marsh (i.e., the railroad berm and channelization) enhance the stability of the marsh and past disturbances are well healed by vegetational development. A sparsely vegetated community that occurs along the muddy, tidally influenced edges of a much larger Typha-dominated graminoid marsh. The brackish tidal marsh-brackish intertidal mudflats complex lies in a well-protected shallow inlet of the Hudson River estuary. Approximately 55% of the inlet is brackish tidal marsh and 45% consists of intertidal mudflats. Constitution Island to the west is mostly forested with chestnut oak forest and is bordered by a large shrub swamp that was likely part of the marsh prior to construction of the railroad grade that currently bisects the area. The southern half of the marsh grades into extensive mudflats and deeper water areas. Land along the east side of the marsh is forested (chestnut oak forest) and sloping, with



Brackish tidal marsh

This occurrence of Brackish Tidal Marsh is considered significant from a statewide perspective by the NY Natural Heritage Program. It is either an occurrence of a community type that is rare in the state or a high quality example of a more common community type. By meeting specific, documented significance criteria, the NY Natural Heritage Program considers this occurrence to have high ecological and conservation value. Office Use

NY Legal Status: Unlisted	NYS Rank: S3S4	5374
Federal Listing:	Global Rank: G4	
Last Report: 2000-10-11	EO Rank:	
County: Putnam		
Town: Philipstown		
Location: Constitution Marsh		

General Quality and Habitat: The marsh is a relatively large, good example with some exotic species. No Hudson River marsh is entirely unaffected or unaltered by human activity, historical or current. The artificial features at Constitution Marsh (i.e., the railroad berm and channelization) enhance the stability of the marsh and past disturbances are well healed by vegetational development. A Typha-dominated graminoid marsh with scattered sections of peltate-leaved vegetation and some shrubby areas. This tidal marsh lies in a well-protected shallow inlet of the Hudson River estuary. Approximately 55% of the inlet is brackish tidal marsh and 45% consists of intertidal mudflats. Constitution Island to the west is mostly forested with chestnut oak forest and is bordered by a large shrub swamp that was likely part of the marsh prior to construction of the railroad grade that currently bisects the area. The south half of the marsh grades into extensive mudflats and deeper water areas. Land along the east side of the marsh is forested (chestnut oak forest) and sloping, with many small intermittent streams that empty into the Hudson River. A lar

Oak-tulip tree forest

This occurrence of Oak-Tulip Tree Forest is considered significant from a statewide perspective by the NY Natural Heritage Program. It is either an occurrence of a community type that is rare in the state or a high quality example of a more common community type. By meeting specific, documented significance criteria, the NY Natural Heritage Program considers this occurrence to have high ecological and conservation value. Office Use

NY Legal Status: Unlisted	NYS Rank: S2S3	4933
Federal Listing:	Global Rank: G4	
Last Report: 2004	EO Rank:	
County: Dutchess, Putnam		
Town: Beacon -City, Fishkill, Philipstown		
Location: Breakneck Scofield Fishkill Ridge		

General Quality and Habitat: This is a large and intact occurrence of this generally fragmented community located in an extensive forested landscape with natural gradients and processes intact. It is estimated that half of the occurrence is "A" grade and half is "B" grade based on 1998 surveys and interpretation of 2000 and 2004 orthoimages. This is an extensive example of this mesic forest community which skirts the low slopes of almost the entire ridge and extends up into stream drainages to higher elevations. This forest intergrades with an extensive Appalachian oak-hickory forest and chestnut oak forest patches at higher elevations in a broad transitional zone. Small patches of hemlock-northern hardwood forest occur in the deep ravines and in broader, north-facing ravines at the same elevations. The lowlands dominated by this community show signs of land-use history and associated disturbances including logging roads, access roads, stone walls and the associated cut stumps and exotic species populations. The ridge and its forests are primarily intact with medium-aged to maturing forest

DRAGONFLIES and DAMSELFLIES



Cordulegaster erronea

Tiger Spiketail

NY Legal Status: Unlisted
 Federal Listing:
 Last Report: 2007-08-07
 County: Putnam
 Town: Philipstown
 Location: Highlands

NYS Rank: S1 - Critically imperiled
 Global Rank: G4 - Apparently secure
 EO Rank: Good or Fair

Office Use
 9019

General Quality and Habitat: The rank is based on a comparison to other sites in New York State. There have been a moderate number of individuals observed at four locations over a seven year period. Between 3 and 10 individuals have been observed in a survey year. There is evidence of reproduction. Philipse Brook: The spiketails were observed at several spring seepage areas on the east hillside above Philipse Brook. The seeps flow across a fairly level area on the hillside and then proceed down a fairly steep slope. The seeps are characterized by flowing water and a mix of skunk cabbage, jewelweed, sedges, and ferns. The substrates contain a mix of gravel, muck, and leaf litter. The surrounding forest contains sugar maple (*Acer sacarrarum*), tulip tree (*Lirodendron tulipifera*), black birch, hemlock (*Tsuga canadensis*), red oak (*Quercus rubra*), witch hazel, mockernut hickory, beech (*Fagus grandifolia*), and striped maple. Recently constructed playing fields are present on the plateau immediately above the hillside. Trickle: The spiketails were observ

Libellula needhami

Needham's Skimmer

NY Legal Status: Unlisted
 Federal Listing:
 Last Report: 2006-07-24
 County: Putnam
 Town: Philipstown
 Location: Constitution Marsh

NYS Rank: S2S3 - Imperiled
 Global Rank: G5 - Secure
 EO Rank: Excellent or Good

Office Use
 12401

General Quality and Habitat: The rank is based on the generic global ranking specifications of May 1, 2007. The population size is unknown, but suitable habitat is present in greater than 300 acres of tidal marsh. The entire marsh is protected and this population will likely persist well into the future. This is the northern portion of a brackish tidal marsh. This portion of the marsh had been a superfund site and was dredged and restored in the recent past. An area of open water, Foundry Cove, is present adjacent to the area where the odonates were observed and the main portion of Constitution Marsh is immediately to the south. The vegetation of the marsh is primarily cattail, with arrowhead, arrow arum, wild rice, swamp rose mallow, rushes, and other marsh vegetation present. The restored portion of the marsh has been invaded by purple loosestrife.

FISH

Acipenser brevirostrum

Shortnose Sturgeon

NY Legal Status: Endangered
 Federal Listing: Endangered
 Last Report: **
 County: Albany, Bronx, Columbia, Dutchess, Greene, New York, Orange, Putnam, Rensselaer, Rockland
 Town: Albany - City, Athens, Beacon -City, Bethlehem, Catskill, Clarkstown, Clermont, Coeymans, Colonie
 Location: At, or in the vicinity of, the project site.

NYS Rank: S1 - Critically imperiled
 Global Rank: G3 - Vulnerable
 EO Rank: **

Office Use
 1091
 HRF BOF
 USFWS

General Quality and Habitat: Shortnose sturgeon are found in the long tidal portion of Hudson River. The river constitutes the lower part of a 315 mile stream system. It is fed upstream by two large main channel streams, which provide 80% of the freshwater input, and numerous other For more information, including management considerations, please contact the NYS DEC Hudson River Fisheries Unit at 845-256-3071.



Acipenser oxyrinchus

<p>Atlantic Sturgeon</p> <p>NY Legal Status: No Open Season</p> <p>Federal Listing: Candidate</p> <p>Last Report: 1997</p> <p>County: Dutchess, Orange, Putnam, Rockland, Westchester</p> <p>Town: Beacon -City, Cornwall, Cortlandt, Fishkill, Highlands, New Windsor, Newburgh - City, Newburgh - T</p> <p>Location: Lower Hudson River</p> <p>General Quality and Habitat: The rank is based on the draft element global ranking form of 1994. The fish were observed in a river.</p>	<p>NYS Rank: S1 - Critically imperiled</p> <p>Global Rank: G3 - Vulnerable</p> <p>EO Rank: Excellent or Good</p>	<p>Office Use 11464</p> <p>HRF</p> <p>USFWS</p>
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Menidia menidia

<p>Atlantic Silverside</p> <p>NY Legal Status: Unlisted</p> <p>Federal Listing:</p> <p>Last Report: 1986-pre</p> <p>County: Putnam</p> <p>Town: Philipstown</p> <p>Location: Constitution Marsh</p> <p>General Quality and Habitat: The fish were found in a marsh.</p>	<p>NYS Rank: S2S3 - Imperiled</p> <p>Global Rank: G5 - Secure</p> <p>EO Rank: Extant</p>	<p>Office Use 11813</p>
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OTHER

Anadromous Fish Concentration Area

<p>NY Legal Status: Unlisted</p> <p>Federal Listing:</p> <p>Last Report: 1986</p> <p>County: Putnam</p> <p>Town: Philipstown</p> <p>Location: Constitution Marsh</p> <p>General Quality and Habitat: 400 acres wetland, tidal, brackish, freshwater, emergent marsh.</p>	<p>NYS Rank: S3 - Vulnerable</p> <p>Global Rank: GNR - Not ranked</p> <p>EO Rank: Extant</p>	<p>Office Use 607</p> <p>S</p>
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Waterfowl Winter Concentration Area

<p>NY Legal Status: Unlisted</p> <p>Federal Listing:</p> <p>Last Report: 1986</p> <p>County: Putnam</p> <p>Town: Philipstown</p> <p>Location: Constitution Marsh</p> <p>General Quality and Habitat: 400 acre wetland, tidal, brackish, freshwater, emergent marsh.</p>	<p>NYS Rank: S3S4 - Vulnerable</p> <p>Global Rank: GNR - Not ranked</p> <p>EO Rank: Extant</p>	<p>Office Use 1513</p> <p>S</p>
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Anadromous Fish Concentration Area

<p>NY Legal Status: Unlisted</p> <p>Federal Listing:</p> <p>Last Report: 1986</p> <p>County: Dutchess, Orange, Putnam, Rockland, Westchester</p> <p>Town: Cornwall, Cortlandt, Fishkill, Highlands, Peekskill - City, Philipstown, Stony Point</p> <p>Location: Hudson River Mile 44-56</p> <p>General Quality and Habitat: The habitat is a 12 mile section of deep turbulent narrow river.</p>	<p>NYS Rank: S3 - Vulnerable</p> <p>Global Rank: GNR - Not ranked</p> <p>EO Rank: Extant</p>	<p>Office Use 9586</p> <p>S</p>
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VASCULAR PLANTS

Cardamine longii

Long's Bittercress NY Legal Status: Threatened

NYS Rank: S2 - Imperiled

Office Use
391

Federal Listing:

Global Rank: G3? - Vulnerable

Last Report: 2003-08-14

EO Rank: Good or Fair

County: Putnam

Town: Philipstown

Location: Constitution Island

General Quality and Habitat: A minimum of 75 plants are in a well protected tidal marsh complex. The plants are located in the intertidal area along tidal creeks/tributaries and bays of the Hudson River. The plants are located near the edge of the dense marsh vegetation of the marsh communities and into the more open mud flat communities. The plants occur on mucky soils over solid gravel. The area is completely open with no shrub or tree canopy. The herbaceous cover is moderate to sparse. Most of this area was subject to a major heavy metal cleanup project and the soils were completely removed.

Symphotrichum subulatum var. subulatum

Saltmarsh Aster NY Legal Status: Threatened

NYS Rank: S2 - Imperiled

Office Use
5475

Federal Listing:

Global Rank: G5T5 - Secure

Last Report: 2000-10-11

EO Rank: Fair

County: Putnam

Town: Philipstown

Location: Constitution Marsh

General Quality and Habitat: This is a small population in a well-protected area with more available habitat to search. The first population is located within a sparsely vegetated rocky intertidal shore. The second population is located in a tall graminoid marsh with perhaps 40% Phragmites and 40% cattail dominance. The plants are located at the edge of the marsh along the bank of a tidal channel. The tidal channel is without shallow margins and emergent vegetation. The channel banks are abrupt with no evidence of disturbance (e.g., muskrat).

16 Records Processed

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at <http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

More detailed information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org. For descriptions of all community types, go to <http://www.dec.ny.gov/animals/29384.html> and click on Draft Ecological Communities of New York State.

GREENPLAN

MEMORANDUM

To: Seth Gallagher, Mayor
Village of Cold Spring Board of Trustees

From: J. Theodore Fink, AICP

Date: February 28, 2012

Subject: Butterfield Realty, LLC Zoning Petition

GREENPLAN INC.
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I am in receipt of the applicant's proposed "Petition" for the above captioned project, together with a Part 1 and Part 2 Environmental Assessment Form (EAF) both dated December 6, 2012. Accompanying the Petition and EAF are an Existing Conditions Plan, Site Plan and Subdivision Plan all dated December 6, 2011. These plans have now been updated, revised and expanded with additional construction details and are dated as revised on February 6, 2012. Other materials included in my packet include several Planned Unit Development district regulations from other area municipalities and "A Guide to Planned Unit Development" prepared by the NYS Legislative Commission on Rural Resources.

My understanding is that the Village Board of Trustees, on December 13, 2011, declared its intent to be Lead Agency under the State Environmental Quality Review Act (SEQR), identified other agencies that would have approval authority over the proposed development (assuming PUD Zoning amendments are adopted), and conducted a Coordinated Review with the other agencies. From the applicant's EAF document, these include the Village Planning Board, the Putnam County Health Department, and the New York State departments of Transportation and Environmental Conservation. Resolution No. 79-11 does not indicate that the action was classified by the Board as a Type 1 Action under SEQR. The Board of Trustees should ensure that the record shows that the proposed Butterfield project is a Type 1 Action because it occurs substantially contiguous to a building that is listed on the National Register of Historic Places. It is important that the Board classify this as a Type 1 Action and recognize that there are additional filing, reporting and analysis requirements than an Unlisted Action.

Planning Board Meeting

As the Board is aware, I met with the Planning Board on February 21, 2012 to discuss the proposed project. I did not have formal review comments ready for the Planning Board since I only had a copy of the above application documents for three business days prior to the meeting. However, I

did discuss with the Planning Board some of my initial comments on the consistency of the applicant's proposed overall development plan with the Village Comprehensive Plan. I advised the Planning Board that in my opinion, the development as currently designed is not consistent with the walkability recommendations of the Comprehensive Plan. There may be other areas of the proposed development plan that are not consistent with the Comprehensive Plan but these should await the final report from the Special Board and the Village Board's own discussion of Plan consistency.

In this Memo, I will provide my initial comments on the applicant's EAF document. I may have additional comments as the development plans, SEQR documents and proposed Zoning Amendments are further refined. Following are my comments on the adequacy of the Part 1 and Part 2 EAF documents.

Environmental Assessment Form Review Comments

The Part 1 EAF document is the responsibility of the applicant and its accuracy and completeness is required for the SEQR review process to proceed. The Part 2 and Part 3 EAF documents are fully the responsibility of the Lead Agency and the Village Board must be satisfied that these documents thoroughly analyze the identified relevant areas of environmental concern in order to determine if the proposed project may have a significant adverse impact on the environment. This determination must eventually be set forth in a written form and must contain a rationale for the Village Board's decision.

The applicant has prepared the Part 2 EAF document in draft form for the Village Board's consideration. I have reviewed this document and believe that there are changes that are warranted in the assessment of project impacts and their magnitude. The applicant, in their preliminary draft Part 2 EAF document, does not identify all potential impacts from the examples provided. The preliminary draft Part 2 EAF misidentifies several "Potential Large Impacts" as "Small to Moderate Impacts" even though the Part 2 EAF "Instructions" direct the preparer to identify an impact as a "Potential Large Impact" if the threshold example is reached or exceeded. When that occurs, a Part 3 EAF narrative is required to evaluate the potential impact to determine its significance.

When a Potential Large Impact is identified, it does not automatically mean that it is "significant." That is the purpose of the Part 3 EAF narrative, which is to explain the impact and to describe how it can be mitigated by a project change or otherwise reduced to a small to moderate impact. It is then up to the Village Board to further determine if the impact is important. The question of importance can be weighed by considering the probability of the impact occurring, its duration, its irreversibility, whether the impact be controlled or minimized, whether the impact has regional consequences, its potential divergence from local needs and local goals, and whether there are known objections to the project that relate to the impact.

Following are individual comments on the answers provided by the applicant in the Part 1 EAF, identified by the question number. These should be corrected or clarified. The applicant's Part 1 EAF document should be reviewed together with the comment:

Part 1 EAF

- The Action The description of the action should identify the full number of dwelling units proposed including the full number of bedrooms.
- The description should clarify if the proposed parking on the adjoining Village owned lot will be constructed by the applicant. If so, the description should include the full acreage of the proposed action, which is noted elsewhere in the EAF as 5.93 acres.
- The EAF and Site Plan conflict in the number of parking spaces proposed. In the description of the action, it is stated as 253 spaces but the Site Plans identify 248 spaces.
- 1.A.1 Present land use is identified as suburban residential and commercial. The site and surrounding neighborhoods are more properly identified as “Urban.” The Village’s existing residential density of 3,355 persons per square mile means that Cold Spring is classified as an “Urban” community and not a “Suburban” community. The US Census Bureau identifies communities with a population density of 500 persons per square mile or more as “Urban.”
- 1.A.11 The entire Village has been identified by on New York State Department of Environmental Conservation’s “Environmental Resource Mapper” as containing rare plants and rare animals and some significant natural communities or lands adjoining significant natural communities. While I doubt the likelihood that there may be any such species or communities on the site due to its extensive prior disturbance, a letter from the New York Natural Heritage Program or a reference to the publicly accessible information at the DEC’s Environmental Resource Mapper web page would more accurately define this issue than the response provided.
- 1.B.12/13 The answers provided indicate that there will be no surface or subsurface waste involved. However, all sewage effluent generated on the site will be discharged to the Village’s sewer system, which involves surface disposal after treatment. Question 1.B.12 should be corrected.
- 1.B.16.d The Butterfield Hospital building will be demolished as part of this project. Where will the construction and demolition waste be disposed of?
- 1.B.21 The type of energy used for heating is not disclosed in the answer.
- 1.B.24 The Local, State or Federal funding is not explained. This should be corrected.
- 1.C.2-5 The answers to these questions identify the maximum potential development of the site under the present and proposed zoning. A

comparison of the existing and the proposed zoning amendments should be provided to, at a minimum, illustrate how the proposal differs in terms of permitted and special permit uses, density (i.e. units per acre), lot coverage, and building height.

The Bulk Requirements should be broken down by use. For example, the answer to question 1.C.3 indicates that 92 units of senior housing is the maximum allowed. Is this for the entire site or just the two proposed residential lots? If the entire site were to be developed with senior housing, my calculations indicate that 107 units may be allowed under the existing Zoning Law's 2,300 square feet per dwelling unit requirement. The proposed PUD amendments would allow density to be set at 1,500 square feet per dwelling unit and may permit 165 senior dwellings. These discrepancies should be clarified and explained. Any other assumptions used by the applicant in calculating this answer should be provided. Regardless of the measure used, the proposed Planned Unit Development (PUD) amendment appears as if it would permit up to a 53 percent increase in the number of senior dwelling units over the existing zoning.

All other sites in the Village that could be potentially rezoned under the proposed Petition should also be identified together with their development potential identified.

1.C.11 The applicant indicates that any community provided services are adequate to handle the projected demands but provides no supporting documentation. The applicant should provide written contacts with community service providers, such as police, fire, water, sewer and other local services to determine if their existing capacity is adequate to handle the projected demands.

Part 2 EAF The Part 2 EAF is the Village Board's responsibility. Any threshold examples listed on the EAF that are reached or exceeded should be identified as a Potential Large Impact as discussed above. I have completed a revised Part 2 EAF and attach it to this Memo. Each of the thresholds identified as a "Potential Large Impact" should be further addressed in a Part 3 EAF narrative. The applicant can prepare this document in draft form for the Village Board. My understanding is that there are already studies addressing traffic and fiscal impacts underway by the applicant. Both of these studies, when completed, should be incorporated into the Part 3 EAF in response to questions 2.15 (Impact on Transportation) and 2.19 (Impact on Growth and Character of Community or Neighborhood). Any other additional studies completed should be similarly incorporated into the EAF document.

Plan Consistency

Consistency of the proposed PUD Zoning amendments with the Village's adopted Comprehensive Plan is required by New York State Village Law. The enabling act for Planned Unit Developments found in § 7-703-a of the Village Law also contemplates that PUDs provide for "*...creative architectural or planning concepts and open space preservation [which] may be achieved by a developer in furtherance of the village comprehensive plan and zoning local law.*" When the applicant submitted their Petition on December 6, 2011, the 1987 Master Plan was the Village's adopted comprehensive plan. On January 10, 2012, that changed when the Village Board adopted the new Comprehensive Plan, which had been in preparation for five years.

The Cold Spring Special Board has conducted a review of the consistency of the proposed PUD Zoning Amendments and Site Plans against the Village's adopted Comprehensive Plan. My understanding is that this document was "provisionally adopted" by the Special Board and could be subject to further modification. The document produced by the Special Board, once finalized, can help guide the Village Board's decision-making and ensure that the legal requirements of the proposed Zoning Amendments being in accordance with the Comprehensive Plan are articulated in the record.

I would like to point out that the Zoning Petition need not be accepted as written by the applicant. The Village Board, once it has completed its own review of the consistency issue, may modify the proposed Zoning Amendments so that they are more in accord with the Comprehensive Plan.

In my opinion, a primary shortcoming is the lack of consistency with the Village Comprehensive Plan recommendations related to walkability. There are a number of other Comprehensive Plan consistency recommendations that have been detailed by the Special Board in their "Comments on the Butterfield Hospital Project." But I see no need to duplicate the work of the Special Board in this regard.

New York State recently adopted the Smart Growth Public Infrastructure Policy Act which requires that both Involved Agencies on the proposed development, the DEC and DOT, to consider 10 Smart Growth criteria in their decisionmaking as to whether to "undertake, approve, support or finance the construction or reconstruction of new or expanded public infrastructure." These include such criteria as "reduced auto dependency" and "reduce greenhouse gas emissions." Upon review of the proposed Site Plan, the site is predominated by parking including a 640 foot long linear parking lot on Route 9D. The Site Plans do not appear as if they will have the effect of reducing auto dependency nor greenhouse gas emissions.

The applicant's architect indicated at the February 21st Planning Board meeting that they would revise their Site Plans to address the issue of

placing parking behind the proposed buildings and to the possibility that the proposed senior housing condominiums would link with the remainder of the site, at a minimum, via sidewalks. At present they do not, so it is hard to judge how well the overall plan of development works to create a walkable community as recommended in the Comprehensive Plan. Once the revised Site Plans and the Building elevations have been submitted, I can provide the Village Board with more detailed comments on the site layout and proposed building massing, character and scale.

Cc: Joseph Barbaro, Chairman, Village Planning Board
Robert Cameron
Stephen J. Gaba, Esq.