

January 14, 2014

Mr. Barney M. Molloy, Chairman  
Village of Cold Spring Planning Board  
85 Main Street  
Cold Spring, New York 10516

Re: Butterfield Redevelopment EAF – Henderson Correspondence – 1/12/14  
B&L File: 1593.001

Dear Chairman Molloy,

As per your request, I have reviewed the correspondence from Mr. Peter Henderson dated 1/12/14 and can offer the following comments:

It would appear from reading Mr. Henderson's letter that he has only been able to review the initial draft Butterfield EAAF document dated 5/7/13. As you are aware, the Planning Board has required additional information from the Butterfield applicant over the past several months and has subsequently revised the EAAF no less than three times. Additionally, once the Planning Board deemed the draft EAAF complete and ready for public inspection, it was made available on the Village web site in electronic format and a hard copy was also made available for inspection at the Village Clerk's office. Thus the outstanding items to which Mr. Henderson refers to in his letter regarding the 5/7/13 draft EAAF have been addressed in the analysis and revisions that have occurred over the past 5 months.

In particular the line of sight concerns that the Planning Board had early on have been thoroughly addressed in a revised and expanded traffic analysis that now includes line of sight analysis, provided by the applicant (See appendix D of the 1/10/14 EAAF). Additionally, as a potentially involved agency, the NYS Department of Transportation was made aware of the project and pending SEQRA review through the SEQRA coordinated review protocol. They have informally advised that any new or modified curb cuts to/from the Butterfield site will need DOT work permits to access the State highway. As such, it is NYS DOT's policy to not conduct a formal review of the project until a full site plan is submitted to the Village during the site plan review phase of the project. To date NYS DOT has not expressed any issues or concerns with the project as proposed that we are aware of.

The other issue to note is that NYS DOT's concerns with line of sight issues typically increase as the posted speed of a particular state road increase... which certainly makes sense. However with this stretch of Route 9D, the posted speed limit is 30mph which is low and can be reasonably expected to cause minimal speed-related, sight distance-related issues or conflicts.

Lastly it is important to note that the final placement of buildings and landscaping on the site is subject to site plan review and is subject to modification at the Planning Board's discretion during the site plan review process. If the Board finds that placing a building or landscaping such





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as trees and shrubs in a certain location may cause a line of sight conflict, then they have full discretion to require any modifications to the site plan they deem necessary.

I trust that this information will be sufficient to address Mr. Henderson's comments, and I would encourage him to review the latest draft of the Butterfield EEAF and other correspondence that the Planning Board has required to be posted on the Village's website, to be more fully informed about the SEQRA review of this project.

If you have any questions, please feel free to contact our office.

Very truly yours,

BARTON & LOGUIDICE, D.P.C.

A handwritten signature in blue ink that reads "Charles A. Voss". The signature is written in a cursive style with a large initial 'C'.

Charles A. Voss, AICP  
Senior Planner

CAV/