

Philipstown Planning Board  
VFW Hall, Kemble Avenue, Cold Spring, New York  
March 15, 2012  
Agenda

Pledge of Allegiance  
Roll Call

1. **Drake Petroleum** – Site plan approval – 1122 Route 9D, Garrison: Request for return of escrow funds
2. **ESP** – Site plan approval and request to re-zone – 3330 Route 9, Cold Spring: New submission
3. **Garrison Properties, LLC** (Garrison Station Plaza) – Site plan approval – 7 Garrison Landing, Garrison: Full EAF Parts 1, 2, & 3
4. **Viewsave, LLC/Hudson Valley 2009 Trust/Gerald E. Morris**– Subdivision plat showing merger and lot line adjustment – Beverly Warren Road, Garrison: Final approval (no submission)
5. **Mary Ellen Finger/Entergy** – 3 Horsemen’s Trail, Cold Spring: Landscape plan
  - a. Approval of three-lot subdivision/b. Approval of site plan (Entergy): Full EAF Parts 1, 2, & 3

Adjourn

Michael Leonard, Chairman

*Note: All items may not be called. Items may not always be called in order.*

February 8, 2012

Planning Board  
Town of Philipstown  
238 Main Street P.O. Box 155  
Cold Spring, NY 10516

Re: Application by Nancy Olnick Spanu for lot line adjustments and  
approval of residential site plan

Members of the Planning Board:

We are residents of Indian Brook Rd, Garrison, Tax Map # 49.-1-70. Our property fronts on Indian Brook Rd and Avery Rd adjacent to the NYC Aqueduct, in close proximity to the property of the above referenced applicant. We shall be away and, therefore, unable to attend the Public hearing on the referenced application scheduled for February 16, 2012.

We wish to express our strident opposition to the Planning Board's granting approval to the referenced application due to the further negative impact it will have on our right to the peaceful enjoyment of our property. That right to peaceful enjoyment has been seriously compromised already by the activity, incessant noise pollution, and light pollution emanating from the Olnick Spanu property for the past several years. We have written to the owners of the property, copy of the letter enclosed, requesting redress from the egregious disturbance of our lives by their actions but have received no reply nor relief. We enlisted the assistance of former Town Board Member, Barbara Scuccimarra in addressing the problem but, she was unable to effect a solution during her tenure.

As you will note from reading the letter, sent by us to Olnick Spanu, their keeping of donkeys, along with, ~~we are told,~~ many other animals in a once quiet, idyllic neighborhood has seriously degraded the lives of their neighbors on a constant basis, both day & night. In addition to the unbearable noise, the light pollution at night is extremely disturbing and in opposition to the thrust of Philipstown environmental policies. Granting approval to the referenced application would result in additional visual disturbance, noise, scenic degradation, and increased traffic in a quiet residential zone serviced only by unpaved roads and unsafe bridges in need of repair.

As we are sure that you are aware, both Avery Road and Indian Brook Road were severely damaged by recent storms. Indian Brook Road remains seriously compromised by the failure of the bridge over Indian Brook and its weight limit. As well, the bridge over Indian Brook on Avery Road, near the junction of Indian Brook Road is in need of repair. Further, Indian Brook Road remains closed to through traffic due to the collapse of the bank in front of our home. The large volume of heavy truck traffic that will be generated during the construction of this immense structure, and the inevitable increase in vehicular traffic resulting from those traveling these roads to view the art collection proposed to be housed in the structure cannot be supported.

Another significant reason to deny this application is that the size and scope of the proposed project is antithetical to the recently enacted Zoning Regulations in the Town of Philipstown.

We call upon you, therefore, to deny this application. Further, we request that an investigation of the property by the Philipstown Building Department be conducted to determine if current uses are legal. The peaceful enjoyment of our property and that of our neighbors has been seriously impacted by this property. As well, we believe the resulting diminution of our quality of life and that of our neighbors by this property has negatively affected our property values. Granting approval to this application for such a huge structure that, in all likelihood, will require constant lighting and be visible from Avery Road and all of the properties in the surrounding area, will increase the negative impact of this property on all of the neighboring properties *and* on the town of Philipstown *and* on the quality of life in the area.

Sincerely,

Jerry & Vicki Albanese  
215 Indian Brook Rd  
Garrison, NY 10524

Tel: 845-424-3451  
email: [albanese@highlands.com](mailto:albanese@highlands.com)

cc: Town Board, Town of Philipstown

Kevin Donahue, Code Enforcement Officer, Philipstown Building Department  
Richard Shea, Supervisor, Town of Philipstown  
Roger Chirico, Highway Superintendent, Philipstown Highway Department

✓

**A N N M Y E R S**

25 AVERY ROAD  
GARRISON, NY 10524  
TEL / 845 / 424-4605  
CELL / 917-923-3868

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AMG118@MAC.COM

To: The Phillipstown Planning Board

Date: 21 February 2012

I went to the Olnick-Spanau meeting last week with an open mind. I thought that if the application for their huge residence on Avery Road met all the zoning requirements, why not let them build? After the long struggle over our new zoning document, I had confidence that the Board would look at this application very carefully.

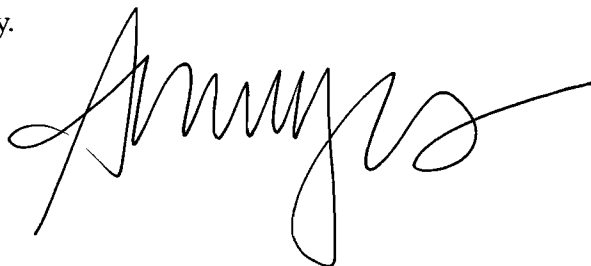
Now, I am not so sure. As a resident of Avery Road, I wonder why the Board is not asking some very important questions.

After we were told that the building would be occupied by "the help," I took a look at the history of their glass collection (over 500 pieces). Through Google, I found a list of museums containing pieces from their collection. What this suggests to me is that the "help" will be tasked with packing and shipping items to museums all over the world. This is clearly a **commercial** enterprise. The Board must ask that after two years of heavy construction, will there will be a continuing stream of trucks needed to transport crated pieces to museums?

At the meeting, it was stated that the building would need no exterior lighting. I would like to see proof of this. I cannot believe that an insurance company would not require exterior lighting for such a valuable art collection. This proof should be provided in writing from the underwriter.

What about an alarm system? Will there be one and will it be loud and incredible irritating to residents?

I am astounded that the commercial nature of this enormous building in a residential and historic area is being considered seriously.

A handwritten signature in black ink, appearing to read "Ann Myers". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**A N N M Y E R S**

25 AVERY ROAD

GARRISON, NY 10524

TEL / 845 / 424-4605

CELL / 917-923-3868

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AMG118@MAC.COM

**Partial list of exhibitions listed on Olnick-Spanau site** *(about one a year):*

Musee des Arts Decoratifs in Montreal, May 27 - October 3, 1999.

American Craft Museum, January, 2000

Museum of Fine Arts Houston, June 6 - August 1, 2004

Museum of Glass, September 4 - November 7, 2004

Detroit Institute of Arts, December, 2004 – February, 2005

Mint Museum, April, 2005

**Museums & Institutions listed on Olnick-Spanau site:**

Art Media Cultural Centre

Brescia Mostre

Casa Italiana Zerilli-Marimò

Centro Studio Vetro

Chrysler Museum of Art

Corning Museum of Glass

Denver Art Museum

The Detroit Institute of Arts

Exhibitions International

Frist Center for the Visual Arts

Instituto Italiano di Cultura - New York

Italian Cultural Institute UK

Mingei International Museum

The Mint Museums

Museo del Vidrio

Museum of Arts & Design

**ANTHONY DiSARRO, ESQ.**

10 MOSS LANE  
GARRISON, NEW YORK 10524  
(646)642-7986  
[adisarro@optonline.net](mailto:adisarro@optonline.net)

February 23, 2012

Town of Philipstown Planning Board  
238 Main Street  
Cold Spring, NY 10516

Re: 245 Avery Road

Dear Planning Board Members:

I reside on Moss Lane, which is a dirt road off of Avery Road. I respectfully submit that, based upon the owners' presentation at the public hearing held on February 16, 2012, and my review of Philipstown's new Zoning Law, the Planning Board lacks the authority to approve the proposed project at 245 Avery Road.

The starting point for my analysis is Section 175.10 of the Zoning Law, which concerns permissible uses of property. The Section provides that "no structure or land shall be used except as provided in the Use Table..." (Section 175.10(A)). The Use Table specifies permissible and impermissible uses of property in areas zoned as Rural Residential, such as Avery Road.

It is not surprising that there is no mention of the use contemplated by the proposed project, which is artwork storage and display. We cannot expect the drafters of the Zoning Law to have anticipated every conceivable use of property. Nevertheless, the use that is listed that most closely approximates the Owners' intended use here is "Warehouse." (Section 175.10(B)). That use is expressly prohibited.

The use that the Owners are attempting to assert is that of a Dwelling. The construction of a Dwelling is a permissible use of property that is zoned Rural Residential, subject to a Site Plan review where the footprint area exceeds 3000 square feet. However, the proposed project cannot qualify as a Dwelling, which is defined in the Zoning Law as "[a] building designed or used **exclusively** as living quarters for one or more families." (Section 175-74 (B) (definition of "Dwelling"))(emphasis added)). The proposed project is not designed to be used and, in fact, would not be used exclusively as living quarter. It is designed to be used primarily as a facility for storing and displaying artworks, and only incidentally as a living quarters for staff or guests.

The Zoning Law does permit "Accessory Uses" of properties that qualify as Dwellings. Those include uses that are "customarily incidental and subordinate to a principal use" of property, such as parking garage or storage hut or shed. (Sections 175-10 (D) & 175-74(B) (definition of "Accessory Use")). The proposed project fails as an "Accessory Use" of property for three reasons. First, the storage of artworks is **not** incidental or subordinate to the primary use of the property, it is the primary use. The living quarters would be the

incidental and subordinate use of the property, which is the converse of the situation authorized under the Zoning Law.

Second, Accessory Structures must be limited in proportionate size to less than half of the floor space of the principal use area. (Section 175-74 (B)(definition of "Accessory Structure")). The proposed project cannot meet this test, as the area that will store and display artworks will be substantially greater--indeed, it will dwarf--the area devoted to living quarters.

Third, accessory use structures, such as garages, whether they are attached or detached, may not "exceed 1000 square feet in footprint area" and may not create "noise, traffic, dust, odor or other impacts that exceed those normally associated with single-family residential uses". (Section 175-10 (D)). The proposed project would seem to fail these tests as well.

The only other provision of the Zoning Law that might arguably apply by analogy here pertains to Home Occupations. This is where a resident seeks to conduct a "small-scale low-impact business and professional use" on a residential property." (Section 175-41). Home Occupations are permissible as of right where (i) less than 30% of the floor space will be use by the Home Occupation activity *and* (ii) the floor space occupied by such activity will be less than 1000 square feet. (Section 175-41(B)(1)(a)). The proposed project fails to meet either condition. Moreover, the proposed project cannot qualify as a Home Occupation because such usage must be "incidental and secondary to the use of a dwelling unit for residential purposes" and must be "conducted in a manner that does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units, and does not alter the character of the neighborhood." (Section 175-41(B)(1)(b)). The proposed project fails to satisfy each of these conditions.

Significantly, a Home Occupation utilizing more than 30% of the available floor space or more than 1000 square feet can be authorized by Special Permit. (Section 175-41(B)(2)). However, the Zoning Law unequivocally states: "In no case shall the area occupied by the home occupations allowed by special permit exceed the lesser of 40% of the floor space of the primary dwelling unit or 2,000 square feet". (Section 175-41(B)(2)(a)). Consequently, the proposed project cannot even be authorized by Special Permit. It is most telling that the Zoning Law precludes the municipal boards from exercising discretion to allow large or predominant Home Occupations. It clearly indicates that the lawmakers intended to deprive the Planning Board of the power to authorize projects such as the one proposed here.

In sum, the thrust of the new Zoning Law is that, for purposes of determining whether a structure constitutes a dwelling or residence, the residential portion of the structure must predominate over the portion devoted to other uses. If the square footage devoted to the residence does not substantially exceed the square footage allocated to other functions, the building is not a residence. The proposed project clearly fails in this regard.

Sincerely,

  
Anthony DiSarro

Daniel P. Paduano  
24 Quiet Acres Lane  
PO Box 135  
Garrison, NY 10524

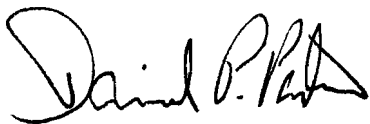
Mr. Michael Leonard  
Chairman  
The Philipstown Planning Board  
238 Main Street  
Cold Spring, NY 10516

Dear Mr. Leonard and the Members of the Philipstown Planning Board,

We are writing you on behalf of Nancy Olnick's and Giorgio Spanu's building proposal that is being presented to you on 2-16-12. We would like you to know that they showed us the renderings for the proposal and we feel that once again Nancy and Giorgio have commissioned a subtle but elegant structure hidden among the trees. We are confident their choice of site, building materials, and landscaping will result in a minimal impact on Avery Road.

Nancy and Giorgio have always been caring neighbors. We have contiguous acreage and have an extremely amicable relationship. We all respect our properties and the surrounding neighborhood. As citizens of Philipstown, we appreciate their proposed addition to the tax base.

Respectfully,

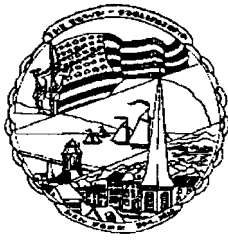


Daniel P. Paduano



Nancy C. Paduano





**Town of Philipstown**  
**HIGHWAY DEPARTMENT**  
50 Fishkill Road  
Cold Spring, New York 10516  
(845) 265-3530  
Fax (845) 265-7886

**Roger M. Chirico**  
**Highway Superintendent**

February 8, 2012

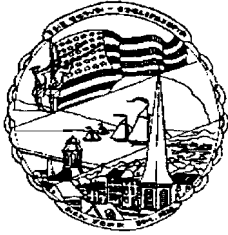
Anthony Merante, Chairman, and Planning Board  
TOWN OF PHILIPSTOWN PLANNING BOARD  
PO Box 55  
Cold Spring, NY 10516

RE: Entergy Emergency Operations Center – Site Plan  
Horsemen's Trail

Dear Chairman and Board members:

This letter is being sent to correct an error in the original. In the first paragraph it should have read the applicant's proposal for Entergy Emergency Operations Facility. Also, on note #2 the end of the sentence should have read north instead of south.  
Attached is the corrected letter.

Thank you  
Maureen Etta  
Highway Clerk



**Town of Philipstown**  
HIGHWAY DEPARTMENT  
50 Fishkill Road  
Cold Spring, New York 10516  
(845) 265-3530  
Fax (845) 265-7886

Roger M. Chirico  
Highway Superintendent

February 8, 2012

Anthony Merante, Chairman, and Planning Board  
TOWN OF PHILIPSTOWN PLANNING BOARD  
PO Box 55  
Cold Spring, NY 10516

RE: Entergy Emergency Operations Center – Site Plan  
Horsemen's Trail  
• Revised January 17<sup>th</sup> letter

Dear Chairman and Board members:

The Town Engineer and I recently inspected the above project site to evaluate the applicant's proposal for Entergy Emergency Operations Facility at the above noted site. My observations and comments are offered below.

From my observations, I offer the following comments for your consideration in your deliberations on the matter:

1. No drainage exists on Horsemen's Trail. Therefore, no drainage should be directed to the Town R.O.W.
2. It seems appropriate to have swales constructed along the frontage, to allow flow along the west side of the roadway to direct run-off towards the north.
3. The project's storm water design is predicated upon infiltration of the site run-off into the site's underlying soils. Therefore, To insure that the project doesn't have any off-site impacts, the Board should require that infiltration testing of the on-site soils be performed.

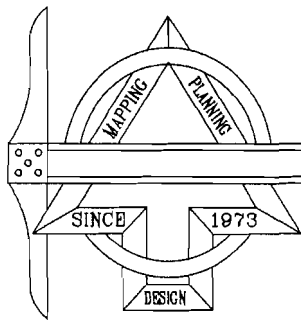
I trust that these comments are adequate for your needs, and thank you for referring this project to my office, to allow me to review and inspect the site's activities and potential impacts to Town facilities. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger M. Chirico". The signature is fluid and cursive, with a large initial "R" and "M".

Roger M. Chirico  
Highway Superintendent

cc: Ronald J. Gainer, PE, PLLC



# BADEY & WATSON

Surveying & Engineering P.C.

3063 Route 9, Cold Spring, New York 10516

(845) 265-9217

(877) 3.141593

Fax: (845) 265-4428

www.badey-watson.com

info@badey-watson.com

Glennon J. Watson, L.S.

John P. Delano, P.E.

Peter Meisler, L.S.

Stephen R. Miller, L.S.

Jennifer W. Reap, L.S.

George A. Badey, L.S., Senior Consultant

Mary Rice, R.L.A., Consultant

Robert S. Miglin, Jr., L.S.

February 28, 2012

Michael Leonard, Chairman  
Philipstown Planning Board  
Town Hall  
238 Main Street  
Cold Spring, NY 10516

**RE: Nancy Olnick Spanu- Request to Postpone Continuation of Public Hearing**

Dear Mr. Leonard and Honorable Board members:

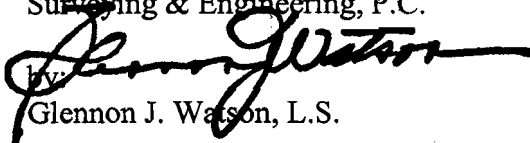
Our client, Nancy Olnick Spanu and her husband Giorgio Spanu will not be in the country when the Public Hearing on her application is scheduled to resume on March 15, 2012. Moreover, they feel that it is necessary to carefully review the letters submitted and comments proffered by members of the community during the first session of the Public Hearing.

In addition several neighbors have also asked the Olnick Spanus to postpone the date of the next Public Hearing.

For these reasons, we respectfully request, on behalf of our client that continuation of the Public Hearing be postponed until such time as the Spanus have had time to consider the letters and comments and are able to attend the hearing.

Thank you for your consideration of this request.

Yours truly,  
BADEY & WATSON,  
Surveying & Engineering, P.C.

  
Glennon J. Watson, L.S.

GJW/bms

cc: Nancy Olnick Spanu and Giorgio Spanu

88-110B\ML28FB12BP

*Owners of the records and files of*

Joseph S. Agnoli • Barger & Hustis, Surveyors • Burgess & Behr • Roy Burgess • Vincent A. Burrano • Hudson Valley Engineering Company, Inc.  
G. Radcliff Hustis, Surveyor • Peter R. Hustis, Surveyor • James W. Irish, Jr. • J. Wilbur Irish • Douglas A. Merritt • E.B. Moebus  
Reynolds & Chase • General Jacob Schofield • Sidney Schofield, C.E. • Taconic Surveying & Engineering, P.C. • D. Walcutt

# Town of Philipstown

238 Main Street  
Cold Spring New York 10516

## PLANNING BOARD

### SITE PLAN APPLICATION PACKAGE

### MINOR PROJECT

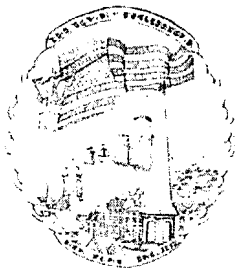
# P.99 TM# 16.20-1-18

Project Name: ESP

Date: 12-23-11



112811



## Town of Philipstown

Planning Board  
238 Main Street, PO Box 155  
Cold Spring, NY 10516

Office (845) 265-

Fax (845) 265-2687

### Application for Planning Board Special Use & Site Plan Approval

Date: 12.23.11

TM# \_\_\_\_\_

Project Name: ESP

Street Address: 3330 Route 9 Cold Spring NY 10516

Fee Amount: \_\_\_\_\_

Received: \_\_\_\_\_

Bond Amount: \_\_\_\_\_

Received: \_\_\_\_\_

#### Applicant:

Name Bruce & Donna Kehr

Address 3330 Route 9

Cold Spring NY 10516

Telephone 845-265-3771

#### Design Professional:

Address \_\_\_\_\_

Telephone \_\_\_\_\_

#### Tenant:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

#### Property Owner

Name Bruce & Donna Kehr

Address 3330 Route 9

Cold Spring NY 10516

Telephone 845-265-3771

TM# \_\_\_\_\_

Project Name: ESP

Project Description: Site plan and request to rezone  
5.30 acres of RR to HC

**ZONING INFORMATION**

175-7 Zoning District: HC + RR

175-10 Proposed Use: Retail / Service / WAREHOUSE

Proposed Accessory Use(s): \_\_\_\_\_

**175-7 Overlay Districts on the property:**

Yes or No

175-13 Floodplain Overlay District – NFIP Map ----- (FPO)	<u>NO</u>
175-18.1 Mobile Home Overlay District ----- (MHO)	<u>NO</u>
175-14 Cold Spring Reservoir Water Shed Overlay ----- (WSO)	<u>NO</u>
175-15 Scenic Protection Overlay ----- (SPO)	<u>NO</u>
175-16 Aquifer Overlay District ----- (AQO)	<u>YES</u>
175-18 Open Space Conservation Overlay District ----- (OSO)	<u>NO</u>
175-35 Within 100 foot buffer of Wetlands or Watercourse -----	<u>NO</u>
175-36 Steep Terrain -----	<u>NO</u>
175-36 Ridge Line Protection -----	<u>NO</u>
175-37 Protection Agricultural -----	<u>NO</u>

TM# \_\_\_\_\_

Project Name: ESP

**175-11 Density and Dimensional Regulations**

Zoning District <u>HC+RR</u>	Required	Existing	Proposed	Complies	Variance
Minimum front yard setback					
Measured from the travel way Town Road					
Measured from the travel way County/State	35'	205	35'	YES	
Minimum side yard setback <u>RR</u>	20'	20-25	20	Yes	
Minimum side yard setback (2) <u>HC</u>	15	10	15	Yes	
Minimum side yard setback (3)					
Minimum rear yard setback	35'	207	207	Yes	
Maximum impervious surface coverage	60%	99.66	40.1	Yes	
Maximum height	3/40	2/30	N/A	Yes	
Maximum footprint non-residential structures	40,000	8976	N/A	Yes	

**SUBMISSION:**

**13 copies with one electronic file in .pdf format of the following;**

1. Pre-Application meeting decision and comments
2. Application
3. Proof of Ownership
4. Site Plan
5. A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
6. An agricultural data statement as defined in §175-74, if required by §175-37C.
7. The Site Plan application fee, as established by the Town Board and any required escrow deposit for review costs, as required by the Planning Board.
8. FEE: \_\_\_\_\_ Received: \_\_\_\_\_
9. Escrow: \_\_\_\_\_ Received: \_\_\_\_\_

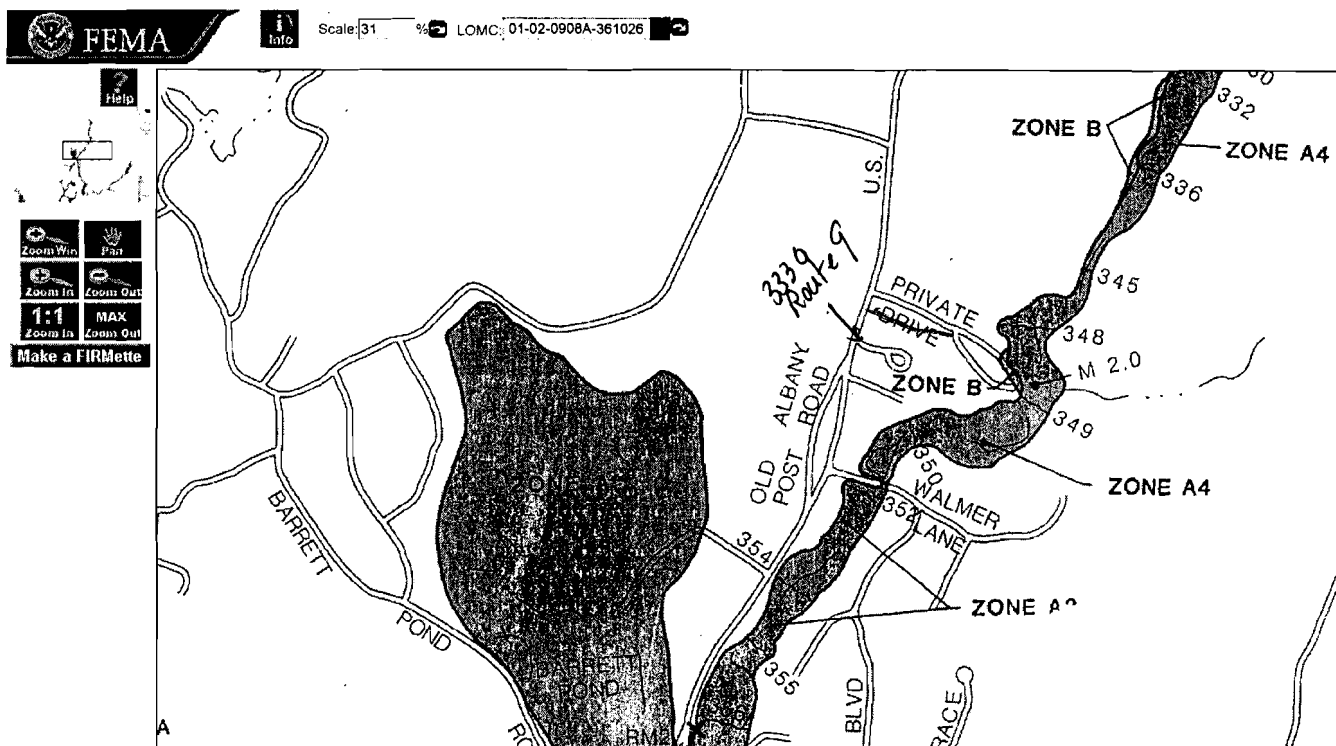


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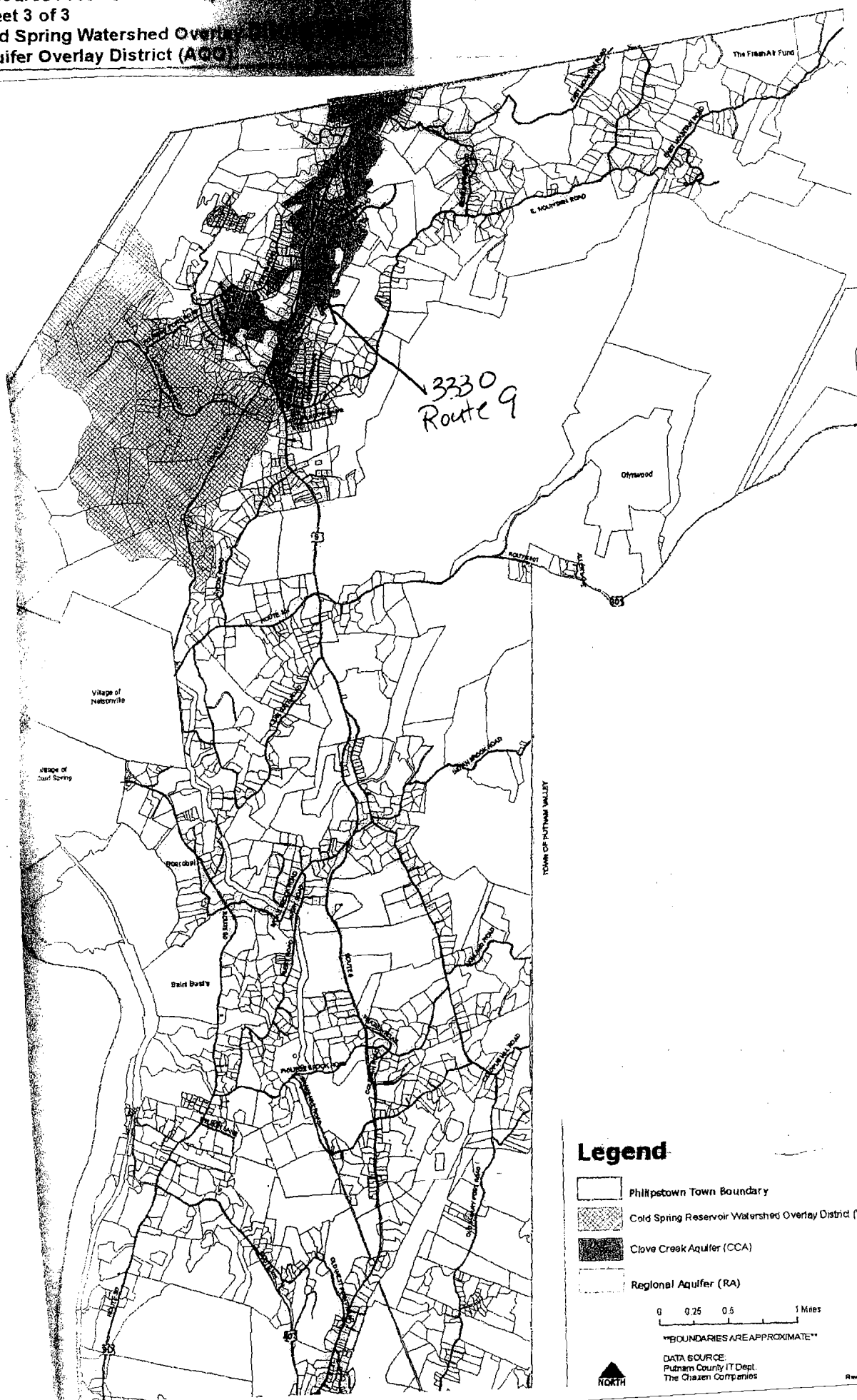
HC  
RR

Zone



*Flood Zones FEMA*

Town of Philipstown  
 Resource Protection Overlay District  
 Sheet 3 of 3  
 Cold Spring Watershed Overlay District  
 Aquifer Overlay District (AOD)



### Legend

- Philipstown Town Boundary
- Cold Spring Reservoir Watershed Overlay District (WSO)
- Clove Creek Aquifer (CCA)
- Regional Aquifer (RA)

0 0.25 0.5 1 Miles

"BOUNDARIES ARE APPROXIMATE"



DATA SOURCE:  
 Putnam County IT Dept.  
 The Chazen Companies

Revised 10/04/2011

617.20  
Appendix A  
State Environmental Quality Review  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

**Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

**Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

**Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

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**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE – Type 1 and Unlisted Actions**

**Identify the Portions of EAF completed for this project:**

☒ Part 1   ☐ Part 2   ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonable determined by the lead agency that:

- ☐ A. The Project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared**.
  - ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 has been required, therefore a **CONDITIONED negative declaration will be prepared.\***
  - ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared**.
- \* A Conditioned Negative Declaration is only valid for Unlisted Actions

**Expanded Supply Products, Inc.**

Name of Action

**Town of Philipstown Planning Board**

Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from responsible officer)

\_\_\_\_\_  
Date

## PART 1 - PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire Form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION <b>Expanded Supply Products</b>		
LOCATION OF ACTION (include Street Address, Municipality and County) <b>3330 Route 9, Town Philipstown, Putnam County, NY</b>		
NAME OF APPLICANT/SPONSOR <b>Expanded Supply Products, Inc.</b>		
ADDRESS <b>3330 Route 9</b>		
CITY/PO <b>Cold Spring, New York</b>	STATE	ZIP CODE <b>10516</b>
BUSINESS TELEPHONE <b>(845) 265-3771</b>		
NAME OF OWNER (if different) <b>Same as above</b>		
ADDRESS		
CITY/PO	STATE	ZIP CODE
BUSINESS TELEPHONE		
DESCRIPTION OF ACTION: <b>Modification of Approved Site Plan for the proposed construction of a 1000 SF building addition and a new 6,400 SF storage building.</b> <i>Removed</i>		

Please Complete Each Question - Indicate N.A. if not applicable

### A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: ☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)  
☐ Forest ☐ Agriculture ☐ Other \_\_\_\_\_

2. Total acreage of project area: 3.569 acres:

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested <b>Landscaping</b>	<u>0.10</u> acres	<u>0.80</u> acres
Agricultural (includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Article 24, 25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill) ( <b>gravel drive</b> )	<u>1.73</u> acres	<u>1.66</u> acres
Roads, Buildings and Other Paved Surfaces	<u>0.28</u> acres	<u>0.40</u> acres
Other (Indicate type) <b>Outdoor storage</b>	<u>1.46</u> acres	<u>0.71</u> acres

3. What is predominant soil type(s) on project site? Urban Cut & Fill
- a. Soil drainage ☒ Well drained 100 % of site ☐ Moderately well drained \_\_\_\_\_ % of site  
☐ Poorly drained \_\_\_\_\_ % of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? \_\_\_\_\_ acres. (See 1 NYCRR 370)
4. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No
- a. What is depth to bedrock? 6+ (in feet)

5. Approximate percentage of proposed project site with slopes: ☒ 0-10% 95 % ☒ 10-15% 5 %  
☐ 15% or greater \_\_\_\_\_ %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? ☐ Yes ☒ No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No
8. What is the depth of the water table? 7+ (in feet)
9. Is site located over a primary, principal or sole source aquifer? ☐ Yes ☒ No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  
☐ Yes ☒ No According to \_\_\_\_\_  
Identify each species \_\_\_\_\_
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)  
☐ Yes ☒ No Describe \_\_\_\_\_
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  
☐ Yes ☒ No If yes, explain \_\_\_\_\_
14. Does the present site include scenic views known to be important to the community?  
☐ Yes ☒ No
15. Streams within or contiguous to project area: No (Clove Creek located +/- 150 feet Southeast of project area).  
a. Name of Stream and name of River to which it is tributary \_\_\_\_\_
16. Lakes, ponds, wetland areas within or contiguous to project area:  
a. Name N/A b. Size (In acres) \_\_\_\_\_
17. Is the site served by existing public utilities? ☐ Yes ☒ No  
a. If Yes, does sufficient capacity exist to allow connection? ☐ Yes ☐ No  
b. If yes, will improvements be necessary to allow connection? ☐ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Market Law, Article 25-AA Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous waste? ☐ Yes ☒ No

## B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 3.569 acres.
- b. Project acreage to be developed 3.569 acres initially; 3.569 acres ultimately.
- c. Project acreage to remain undeveloped 0 acres.
- d. Length of project, in miles N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed 77 %
- f. Number of off-street parking spaces existing 13; proposed 10
- g. Maximum vehicular trips generated per hour 10 (upon completion of project)?
- h. If residential: Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | _____      | _____      | _____           | _____       |
| Ultimately | _____      | _____      | _____           | _____       |
- i. Dimensions (in feet) of largest proposed structure 30 height; 50 width; 128 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 300 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? \_\_\_\_\_ ton/cubic yards
3. Will disturbed areas be reclaimed? ☐ Yes ☐ No ☒ N.A.
  - a. If yes, for what intended purpose is the site being reclaimed? 0
  - b. Will topsoil be stockpiled for reclamation? ☐ Yes ☐ No
  - c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? ☐ Yes ☒ No
6. If single phased project: Anticipated period of construction 6 months, (including demolition).
7. If multi-phased:
  - a. Total number of phases anticipated N/A (number).
  - b. Anticipated date of commencement phase 1 \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition).
  - c. Approximate completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year.
  - d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No
8. Will blasting occur during construction? ☐ Yes ☒ No
9. Number of jobs generated: during construction 20; after project is complete 2.
10. Number of jobs eliminated by this project 0
11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No If yes, explain \_\_\_\_\_
12. Is surface liquid waste disposal involved? ☐ Yes ☒ No
  - a. If yes, indicate type of waste (sewage, industrial, etc.) and amount \_\_\_\_\_
  - b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved? ☒ Yes ☐ No Type Existing Septic for 1,000 s.f. addition
14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☐ No  
If yes, explain \_\_\_\_\_
15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No
16. Will the project generate solid waste? ☒ Yes ☐ No
  - a. If yes, what is the amount per month 2 tons
  - b. If yes, will an existing solid waste facility be used? ☒ Yes ☐ No
  - c. If yes, give name Private Carter; location \_\_\_\_\_
  - d. Will any waste **not** go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No
  - e. If Yes, explain \_\_\_\_\_
17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No
  - a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.
  - b. If yes, what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides? ☐ Yes ☒ No
19. Will project routinely produce odors (more than one hour per day?) ☐ Yes ☒ No
20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No
21. Will project result in an increase in energy use? ☒ Yes ☐ No  
If yes, indicate type(s) interior lighting
22. If water supply is from wells, indicate pumping capacity 5+ gallons/minute.
23. Total anticipated water usage per day 180 gallons/day.
24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No  
If yes, explain \_\_\_\_\_

## 25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Amended Site Plan</u>	<u>8/07/2003</u>
City, Town, Zoning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Area Variances</u>	<u>2/02/2004</u>
City, County Health Department	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Septic Expansion</u>	<u>TBD</u>
Other Local Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Other Regional Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>County Planning 239</u>	<u>TBD</u>
State Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Federal Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		

## C. Zoning and Planning Information

- Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No  
If yes, indicate decision required:  
☐ zoning amendment ☐ zoning variance ☐ special use permit ☐ subdivision ☒ site plan  
☐ new/revision of master plan ☐ resource management plan ☐ other \_\_\_\_\_
- What is the zoning classification(s) of the site? HC
- What is the maximum potential development of the site if developed as permitted by the present zoning?  
40,000
- What is the proposed zoning of the site? N/A
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?  
N/A
- Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No
- What are the predominant land use(s) and zoning classification within a 1/4 mile radius of proposed action?  
Commercial/Industrial
- Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile? ☒ Yes ☐ No
- If the proposed action is the subdivision of land, how many lots are proposed? N/A  
a. What is the minimum lot size proposed? N/A
- Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? ☐ Yes ☒ No  
a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No
- Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No  
a. If yes, is the existing road network adequate to handle the additional traffic? ☐ Yes ☐ No

## D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

## E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name John Meyer Consulting as Agent

Date 07/31/2003 (Revised 2/2/2004) (Revised 4/30/2004)

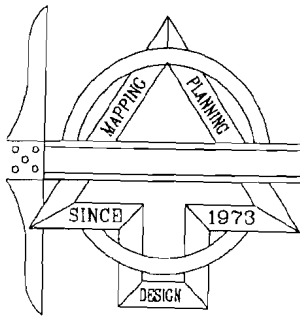
Signature [Signature] PE Title Sr. Associate

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

*This was completed by our engineer. I did change the zoning to HC and removed the potential development <sup>2004</sup> to reflect current conditions*

*[Signature]*





# BADEY & WATSON

Surveying & Engineering P.C.

3063 Route 9, Cold Spring, New York 10516

(845) 265-9217  
(877) 3.141593

Fax: (845) 265-4428  
www.badey-watson.com  
info@badey-watson.com

Glennon J. Watson, L.S.  
John P. Delano, P.E.  
Peter Meisler, L.S.  
Stephen R. Miller, L.S.  
Jennifer W. Reap, L.S.

George A. Badey, L.S., Senior Consultant  
Mary Rice, R.L.A., Consultant  
Robert S. Miglin, Jr., L.S.

February 27, 2012

Michael Leonard, Chairman  
Philipstown Planning Board  
Town Hall  
238 Main Street  
Cold Spring, NY 10516

**RE: Application of Garrison Properties, LLC  
Submission of Full Environmental Assessment Form Parts 1, 2 & 3**

Dear Mr. Leonard & Honorable Board Members:

Enclosed you will find 12 copies of the following document prepared for Garrison Properties, LLC.

- ♦ Full Environmental Assessment Form Parts 1, 2 & 3

Please place this matter on the agenda for the March 15, 2012 meeting of the Planning Board. As always, thank you for your continued attention to and concern for this application.

Yours truly,  
BADEY & WATSON,  
Surveying & Engineering, P.C.

by:  
Glennon J. Watson, L.S.

cc: Marti Ajello, Garrison Properties, LLC  
Margaret O'Sullivan, Garrison Station Plaza

U:78-118/ML27FB12QP

*Owners of the records and files of*

Joseph S. Agnoli • Barger & Hustis, Surveyors • Burgess & Behr • Roy Burgess • Vincent A. Burrano • Hudson Valley Engineering Company, Inc.  
G. Radcliff Hustis, Surveyor • Peter R. Hustis, Surveyor • James W. Irish, Jr. • J. Wilbur Irish • Douglas A. Merritt • E.B. Moebus  
Reynolds & Chase • General Jacob Schofield • Sidney Schofield, C.E. • Taconic Surveying & Engineering, P.C. • D. Walcutt

**FULL ENVIRONMENTAL ASSESSMENT FORM  
PARTS 1, 2 & 3**

for the application of

**GARRISON PROPERTIES, LLC**

for approval of a

**Site Plan**

ON A PARCEL CONTAINING

6.674 ACRES

Located at the

**Garrison Landing**

in the

**TOWN OF PHILIPSTOWN**

**PUTNAM COUNTY**

**NEW YORK**

FEBRUARY 27, 2012

Prepared for and at the request of

**THE PHILIPSTOWN PLANNING BOARD**

TOWN HALL

238 MAIN STREET

COLD SPRING, NY 10516

Prepared and compiled by

**BADEY & WATSON**

*Surveying & Engineering, P.C.*

3063 Route 9

Cold Spring, New York 10516

(845) 265-9217 (V)

(845) 265-4428 (F)

[www.Badey-Watson.com](http://www.Badey-Watson.com)

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**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

---

**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:      ☒ Part 1                      ☒ Part 2                      ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.\***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

Site Plan - Garrison Properties, LLC

Name of Action

Town of Philipstown Planning Board

Name of Lead Agency

Mr. Anthony Merante

Print or Type Name of Responsible Officer in Lead Agency

Planning Board Chairman

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

## PART 1 --PROJECT INFORMATION

### Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

pected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Site Plan - Garrison Properties, LLC

Location of Action (include Street Address, Municipality and County)

7 Garrison Landing Garrison, NY 10524

Name of Applicant/Sponsor Garrison Properties, LLC

Address P.O. Box 348 2015 Route 9

City / PO Garrison State NY Zip Code 10524

Business Telephone 845-424-3604

Name of Owner (if different) Garrison Station Plaza, Inc.

Address P.O. Box 205

PO Garrison State NY Zip Code 10524

Business Telephone 914-262-2156

Description of Action:

Renovation of existing mixed use structure to be served by a new private wastewater treatment system and existing public water supply. Existing single family dwelling with retail business to be renovated into a Restaurant and retail business with upper floor apartments in a mixed-use building.

**Please Complete Each Question- Indicate N.A. if not applicable**

**A. SITE DESCRIPTION** Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)  
☐ Forest ☐ Agriculture ☒ Other **Metro North Station/platform. Hamlet area.**

2. Total acreage of project area: 6.674 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	-- acres	-- acres
Forested	-- acres	-- acres
Agricultural (Includes orchards, cropland, pasture, etc.)	-- acres	-- acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	-- acres	-- acres
Water Surface Area	5.924 acres	5.924 acres
Unvegetated (Rock, earth or fill)	-- acres	-- acres
Roads, buildings and other paved surfaces	0.056 acres	0.069 acres
Other (Indicate type) <u>Grassed riverbank.</u>	0.694 acres	0.661 acres
<b>Total</b>	<b>6.674</b>	<b>6.674</b>

3. What is predominant soil type(s) on project site? Urban Land-Charlton Complex (upland only)

- a. Soil drainage: ☒ Well drained 100 % of site ☐ Moderately well drained \_\_\_\_ % of site. ☐ Poorly drained \_\_\_\_ % of site  
b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? n/a acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No a. What is depth to bedrock 6 (in feet)

5. Approximate percentage of proposed project site with slopes: ☒ 0-10% 100 % ☐ 10 - 15% 0 % ☐ 15% or greater 0 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?  
☒ Yes ☐ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? 0>4 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

Site fully developed

Identify each species:

n/a

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations) ☐ Yes ☒ No

Describe:

n/a

13. Is the project site presently used by the community or neighborhood as an open space or recreation area? ☐ Yes ☒ No

If yes, explain:

n/a

14. Does the present site include scenic views known to be important to the community? ☒ Yes ☐ No

Hudson Highlands.

15. Streams within or contiguous to project area:

No.

a. Name of Stream and name of River to which it is tributary

The site is on the easterly bank of the Hudson River.

16. Lakes, ponds, wetland areas within or contiguous to project area:

n/a

b. Size (in acres):

n/a

17. Is the site served by existing public utilities? ☒ Yes ☐ No

a. If YES, does sufficient capacity exist to allow connection? ☒ Yes ☐ No

b. If YES, will improvements be necessary to allow connection? ☐ Yes ☒ No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?

☐ Yes ☒ No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?

☐ Yes ☒ No

20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

## B. PROJECT DESCRIPTION

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

a. Total contiguous acreage owned or controlled by project sponsor: 6.674 acres.

b. Project acreage to be developed: 0.166 acres initially; 0.166 acres ultimately.

c. Project acreage to remain undeveloped: 6.568 acres.

d. Length of project, in miles: n/a (if appropriate)

e. If the project is an expansion, indicate percent of expansion proposed. n/a %

f. Number of off-street parking spaces existing 17, proposed 18

g. Maximum vehicular trips generated per hour: 13 (upon completion of project)?

h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>
Ultimately	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>

i. Dimensions (in feet) of largest proposed structure: 38 height; 30.5 width; 54 length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? 0 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.

3. Will disturbed areas be reclaimed ☒ Yes ☐ No ☐ NA

a. If yes, for what intended purpose is the site being reclaimed?

Lawns, Gardens and Hardscape

b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No

c. Will upper subsoil be stockpiled for reclamation? ☒ Yes ☐ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.02 acres.
5. Will any mature forest (over 100 years old) or other locally- important vegetation be removed by this project? ☐ Yes ☒ No
6. If single phase project: Anticipated period of construction: 10 months, (including demolition)
7. If multi-phased:
- Total number of phases anticipated n/a (number)
  - Anticipated date of commencement phase 1: n/a month n/a year, (including demolition)
  - Approximate completion date of final phase: n/a month n/a year.
  - Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No
8. Will blasting occur during construction? ☐ Yes ☒ No
9. Number of jobs generated: during construction 12, after project is complete
10. Number of jobs eliminated by this project 0
11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No
- If yes, explain:
- n/a
12. Is surface liquid waste disposal involved? ☒ Yes ☐ No
- If yes, indicate type of waste (sewage, industrial, etc) and amount Treated Sewage
  - Name of water body into which effluent will be discharged Hudson River
13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type n/a
14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No
- If yes, explain:
- n/a
15. Is project or any portion of project located in a 100 year flood plain? ☒ Yes ☐ No
16. Will the project generate solid waste? ☒ Yes ☐ No
- If yes, what is the amount per month? 0.75 tons
  - If yes, will an existing solid waste facility be used? ☒ Yes ☐ No
  - If yes, give name Unknown, location Commercial Carter
  - Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☒ Yes ☐ No
  - If yes, explain:
- Recyclables will be collected for that purpose.
17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No
- If yes, what is the anticipated rate of disposal? n/a tons/month.
  - If yes, what is the anticipated site life? n/a years.
18. Will project use herbicides or pesticides? ☐ Yes ☒ No
19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No
20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No
- Will project result in an increase in energy use? ☒ Yes ☐ No
- If yes, indicate type(s)
- electricity, heating fuel & cooking



22. If water supply is from wells, indicate pumping capacity n/a gallons/minute.

23. Total anticipated water usage per day 1500 gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No

If yes, explain:

n/a

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Site Plan	1-5-12
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
City, County Health Department	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Sewage Treatment Plant	TBD
Other Local Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	County Planning 239 Referral	
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Stream Disturbance SPDES (Form D)	TBD
Federal Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Stream Disturbance Joint Permit w/ NYSDEC	TBD

C. ZONING AND PLANNING INFORMATION

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

- |   |   |  |                                      |
|---|---|--|--------------------------------------|
| <input type="checkbox"/> Zoning amendment     | <input type="checkbox"/> Zoning variance    | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan    | <input type="checkbox"/> Other       |

2. What is the zoning classification(s) of the site?

HM (mixed use)

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

n/a - existing site is preexisting non-conforming site that does not meet the current zoning standards

4. What is the proposed zoning of the site?

n/a - no change proposed

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

n/a

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?

Hamlet mixed use, rural conservation, Hamlet residential, rural residential

8. Is the proposed action compatible with adjoining/surrounding land uses with a 1/4 mile? ☒ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? n/a

a. What is the minimum lot size proposed? n/a

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☐ Yes ☒ No

a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No

n/a

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☒ Yes ☐ No

## D. INFORMATIONAL DETAILS

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

## E. VERIFICATION

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Garrison Properties, LLC

Date 1/5/2012

Signature



Title Surveyor for Applicant

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

**GARRISON PROPERTIES, LLC  
ENVIRONMENTAL ASSESSMENT FORM  
PART 2**

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

Suggested by Badey & Watson February 3, 2012

Recommended Date 2/16/12 by RG (int.)

Adopted Date 2/16/12 by PPB

### General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

### Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

### IMPACT ON LAND

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

1. Will the Proposed Action result in a physical change to the project site?

NO ☐ YES ☒

Examples that would apply to column 2

Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Construction on land where the depth to the water table is less than 3 feet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Construction of paved parking area for 1,000 or more vehicles.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Construction that will continue for more than 1 year or involve more than one phase or stage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

☒ NO ☐ YES

Specific land forms: ☐ ☐ ☐ Yes ☐ No

### IMPACT ON WATER

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

☐ NO ☒ YES

Examples that would apply to column 2

Developable area of site contains a protected water body.

☐
☐

☐ Yes ☐ No

Dredging more than 1 00 cubic yards of material from channel of a protected stream.

☐
☐

☐ Yes ☐ No

Extension of utility distribution facilities through a protected water body.

☐
☐

☐ Yes ☐ No

Construction in a designated freshwater or tidal wetland.

☐
☐

☐ Yes ☐ No

Other impacts:

☒
☐

☐ Yes ☐ No

Potential impacts associated with the proximity of the project to the Hudson River.

4. Will Proposed Action affect any non-protected existing or new body of water?

☒ NO ☐ YES

Examples that would apply to column 2

A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.

☐
☐

☐ Yes ☐ No

Construction of a body of water that exceeds 10 acres of surface area.

☐
☐

☐ Yes ☐ No

Other impacts:

☐
☐

☐ Yes ☐ No

5. Will Proposed Action affect surface or groundwater quality or quantity? ☐ NO ☒ YES

Examples that would apply to column 2

Proposed Action will require a discharge permit.

☒
☐

☐ Yes ☐ No

Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.

☐
☐

☐ Yes ☐ No

Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.

☐
☐

☐ Yes ☐ No

Construction or operation causing any contamination of a water supply system.

☐
☐

☐ Yes ☐ No

Proposed Action will adversely affect groundwater.

☐
☐

☐ Yes ☐ No

Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.

☐
☐

☐ Yes ☐ No

Proposed Action would use water in excess of 20,000 gallons per day.

☐
☐

☐ Yes ☐ No

Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.

☐
☐

☐ Yes ☐ No

Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.

☐
☐

☐ Yes ☐ No

Proposed Action will allow residential uses in areas without water and/or sewer services.

☐
☐

☐ Yes ☐ No

Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.

☐
☐

☐ Yes ☐ No

Other impacts:

☒
☐

☐ Yes ☐ No

Potential impacts associated with construction of waste water treatment facility adjacent to Hudson River.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
6. Will Proposed Action alter drainage flow or patterns, or surface water run off? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES			
<b>Examples that would apply to column 2</b>			
Proposed Action would change flood water flows	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action may cause substantial erosion.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action is incompatible with existing drainage patterns.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action will allow development in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

### IMPACT ON AIR

7. Will Proposed Action affect air quality? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			
<b>Examples that would apply to column 2</b>			
Proposed Action will induce 1,000 or more vehicle trips in any given hour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action will result in the incineration of more than 1 ton of refuse per hour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action will allow an increase in the amount of land committed to industrial use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action will allow an increase in the density of industrial development within existing industrial areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

### IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			
<b>Examples that would apply to column 2</b>			
Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			
<b>Examples that would apply to column 2</b>			
Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

## IMPACT ON AGRICULTURAL LAND RESOURCES

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

10. Will Proposed Action affect agricultural land resources? ☒ NO ☐ YES

**Examples** that would apply to column 2

The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)

Construction activity would excavate or compact the soil profile of agricultural land.

The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.

The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).

Other impacts:

☐☐

☐ Yes ☐ No

☐☐

☐ Yes ☐ No

☐☐

☐ Yes ☐ No

☐☐

☐ Yes ☐ No

☐☐

☐ Yes ☐ No

## IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

☒ NO ☐ YES

**Examples** that would apply to column 2

Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.

Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.

Project components that will result in the elimination or significant screening of scenic views known to be important to the area.

Other impacts:

☐☐

☐ Yes ☐ No

☐☐

☐ Yes ☐ No

☐☐

☐ Yes ☐ No

☐☐

☐ Yes ☐ No

## IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

☐ NO ☒ YES

**Examples** that would apply to column 2

Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.

Any impact to an archaeological site or fossil bed located within the project site.

Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.

Other impacts:

☒☐

☐ Yes ☐ No

☐☐

☐ Yes ☐ No

☐☐

☐ Yes ☐ No

☒☐

☐ Yes ☐ No

Impacts associated with the fact that the site lies within a designated Historic District.

### IMPACT ON OPEN SPACE AND RECREATION

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

☒ NO ☐ YES

Examples that would apply to column 2

The permanent foreclosure of a future recreational opportunity.

☐☐

☐ Yes ☐ No

A major reduction of an open space important to the community.

☐☐

☐ Yes ☐ No

Other impacts:

☐☐

☐ Yes ☐ No

### IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?

☒ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

Proposed Action to locate within the CEA?

☐☐

☐ Yes ☐ No

Proposed Action will result in a reduction in the quantity of the resource?

☐☐

☐ Yes ☐ No

Proposed Action will result in a reduction in the quality of the resource?

☐☐

☐ Yes ☐ No

Proposed Action will impact the use, function or enjoyment of the resource?

☐☐

☐ Yes ☐ No

Other impacts:

☐☐

☐ Yes ☐ No

### IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems? ☒ NO ☐ YES

Examples that would apply to column 2

Alteration of present patterns of movement of people and/or goods.

☐☐

☐ Yes ☐ No

Proposed Action will result in major traffic problems.

☐☐

☐ Yes ☐ No

Other impacts:

☐☐

☐ Yes ☐ No



### IMPACT ON ENERGY

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☒ NO ☐ YES

**Examples** that would apply to column 2

Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.

☐☐

☐ Yes ☐ No

Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.

☐☐

☐ Yes ☐ No

Other impacts:

☐☐

☐ Yes ☐ No

### NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☒ NO ☐ YES

**Examples** that would apply to column 2

Blasting within 1,500 feet of a hospital, school or other sensitive facility.

☐☐

☐ Yes ☐ No

Odors will occur routinely (more than one hour per day).

☐☐

☐ Yes ☐ No

Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.

☐☐

☐ Yes ☐ No

Proposed Action will remove natural barriers that would act as a noise screen.

☐☐

☐ Yes ☐ No

Other impacts:

☐☐

☐ Yes ☐ No

### IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety? ☐ NO ☒ YES

Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.

☐☐

☐ Yes ☐ No

Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)

☐☐

☐ Yes ☐ No

Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.

☐☐

☐ Yes ☐ No

Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.

☐☐

☐ Yes ☐ No

Other impacts:

☒☐

☐ Yes ☐ No

Discuss potential beneficial impacts associated with the installation of a waste water treatment facility to service an existing building that previously discharged water directly into the Hudson River.

### IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community? ☒ NO ☐ YES

**Examples** that would apply to column 2

The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.

☐☐

☐ Yes ☐ No

The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.

☐☐

☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Proposed Action will conflict with officially adopted plans or goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action will cause a change in the density of land use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Development will create a demand for additional community services (e.g. schools, police and fire, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

☒ NO      ☐ YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

## Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

### Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

**Instructions** (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2-

- 1 . Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact

**GARRISON PROPERTIES, LLC  
ENVIRONMENTAL ASSESSMENT FORM  
PART 3**

## **INTRODUCTION & BACKGROUND**

Garrison Station Plaza, Inc., is the owner of 6.674 acres located at the southerly end of Garrison's Landing in the Town of Philipstown. Most of the property lies under the waters of the Hudson River. There is approximately 0.75 acres of improved upland. The property is located at 7 Garrison Landing and has been designated on the Putnam County Tax Map for the Town of Philipstown as Sheet 60.17, Block 1, Lot 7 (60.17-1-7).

The property is improved with a 3-story building that for many years housed "Guinan's," a pub/country store that served a local clientele and commuters. "Guinan's" was located in commercial space on the first floor. The second and third floors contain an apartment in which the proprietor Jim Guinan and his family resided. When the now late Jim Guinan retired, the business closed.

The property received site plan approval from the Philipstown Planning Board in 2010. This approval allowed the conversion of the building into commercial office space. The approval was granted only after the applicant made a yearlong attempt to identify a tenant with a viable business plan to re-establish the pub/country store in the building. This effort was made in response to comments at the Public Hearing during which many local residents expressed a preference for the pub/country store over the office space that was the subject of the 2009 application.

Garrison Station Plaza, Inc. has now found a tenant that it believes will be successful in re-establishing the pub/country store. That tenant is the applicant, Garrison Properties, LLC, a firm with demonstrated experience in operating successful local restaurants. Specifically, Garrison Properties, LLC owns and operates *Valley Restrurant* at The Garrison and operates *Tavern* at the Highlands Country Club. Accordingly, Garrison Station Plaza granted permission to Garrison Properties, LLC to submit plans and an application for site plan approval that would establish a convenience store, restaurant and 2 apartments in the former Guinan's building.

The required parking is shown on the plan adjacent to the site. The Garrison Landing Water District supplies potable water. Until now sewage has been untreated and has been discharged directly into the Hudson River. When this project is built it will be collected and treated in a new on-site sewage treatment system before being discharged.

The following table provides a chronology of the significant events associated with this application.

<b>Date in 2012</b>	<b>Event/ Planning Board Action</b>
January 4	<ul style="list-style-type: none"> <li>• Application filed with Site Plan and Part 1 of EAF</li> </ul>
January 19	<ul style="list-style-type: none"> <li>• Application deemed complete</li> <li>• Project classified as Unlisted Action for SEQRA purposes</li> <li>• Decision made to act as Lead Agency for SEQRA purposes</li> <li>• Decision made to conduct a coordinated review</li> <li>• Public Hearing scheduled</li> <li>• Site Visit scheduled</li> </ul>
January 22	<ul style="list-style-type: none"> <li>• Site Visit conducted</li> </ul>
February 16	<ul style="list-style-type: none"> <li>• Public Hearing opened and concluded</li> <li>• Part 2 of Full EAF adopted</li> <li>• Applicant instructed to Prepare Part 3 of Full EAF</li> </ul>
March 1	<ul style="list-style-type: none"> <li>• Applicant submits Full EAF for consideration</li> </ul>

## **IMPACTS IDENTIFIED AND DISCUSSED**

The Planning Board adopted part 2 of this EAF on February 16, 2012. It identifies items that might threaten negative environmental impacts and identifies each as “Small to Moderate.” Nevertheless, the Planning Board instructed the applicant’s representative to provide Part 3 discussion on each of the following impacts:

- Construction on land where the depth to the water table is less than 3 feet
- Construction in a designated floodway
- Potential impacts associated with the proximity of the project to the Hudson River
- Proposed Action will require a discharge permit
- Potential impacts associated with construction of waste water treatment facility adjacent to Hudson River
- Proposed action may cause substantial erosion
- Impacts associated with the fact that the site lies within a designated Historic District
- Discuss potential beneficial impacts associated with the installation of a waste water treatment facility to service an existing building that previously discharged waste water directly into the Hudson River
- Proposed action will conflict with officially adopted plans or goals
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community
- Discuss significant concerns expressed by local citizens regarding the change in use proposed by the applicant in contrast with the previous use conducted on the site.

As requested by the Planning Board, each identified impact is discussed below. However, some of the discussions have been combined because they are either very similar or essentially reiterations of the same impact.

## **IMPACTS DISCUSSED**

- *Construction on land where the depth to the water table is less than 3 feet*
- *Potential impacts associated with the proximity of the project to the Hudson River*
- *Construction in a designated floodway*
- *Proposed action may cause substantial erosion*

Construction where the depth to the water table is less than 3 feet, which in the instant case is a direct result of the proximity to the Hudson River and the anticipated construction in its floodway, increases the chances that substantial erosion will occur. It also increases construction problems associated with the greater likelihood that any excavation will be inundated with ground water.

Because the building is not supported by a septic system and untreated sewage is discharged directly into the Hudson River, it has been concluded that it is more important to install a sewage treatment system than to completely avoid these minor impacts by allowing the untreated sewage to continue being discharged. Still, reasonable measures should be taken to minimize the potential impacts.

The applicant's plans specify the use of silt fence to capture and contain any disturbed soil that might otherwise escape from the site and be carried into the river.

Because the excavation is likely to require dewatering during construction, the discharge from the pumps used for this purpose will be equipped with filtration bags<sup>1</sup> that will filter the water and capture disturbed soils picked up during the dewatering process. These sacks will then be removed from the site and be deposited and stabilized in a place less susceptible to erosion.

The applicant's plans include a set of standard erosion control notes designed to minimize the amount and duration of any required soil disturbance. Among other things these notes require that any disturbed soils be temporarily stockpiled and stored in a manner that minimizes the threat of erosion and that the area be stabilized in a timely manner using standard techniques.

Part of the submission is an application for a Freshwater Wetland and Water Course Permit from the Planning Board. As required, the Planning Board referred the matter to the Town's Conservation Advisory Board (CAB). The CAB reviewed the matter on February 14, 2012, and recommended granting the permit. A copy of the CAB report is attached as Appendix 2. Moreover, the NYS Department of Environmental Conservation (NYSDEC) and Army Corps of Engineers (ACOE) will review the plans before issuing the required State Pollution Discharge Elimination Permit SPDES, Protection of Waters and 404 Clean Waters Act permits that are required to install the treatment system.

---

<sup>1</sup> See cut sheet attached as Appendix 1

Considering the minimal area of anticipated disturbance, the necessity to install a sewage treatment system, the protective measures specified on the applicants plans, and the positive recommendation from the CAB, it appears that the small to moderate impacts identified above have been minimized to the greatest practical extent and are preferable to the continued discharge of untreated sewage directly into the Hudson River. The additional reviews that must be conducted by the NYSDEC and ACOE before they issue the SPDES (NYSDEC), Protection of Waters (NYSDEC) and 404 Clean Waters Act (ACOE) permits provide an added layer of assurance that the potential impacts will be minimized.

- *Proposed Action will require a discharge permit*
- *Potential impacts associated with construction of a wastewater treatment facility adjacent to Hudson River*
- *Discuss potential beneficial impacts associated with the installation of a wastewater treatment facility to service an existing building that previously discharged wastewater directly into the Hudson River*

As previously stated, waste from the sinks and toilets in the existing building on the site is currently being discharged directly into the Hudson River. The applicant's plans call for the elimination of this discharge in favor of the installation of a sewage treatment system that will substitute treated discharge for the untreated discharge. The net result will be an improvement of the current condition.

The NYSDEC requires that a SPDES Permit be obtained for any planned discharge into the streams and rivers of the State. The fact that the proposed discharge is anticipated to improve the current condition does not exempt the applicant from the requirement. The fact that the applicant must obtain a SPDES permit is not itself a potentially negative impact. Rather, it subjects the applicant's plan to a rigorous review process designed to minimize the potential impact of discharging wastewater into the River. The Planning Board will condition any approval it might give upon the applicant's obtaining both a SPDES permit and approval of the Putnam County Department of Health. The issuance of the permit and the approval will assure the Planning Board that the threatened impacts that trigger the need for them have been professionally and independently addressed and minimized.

As discussed above, the installation of the treatment system so close to the river threatens impacts associated with erosion. Additionally, since the installation is planned for within the 100-year flood plain, the possibility that the system will be flooded must be addressed. The applicant's plans specify that the access covers will be raised above the 100-year flood plain. They also specify that a backflow preventor be installed to prevent river water from entering the treatment system. These measures and those discussed above have minimized the impacts associated with construction within the river's 100-year floodplain.

The actual construction of the treatment system adjacent to the Hudson River will cause minimal visual impact for a relatively short period of time. Because of the proximity and



short duration, effective screening of the activity is not practical. When weighed against the improvement in the discharge to the river, the benefit of the activity is obvious, the water will be cleaner and the site will be restored in relatively short order.

- Impacts associated with the fact that the site lies within a designated Historic District
- *Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community*

The project lies within the National Register's Garrison Landing Historic District, but is not a listed building. Generally speaking, radical changes to a building might have a negative impact on the district by introducing sharply contrasting architectural elements that detract from the aesthetic of the district. Such activities should be avoided. The applicant has engaged the services of an architect to prepare the plans for the adaptive re-use of the building. The architect made a significant effort to minimize changes to the architectural elements of the building and assure that the required changes are sympathetic to the style of the building while responding to the applicant's needs and environmental conditions along the river's edge.

It is noted that the applicant's plans do not call for the replacement or elimination of any structures. Nevertheless, the Planning Board has requested comments from the NYS Office of Parks Recreation and Historic Places (OPRHP) regarding the architectural plans for this project.

During the previous site plan review, the OPRHP concluded that certain elements of the original architectural plans, most notably the removal of the existing stucco siding and the removal of a bay window were not appropriate to the building and the district due to the age of those elements. Accordingly, after significant study and discussion with OPRHP staff, the owner concluded that the plans had to be changed to eliminate the removal of the siding and window. OPRHP cited "acquired significance" as the reason for the siding and window to remain. After the original plans were changed to retain the stucco and siding, OPRHP withdrew its objection allowing the project to obtain full approvals from all Involved Agencies.

The plans submitted by the applicant with the pending application are substantially the same as the revised plans from the previous application. It is therefore expected that the plans will receive a similar positive recommendation from OPRHP. As with the previous approval, a NYSDEC SPDES permit must be obtained. The NYSDEC may not issue a permit unless OPRHP has approved the architectural plans.

During the Public Hearing several citizens spoke about the stucco siding. They wondered why OPRHP would have insisted that it remain. Several people commented that the original siding, which is in severe disrepair should be replaced because it is in sharp contrast to other buildings in the district. The project architect explained that OPRHP had found the appearance of the building had "acquired significance" and what that meant. Nevertheless, the applicant agreed to make another effort to convince OPRHP

that siding such as the original siding that exists under the stucco would be more appropriate.

Where the applicant is successful or not, the Planning Board is assured that plans will conform to the standards suggested by OPRHP. TAs mentioned before, this recommendation is a required element of the NYSDEC approval process. Accordingly, eventual concurrence of the OPRHP regarding the appearance of the renovated building will assure that the building's appearance within the Historic District will not be an impediment to approving this project.

- *Proposed action will conflict with officially adopted plans or goals*
- *Discuss significant concerns expressed by local citizens regarding the change in use proposed by the applicant in contrast with the previous use conducted on the site.*

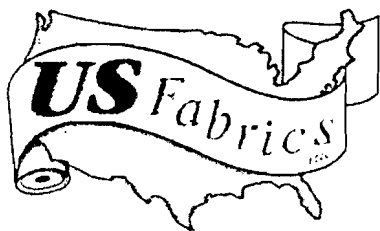
The Public Hearing conducted on March 19, 2009, regarding the previous application revealed considerable public concern for the loss of "Guinan's" pub and country store. Those who spoke implored the Planning Board to find a way to replace "Guinan's" with a similar facility and stated that the proposed use did not conform to the Town's Comprehensive Plan. It appeared that all agreed that "Guinan's" was of such character and history that it could not be duplicated, but if they could not have it, local residents wanted something similar.

The present application conforms to the current zoning, which was adopted for the purpose of implementing the Town's Comprehensive Plan. The present application provides a convenience store and a restaurant. The proposed use therefore conforms to both the Comprehensive Plan and the wishes of those who spoke at the previous public hearing. As a result it is reasonable to conclude that approval of this project will not negatively impact either the Comprehensive Plan or the expressed wishes of the community. Accordingly, the perceived impact no longer exists and is not an impediment to approval of this project.

## **CONCLUSION**

The Planning Board has reviewed the plans and this EAF. It has consulted with its planning and engineering consultant and its attorney. It reviewed Parts 1, 2 and 3 of this EAF with its engineering consultant. Based on all of the foregoing, it is reasonable for the Planning Board to conclude that the applicant's plans satisfactorily address those small to moderate environmental impacts it has identified to the greatest practical extent and that a Negative Declaration can be adopted.

**GARRISON PROPERTIES, LLC  
ENVIRONMENTAL ASSESSMENT FORM  
APPENDIX 1**



# US Filter Bags

3904 Virginia Ave • Cincinnati, Ohio 45227 • Phone (513) 271-6000 • Fax (513) 271-4420

US Filter Bags are designed to collect silt and sediment from pumped water and are ideal for construction site dewatering applications. To begin dewatering, simply cut an opening into the bag, insert the discharge hose and secure the connection with a clamp, tie or tape. US Filter Bags are made from a nonwoven, needlepunched, polypropylene geotextile designed to meet or exceed the properties listed below. Our standard bag sizes are 15'x 15' and 15'x 10'. Custom sizes are available upon request.



PROPERTY	TEST METHOD	ENGLISH	METRIC
Tensile Strength	ASTM D-4632	205 lbs	910 N
Elongation @ Break	ASTM D-4632	50 %	50 %
Mullen Burst	ASTM D-3786	400 psi	2756 kPa
Puncture Strength	ASTM D-4833	130 lbs	578 N
Trapezoidal Tear	ASTM D-4533	85 lbs	378 N
Apparent Opening Size	ASTM D-4751	80 US Sieve	0.180 mm
Permittivity	ASTM D-4491	1.40 Sec <sup>-1</sup>	1.40 Sec <sup>-1</sup>
UV Resistance, % Retained	ASTM D-4355	70 %	70 %
Flow Rate	ASTM D-4491	90 gal/min/sf	3657 l/min.m <sup>2</sup>

*The above information is to the best of our knowledge accurate, but is not intended to be considered as a guarantee. Any implied warranty for a particular use or purpose is excluded. If the Product does not meet the above properties, and notice is given to US Fabrics, Inc., the product will be replaced or refunded. (10/2007).*

# SEDIMENT FILTER BAG

## PRODUCT DESCRIPTION

Sediment Filter Bags are designed to control and filter silt and sediment-laden water during dewatering activities. Filter Bags are constructed of non-woven geotextile material that filters soil particles greater than 150 microns (.150 mm), while allowing discharge water to pass through the bag. Each bag has an adjustable spout to accommodate a discharge hose of up to six inches (6"). The amount of discharge water a bag can effectively filter depends upon such factors as the flow rate of the pump, the amount and type of sediment, degree of the slope, and the permeability of the underlying surface. Filter Bags are available in ten standard sizes, custom sizes available.



- Insert discharge pump hose into the filter bag spout a minimum of six inches (6") and tightly secure the hose with tie wire or a pipe clamp to prevent water from flowing out of spout without being filtered.

## COMMON APPLICATIONS

*Use during dewatering activities for construction of Highways, Utilities, Bridges, Marinas, Pipelines and Water Well Drilling Sites*

## FEATURES AND BENEFITS

- Easy to Install
- Cost effective
- Meet stringent water discharge standards
- Easy to transport
- Site cleanup made easy
- Adjustable spout

## INSTALLATION GUIDELINES

- Lifting straps (not included) can be placed under the filter bag to facilitate easy removal.
- Unfold filter bag on a stabilized area over either a bed of straw evenly distributed at a rate of one (1) bale per 30 square feet, or on an aggregate pad constructed of #57 stone at a minimum depth of three inches (3"). The filter bag should not be placed on bare soil.

## SIZE, PUMPING RATE AND CAPACITY

Product Number	Dimensions	Geotextile Weight	Maximum Initial Pumping Rate	Capacity Cu. Ft.	Shipping Weight in pounds	UPS
GTF-FB13	5'x5'	10 oz. Non-Woven	225	25	6.5	Yes
GTF-FB15	5'x6'	10 oz. Non-Woven	270	30	6	Yes
GTF-FB6	7.5'x7.5'	10 oz. Non-Woven	500	60	19	Yes
GTF-FB1	6.25'x15'	10 oz. Non-Woven	840	95	14	Yes
GTF-FB9	10'x10'	10 oz. Non-Woven	900	100	22	Yes
GTF-FB8	10'x15'	10 oz. Non-Woven	1300	150	23	Yes
GTF-FB14	12'x15'	10 oz. Non-Woven	1600	180	29	Yes
GTF-FB3	15'x15'	10 oz. Non-Woven	2000	225	38	Yes
GTF-FB4	15'x30'	10 oz. Non-Woven	4000	450	76	No
GTF-FB11	30'x30'	10 oz. Non-Woven	8000	900	147	No

Custom Sizes Available.

## MAINTENANCE

Monitor and evaluate entire pumping and filtering operation to assure that the bag continues to function properly. As the bag collects sediment particles the flow from the bag will be reduced. Replace the filter bag when it is 1/2 full of sediment or when the sediment has reduced the discharged flow rate to an impractical rate. Overfilling, extreme pumping rates, and high sediment concentration can cause the filter bag to burst.

Frank Roberts  
& Sons, Inc.

1130 Robertsville Road, Punxsutawney, PA 15767  
814-938-5000 • 800-262-8955 Fax 814-938-0880

[www.robertswholesale.com](http://www.robertswholesale.com)

Erosion Control and Geosynthetics Specialists

# SEDIMENT FILTER BAG SPECIFICATIONS

## 1.0 DESCRIPTION:

1.1 This work is furnishing, installing, maintaining and disposing of a Sediment Filter Bag. The purpose is to control sediment discharge in any dewatering or pumped water application.

## 2.0 MATERIALS:

2.1 FB-3 15' x 15' Sediment Filter Bag as manufactured by:  
**Frank Roberts & Sons Inc.**  
**1130 Robertsville Road, Punxsutawney, PA 15767**  
**Phone: 1-800-262-8955 Fax: 1-814-938-0880**

2.2 The geotextile fabric shall be a non-woven fabric with the following properties:

Properties	Test Method	Units	MARV
Grab Tensile Strength	ASTM D-4632	lbs.	290
Grab Elogation	ASTM D-4632	%	50
Trapezoid Tear	ASTM D-4533	lbs.	145
Puncture	ASTM D-4833	lbs.	165
Mullen Burst	ASTM D-3786	psi	550
Permittivity	ASTM D-4491	sec.	0.7
Permeability	ASTM-D-4491	cm/sec	.35
AOS	ASTM-D-4751	U.S. Sieve	100 (.150 mm)
UV Resistance (500 hrs.)	ASTM D-4355	%	70
Water Flow Rate	ASTM-D-4491	gpm/ft.	110
Seam Strength	ASTM-D-4491	lbs.	250

\*MARV: Minimum Average Roll Values

## 4.0 MAINTENANCE

4.1 Pump flow rates are not to exceed 50% of maximum flow rate as indicated by the manufacturer. Monitor and evaluate entire pumping and filtering operation to assure that the bag continues to function properly. Replace the filter bag when it is 1/2 full of sediment or when the sediment has reduced the discharged flow rate to an impractical rate or as directed by the inspector on-site.

4.2 Dispose of Sediment Filter Bag after use in a manner satisfactory to the engineer/inspector or in one of the following ways:

4.2.a Cut open the filter bag and remove the visible fabric, level and seed contents of the filter bag.

4.2.b Remove the filter bag and contents to an approved off-site disposal area.

## 5.0 Measurement and Payment

5.1 Lump sum payment based on the actual number of Sediment Filter Bags used and shall include materials, labor, and equipment necessary to install, maintain, and dispose of Sediment Filter Bags.

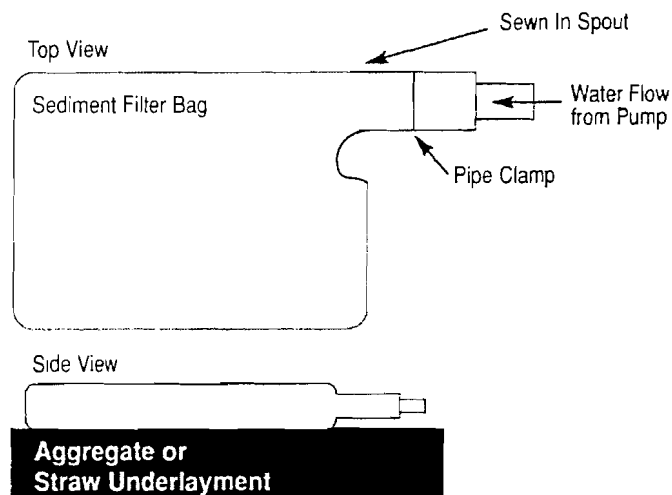
2.3 The Sediment Filter Bag Seams shall be a double 401 lock chain stitch seam with a 121 lbs./inch sewn seam strength, tested in accordance with ASTM D-4884.

2.4 The Sediment Filter Bag shall have a adjustable spout large enough to accommodate a six inch (6") diameter discharge hose.

## 3.0 CONSTRUCTION

3.1 Unfold filter bag on a stabilized area over either a bed of straw evenly distributed at a rate of one (1) bale per 30 square feet, or on a aggregate pad constructed of #57 stone at a minimum depth of three inches (3"). Filter bag should not be placed on bare soil.

3.2 Insert discharge pump hose into the filter bag spout a minimum of six inches (6") and tightly secure the hose with tie wire or pipe clamp.



Distributed by:

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*Erosion Control and Geosynthetics Specialists*

Rev. 09/06

**GARRISON PROPERTIES, LLC  
ENVIRONMENTAL ASSESSMENT FORM  
APPENDIX 2**

To: Philipstown Planning Board

From: Conservation Board (CB)

Date: 2-16-12

RE: Garrison Station Plaza, Inc. 7 Garrison Landing, Garrison, NY TM #60.17-1-7

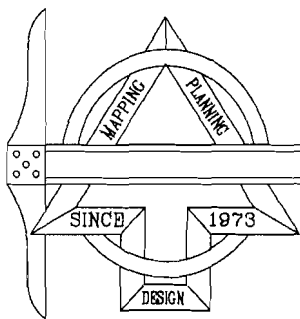
The Philipstown Conservation Board was referred the application for renovation and improvement of the commercial property at 7 Garrison Landing (locally known as Guinan's) owned by Garrison Station Plaza. The building is immediately proximate to the Hudson River and for any future use requires a complete overhaul of the waste treatment system located within the 100 ft. regulated buffer area. This property was approved for renovation of interior, exterior and waste treatment in 2010(?) when the building was going to be reconfigured as office and apartment space. Now the plan calls for appropriate and necessary renovation of the site and reconfiguration of the waste treatment system to appropriately accommodate a bar/restaurant and apartment units on the upper floor.

During the CB's February 14<sup>th</sup> meeting, the application was discussed. Discussion focused on the manner and method of the new dual waste system and the level of water treatment achieved through the new technology to be installed, since outflow will be directly into the river. Additionally, the CB questioned the owner representative (Glenn Watson of Badey & Watson) on the planned maintenance of the septic tank. We were assured that the system would be pumped out and inspected on a regular schedule and reports would be forwarded to the appropriate agencies for oversight. Some concern was expressed regarding a significant rain event like Hurricane Irene, which would potentially raise the water level of the river over the outflow pipe and cause backwashing into the system. We were assured that the outflow pipe had a check valve that would prevent this from happening.

The CB further recommends that these plans be referred to our Flood Plain Administrator who is essentially Kevin Donohue as some of this property is in the FP of the Hudson Estuary.

A motion to recommend the granting of a wetland permit for this project was unanimously passed by the board. Thank you for allowing us the opportunity to comment on this proposal.





# BADEY & WATSON

Surveying & Engineering P.C.

3063 Route 9, Cold Spring, New York 10516

(845) 265-9217

(877) 3.141593

Fax: (845) 265-4428

www.badey-watson.com

info@badey-watson.com

Glennon J. Watson, L.S.

John P. Delano, P.E.

Peter Meisler, L.S.

Stephen R. Miller, L.S.

Jennifer W. Reap, L.S.

George A. Badey, L.S., Senior Consultant

Mary Rice, R.L.A., Consultant

Robert S. Miglin, Jr., L.S.

February 27, 2012

Michael Leonard, Chairman  
Philipstown Planning Board  
Town Hall  
238 Main Street  
Cold Spring, NY 10516

**RE: Application of Mary Ellen Finger/Entergy Nuclear Indian Point 2, LLC  
Submission of Full Environmental Assessment Form Parts 1, 2 & 3**

Dear Mr. Leonard & Honorable Board Members:

Enclosed you will find 12 copies of the following materials prepared for the above captioned application:

- ♦ Full Environmental Assessment Form Parts 1, 2 & 3
- ♦ 11x17 color rendering of proposed building by REL Architects and Engineers Inc., P.C.
- ♦ Revised plans prepared by REL Architects and Engineers Inc., P.C.
  - Site Plan - last dated, February 27, 2012
  - Paving Grading and Drainage Plans - last dated, February 27, 2012
  - Landscape Plans - last dated, February 27, 2012
  - Site Details - last dated, February 27, 2012

Please place this matter on the agenda for the March 15, 2012 meeting of the Planning Board. As always, thank you for your continued attention to and concern for this application.

Yours truly,  
BADEY & WATSON,  
*Surveying & Engineering, P.C.*

  
Glennon J. Watson, L.S.

cc: File  
Mary Ellen Finger  
Wm Josiger, Entergy

U: 91-104/ML27FB12QP

*Owners of the records and files of*

Joseph S. Agnoli • Barger & Hustis, Surveyors • Burgess & Behr • Roy Burgess • Vincent A. Burruano • Hudson Valley Engineering Company, Inc.  
G. Radcliff Hustis, Surveyor • Peter R. Hustis, Surveyor • James W. Irish, Jr. • J. Wilbur Irish • Douglas A. Merritt • E.B. Moebus  
Reynolds & Chase • General Jacob Schofield • Sidney Schofield, C.E. • Taconic Surveying & Engineering, P.C. • D. Walcutt

**FULL ENVIRONMENTAL ASSESSMENT FORM**  
**PARTS 1, 2 & 3**  
for the application of  
**Mary Ellen Finger/ Entergy Nuclear Indian Point 2, LLC**  
for approval of a  
**Re-Subdivision & Site Plan**  
ON A PARCEL CONTAINING  
20.00 ACRES  
AT THE INTERSECTION OF  
**Route 9 & Horsemen's Trail**  
in the  
**TOWN OF PHILIPSTOWN**  
**PUTNAM COUNTY**  
**NEW YORK**  
FEBRUARY 27, 2012

Prepared for and at the request of  
**THE PHILIPSTOWN PLANNING BOARD**  
TOWN HALL  
238 MAIN STREET  
COLD SPRING, NY 10516

Prepared and compiled by  
**BADEY & WATSON**  
*Surveying & Engineering, P.C.*  
3063 Route 9  
Cold Spring, New York 10516  
(845) 265-9217 (V)  
(845) 265-4428 (F)  
[www.Badey-Watson.com](http://www.Badey-Watson.com)

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- 1b. Letter to David Klotzel to Request Wetlands Determination
- 1c. Wetlands Determination
2. Aquifer Report
3. Traffic Study
4. Conservation Advisory Board Report

**MARY ELLEN FINGER/ENTERGY NUCLEAR  
INDIAN POINT 2, LLC  
ENVIRONMENTAL ASSESSMENT FORM  
PART 1**

**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

---

**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

**Identify the Portions of EAF completed for this project:**



Part 1



Part 2

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**

Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.\***

The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

**Approval of Preliminary Subdivision Plat Showing Re-Subdivision of Property for Mary Ellen Finger**

Name of Action

**Philipstown Planning Board**

Name of Lead Agency

**Anthony Merante**

Print or Type Name of Responsible Officer in Lead Agency

**Chairman**

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

**PART I - PROJECT INFORMATION****Prepared by Project Sponsor**

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION			
<b>Approval of a 3 lot subdivision for Mary Ellen Finger</b>			
LOCATION OF ACTION (include Street Address, Municipality and County)			
<b>3 Horsemen's Trail, Town of Philipstown, Putnam County</b>			
NAME OF APPLICANT/SPONSOR		BUSINESS TELEPHONE	
<b>Mary Ellen Finger</b>		<b>845-265-2665</b>	
ADDRESS			
<b>3 Horsemen's Trail</b>			
CITY/PO	STATE	ZIP CODE	
<b>Cold Spring</b>	<b>NY</b>	<b>10516</b>	
NAME OF OWNER (if different)		BUSINESS TELEPHONE	
<b>Same as Applicant</b>			
ADDRESS			
CITY/PO	STATE	ZIP CODE	
DESCRIPTION OF ACTION			
Approval of a three (3) lot subdivision of 20.00 acres. The 20.00 acres was the subject of a recent approval of a 5 lot subdivision of which Phase 1, a 3 lot subdivision, has been filed. Approval will change the alignment of the 3 lots and substitute a shorter private road for the previously approved longer Town Specification Road. Approval will also facilitate the approval of a simultaneous application by Entergy Nuclear Indian Point 2, LLC for site plan approval to construct a 19,952 square foot building to house its Emergency Operations Facility on Lot 1 of the proposed subdivision. Lot 1 contains 6.768 acres and has frontage and access along Horsemen's Trail, Town Highway. The Emergency Operations Facility will NOT utilize the Private Road.			

**Please Complete Each Question - Indicate N. A. if not applicable**

**A. Site Description**

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)  
☐ Forest ☒ Agriculture ☐ Other

2. Total acreage of project area: 20.000 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Bushland (Non-agricultural)	<u>0</u> acres	<u>2.7</u> acres
Forested	<u>5.5</u> acres	<u>5.5</u> acres
Agricultural (Includes orchards, cropland, pastures, etc.)	<u>12.2</u> acres	<u>4.5</u> acres
Wetland (Freshwater or tidal as per Articles 24, 25 or ECL)	<u>0</u> acres	<u>0</u> acres
Water Surface Area	<u>0</u> acres	<u>0</u> acres
Unvegetated (Rock, earth or fill)	<u>1.5</u> acres	<u>1.5</u> acres
Roads, buildings and other paved surfaces	<u>0.8</u> acres	<u>3.7</u> acres
Other (Indicate type) <u>Lawns, gardens, landscaped areas</u>	<u>0</u> acres	<u>2.1</u> acres
<b>TOTALS</b>	<b><u>20</u> acres</b>	<b><u>20</u> acres</b>

3. What is predominant soil type(s) on project site? Riverhead Loam

- a. Soil drainage: ☒ Well Drained 84 % of site ☒ Moderately well drained 16 % of site  
☐ Poorly Drained 0 % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 6 acres. (See 1 NYCRR 3700.)

4. Are there bedrock outcroppings on project site? ☒ Yes ☐ No

- a. What is the depth to bedrock? 0->7' (in feet)

5. Approximate percentage of proposed site with slopes: ☒ 0-10% 51 % ☒ 10-15% 19 %  
☒ 15% or greater 30 %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No
8. What is the depth of the water table? 0 - >7' (in feet)
9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  
☐ Yes ☒ No According to Site Inspection, More to follow  
Identify each species N/A
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations.)  
☐ Yes ☒ No Describe N/A
13. Is the project site presently used by the community or neighborhood as an open space or recreational area?  
☐ Yes ☒ No If yes, explain N/A
14. Does the present site include scenic views known to be important to the community?  
☐ Yes ☒ No
15. Streams within or contiguous to project area: None  
a. Name of Stream and name of River to which it is tributary N/A
16. Lakes, ponds, wetland areas within or contiguous to project area:  
a. Name None b. Size (in acres) N/A
17. Is the site served by existing public utilities? ☒ Yes ☐ No  
a) If Yes, does sufficient capacity exist to allow connection? ☒ Yes ☐ No  
b) If Yes, will improvements be necessary to allow connection? ☐ Yes ☒ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets law, Article 25-AA, Section 303 and 304? ☒ Yes ☐ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

## B. Project Description

### 1. Physical dimensions and scale of project (fill in dimensions as appropriate)

- a. Total contiguous acreage owned or controlled by project sponsor 20.00 acres
- b. Project acreage to be developed: 4.2 acres initially; 5.8 acres ultimately.
- c. Project acreage to remain undeveloped 7 acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed? N/A %
- f. Number of off-street parking spaces existing 4, proposed 186
- g. Maximum vehicular trips generated per hour 170 (upon completion of project)?
- h. If residential: Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | <u>1</u>   | <u>0</u>   | <u>0</u>        | <u>0</u>    |
| Ultimately | <u>2</u>   | <u>0</u>   | <u>0</u>        | <u>0</u>    |
- i. Dimensions (in feet) of largest proposed structure 23 height; 116 width; 172 length.

- j. Linear feet of frontage along a public thoroughfare project will occupy is? 691 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards?
3. Will disturbed areas be reclaimed? ☒ Yes ☐ No ☐ N/A
- a. If yes, for what intended purpose is the site being reclaimed? Lawns, gardens, landscaped areas
- b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☒ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 2.9 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?  
☐ Yes ☒ No
6. If single phase project: Anticipated period of construction? 10 months, (including demolition).
7. If multi-phased:
- a. Total number of phases anticipated? N/A (number).
- b. Anticipated date of commencement phase 1 N/A month N/A year, (including demolition)
- c. Approximate completion date of final phase N/A month N/A year.
- d. Is phase 1 functionally dependent on subsequent phases? ☒ Yes ☐ No Site development must follow subdivision approval
8. Will blasting occur during construction? ☐ Yes ☒ No
9. Number of jobs generated during construction? 15, after project is complete 3
10. Number of jobs eliminated by this project? 0
11. Will project require relocation of any projects or facilities?? ☐ Yes ☒ No  
If yes, explain N/A
12. Is surface liquid waste disposal involved? ☐ Yes ☒ No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount. N/A
- b. Name of water body into which effluent will be discharged. N/A
13. Is subsurface liquid waste disposal involved? ☒ Yes ☐ No Type: Sanitary effluent
14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No  
Explain N/A
15. Is project or any portion of project located in 100 year flood plain? ☐ Yes ☒ No
16. Will the project generate solid waste? ☒ Yes ☐ No
- a. If yes, what is the amount per month 0.9 Tons
- b. If yes, will an existing solid waste facility be used? ☒ Yes ☐ No
- c. If yes, give name Commercial Carter, location Unknown
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☒ Yes ☐ No
- e. If yes, explain Recyclables will be collected for that purpose
17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No
- a. If yes, what is the anticipated rate of disposal? N/A tons/month.
- b. If yes, what is the anticipated site life? N/A years.
18. Will project use herbicides or pesticides? ☐ Yes ☒ No
19. Will project routinely produce odors (more than one hour per day?) ☐ Yes ☒ No
20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No
21. Will project result in an increase in energy use? ☒ Yes ☐ No  
If yes, indicate type(s) Electricity, heating fuel
22. If water supply is from wells, indicate pumping capacity 5 gallons/minute.
23. Total anticipated water usage per day 1000 gallons/day.
24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No  
If yes, explain N/A



## 25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Subdivision, then Site Plan	November 02, 2011
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, County Health Department	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Subdivision/Septic for Site Plan	TBD
Other Local Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Planning 239 Referral	TBD
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
State Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Federal Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		

## C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If yes, indicate decision required:

☐ zoning amendment ☐ zoning variance ☐ special use permit ☒ subdivision ☒ site plan  
☐ new/revision of master plan ☐ resource management plan ☐ other

2. What is the zoning classification(2) of the site? OC - office, commercial

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

Perhaps 100,000 square feet of commercial building

4. What is the proposed zoning of the site? No Change Proposed

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

Perhaps 100,000 square feet of commercial building

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a 1/4 % mile radius of proposed action?

Residential, commercial, office

8. Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 % mile? ☒ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? 3 lots

a. What is the minimum lot size proposed? 4.8 acres

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☒ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic? ☒ Yes ☐ No

## D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and measures which you propose to mitigate or avoid them.

## E. Verification

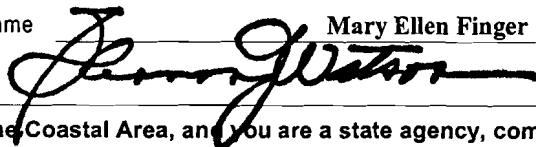
I certify that the information provided above is true to the best of my knowledge.

Revised Jan. 3, 2012

Applicant/Sponsor Name Mary Ellen Finger

Date November 02, 2011

Signature



Title Surveyor for Applicant

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

**MARY ELLEN FINGER/ENTERGY NUCLEAR  
INDIAN POINT 2, LLC  
ENVIRONMENTAL ASSESSMENT FORM  
PART 2**

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE Responsibility of Lead Agency

Suggested by Badey & Watson February 3, 2012

Recommended Date 2-6-12 by RG (int.)

Adopted Date 2-16-12 by PPB

### General Information (Read Carefully)

In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.

- ! The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

### Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer Yes if there will be any impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

### IMPACT ON LAND

1. Will the Proposed Action result in a physical change to the project site?

NO ☐ YES ☒

Examples that would apply to column 2

Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.

☒

☐

☐ Yes ☐ No

Construction on land where the depth to the water table is less than 3 feet.

☐

☐

☐ Yes ☐ No

Construction of paved parking area for 1,000 or more vehicles.

☒

☐

☐ Yes ☐ No

Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.

☐

☐

☐ Yes ☐ No

Construction that will continue for more than 1 year or involve more than one phase or stage.

☐

☐

☐ Yes ☐ No

Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.

☐

☐

☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site?  
(i.e., cliffs, dunes, geological formations, etc.)

☒ NO ☐ YES

Specific land forms:

☐ ☐ ☐ Yes ☐ No

### IMPACT ON WATER

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

☒ NO ☐ YES

Examples that would apply to column 2

Developable area of site contains a protected water body.

☐ ☐ ☐ Yes ☐ No

Dredging more than 1 00 cubic yards of material from channel of a protected stream.

☐ ☐ ☐ Yes ☐ No

Extension of utility distribution facilities through a protected water body.

☐ ☐ ☐ Yes ☐ No

Construction in a designated freshwater or tidal wetland.

☐ ☐ ☐ Yes ☐ No

Other impacts:

☐ ☐ ☐ Yes ☐ No

4. Will Proposed Action affect any non-protected existing or new body of water?

☐ NO ☒ YES

Examples that would apply to column 2

A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.

☐ ☐ ☐ Yes ☐ No

Construction of a body of water that exceeds 10 acres of surface area.

☐ ☐ ☐ Yes ☐ No

Other impacts:

☒ ☐ ☐ Yes ☐ No

**Removal of small pond (0.015 acres) on site to permit site development.**

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?

☐ NO ☒ YES

Examples that would apply to column 2

Proposed Action will require a discharge permit.

☐
☐

☐ Yes ☐ No

Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.

☒
☐

☐ Yes ☐ No

Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.

☐
☐

☐ Yes ☐ No

Construction or operation causing any contamination of a water supply system.

☐
☐

☐ Yes ☐ No

Proposed Action will adversely affect groundwater.

☐
☐

☐ Yes ☐ No

Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.

☐
☐

☐ Yes ☐ No

Proposed Action would use water in excess of 20,000 gallons per day.

☐
☐

☐ Yes ☐ No

Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.

☐
☐

☐ Yes ☐ No

Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.

☐
☐

☐ Yes ☐ No

Proposed Action will allow residential uses in areas without water and/or sewer services.

☒
☐

☐ Yes ☐ No

Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.

☐
☐

☐ Yes ☐ No

Other impacts:

☐
☐

☐ Yes ☐ No

1  
Small to  
Moderate  
Impact

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Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

i. Will Proposed Action alter drainage flow or patterns, or surface water run off?

☐ NO ☒ YES

Examples that would apply to column 2

Proposed Action would change flood water flows

☐
☐

☐ Yes ☐ No

Proposed Action may cause substantial erosion.

☒
☐

☐ Yes ☐ No

Proposed Action is incompatible with existing drainage patterns.

☐
☐

☐ Yes ☐ No

Proposed Action will allow development in a designated floodway.

☐
☐

☐ Yes ☐ No

Other impacts:

☐
☐

☐ Yes ☐ No

#### IMPACT ON AIR

7. Will Proposed Action affect air quality?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action will induce 1,000 or more vehicle trips in any given hour.

☐
☐

☐ Yes ☐ No

Proposed Action will result in the incineration of more than 1 ton of refuse per hour.

☐
☐

☐ Yes ☐ No

Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.

☐
☐

☐ Yes ☐ No

Proposed Action will allow an increase in the amount of land committed to industrial use.

☐
☐

☐ Yes ☐ No

Proposed Action will allow an increase in the density of industrial development within existing industrial areas.

☐
☐

☐ Yes ☐ No

Other impacts:

☐
☐

☐ Yes ☐ No

#### IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.

☐
☐

☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species. ☐ ☐ ☐ Yes ☐ No

Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. ☐ ☐ ☐ Yes ☐ No

Other impacts: ☐ ☐ ☐ Yes ☐ No

#### IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

☒ NO ☐ YES

Examples that would apply to column 2

The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.) ☐ ☐ ☐ Yes ☐ No

Construction activity would excavate or compact the soil profile of agricultural land. ☐ ☐ ☐ Yes ☐ No

The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. ☐ ☒ ☐ Yes ☐ No

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).

Other impacts:

#### IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

☒ NO ☐ YES

Examples that would apply to column 2

Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Project components that will result in the elimination or significant screening of scenic views known to be important to the area.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

#### IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Any impact to an archaeological site or fossil bed located within the project site.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--



1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

#### IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

☒ NO ☐ YES

Examples that would apply to column 2

The permanent foreclosure of a future recreational opportunity.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

A major reduction of an open space important to the community.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

#### IMPACT ON CRITICAL ENVIRONMENTAL AREAS

4. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?

☒ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

Proposed Action to locate within the CEA?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Proposed Action will result in a reduction in the quantity of the resource?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Proposed Action will result in a reduction in the quality of the resource?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Proposed Action will impact the use, function or enjoyment of the resource?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	--

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Small to  
Moderate  
Impact

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Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

### IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

☐ NO ☒ YES

Examples that would apply to column 2

Alteration of present patterns of movement of people and/or goods.

☐
☐

☐ Yes

☐ No

Proposed Action will result in major traffic problems.

☐
☐

☐ Yes

☐ No

Other impacts:

☒
☐

☐ Yes

☐ No

**Occasional (quarterly) training Sessions will create a 1 day minor spike in traffic volumes.**

### IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☒ NO ☐ YES

Examples that would apply to column 2

Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.

☐
☐

☐ Yes

☐ No

Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.

☐
☐

☐ Yes

☐ No

Other impacts:

☐
☐

☐ Yes

☐ No

### NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☒ NO ☐ YES

Examples that would apply to column 2

Blasting within 1,500 feet of a hospital, school or other sensitive facility.

☐
☐

☐ Yes

☐ No

Odors will occur routinely (more than one hour per day).

☐
☐

☐ Yes

☐ No

Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.

☐
☐

☐ Yes

☐ No

Proposed Action will remove natural barriers that would act as a noise screen.

☐
☐

☐ Yes

☐ No

Other impacts:

☐
☐

☐ Yes

☐ No

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Small to  
Moderate  
Impact

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Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

### IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

☒ NO ☐ YES

Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.

☐
☐

☐ Yes

☐ No

Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)

☐
☐

☐ Yes

☐ No

Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.

☐
☐

☐ Yes

☐ No

Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.

☐
☐

☐ Yes

☐ No

Other impacts:

☐
☐

☐ Yes

☐ No

### IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

☒ NO ☐ YES

Examples that would apply to column 2

The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.

☐
☐

☐ Yes

☐ No

The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.

☐
☐

☐ Yes

☐ No

Proposed Action will conflict with officially adopted plans or goals.

☐
☐

☐ Yes

☐ No

Proposed Action will cause a change in the density of land use.

☐
☐

☐ Yes

☐ No

Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.

☐
☐

☐ Yes

☐ No

Development will create a demand for additional community services (e.g. schools, police and fire, etc.)

☐
☐

☐ Yes

☐ No

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

Proposed Action will set an important precedent for future projects.

☐☐

☐ Yes

☐ No

Proposed Action will create or eliminate employment.

☐☐

☐ Yes

☐ No

Other impacts:

☐☐

☐ Yes

☐ No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

☒ NO

☐ YES

— If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

## Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

### Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

**MARY ELLEN FINGER/ENTERGY NUCLEAR  
INDIAN POINT 2, LLC  
ENVIRONMENTAL ASSESSMENT FORM  
PART 3**

## **INTRODUCTION & BACKGROUND**

Dr. Mary Ellen Finger has applied to the Philipstown Planning Board to re-subdivide her property into 3 lots. The property consists of 3 parcels that constitute Phase 1 of a previously approved 5 lot phased subdivision. It contains a total of 20 acres and is currently designated on the Putnam County Tax Map for the Town of Philipstown as Tax Map Sheet 16.12, Block 1, Lots 5.1, 5.2 and 5.3. It is located on the westerly side of Horsemen's Trail in the North Highlands section of the Town of Philipstown. The property is located in an Office/Commercial/Industry Mixed Use Zone established under the Philipstown Zoning Law adopted in May of 2011. It is presently occupied by Dr. Finger's residence and farm.

If approved, Dr. Finger intends to abandon the 5-lot subdivision approval in favor of a new 3-lot subdivision. The new 3-lot subdivision will be configured differently from the 3 lots in Phase 1 of the previously approved plat, which has been filed in the Putnam County Clerk's office as Map No. 3109. The following table compares the areas of the filed subdivision, the approved, but as yet not filed plat, and the subdivision that is the subject of this EAF.

Lot	Lot Areas in Acres		
	As Filed	As Approved	Pending
1	1.9	1.9	6.8
2	1.9	1.9	2.4
3	16.2	11.5	4.8
4	Pending	1.8	N/A
5	Pending	1.8	N/A
Road	Pending	1.1	N/A <sup>1</sup>
Total	20.0	20.0	20.0

Dr. Finger's purpose in applying for the new 3-lot subdivision is to enable her to sell a 6.8-acre parcel with frontage on Horsemen's Trail to Entergy Nuclear Indian Point, LLC (Entergy).

Entergy has made a simultaneous application to the Philipstown Planning Board for approval of a Site Plan that would allow the construction of a 20,000 square foot commercial building and related infrastructure on the 6.8 acres it has contracted to purchase from Dr. Finger.

The applications were submitted for consideration at the November 2011 Planning Board meeting, which had to be postponed until December 8, 2011. During this meeting, the Planning Board: accepted both applications; declared its intention to serve as Lead Agency for the purposes of SEQRA; instructed its clerk to circulate the applications and notice to other Involved and Interested Agencies; and scheduled a site visit for January

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<sup>1</sup> The 0.4-acre Private Road shown on the pending plat is part of Lot 2. As such, its area is included in Lot 2.

15, 2012. The Planning Board also concluded that, because the Entergy site plan is dependent upon the approval of the 3-lot subdivision, for the purposes of SEQRA the applications should be reviewed as a unit.

The Planning Board made its site visit as scheduled. It reviewed the applications and entertained presentations from the applicants' consultants during its January 19 and February 16, 2012, meetings. During its January 19, 2012, meeting the Planning Board directed its engineer/planner Ron Gainer to review the applicants' consultant's suggested Part 2 of the EAF and recommend any appropriate additions or changes. This assignment was completed. During the February 16, 2012, meeting of the Planning Board Mr. Gainer presented the results of his work. Following Mr. Gainer's presentation, the Planning Board adopted Part 2 of the EAF and directed the applicants' consultant to prepare Part 3 of this EAF for its consideration.

## **IMPACTS IDENTIFIED AND DISCUSSED**

Part 2 of this EAF identifies the following potential negative impacts. Each is presented as it appears in Part 2. It is then followed by a discussion relating to the impact.

### **IMPACTS ON LAND**

☒ *Any construction on slopes of 15 % or greater, (15 foot rise per 100 foot of length), or where the general slopes in the projection area exceed 10%.*

The subdivision plan reveals that Dr. Finger anticipates construction on Class I Steep Slopes that exist on Lot 3. Most of the proposed construction on this lot is necessary to reach the developable portion of the lot. Accordingly, it is necessary to construct the driveway and related improvements. The developable portion of Lot 3 is traversed by a narrow band of Class I Steep Slopes, upon which the designers anticipate part of the garage and parking area will be constructed. The applicant's plan avoids construction on Class II and Class III Steep Slopes.

The only anticipated construction on Lot 2, which is limited to the construction of the Private Road and related improvements, including drainage infrastructure, will not occur on Steep Slopes.

With the exception of a small area where grading is required adjacent to the main driveway, and 5 or 6 individual trees which have been added to the plan in response to the Planning Board's request for additional landscaping, the site plan submitted by Entergy for Lot 1 avoids any construction on steep slopes.

A review of the plans for the project reveals that the applicants have avoided development on steep slopes, except as noted above. The proposed driveway into Lot 3 has been located in virtually the same place as that shown on the approved plat. Additionally, the applicants' designers have avoided any new construction on Class II and III Steep Slopes.



Nevertheless, construction on steep slopes is generally conceded to have increased potential for slope failure and erosion. If these potential impacts were not anticipated and mitigated, environmental damage could occur. In the instant case, among other requirements, the applicants' designers have specified that during construction:

- ☐ Silt fence is to be installed and maintained;
- ☐ Drainage devices, including catch basins and cross culverts are to be protected with inlet barriers;
- ☐ Stabilized Construction Entries are to be installed to minimize tracking of mud from the site onto Horsemen's Trail and Route 9;
- ☐ Exposed earth and stockpiled materials are to be stabilized; and
- ☐ Regular inspections of the erosion control measures are to be conducted.

The measures noted above are shown and/or noted on the applicants' plans. The notes also specify that permanent erosion measures be installed as construction is completed. These notes limit the time that a slope may remain in a disturbed condition. Permanent erosion control measures include planting of slopes to prevent or minimize future erosion.

All of the erosion control measures have been designed and will be installed in accordance with the NYS Department of Environmental Conservation's (NYSDEC) regulations and guidelines regarding stormwater pollution prevention. These guidelines include preparation of a Stormwater Pollution Prevention Plan (SWPPP), Filing the Plan with the NYSDEC, Filing of a Notice of Intent to begin construction prior to commencing it, regular inspection of the site, and reporting of the results of the inspection to the NYSDEC by a qualified inspector.

Based on the plans presented by the applicants and knowing that they are required to submit a SWPPP to the NYSDEC, the execution of which will be regularly inspected, the Planning Board can reasonably conclude that the potential impacts associated with construction on steep slopes has been avoided and/or mitigated to the greatest practical extent and, as such, does not present an impediment to the approval of the project.

☒ *Construction of paved parking area for 1,000 or more vehicles*

The plans presented by Entergy propose the construction of a parking lot that will accommodate approximately 180 cars. This represents less than 20% of the threshold that would automatically result in the identification of a potentially large impact.

Construction of large parking areas where fields and other pervious surfaces exist will increase the quantity and speed of stormwater runoff. It will also decrease the quality of the runoff. Unchecked, the stormwater runoff is likely to be concentrated. If not managed properly, concentrated runoff can increase the possibility of erosion, flooding and the fouling of streams, lakes and rivers.

In the instant situation, to mitigate these potential impacts, the designers have specified the installation of devices to treat and control any increase in stormwater runoff from the proposed parking lot and the site. Most notable among these devices is the installation of

a system of chambers under the parking lot designed to capture and infiltrate the runoff from the parking into the ground.

To keep stormwater from escaping, the parking lot will be graded and curbed in a manner that will direct runoff into the catch basins that the engineers have specified. After entering the catch basins, the stormwater will be carried in pipes to treatment chambers designed to capture and hold the "Stormwater Quality Volume" (previously called the "first flush"). The Stormwater Quality Volume is the amount of water produced during the beginning of a storm that washes off and carries the majority of surface pollutants downstream. After the Stormwater Quality Volume has been captured, the rest of the runoff, which is relatively clean, overflows into another series of bottomless chambers where it will be stored and allowed to gradually infiltrate into the ground beneath and adjacent to the parking lot. Additional devices are provided to allow the excess stormwater produced by an event larger than a 100-year storm to protect the system when it might be taxed beyond its capacity.

It is noted that the applicant's engineers have tested the soils in the area in accordance with the recommendation of the Town Wetland Inspector. The results of the tests revealed ideal conditions for a stormwater infiltration system. It is also noted that Entergy's engineers REL Design, Inc. prepared and submitted a detailed "Storm Water Management Report for Entergy Emergency Operations Center," dated November 1, 2011, to the Planning Board. This report provided all of the supporting drainage calculations for the site and the system that will capture, treat and infiltrate stormwater runoff from the site.

Because of the soil conditions, the applicant's engineers have been able to design a system that will capture and hold a 100-year storm. Accordingly, the loss of pervious surface and the corresponding impact associated with the increase in runoff has been adequately addressed. For this reason, the small to moderate impact associated with the construction of a 180-space parking lot will be effectively mitigated. Therefore it is reasonable for the Planning Board to conclude that the construction of the proposed parking lot is not an impediment to approval of the project.

☒ *Other Impacts-Removal of small pond (0.015 acres) on site to permit site development.*

A small "pond" exists on the site in the immediate vicinity of the building Entergy is proposing to construct. It has no outlet. Construction of the building will require the filling of this "pond". Accordingly, questions were raised regarding whether this "pond" is regulated under the Town of Philipstown's Freshwater Wetlands and Watercourse Law. Dr. Finger stated that the "pond" was actually a watering hole that she created for use by her livestock. David Vickery, Dr. Finger's husband stated that there are occasions when he must fill the pond from a well.

The applicant commissioned Steve Marino, PWS of Tim Miller Associates, Inc., to evaluate the pond. Mr. Marino's Report is attached as Appendix 1a. Subsequent to receiving Mr. Marino's report, the applicant's consultant made a formal request to David

Klotzle, Town Wetland Inspector for a determination as to whether the pond was indeed regulated. Mr. Klotzle responded with a determination that Dr. Finger's property does not contain any regulated wetland of interest to the Town. The request for a determination and Mr. Klotzle's letter is attached as Appendix 1b and 1c, respectively.

Because the "pond" or "watering hole" is not regulated, the proposed filling is not the destruction of a regulated body of water. Because there is no outlet, the filling the pond will not reduce natural flow to any stream, watercourse or wetland. Therefore, it is reasonable to conclude that the filling of the "watering hole" constructed by Dr. Finger to allow construction of the building is not an impediment to approval of this project.

☒ *Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.*

According to maps contained in the December 1991 "Route 9 Aquifer Study and Town Wide Aquifer Review" prepared by Tim Miller Associates, Inc. for the Town of Philipstown Conservation Advisory Council, a "Potentially High Yielding Aquifer" runs beneath the eastern portion of Dr. Fingers property. See Appendix 2, which shows relevant portions of the map attached to the Miller report.

The intensity of the proposed new uses, one (1) additional dwelling and an infrequently used commercial building, together with the demands of the existing building on 20 acres is not likely to place extraordinary demand on the ground water. The on-site infiltration of stormwater from the commercial building and parking lot will serve to maintain the recharge capacity of the property. Nevertheless, the new house and the commercial building will require construction of wells for potable water because a public water source is not available and the necessary wells do not exist.

To construct the wells, the applicants must obtain permits from the Putnam County Department of Health (PCDH). After the wells are constructed, the water they produce must be tested for yield (gallons per minute) and quality. To put the well into service, the test must be reviewed and pass the minimum standards of the PCDH. If the wells do not test satisfactorily, there are remedial actions that can be taken, such as water storage to offset low yield and water treatment to improve its quality. When the well testing satisfies the requirements of the PCDH a certificate authorizing the use of the well is issued and the well may be put into service.

The Planning Board recognizes the jurisdiction, purpose and expertise of the PCDH. It understands that the PCDH has established rigorous standards that must be satisfied before a well. It also understands that a permit to construct a building will not be issued until the PCDH has issued a permit for the construction of its well. Moreover, the PCDH will not allow the well to be use until the it produces water of sufficient quality and quantity to serve the proposed use. Knowing that this process is in place and will be followed, the Planning Board can reasonably conclude that the lack of public water in the area is not an impediment to the approval of this project.

☒ *Proposed Action will allow residential uses in areas without water and/or sewer services.*

Neither public sewer nor public water is available to serve the project. It is very unlikely that either will be available in the future. Lack of these facilities can result in substandard individual wells and septic systems if they are not properly regulated.

Please see the discussion regarding water in the previous section.

A testing and permitting process established by the PCDH, parallel to that required for the installation and use of wells, regulates the installation and use of septic systems. Before a septic system can be installed the ground must be tested to determine the suitability of the soil for its construction. Deep tests are conducted to determine the general characteristics of the soil and its depth above ground water and bedrock. Percolation tests are conducted according to a regime prescribed by the PCDH. The PCDH witnesses all deep tests and frequently witnesses percolation tests to insure that the reported results are accurate.

Following the tests, a Registered Architect or Professional Engineer must design the system. The design and an application are submitted to the PCDH whose staff of Professional Engineers and Sanitarians review and comment regarding the design.

When the design is approved by the PCDH a permit is issued for construction of the system. The permit is tied to a particular building plan to assure that the design is adequate to serve the proposed use.

After the system is installed, a Certificate of Construction Compliance must be issued by the PCDH before it may be put into service. To obtain this certificate a Registered Architect or Professional Engineer, usually the designer, must inspect, measure and certify that the system has been built in accordance with the approved plan. Additionally, a representative of the PCDH must inspect the system before it is covered. Finally, when the building is complete, a representative of the PCDH inspects the building to be certain that it has been built in accordance with the approved floor plan. Only after this is all satisfactorily accomplished will a Certificate of Construction Compliance be issued.

The Planning Board restates its recognition of the jurisdiction, purpose and expertise of the PCDH. It understands that the PCDH has established rigorous standards that must be satisfied before a septic system can be put into service. It also understands that a permit to construct either the new home or the commercial building will not be issued until the PCDH has issued a permit for the construction of the septic system and will not allow the use of the building until the septic system has been approved and a Certificate of Construction Compliance has been issued. Knowing that this process is in place and will be followed, the Planning Board can reasonably conclude that the lack of public sewers in the area is not an impediment to the approval of this project.

☒ *Proposed Action may cause substantial erosion.*

The erosion control plans discussed in the section regarding Construction on Steep Slopes has also been specified for those areas of the site where construction will take place on land that is not classified as steep. Please see that section.

### **IMPACTS ON TRANSPORTATION**

☒ *Other Impacts- Occasional (quarterly) training sessions will create a one-day minor spike in traffic volumes.*

Were it not for the Entergy application for site plan approval, the re-subdivision would result in less traffic than the previously approved subdivision.

The Entergy proposal and statement of use indicates that daily traffic will be limited to two or three employees. Statements by representatives from Entergy made during its presentation to the Planning Board indicate that these two or three visits may actually occur less frequently. However, there will be quarterly drills and training conducted on the site when approximately 60 people will arrive at and depart from the site. Finally, applicant Entergy has stated that in an actual emergency as many as 180 people might visit the site.

The Planning Board may not have raised the issue of impacts on traffic based solely on the projected daily visits. The Planning Board accepts the applicant's representation that, were an actual emergency to occur, there would be police present to control traffic at the site. Nevertheless, the Planning Board has expressed concerns that the traffic generated during the quarterly drills may have a negative impact on the intersections of Horsemen's Trail with Route 9.

In response, the applicant commissioned John Collins Engineers to conduct a traffic study and recommend measures that would mitigate potential impacts from the traffic generated during the quarterly drills. The study forms Appendix 3 to this EAF.

The traffic study concerns itself with the two intersections of Horsemen's Trail and Route 9. It also takes into account the traffic that will be generated if the pending application of Polhemus Enterprise, which is located on the westerly side of Horsemen's Trail near its northerly intersection with Route 9, is also approved.

While the report shows that neither intersection will fail as a result of the increased quarterly traffic, it indicates that there is inadequate sight distance at the south intersection for a vehicle entering the northbound lane of (turning left onto) Route 9 from Horsemen's Trail. It recommends that signage should be provided at the exit from the Entergy site onto Horsemen's Trail directing northbound traffic to turn left and enter Route 9 from the north intersection, while directing southbound traffic to turn right and enter Route 9 from the south intersection. Accordingly, the site plan has been revised to specify the recommended signage.

Based on the above discussion and the supporting traffic study, it is reasonable for the Planning Board to conclude that the negative impact associated with the increased quarterly traffic has been sufficiently mitigated as to not be an impediment to the approval of this project.

## **SUMMARY & CONCLUSION**

The Planning Board received the application of Dr. Finger and the application of Entergy and first reviewed them on December 8, 2011. The application contained multi-sheet sets of plans for the subdivision proposed by Dr. Finger and the Site Plan proposed by Entergy. It listened to presentations from the applicants' designers and representatives and required certain modifications to the plan that had been submitted.

The Planning Board referred the matter to the Conservation Advisory Board and received a positive response regarding the project. See Appendix 4, hereto.

The Planning Board conducted a site visit on January 15, 2012.

The Planning Board reviewed Part 1 of this EAF. After consultation with its engineer and planner Ron Gainer, it reviewed and adopted Part 2 of this EAF. The Board then instructed the applicants' consultant to prepare Part 3 of this EAF for its consideration. Finally, it reviewed and adopted Part 3 of this EAF.

Based on all of the foregoing, it is reasonable for the Planning Board to conclude that it has taken the required "hard look" at the potential negative environmental impacts associated with approval of the Finger and Entergy applications and is in a position to make a determination of significance in regard thereto.

**MARY ELLEN FINGER/ENTERGY NUCLEAR INDIAN  
POINT 2, LLC  
ENVIRONMENTAL ASSESSMENT FORM  
APPENDIX 1a**

**TIM  
MILLER  
ASSOCIATES, INC.**

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

November 3, 2011

Mr. Glenn Watson  
Badey & Watson Surveying and Engineering, P.C.  
3063 Route 9  
Cold Spring, NY 10516

Re: Mary Ellen Finger Property  
Horsemen's Trail  
Town of Philipstown

Dear Mr. Watson:

On Saturday, October 29, I inspected the property at 3 Horsemen's Trail to determine if, in my opinion, the shallow ponded area on proposed Lot 1 is a regulated wetland or waterbody as defined by the Town of Philipstown Freshwater Wetlands and Watercourses law (Chapter 93 of the Town Code. These are my initial observations:

1. The feature in question is clearly man-made. A shallow excavation was created with an excavator, presumably to create a watering hole for the farm's livestock. The spoils from that excavation form the berm that surrounds the hole on the south, east and west sides. The north side is bordered by the existing farm road.
2. The feature is small, approximately 20 feet by 30 feet, or less than 600 square feet in size.
3. There is no indication of hydric soils. The bottom of the pond is made up of compacted sands and gravels, with a thin layer of silt at the surface. It is reported by the property owner that livestock use this pond to cool off in hot weather, and the trampling of the pond bottom likely contributes significantly to the compacted layer.
4. No significant wetland vegetation was observed. One cattail plant was observed under the water at the west end of the pond. Without a significant organic component, it is unlikely that a hydrophytic vegetation community could develop in this feature.
5. There is no inlet to the pond, and only evidence of an infrequent overflow when the pond is full from intense rain events or snow melts. Hydrology appears to be provided by direct precipitation and some intermittent groundwater component, likely shallow lateral flow riding along the compacted subsoil from the upper part of the watershed. It is reported that the pond dries and becomes a shallow mud pit in hot, dry weather.

Chapter 93 of the Philipstown Code defines a wetland as having hydric soils, wetland hydrology and either support or is capable of supporting hydrophytic vegetation. In this



particular feature, hydric soils are absent, and while the hydrology is capable of supporting wetland vegetation, the organic component necessary for the success of such vegetation is also absent. Finally, the feature is significantly smaller than the ¼ acre size limit required by the statute. Therefore, the feature does not meet the criteria for being a "wetland" under the Town law.

It is certainly an impoundment of water, however, and in some cases the law does allow for the regulation of a "pond" as a watercourse. Specifically, the law defines a watercourse as "Rivers, streams, brooks, ponds, lakes, reservoirs and waterways, whether running constantly or intermittently, which are delineated on the current edition of the United States Department of Interior, Geological Survey, 7.5 Minute Series (Topographic) maps bearing the date 1981 (Peekskill Quadrangle), 1981 (West Point Quadrangle) and 1979 (Oscawana Lake Quadrangle), covering the Town of Philipstown; and any other streams, brooks and waterways which are contained within, flow through, or border on the Town of Philipstown, and any additional streams, brooks and waterways which are delineated on the map" (Sec 93-4). The important point here is that the pond, being such a small feature and without an identified inlet or outlet, is not shown on the referenced USGS or Town wetlands maps. Therefore, based on this definition, the pond is not regulated by the Town under the current law.

Regardless, some provision for protection could be warranted if the pond had unusual or important functions that it provided to the overall landscape of the site, i.e., sensitive wildlife habitat, water quality treatment, etc. However, this pond does not provide any such functions, and with the exception of providing some seasonal habitat for locally common frogs (green frogs mostly) does not meet any such criteria for preservation.

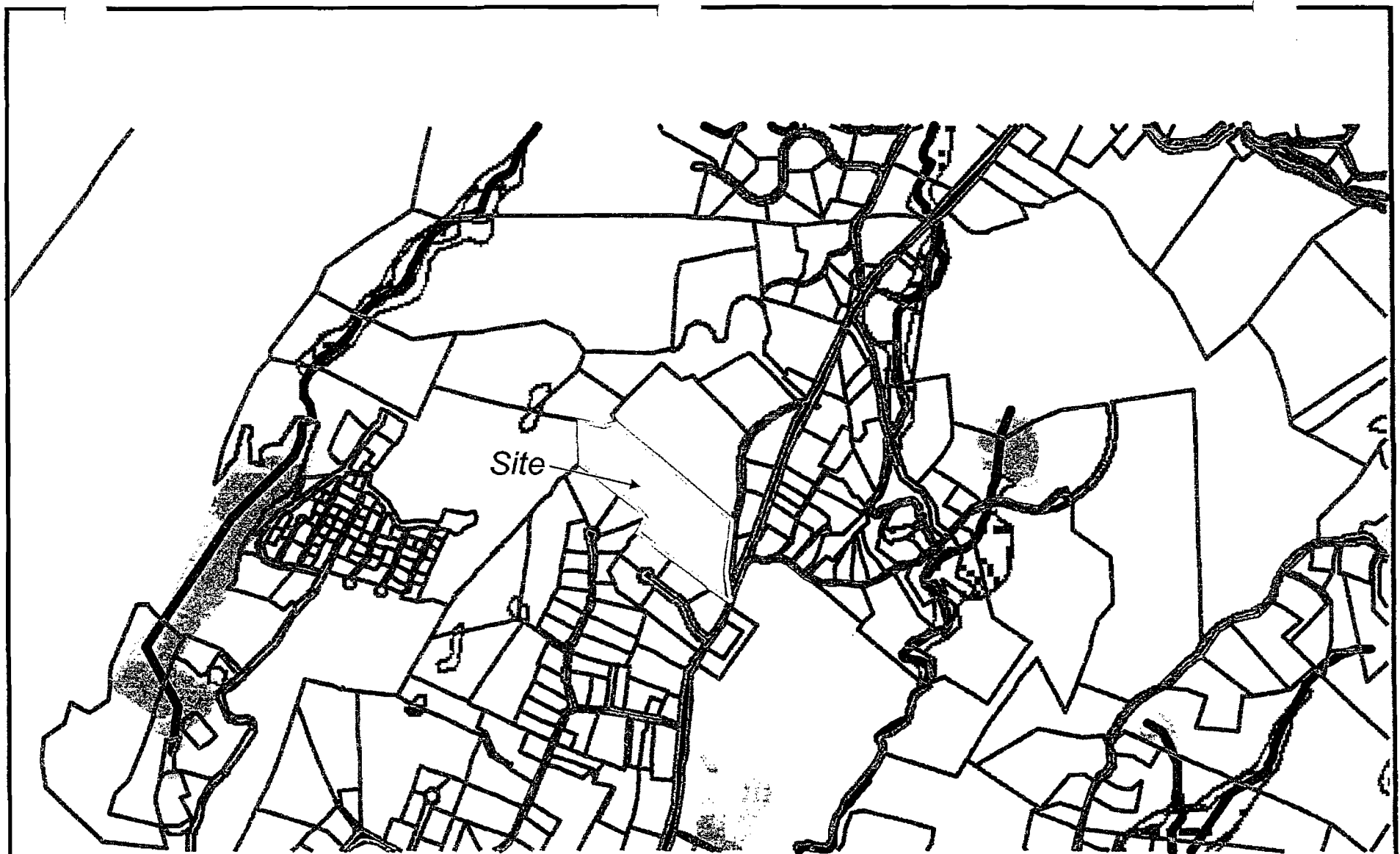
It is important to also note that in the Town's "Land Development" law (Chapter 112 of the code), it is required of an applicant to preserve environmentally sensitive area and natural features on a parcel. This requirement includes "avoiding relocation of or encroachment upon natural watercourses, including ponds and lakes and watercourse buffer zones" (Sec. 112-32(A)(3)). This small pond however, is not natural, and does not appear to be protected by Town Law.

I hope this answers any questions you may have about the wet area on this property. I have included both a copy of the Town wetland map of the area in question as well as a blow up of the USGS map. Photos of the pond are also attached. Please contact me if you have any further questions, or if Mr. Klotzle as the Town's representative would like to discuss this matter.

Sincerely,

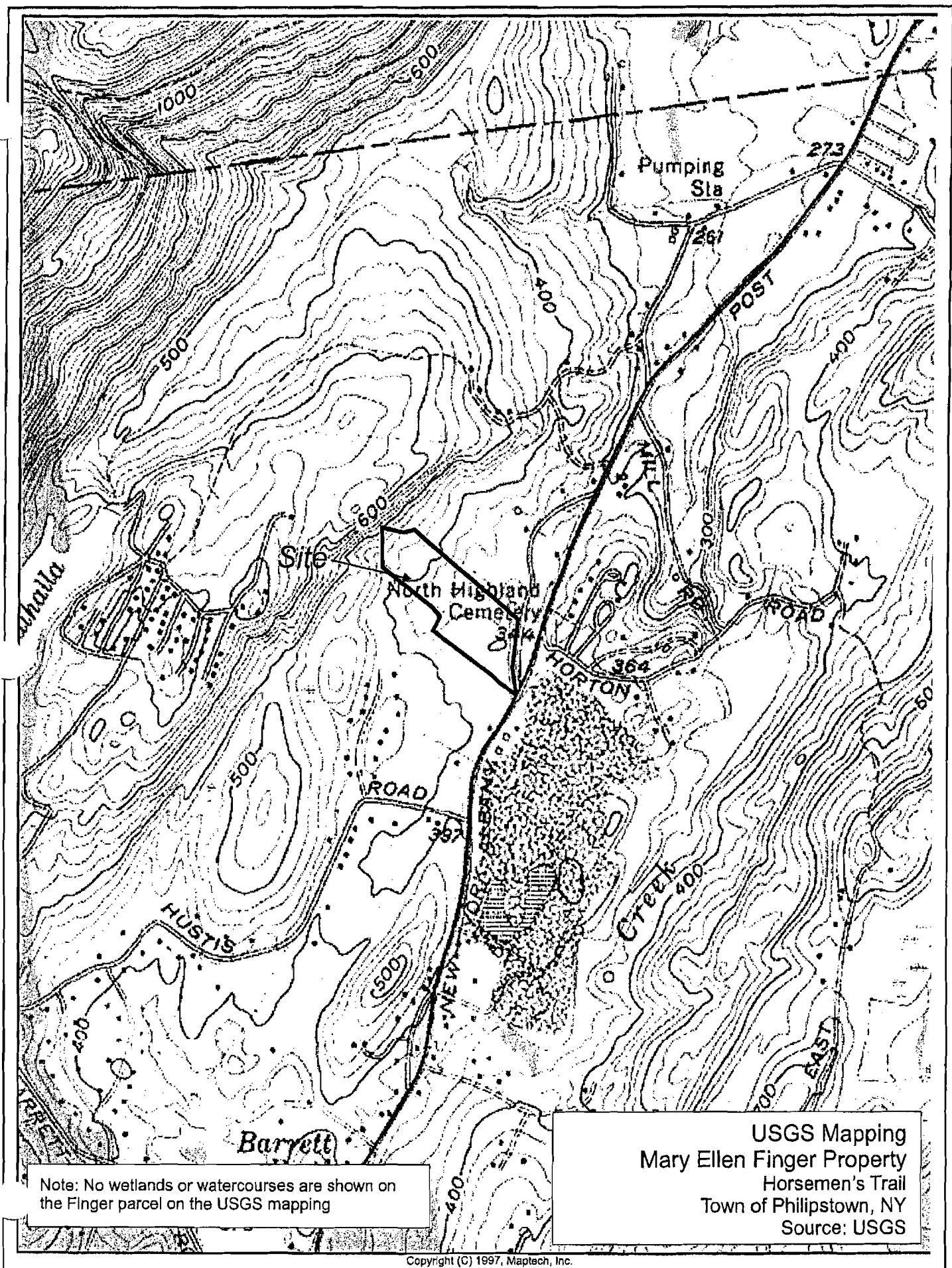
A handwritten signature in black ink, appearing to read "Steve Marino".

Steve Marino, PWS  
Senior Wetland Ecologist  
Tim Miller Associates, Inc



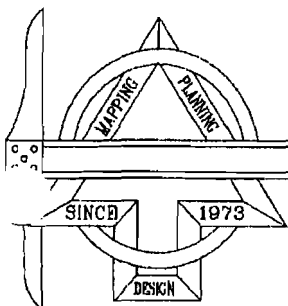
Note: No wetlands or watercourses are shown on the Finger parcel on the Town's official wetlands map

Town Wetlands Map  
Mary Ellen Finger Property  
Horsemen's Trail  
Town of Philipstown, NY  
Source: Philipstown Wetland Map, 2008





**MARY ELLEN FINGER/ENTERGY NUCLEAR INDIAN  
POINT 2, LLC  
ENVIRONMENTAL ASSESSMENT FORM  
APPENDIX 1b**



# BADEY & WATSON

Surveying & Engineering P.C.

3063 Route 9, Cold Spring, New York 10516

Fax: (845) 265-4428  
www.badey-watson.com  
info@badey-watson.com

(845) 265-9217

(845) 225-3312

(845) 831-0100

(845) 562-0060

(914) 628-1800

(914) 739-3577

(877) 3.141593

Glennon J. Watson, L.S.

John P. Delano, P.E.

Peter Meisler, L.S.

Stephen R. Miller, L.S.

Jennifer W. Reap, L.S.

George A. Badey, L.S., Senior Consultant

Mary Rice, R.L.A., Consultant

Robert S. Miglin, Jr., L.S.

November 16, 2011

David Klotzle, Wetlands Inspector

Town of Philipstown

238 Main Street

Cold Spring, NY 10516

By hand and via email to [dklotzle@bestweb.net](mailto:dklotzle@bestweb.net)

RE: Application for Wetlands Determination- Lands of Mary Ellen Finger  
Tax Map ID 16.12-1-5

Dear Mr. Klotzle:

As you know, Dr. Mary Ellen Finger has applied to re-subdivide her property from the previously approved 5 lots to 3 lots. I believe you are also aware that Entergy has simultaneously applied for site plan approval to build a 20,000 square foot building on one of the newly proposed lots.

If the site plan is approved, a small "watering hole," measuring approximately 20 by 30 feet, will be removed. I use the term "watering hole" because, as Dr. Finger has told me, it was created specifically to provide for the animals she keeps on her property. However, for the remainder of this letter, I will refer to it as "the pond." During earlier conversations you told me that you thought that the pond was a regulated watercourse and its removal would require a Freshwater Wetlands/Watercourse Permit from the Town of Philipstown. The attached application seeks your official determination as to whether a permit is required. In doing so, we respectfully request that you consider the following:

- The letter report by Paul H. Ciminello, President of Ecosystems Strategies, Inc., dated October 31, 2011, and its attachments;
- The report by Stephen Marino, PWS, of Tim Miller Associates, Inc., dated November 3, 2011, and its attachments, both of which are attached hereto; and
- My comments regarding the definition of a Watercourse found in Chapter 93 of the Code of the Town of Philipstown that follows.

While Mr. Ciminello's report does not address whether the "watering hole" is a regulated watercourse, he does conclude that there are neither aquatic plants nor hydric soils associated with it. He also concludes that it is neither a State nor a federally regulated wetland.

In addition to findings that agree with Mr. Ciminello, Mr. Marino's report goes on to opine that the pond is not regulated. His point regarding the definition of a watercourse is similar to that which I previously offered and repeat below, namely that the pond does not fall within the

*Owners of the records and files of*

Joseph S. Agnoli • Barger & Hustis, Surveyors • Burgess & Behr • Roy Burgess • Vincent A. Burruano • Hudson Valley Engineering Company, Inc.  
G. Radcliff Hustis, Surveyor • Peter R. Hustis, Surveyor • James W. Irish, Jr. • J. Wilbur Irish • Douglas A. Merritt • E.B. Moebus  
Reynolds & Chase • General Jacob Schofield • Sidney Schofield, C.E. • Taconic Surveying & Engineering, P.C. • D. Walcutt

definition in the code. Mr. Marino also cites other sections of the Town Code that might indicate some regulation of the pond under certain circumstances. Finally, he discusses why he has concluded that they do not apply.

As you know, I also believe that the pond does not fall within the definition provided in Chapter 93. I would go so far as to say that it appears the definition was crafted to avoid regulation of a pond of the type and size of the pond. Following are my reasons.

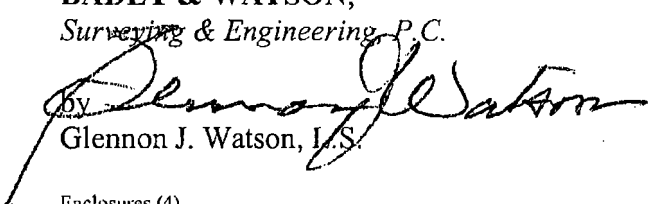
The definition clearly includes ponds shown on the USGS Quadrangle Maps covering the town. The definition also includes "any other streams, brooks and waterways which are contained within, flow through, or border on the Town of Philipstown, and any additional streams, brooks and waterways which are delineated on the (official town wetland) map."

It seems clear that including any pond that appears on the Quadrangle Map is intended to capture larger ponds. Quadrangles are small-scale maps made from relatively high altitude photographs. As a result, very small bodies of water, such as the pond, cannot be seen and would therefore not be regulated as a consequence of their size.

The rest of the definition is conspicuously absent of the words ponds, lakes and reservoirs. Instead, it focuses on water features that flow, i.e.: "streams, brooks and waterways." For this reason, I believe the definition seeks to capture any water that is flowing, including ponds that are fed and emptied by a stream regardless of size, as well as larger bodies of water regardless of whether there is a stream feeding and/or emptying it. At the same time, I believe the code is trying to avoid regulating small bodies of water that have neither inlets nor outlets.

I hope this letter and the attached reports are helpful. If you need anything more, please do not hesitate to contact me. Meanwhile, we look forward to your determination. Thank you for your consideration of our request.

Yours truly,  
**BADEY & WATSON,**  
*Surveying & Engineering P.C.*

By   
Glennon J. Watson, I.S.

Enclosures (4)

GJW/bms

cc: William Josiger, via email only  
Craig MacLatchie, via email only  
Mary Ellen Finger, via email only  
Paul H. Ciminello, via email only  
Stephen Marino, via email only  
File 91-104B\DK16NV11BP\_Req\_for\_Determination.doc

TOWN OF PHILIPSTOWN  
PUTNAM COUNTY, NEW YORK

238 Main Street  
Cold Spring, NY 10516

FOR OFFICE USE ONLY

Wetlands Determination # \_\_\_\_\_

1 / Fee Paid: \$125.00

REQUEST FOR WETLAND DETERMINATION

The undersigned hereby requests that the Wetlands Inspector of the Town of Philipstown visit the property designated below and inform the undersigned as to whether a Wetlands and Watercourses permit will be required for the proposed activity, as set forth in Chapter 93 of the Code of the Town of Philipstown.

Name of Requester: **Badey & Watson Surveying & Engineering, P. C.**  
**requesting on behalf of Entergy Nuclear Indian Point 2, LLC**

Address: **3063 Route 9 Cold Spring, NY 10516**

Telephone: **845-265-9217**

Tax Map No. of Property **16.12-1-5** Block No. **1**

Location of Property **3 Horsemen's Trail**

Nature of Proposed activity:  
**Construction of a commercial building.**

Date: **11/16/2011** Signature 



**MARY ELLEN FINGER/ENTERGY NUCLEAR INDIAN  
POINT 2, LLC  
ENVIRONMENTAL ASSESSMENT FORM  
APPENDIX 1c**

David J. Kitzke

rror! Reference source not found.

cc: Philipstown Building Dept.

Philipstown CB

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source not found. Error! Reference source not found.

Phone: Error! Reference source not found. / 845 265

5202

E-Mail: Error! Reference source not found.

To: Glenn Watson  
Badey & Watson  
From: David J Klotzle  
Re: Local Wetland / Watercourse Determination  
Date 12-06-2011

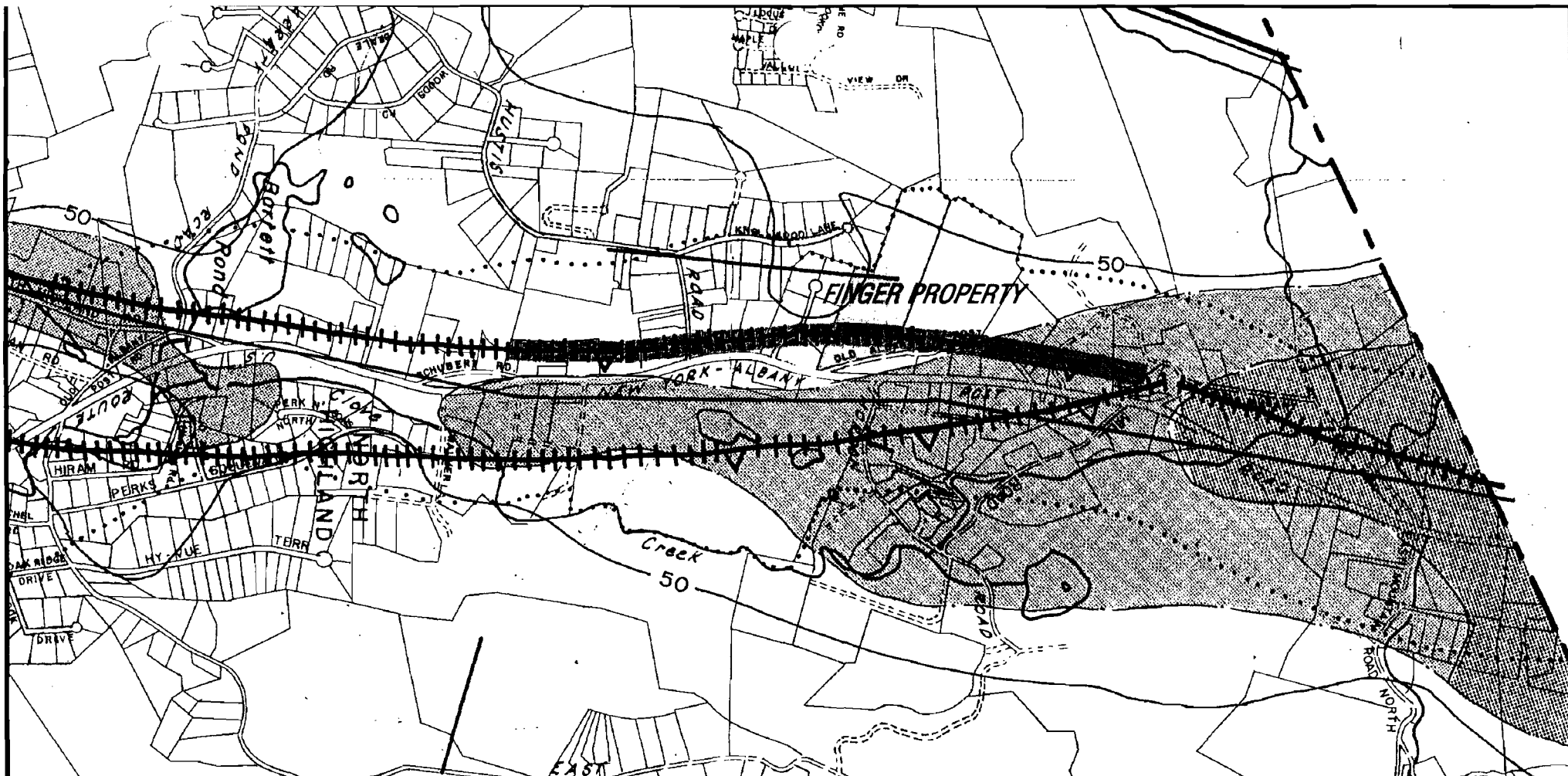
Dear Glenn

I have inspected a lot belonging to Mary Finger on #3 Horseman's Trail and located at Tax Map # 16.12-1-5. I find that no wetlands or watercourses of interest to the Town of Philipstown exist on this site within 100 feet of any proposed construction for the proposed Entergy Project. Therefore this area will not require a town wetland permit for the planned development as portrayed on the current site plans. If I can be of any further assistance please feel free to contact me.

Sincerely

David J Klotzle

**MARY ELLEN FINGER/ENTERGY NUCLEAR INDIAN  
POINT 2, LLC  
ENVIRONMENTAL ASSESSMENT FORM  
APPENDIX 2**



## MAP 2

# POTENTIAL HIGH YIELDING AQUIFER AREAS

PHILIPSTOWN CONSERVATION ADVISORY COUNCIL

PREPARED BY: TIM MILLER ASSOCIATES, INC.

SCALE: 0 1000 2000 3000 4000 5000 FEET

PROPERTY LINE BASE PREPARED BY ROBERT S. BRYAN & ASSOCIATES  
BASE MAP DERIVED FROM 1957 U.S.G.S. QUADRANGLES BY  
GOODKIND & O'DEA AUGUST 1, 1961

- ..... ROUTE 9 CORRIDOR STUDY AREA
- MAPPED FRACTURE TRACE
- MAPPED THRUST FAULT
- MAPPED FAULT WITH RELATIVE MOTION WHERE INDICATED
- MAPPED FAULT - INFERRED
- POTENTIAL HIGH YIELDING BEDROCK AQUIFER ZONE WITHIN ROUTE 9 CORRIDOR
- OUTLINE OF MAPPED SURFICIAL AQUIFER AREA; OVER BURDEN THICKNESSE WHERE LABELED
- OVERBURDEN THICKNESS LESS THAN 50'
- MAPPED SURFICIAL AQUIFER AREAS WITH YIELD POTENTIAL GREATER THAN 20GPM
- MAPPED SURFICIAL AQUIFER AREAS WITH YIELD POTENTIAL GREATER THAN 50 GPM
- WAP. AREAS WITH MAPPED LIMESTONE BEDROCK

**MARY ELLEN FINGER/ENTERGY NUCLEAR INDIAN  
POINT 2, LLC  
ENVIRONMENTAL ASSESSMENT FORM  
APPENDIX 3**

# JOHN COLLINS ENGINEERS, P.C.

TRAFFIC • TRANSPORTATION ENGINEERS

===== 11 BRADHURST AVENUE • HAWTHORNE, N.Y. • 10532 • (914) 347-7500 • FAX (914) 347-7266 =====

February 24, 2011

Mr. Glennon J. Watson, L. S.  
Badey & Watson  
Surveying & Engineering, P.C.  
3063 Route 9  
Cold Spring, NY 10516

RE: Entergy Emergency Operation Center  
Route 9 and Horseman's Trail  
Town of Philipstown, New York

Dear Glenn:

As requested, we have completed our field investigation and traffic analysis for the proposed Entergy Emergency Operation Center, which is planned to be constructed on Lot 1 of the Finger Subdivision (see Figure No. 1). The proposed 20,000 s.f. building will be used on a daily basis by a limited staff of two or three people. The site will be used quarterly for emergency drills, which would involve up to 60 people at the site. In addition, in the event of an emergency, there could be as many as 180 people at this location. The following summarizes the tasks undertaken in our review and our recommendations as a result of our analysis.

1. 2012 Existing Traffic Volumes (Figures No. 2 and 3)

Turning movement traffic counts were collected at the intersections of Horseman's Trail North and Horseman's Trail South intersections with Route 9. These counts were conducted during the weekday peak hours from 3:30 to 6:30PM on February 2, 2012 and between 7:00 and 9:15 AM on February 3, 2012. In addition, traffic data available from the New York State Department of Transportation (NYSDOT) as well as from other studies completed in the area were referenced to identify the existing peak hour traffic volumes. The resulting 2012 Existing Traffic Volumes are shown on Figures No. 2 and 3.

2. 2014 No-Build Traffic Volumes (Figures No. 4 and 5)

The Existing Traffic Volumes were projected to a future design year utilizing a background growth factor of 1% per year. This factor was used to account for other development traffic as well as normal background growth in the corridor. In addition, traffic associated with the proposed E. Polhemus Enterprises, LLC contractor's yard to be located along Horseman's Trail has also been considered. Figures No. 4 and 5 show the volumes for the AM and PM Peak Hours.

3. Site Generated Traffic Volumes (Table No. 1)

As indicated previously, the site is expected to only have two to three people present under normal conditions while on a quarterly basis (i.e., four times per year) there would be as many as 60 people at the site. Based on the data published by the Institute of Transportation Engineers (ITE) as contained in their report entitled *Trip Generation*, 8<sup>th</sup> Edition, 2008 for this type of use, during those event conditions the peak hour trip generation rates and volume were estimated and are shown in Table No. 1. It should also be noted that in the case of an emergency, the occupancy of the building could be as many as 180 people. However, this would only be in the case of an actual emergency at which time this facility would be occupied to handle the situation. For the purposes of the analysis it was assumed that 60 vehicles would enter the site during the AM Peak Hour and 60 Vehicles would exit the site during the PM Peak Hour to present a conservative analysis.

4. Arrival and Departure Distributions (Figures No. 6 and 7)

The expected arrival and departure distributions of trips to this site for typical and the quarterly event conditions are shown on Figures No. 6 and 7.

5. 2014 Build Traffic Volumes (Figures No. 8, 9, 10 and 11)

The Site Generated Traffic Volumes shown on Table No. 1 for the quarterly event conditions were assigned to the roadway network and added together with the No-Build Traffic Volumes to obtain the Build Traffic Volumes. The Site Generated Traffic Volumes are



shown on Figures No. 8 and 9 while the Build Traffic Volumes are shown on Figures No. 10 and 11.

6. Sight Distance Considerations and Access

Measurements of existing sight distances at the intersections of Horseman's Trail and Route 9 were collected in order to determine existing and potential future sight distances. It should be noted that the posted speed limit in the vicinity of this intersection is 45 MPH. Due to the alignment of Horseman's Trail south and the current grades and roadway features, the sight distance looking to the south is currently restricted by a combination of vegetation, grading as well as the vertical alignment of U.S. Route 9. The current sight distance for left turns exiting Horseman's Trail south onto U.S. Route 9 is approximately 300 ft., which is less than the American Association of State Highway Transportation Officials (AASHTO) required Stopping Sight Distance for 55 MPH which is 495 ft. For right turns, the current sight distance is approximately 1400 ft. Therefore, we would recommend that signs be installed on the site exit driveway directing motorists destined to the north to turn left on to Horseman's Trail and proceed to the north leg to access U.S. Route 9 northbound. It should also be noted that at the Horseman's Trail south intersection, the left turn rear end stopping sight distance for approaching vehicles is approximately 500 ft. This distance satisfies the AASHTO stopping sight distance for 55 MPH.

7. Description of Analysis Procedures

In order to determine existing and future traffic operating conditions at the study area intersections, it was necessary to perform capacity analyses. The unsignalized intersection capacity analysis method utilized in this report was also performed in accordance with the procedures described in the *2010 Highway Capacity Manual*. The procedure is based on total elapsed time from when a vehicle stops at the end of the queue until the vehicle departs from the stop line. The average total delay for any particular critical movement is a function of the service rate or capacity of the approach and the degree of saturation. In order to identify the Level of Service, the average amount of vehicle delay is computed for each critical movement to the intersection.

Additional information concerning unsignalized Levels of Service can be found in Appendix “D” of this report.

8. Findings and Recommendations

Capacity analysis was conducted for the U.S. Route 9 and Horseman’s Trail north and south leg intersections. Each of these intersections is a “T” type unsignalized intersection, which are controlled by “stop” signs on the Horseman’s Trail approaches.

The capacity analysis results, which accounted for the traffic associated with both the proposed Entergy Emergency Operations Center and the Polhemus contractor’s yard, are summarized in Table No. 2. These results indicate that the Horseman’s Trail south intersection currently operates at a Level of Service “B” during the AM and PM Peak Hours. The analysis conducted for the 2014 No-Build and Build Traffic Volumes indicates that the intersection will continue to experience similar Levels of Service in the future both with and without the project.

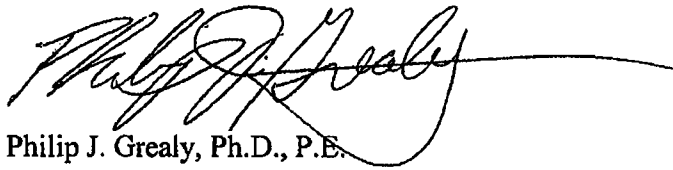
The capacity analysis conducted for the Horseman’s Trail north intersection indicates that the intersection currently operates at a Level of Service “C” during each of the peak hours. The analysis was recomputed with the 2014 No-Build Traffic Volumes which indicates that the intersection will continue to experience a Level of Service “C” during the AM Peak Hour and will operate at a Level of Service “D” during the PM Peak Hour. The intersection was again analyzed with the 2014 Build Traffic Volumes which indicates that a Level of Service “C” will be maintained during the AM Peak Hour, while a Level of Service “E” will be experienced during the PM Peak Hour under quarterly event conditions and a Level of Service “D” for other typical days.

9. Summary and Conclusions

Based on the results of the capacity analysis contained herein, the Levels of Service are consistent with other locations along this area of U.S. Route 9. The left turns exiting onto U.S. Route 9 northbound should be directed to the Horseman's Trail north leg intersection as discussed above. Again, it should be noted that these conditions will only be experienced four times per year when emergency drills are conducted.

Respectfully submitted,

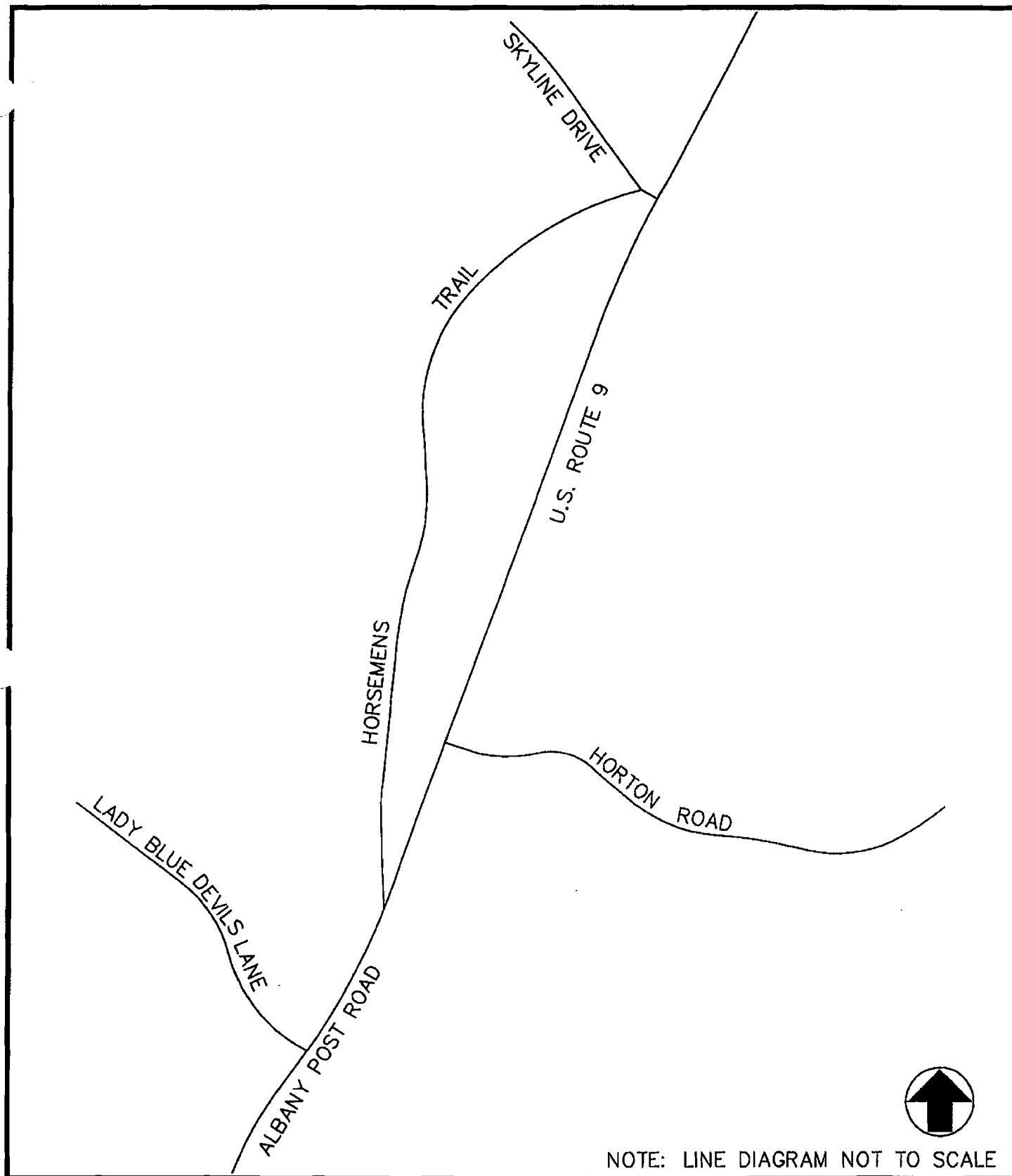
JOHN COLLINS ENGINEERS, P.C.

A handwritten signature in black ink, appearing to read "Philip J. Grealy", with a long horizontal flourish extending to the right.

Philip J. Grealy, Ph.D., P.E.

**APPENDIX "A"**

**FIGURES**

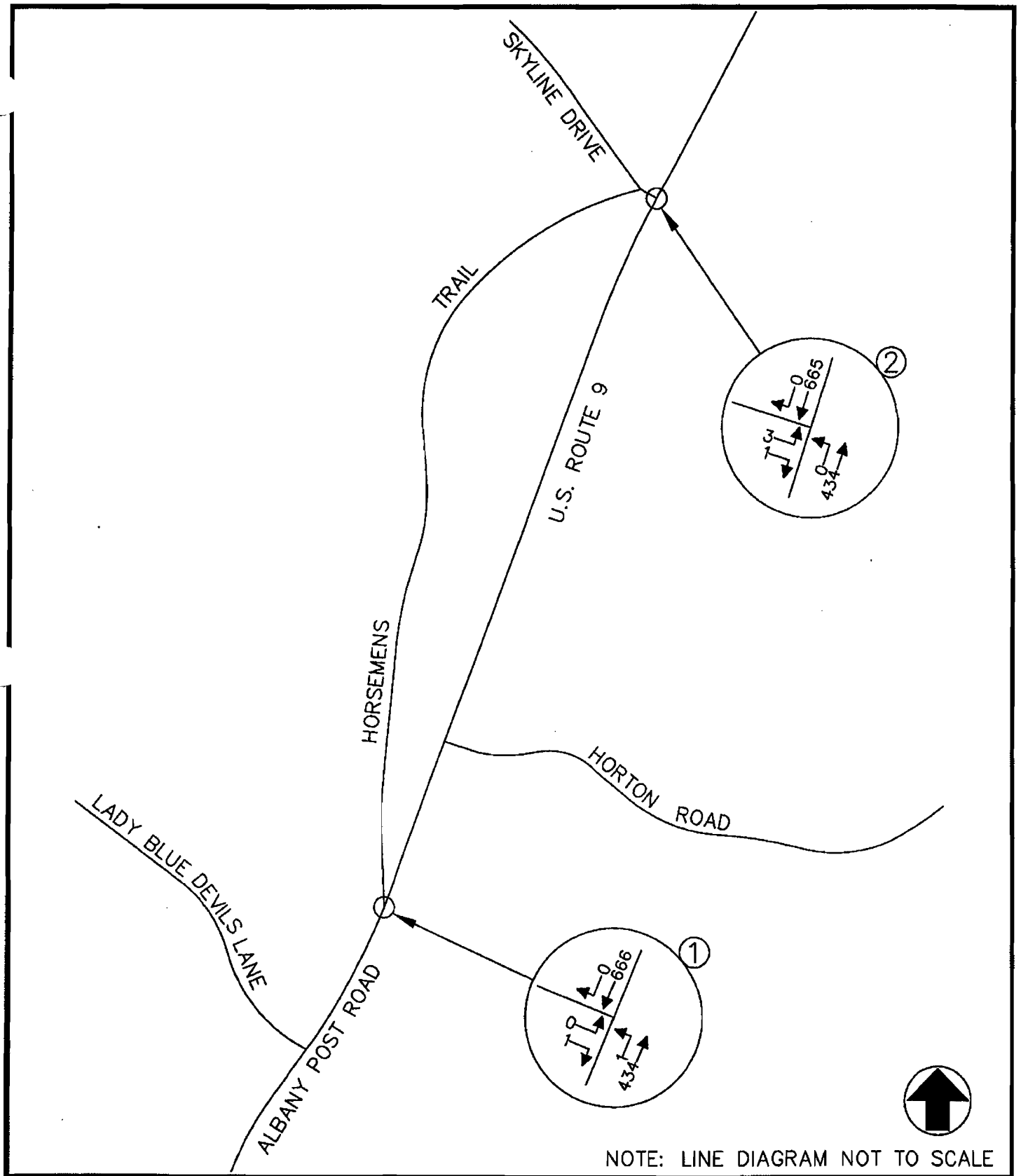


ENTERGY  
HILIPSTOWN, NEW YORK

SITE LOCATION MAP

JOHN COLLINS ENGINEERS, P.C.  
HAWTHORNE , NEW YORK

PROJECT NO. 1876 DATE: FEB. 2012 FIG. NO. 1

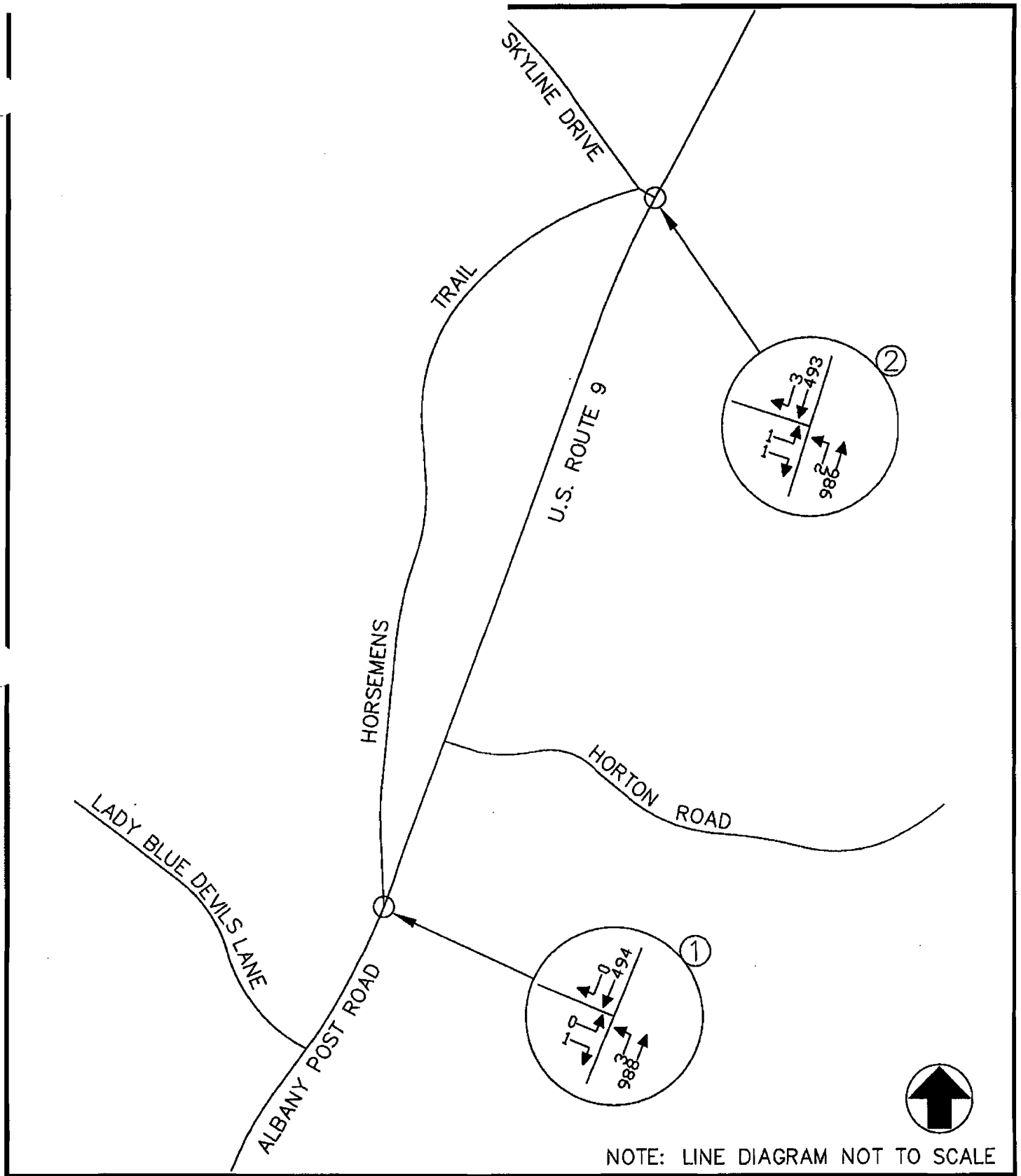


ENTERGY  
PHILIPSTOWN, NEW YORK

JOHN COLLINS ENGINEERS, P.C.  
HAWTHORNE, NEW YORK

2012 EXISTING TRAFFIC VOLUMES  
WEEKDAY PEAK AM HOUR

PROJECT NO. 1876 DATE: FEB. 2012 FIG. NO. 2

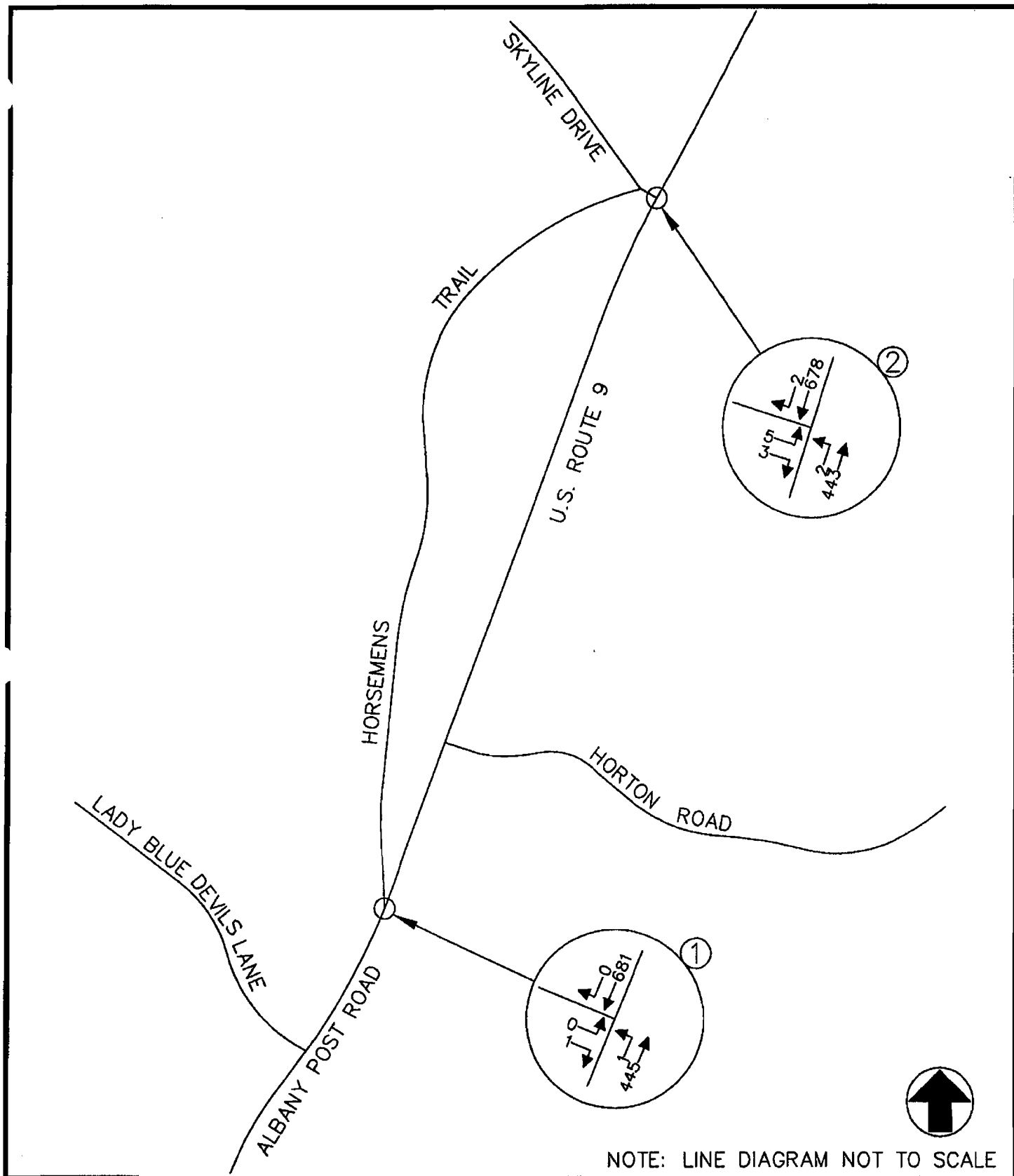


ENTERGY  
PHILIPSTOWN, NEW YORK

2012 EXISTING TRAFFIC VOLUMES  
WEEKDAY PEAK PM HOUR

JOHN COLLINS ENGINEERS, P.C.  
HAWTHORNE, NEW YORK

PROJECT NO. 1876 DATE: FEB. 2012 FIG. NO. 3



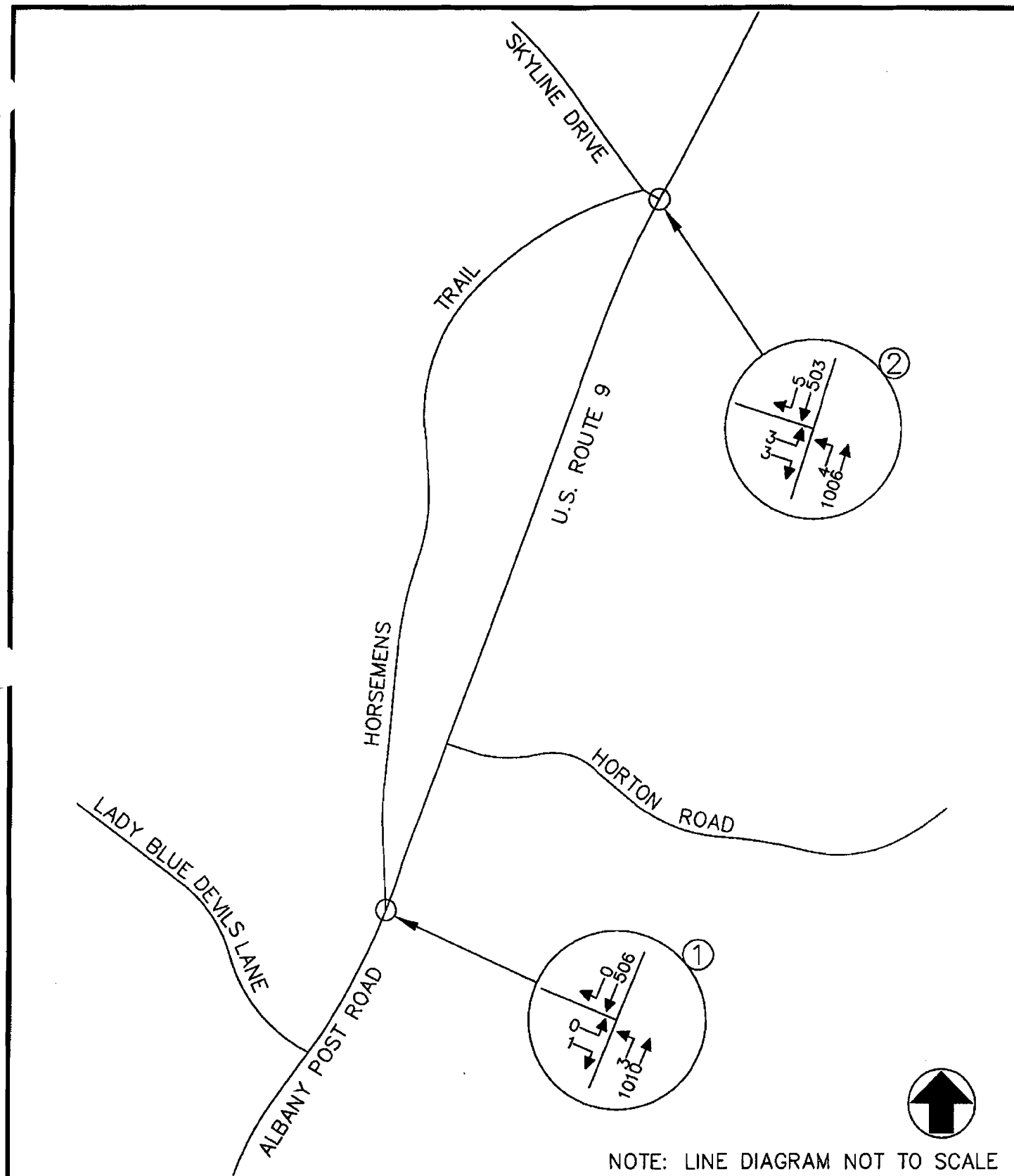
ENTERGY  
PHILIPSTOWN, NEW YORK

2014 NO-BUILD TRAFFIC VOLUMES  
WEEKDAY PEAK AM HOUR

JOHN COLLINS ENGINEERS, P.C.  
HAWTHORNE, NEW YORK

PROJECT NO. 1876 DATE: FEB. 2012 FIG. NO. 4



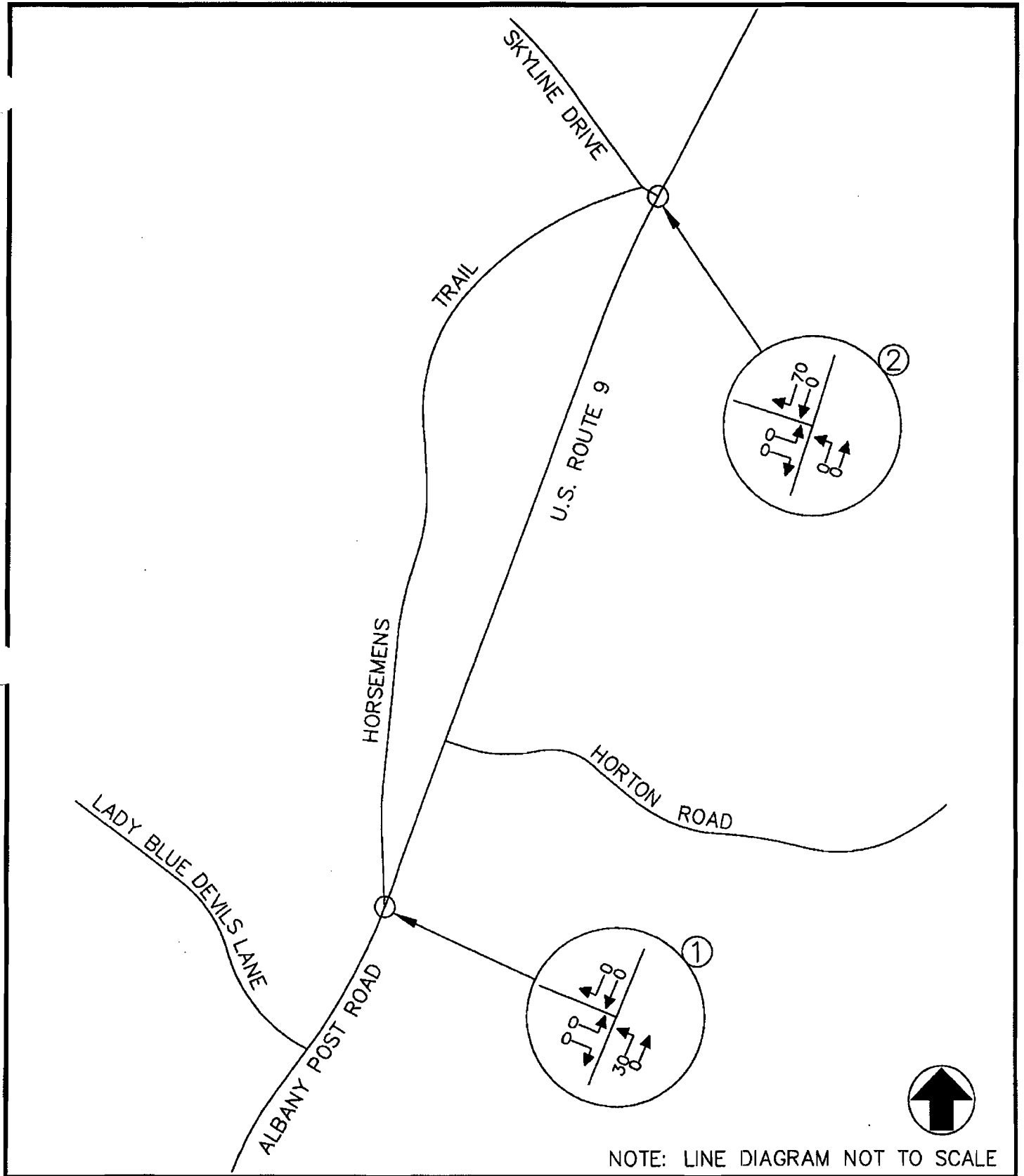


ENTERGY  
HILIPSTOWN, NEW YORK

JOHN COLLINS ENGINEERS, P.C.  
HAWTHORNE, NEW YORK

2014 NO-BUILD TRAFFIC VOLUMES  
WEEKDAY PEAK PM HOUR

PROJECT NO. 1876 DATE: FEB. 2012 FIG. NO. 5

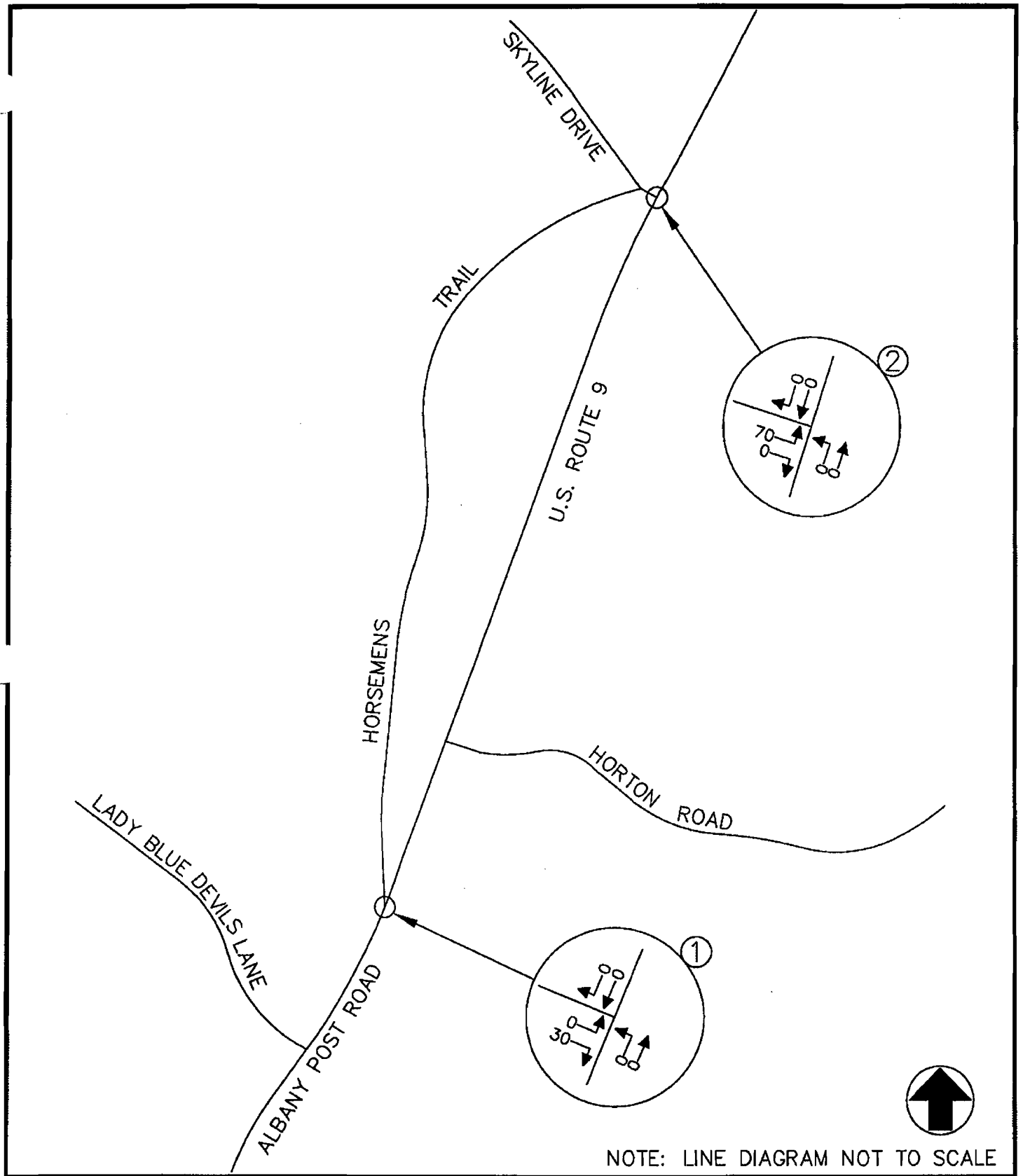


ENTERGY  
HILIPSTOWN, NEW YORK

ARRIVAL DISTRIBUTION  
(EXPRESSED AS A %)

JOHN COLLINS ENGINEERS, P.C.  
HAWTHORNE, NEW YORK

PROJECT NO. 1876 DATE: FEB. 2012 FIG. NO. 6

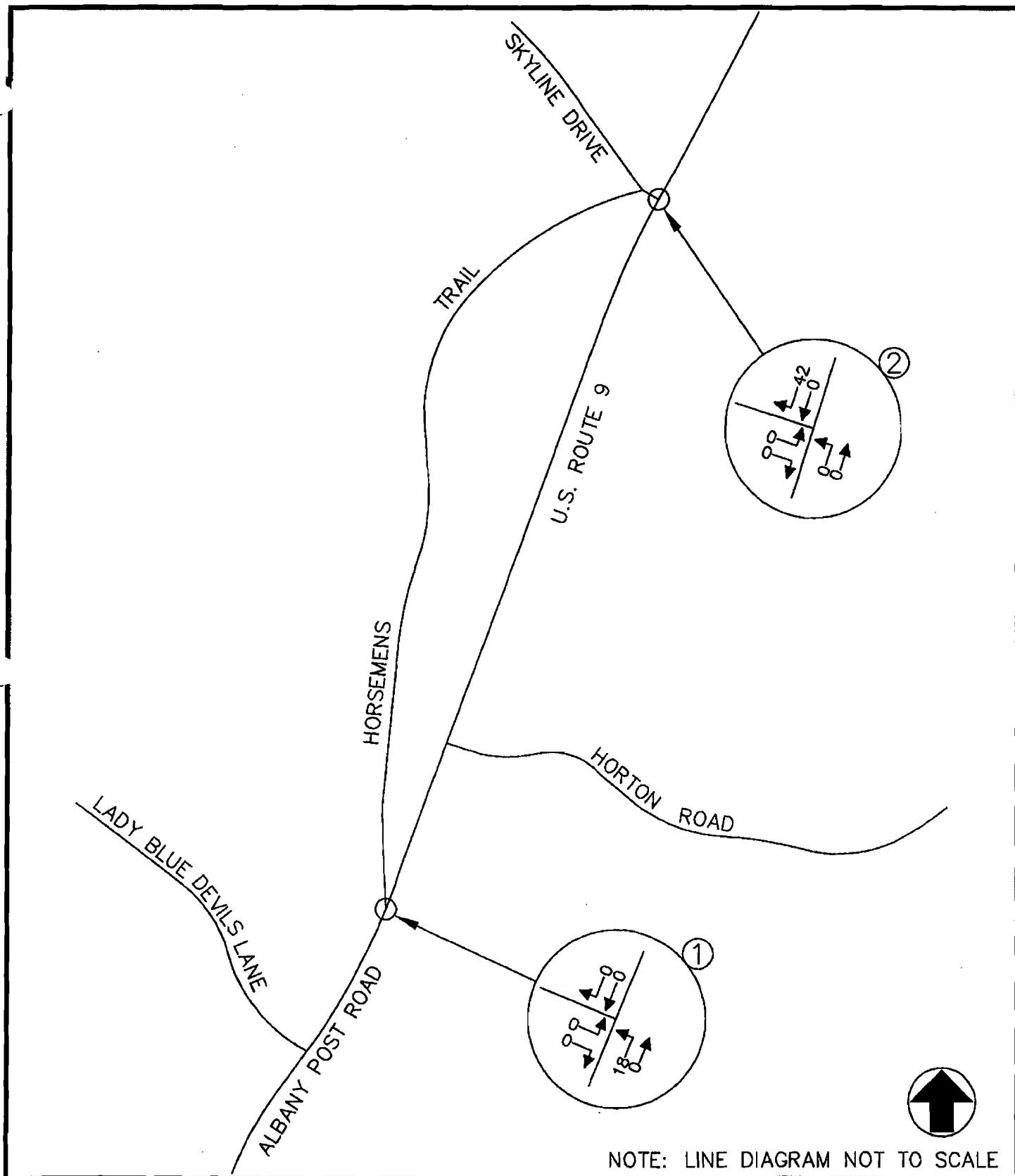


ENTERGY  
PHILIPSTOWN, NEW YORK

JOHN COLLINS ENGINEERS, P.C.  
HAWTHORNE, NEW YORK

DEPARTURE DISTRIBUTION  
(EXPRESSED AS A %)

PROJECT NO. 1876 DATE: FEB. 2012 FIG. NO. 7

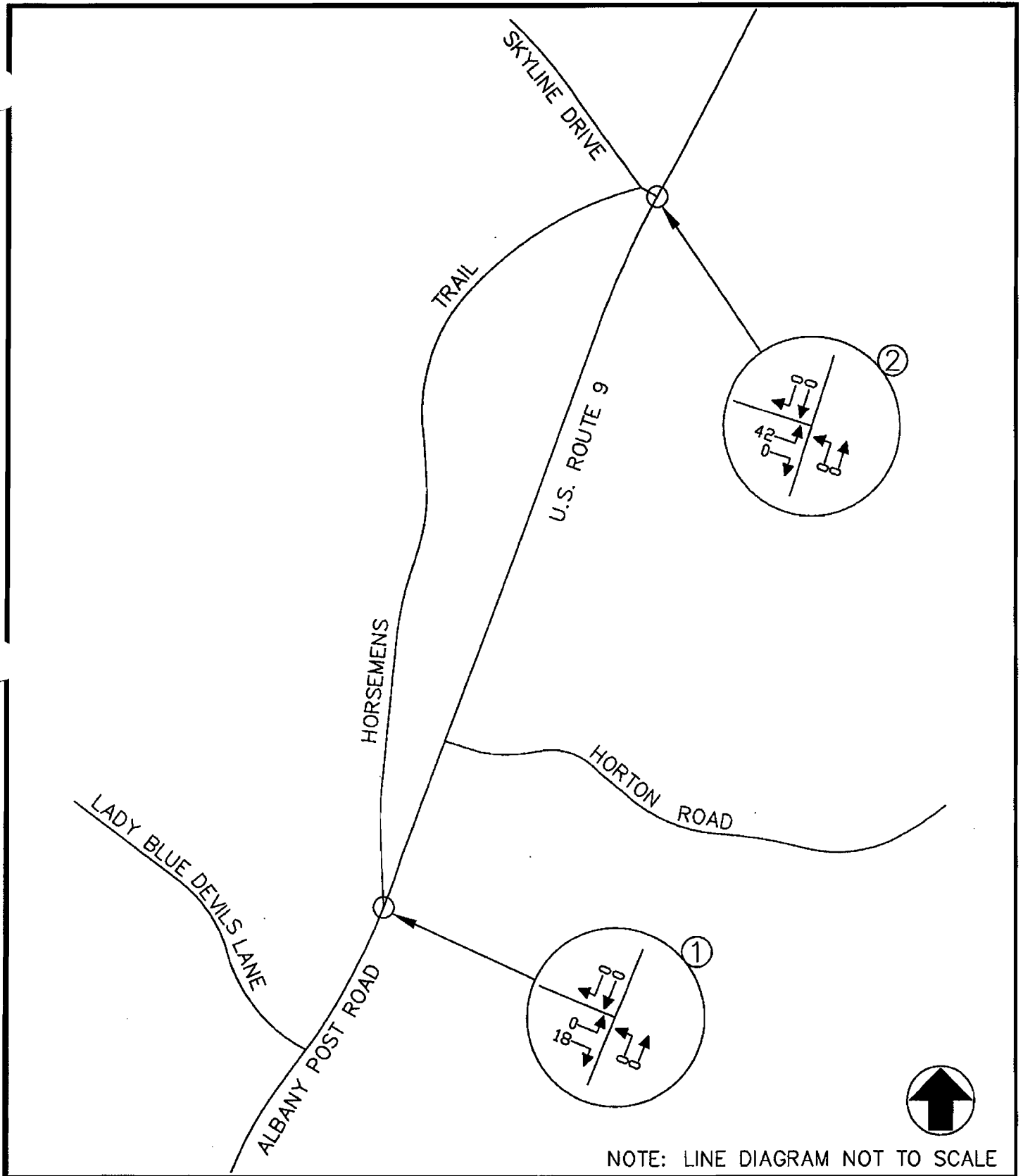


ENTERGY  
PHILIPSTOWN, NEW YORK

SITE GENERATED TRAFFIC VOLUMES  
WEEKDAY PEAK AM HOUR

JOHN COLLINS ENGINEERS, P.C.  
HAWTHORNE, NEW YORK

PROJECT NO. 1876 DATE: FEB. 2012 FIG. NO. 8



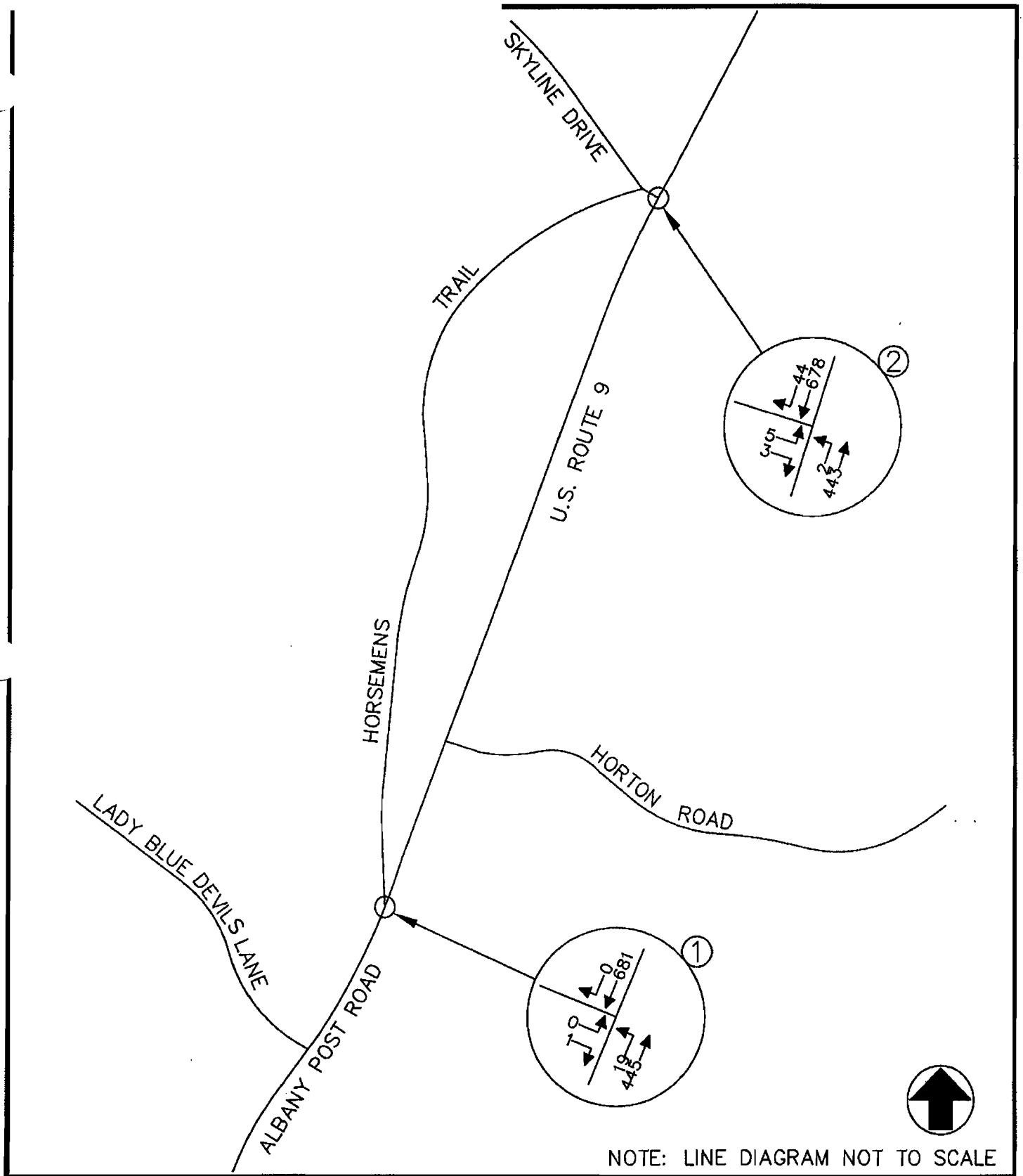
NOTE: LINE DIAGRAM NOT TO SCALE

ENTERGY  
HILIPSTOWN, NEW YORK

SITE GENERATED TRAFFIC VOLUMES  
WEEKDAY PEAK PM HOUR

JOHN COLLINS ENGINEERS, P.C.  
HAWTHORNE, NEW YORK

PROJECT NO. 1876 DATE: FEB. 2012 FIG. NO. 9



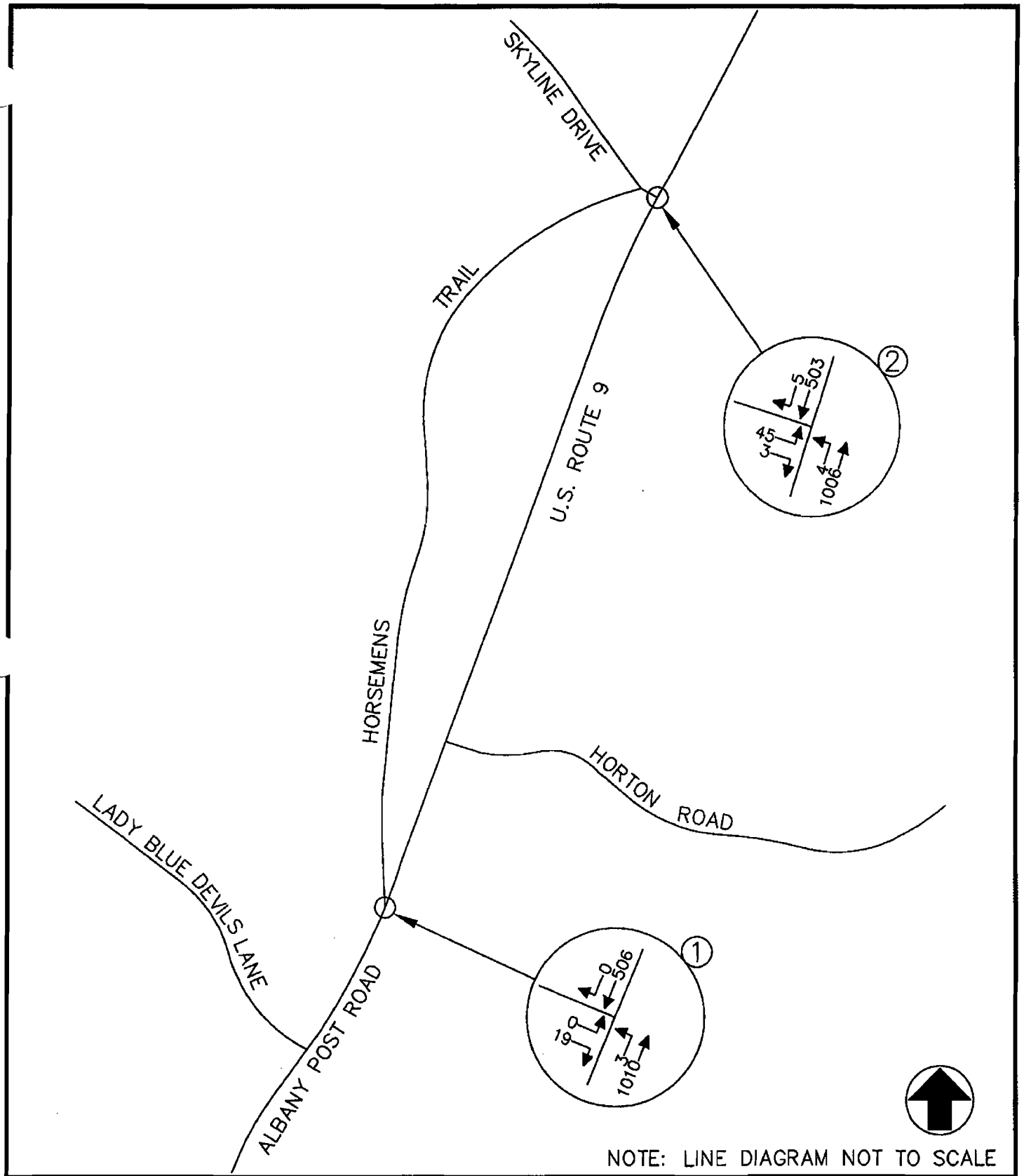
ENTERGY

PHILIPSTOWN, NEW YORK

JOHN COLLINS ENGINEERS, P.C.  
HAWTHORNE, NEW YORK

2014 BUILD TRAFFIC VOLUMES  
WEEKDAY PEAK AM HOUR

PROJECT NO. 1876 DATE: FEB. 2012 FIG. NO. 10



ENTERGY  
PHILIPSTOWN, NEW YORK

JOHN COLLINS ENGINEERS, P.C.  
HAWTHORNE, NEW YORK

2014 BUILD TRAFFIC VOLUMES  
WEEKDAY PEAK PM HOUR

PROJECT NO. 1876 DATE: FEB. 2012 FIG. NO. 11

**APPENDIX "B"**

**TABLES**



**TABLE NO. 1**  
**HOURLY TRIP GENERATION RATES (HTGR) AND ANTICIPATED**  
**SITE GENERATED TRAFFIC VOLUMES**

ENTERGY PHILLIPSTOWN, NEW YORK	ENTRY		EXIT	
	HTGR*	VOLUME	HTGR*	VOLUME
EVENT CONDITIONS (60 EMPLOYEES)				
PEAK AM HOUR	0.63	38	0.09	5
PEAK PM HOUR	0.12	7	0.59	36

**NOTES:**

- 1) \* THE HOURLY TRIP GENERATION RATES (HTGR) ARE BASED ON DATA PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) AS CONTAINED IN THE TRIP GENERATION HANDBOOK, 8TH EDITION, 2008. ITE LAND USE CODE - 710 - GENERAL OFFICE BUILDING.

**TABLE 2**  
**LEVEL OF SERVICE SUMMARY TABLE**

			2012 EXISTING		2014 NO-BUILD		2014 BUILD	
			AM	PM	AM	PM	AM	PM
1	U.S. ROUTE 9 & HORSEMANS TRAIL (SOUTH)	UNSIGNALIZED						
		EB	B[14.0]	B[11.8]	B[14.2]	B[11.9]	B[14.2]	B[12.2]
		NB	A[9.2]	A[8.5]	A[9.2]	A[8.5]	A[9.3]	A[8.5]
2	U.S. ROUTE 9 & HORSEMANS TRAIL (NORTH)	UNSIGNALIZED						
		EB	C[23.1]	C[24.3]	C[22.6]	D[25.7]	C[23.4]	E[49.0]
		NB	A[9.1]	A[8.5]	A[9.2]	A[8.5]	A[9.4]	A[8.5]

NOTES:

- 1) THE ABOVE REPRESENTS THE LEVEL OF SERVICE AND AVERAGE VEHICLE DELAY IN SECONDS, C [16.2], FOR EACH APPROACH AS WELL AS FOR THE OVERALL INTERSECTION FOR THE SIGNALIZED INTERSECTIONS AND FOR THE KEY APPROACHES FOR THE UNSIGNALIZED LOCATIONS. SEE APPENDIX "D" FOR ADDITIONAL DETAILS.

APPENDIX "C"  
CAPACITY ANALYSIS

## TWO-WAY STOP CONTROL SUMMARY

Analyst: RGD  
 Agency/Co.: JCE  
 Date Performed: 2/16/2012  
 Analysis Time Period: AM PEAK HOUR  
 Intersection: ROUTE 9 & HORSEMENS TRAIL  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2012 EXISTING TRAFFIC VOLUMES  
 Project ID: 1876AMEX1  
 East/West Street: HORSEMENS TRAIL (SOUTH)  
 North/South Street: U.S. ROUTE 9  
 Intersection Orientation: NS Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach Movement	Northbound			Southbound		
		1	2	3	4	5	6
		L	T	R	L	T	R
Volume		1	434			666	0
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		1	482			740	0
Percent Heavy Vehicles		2	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		0	1			1	0
Configuration		LT			TR		
Upstream Signal?		No			No		

Minor Street:	Approach Movement	Westbound			Eastbound		
		7	8	9	10	11	12
		L	T	R	L	T	R
Volume					0		1
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					0		1
Percent Heavy Vehicles					2		2
Percent Grade (%)			0			2	
Flared Approach: Exists?/Storage					/	No	/
Lanes					0		0
Configuration						LR	

## Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	LT						LR	
v (vph)	1						1	
C(m) (vph)	867						400	
v/c	0.00						0.00	
95% queue length	0.00						0.01	
Control Delay	9.2						14.0	
LOS	A						B	
Approach Delay							14.0	
Approach LOS							B	

## TWO-WAY STOP CONTROL SUMMARY

Analyst: RGD  
 Agency/Co.: JCE  
 Date Performed: 2/16/2012  
 Analysis Time Period: PM PEAK HOUR  
 Intersection: ROUTE 9 & HORSEMENS TRAIL  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2012 EXISTING TRAFFIC VOLUMES  
 Project ID: 1876PMEX1  
 East/West Street: HORSEMENS TRAIL (SOUTH)  
 North/South Street: U.S. ROUTE 9  
 Intersection Orientation: NS Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach Movement	Northbound			Southbound		
		1 L	2 T	3 R	4 L	5 T	6 R
Volume		3	988			494	0
Peak-Hour Factor, PHF		0.92	0.92			0.92	0.92
Hourly Flow Rate, HFR		3	1073			536	0
Percent Heavy Vehicles		2	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		0	1			1	0
Configuration		LT			TR		
Upstream Signal?		No			No		
Minor Street:	Approach Movement	Westbound			Eastbound		
		7 L	8 T	9 R	10 L	11 T	12 R
Volume					0		1
Peak Hour Factor, PHF					0.92		0.92
Hourly Flow Rate, HFR					0		1
Percent Heavy Vehicles					2		2
Percent Grade (%)			0			2	
Flared Approach: Exists?/Storage					/		No /
Lanes					0		0
Configuration						LR	

## Delay, Queue Length, and Level of Service

Approach Movement	NB	SB	Westbound			Eastbound		
	1	4	7	8	9	10	11	12
Lane Config	LT						LR	
v (vph)	3						1	
C(m) (vph)	1032						529	
v/c	0.00						0.00	
95% queue length	0.01						0.01	
Control Delay	8.5						11.8	
LOS	A						B	
Approach Delay							11.8	
Approach LOS							B	

## TWO-WAY STOP CONTROL SUMMARY

Analyst: RGD  
 Agency/Co.: JCE  
 Date Performed: 2/16/2012  
 Analysis Time Period: AM PEAK HOUR  
 Intersection: ROUTE 9 & HORSEMENS TRAIL  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2014 NO-BUILD TRAFFIC VOLUMES  
 Project ID: 1876AMNB1  
 East/West Street: HORSEMENS TRAIL (SOUTH)  
 North/South Street: U.S. ROUTE 9  
 Intersection Orientation: NS Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		1	445			681	0
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		1	494			756	0
Percent Heavy Vehicles		2	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		0	1			1	0
Configuration		LT			TR		
Upstream Signal?		No			No		

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					0		1
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					0		1
Percent Heavy Vehicles					2		2
Percent Grade (%)		0			2		
Flared Approach: Exists?/Storage		/			No /		
Lanes					0		0
Configuration					LR		

## Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	LT						LR	
v (vph)	1						1	
C(m) (vph)	855						391	
v/c	0.00						0.00	
95% queue length	0.00						0.01	
Control Delay	9.2						14.2	
LOS	A						B	
Approach Delay							14.2	
Approach LOS							B	

## TWO-WAY STOP CONTROL SUMMARY

Analyst: RGD  
 Agency/Co.: JCE  
 Date Performed: 2/16/2012  
 Analysis Time Period: PM PEAK HOUR  
 Intersection: ROUTE 9 & HORSEMENS TRAIL  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2014 NO-BUILD TRAFFIC VOLUMES  
 Project ID: 1876PMNB1  
 East/West Street: HORSEMENS TRAIL (SOUTH)  
 North/South Street: U.S. ROUTE 9  
 Intersection Orientation: NS Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street: Approach Movement	Northbound			Southbound		
	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	3	1010			506	0
Peak-Hour Factor, PHF	0.92	0.92			0.92	0.92
Hourly Flow Rate, HFR	3	1097			549	0
Percent Heavy Vehicles	2	--	--		--	--
Median Type/Storage	Undivided			/		
RT Channelized?						
Lanes	0	1			1	0
Configuration	LT			TR		
Upstream Signal?	No			No		

Minor Street: Approach Movement	Westbound			Eastbound		
	7	8	9	10	11	12
	L	T	R	L	T	R
Volume				0		1
Peak Hour Factor, PHF				0.92		0.92
Hourly Flow Rate, HFR				0		1
Percent Heavy Vehicles				2		2
Percent Grade (%)		0			2	
Flared Approach: Exists?/Storage				/		No /
Lanes				0		0
Configuration					LR	

## Delay, Queue Length, and Level of Service

Approach Movement Lane Config	NB	SB	Westbound			Eastbound		
	1	4	7	8	9	10	11	12
	LT						LR	
v (vph)	3						1	
C(m) (vph)	1021						519	
v/c	0.00						0.00	
95% queue length	0.01						0.01	
Control Delay	8.5						11.9	
LOS	A						B	
Approach Delay							11.9	
Approach LOS							B	

## TWO-WAY STOP CONTROL SUMMARY

Analyst: RGD  
 Agency/Co.: JCE  
 Date Performed: 2/16/2012  
 Analysis Time Period: AM PEAK HOUR  
 Intersection: ROUTE 9 & HORSEMENS TRAIL  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2014 BUILD TRAFFIC VOLUMES  
 Project ID: 1876AMBD1  
 East/West Street: HORSEMENS TRAIL (SOUTH)  
 North/South Street: U.S. ROUTE 9  
 Intersection Orientation: NS Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		19	445			681	0
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		21	494			756	0
Percent Heavy Vehicles		2	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		0	1			1	0
Configuration		LT				TR	
Upstream Signal?		No				No	

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					0		1
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					0		1
Percent Heavy Vehicles					2		2
Percent Grade (%)		0				2	
Flared Approach: Exists?/Storage					/		No /
Lanes					0		0
Configuration						LR	

## Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	LT						LR	
v (vph)	21						1	
C(m) (vph)	855						391	
v/c	0.02						0.00	
95% queue length	0.08						0.01	
Control Delay	9.3						14.2	
LOS	A						B	
Approach Delay							14.2	
Approach LOS							B	



## TWO-WAY STOP CONTROL SUMMARY

Analyst: RGD  
 Agency/Co.: JCE  
 Date Performed: 2/16/2012  
 Analysis Time Period: PM PEAK HOUR  
 Intersection: ROUTE 9 & HORSEMENS TRAIL  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2014 BUILD TRAFFIC VOLUMES  
 Project ID: 1876PMBD1  
 East/West Street: HORSEMENS TRAIL (SOUTH)  
 North/South Street: U.S. ROUTE 9  
 Intersection Orientation: NS Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street: Approach Movement	Northbound			Southbound		
	1 L	2 T	3 R	4 L	5 T	6 R
Volume	3	1010			506	0
Peak-Hour Factor, PHF	0.92	0.92			0.92	0.92
Hourly Flow Rate, HFR	3	1097			549	0
Percent Heavy Vehicles	2	--	--		--	--
Median Type/Storage	Undivided			/		
RT Channelized?						
Lanes	0	1			1	0
Configuration	LT			TR		
Upstream Signal?	No			No		

Minor Street: Approach Movement	Westbound			Eastbound		
	7 L	8 T	9 R	10 L	11 T	12 R
Volume				0		19
Peak Hour Factor, PHF				0.92		0.92
Hourly Flow Rate, HFR				0		20
Percent Heavy Vehicles				2		2
Percent Grade (%)	0			2		
Flared Approach: Exists?/Storage	/			No /		
Lanes				0		0
Configuration				LR		

## Delay, Queue Length, and Level of Service

Approach Movement	NB	SB	Westbound			Eastbound		
	1	4	7	8	9	10	11	12
Lane Config	LT						LR	
v (vph)	3						20	
C(m) (vph)	1021						519	
v/c	0.00						0.04	
95% queue length	0.01						0.12	
Control Delay	8.5						12.2	
LOS	A						B	
Approach Delay							12.2	
Approach LOS							B	

## TWO-WAY STOP CONTROL SUMMARY

Analyst: RGD  
 Agency/Co.: JCE  
 Date Performed: 2/16/2012  
 Analysis Time Period: AM PEAK HOUR  
 Intersection: ROUTE 9 & HORSEMENS TRAIL  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2012 EXISTING TRAFFIC VOLUMES  
 Project ID: 1876AMEX2  
 East/West Street: HORSEMENS TRAIL (NORTH)  
 North/South Street: U.S. ROUTE 9  
 Intersection Orientation: NS Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach Movement	Northbound			Southbound		
		1 L	2 T	3 R	4 L	5 T	6 R
Volume		0	434			665	0
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		0	482			738	0
Percent Heavy Vehicles		2	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		0	1			1	0
Configuration		LT			TR		
Upstream Signal?		No			No		

Minor Street:	Approach Movement	Westbound			Eastbound		
		7 L	8 T	9 R	10 L	11 T	12 R
Volume					3		1
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					3		1
Percent Heavy Vehicles					2		2
Percent Grade (%)		0			2		
Flared Approach: Exists?/Storage		/			No /		
Lanes					0		0
Configuration					LR		

## Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	LT						LR	
v (vph)	0						4	
C(m) (vph)	868						203	
v/c	0.00						0.02	
95% queue length	0.00						0.06	
Control Delay	9.1						23.1	
LOS	A						C	
Approach Delay							23.1	
pproach LOS							C	

## TWO-WAY STOP CONTROL SUMMARY

Analyst: RGD  
 Agency/Co.: JCE  
 Date Performed: 2/16/2012  
 Analysis Time Period: PM PEAK HOUR  
 Intersection: ROUTE 9 & HORSEMENS TRAIL  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2012 EXISTING TRAFFIC VOLUMES  
 Project ID: 1876PMEX2  
 East/West Street: HORSEMENS TRAIL (NORTH)  
 North/South Street: U.S. ROUTE 9  
 Intersection Orientation: NS Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		2	986			493	3
Peak-Hour Factor, PHF		0.92	0.92			0.92	0.92
Hourly Flow Rate, HFR		2	1071			535	3
Percent Heavy Vehicles		2	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		0	1			1	0
Configuration		LT			TR		
Upstream Signal?		No			No		

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					1		1
Peak Hour Factor, PHF					0.92		0.92
Hourly Flow Rate, HFR					1		1
Percent Heavy Vehicles					2		2
Percent Grade (%)		0			2		
Flared Approach: Exists?/Storage		/			No /		
Lanes					0		0
Configuration					LR		

## Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	LT						LR	
v (vph)	2						2	
C(m) (vph)	1030						189	
v/c	0.00						0.01	
95% queue length	0.01						0.03	
Control Delay	8.5						24.3	
LOS	A						C	
Approach Delay							24.3	
Approach LOS							C	

## TWO-WAY STOP CONTROL SUMMARY

Analyst: RGD  
 Agency/Co.: JCE  
 Date Performed: 2/16/2012  
 Analysis Time Period: AM PEAK HOUR  
 Intersection: ROUTE 9 & HORSEMENS TRAIL  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2014 NO-BUILD TRAFFIC VOLUMES  
 Project ID: 1876AMNB2  
 East/West Street: HORSEMENS TRAIL (NORTH)  
 North/South Street: U.S. ROUTE 9  
 Intersection Orientation: NS Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		2	443			678	2
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		2	492			753	2
Percent Heavy Vehicles		2	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		0	1			1	0
Configuration		LT			TR		
Upstream Signal?		No			No		

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					5		3
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					5		3
Percent Heavy Vehicles					2		2
Percent Grade (%)		0			2		
Flared Approach: Exists?/Storage		/			No /		
Lanes					0		0
Configuration					LR		

## Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	LT						LR	
v (vph)	2						8	
C(m) (vph)	855						212	
v/c	0.00						0.04	
95% queue length	0.01						0.12	
Control Delay	9.2						22.6	
LOS	A						C	
Approach Delay							22.6	
Approach LOS							C	

## TWO-WAY STOP CONTROL SUMMARY

Analyst: RGD  
 Agency/Co.: JCE  
 Date Performed: 2/16/2012  
 Analysis Time Period: PM PEAK HOUR  
 Intersection: ROUTE 9 & HORSEMENS TRAIL  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2014 NO-BUILD TRAFFIC VOLUMES  
 Project ID: 1876PMNB2  
 East/West Street: HORSEMENS TRAIL (NORTH)  
 North/South Street: U.S. ROUTE 9  
 Intersection Orientation: NS Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach Movement	Northbound			Southbound		
		1 L	2 T	3 R	4 L	5 T	6 R
Volume		4	1006			503	5
Peak-Hour Factor, PHF		0.92	0.92			0.92	0.92
Hourly Flow Rate, HFR		4	1093			546	5
Percent Heavy Vehicles		2	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		0	1			1	0
Configuration		LT			TR		
Upstream Signal?		No			No		

Minor Street:	Approach Movement	Westbound			Eastbound		
		7 L	8 T	9 R	10 L	11 T	12 R
Volume					3		3
Peak Hour Factor, PHF					0.92		0.92
Hourly Flow Rate, HFR					3		3
Percent Heavy Vehicles					2		2
Percent Grade (%)		0			2		
Flared Approach: Exists?/Storage		/			No /		
Lanes					0		0
Configuration					LR		

## Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	LT						LR	
v (vph)	4						6	
C(m) (vph)	1019						180	
v/c	0.00						0.03	
95% queue length	0.01						0.10	
Control Delay	8.5						25.7	
LOS	A						D	
Approach Delay							25.7	
Approach LOS							D	

## TWO-WAY STOP CONTROL SUMMARY

Analyst: RGD  
 Agency/Co.: JCE  
 Date Performed: 2/16/2012  
 Analysis Time Period: AM PEAK HOUR  
 Intersection: ROUTE 9 & HORSEMENS TRAIL  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2014 BUILD TRAFFIC VOLUMES  
 Project ID: 1876AMBD2  
 East/West Street: HORSEMENS TRAIL (NORTH)  
 North/South Street: U.S. ROUTE 9  
 Intersection Orientation: NS Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach Movement	Northbound			Southbound		
		1	2	3	4	5	6
		L	T	R	L	T	R
Volume		2	443			678	44
Peak-Hour Factor, PHF		0.90	0.90			0.90	0.90
Hourly Flow Rate, HFR		2	492			753	48
Percent Heavy Vehicles		2	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		0	1			1	0
Configuration		LT			TR		
Upstream Signal?		No			No		

Minor Street:	Approach Movement	Westbound			Eastbound		
		7	8	9	10	11	12
		L	T	R	L	T	R
Volume					5		3
Peak Hour Factor, PHF					0.90		0.90
Hourly Flow Rate, HFR					5		3
Percent Heavy Vehicles					2		2
Percent Grade (%)			0			2	
Flared Approach: Exists?/Storage					/		No /
Lanes					0		0
Configuration					LR		

## Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	LT						LR	
v (vph)	2						8	
C(m) (vph)	822						204	
v/c	0.00						0.04	
95% queue length	0.01						0.12	
Control Delay	9.4						23.4	
LOS	A						C	
Approach Delay							23.4	
Approach LOS							C	

## TWO-WAY STOP CONTROL SUMMARY

Analyst: RGD  
 Agency/Co.: JCE  
 Date Performed: 2/16/2012  
 Analysis Time Period: PM PEAK HOUR  
 Intersection: ROUTE 9 & HORSEMENS TRAIL  
 Jurisdiction:  
 Units: U. S. Customary  
 Analysis Year: 2014 BUILD TRAFFIC VOLUMES  
 Project ID: 1876PMBD2  
 East/West Street: HORSEMENS TRAIL (NORTH)  
 North/South Street: U.S. ROUTE 9  
 Intersection Orientation: NS Study period (hrs): 0.25

## Vehicle Volumes and Adjustments

Major Street:	Approach	Northbound			Southbound		
	Movement	1	2	3	4	5	6
		L	T	R	L	T	R
Volume		4	1006			503	5
Peak-Hour Factor, PHF		0.92	0.92			0.92	0.92
Hourly Flow Rate, HFR		4	1093			546	5
Percent Heavy Vehicles		2	--	--		--	--
Median Type/Storage		Undivided			/		
RT Channelized?							
Lanes		0	1			1	0
Configuration		LT			TR		
Upstream Signal?		No			No		

Minor Street:	Approach	Westbound			Eastbound		
	Movement	7	8	9	10	11	12
		L	T	R	L	T	R
Volume					45		3
Peak Hour Factor, PHF					0.92		0.92
Hourly Flow Rate, HFR					48		3
Percent Heavy Vehicles					2		2
Percent Grade (%)		0				2	
Flared Approach: Exists?/Storage					/		No /
Lanes					0		0
Configuration						LR	

## Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Config	LT						LR	
v (vph)	4						51	
C(m) (vph)	1019						131	
v/c	0.00						0.39	
95% queue length	0.01						1.64	
Control Delay	8.5						49.0	
LOS	A						E	
Approach Delay							49.0	
Approach LOS							E	

**APPENDIX "D"**

**STANDARDS**



## **LEVEL OF SERVICE STANDARDS**

### **LEVEL OF SERVICE FOR SIGNALIZED INTERSECTIONS**

Level of Service (LOS) can be characterized for the entire intersection, each intersection approach, and each lane group. Control delay alone is used to characterize LOS for the entire intersection or an approach. Control delay and volume-to-capacity (v/c) ratio are used to characterize LOS for a lane group. Delay quantifies the increase in travel time due to traffic signal control. It is also a measure of driver discomfort and fuel consumption. The volume-to-capacity ratio quantifies the degree to which a phase's capacity is utilized by a lane group.

**LOS A** describes operations with a control delay of 10 s/veh or less and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is low and either progression is exceptionally favorable or the cycle length is very short. If it is due to favorable progression, most vehicles arrive during the green indication and travel through the intersection without stopping.

**LOS B** describes operations with control delay between 10 and 20 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is low and either progression is highly favorable or the cycle length is short. More vehicles stop than with LOS A.

**LOS C** describes operations with control delay between 20 and 35 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when progression is favorable or the cycle length is moderate.

**LOS D** describes operations with control delay between 35 and 55 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is high and either progression is ineffective or the cycle length is long.

**LOS E** describes operations with control delay between 55 and 80 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is high, progression is unfavorable, and the cycle length is long.

**LOS F** describes operations with control delay exceeding 80 s/veh or a volume-to-capacity ratio greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is very high, progression is very poor, and the cycle length is long.

A lane group can incur a delay less than 80 s/veh when the volume-to-capacity ratio exceeds 1.0. This condition typically occurs when the cycle length is short, the signal progression is favorable, or both. As a result, both the delay and volume-to-capacity ratio are considered when lane group LOS is established. A ratio of 1.0 or more indicates that cycle capacity is fully utilized and represents failure from a capacity perspective (just as delay in excess of 80 s/veh represents failure from a delay perspective).

The Level of Service Criteria for signalized intersections are given in Exhibit 18-4 from the *2010 Highway Capacity Manual* published by the Transportation Research Board.

**Exhibit 18-4**

Control Delay (s/veh)	LOS by Volume-to-Capacity Ratio	
	v/c ≤ 1.0	v/c > 1.0
≤ 10	A	F
> 10-20	B	F
> 20-35	C	F
> 35-55	D	F
> 55-80	E	F
> 80	F	F

For approach-based and intersectionwide assessments, LOS is defined solely by control delay.

## **LEVEL OF SERVICE CRITERIA**

### **FOR TWO-WAY STOP-CONTROLLED (TWSC) UNSIGNALIZED INTERSECTIONS**

Level of Service (LOS) for a two-way stop-controlled (TWSC) intersection is determined by the computed or measured control delay. For motor vehicles, LOS is determined for each minor-street movement (or shared movement) as well as major-street left turns. LOS is not defined for the intersection as a whole or for major-street approaches.

The Level of Service Criteria for TWSC unsignalized intersections are given in Exhibit 19-1 from the *2010 Highway Capacity Manual* published by the Transportation Research Board.

**Exhibit 19-1**

<b>Control Delay (s/veh)</b>	<b>LOS by Volume-to-Capacity Ratio</b>	
	<b>v/c ≤ 1.0</b>	<b>v/c &gt; 1.0</b>
0-10	A	F
>10-15	B	F
>15-25	C	F
>25-35	D	F
>35-50	E	F
>50	F	F

The LOS criteria apply to each lane on a given approach and to each approach on the minor street.

LOS is not calculated for major-street approaches or for the intersection as a whole.

As Exhibit 19-1 notes, LOS F is assigned to the movement if the volume-to-capacity ratio for the movement exceeds 1.0, regardless of the control delay.

The Level of Service Criteria for unsignalized intersections are somewhat different from the criteria for signalized intersections.

## **LEVEL OF SERVICE CRITERIA**

### **FOR ALL-WAY STOP-CONTROLLED (AWSC) UNSIGNALIZED INTERSECTIONS**

The Levels of Service (LOS) for all-way stop-controlled (AWSC) intersections are given in Exhibit 20-2. As the exhibit notes, LOS F is assigned if the volume-to-capacity (v/c) ratio of a lane exceeds 1.0, regardless of the control delay. For assessment of LOS at the approach and intersection levels, LOS is based solely on control delay.

The Level of Service Criteria for AWSC unsignalized intersections are given in Exhibit 20-2 from the *2010 Highway Capacity Manual* published by the Transportation Research Board.

**Exhibit 20-2**

<b>Control Delay (s/veh)</b>	<b>LOS by Volume-to-Capacity Ratio</b>	
	<b>v/c ≤ 1.0</b>	<b>v/c &gt; 1.0</b>
0-10	A	F
>10-15	B	F
>15-25	C	F
>25-35	D	F
>35-50	E	F
>50	F	F

For approaches and intersectionwide assessment, LOS is defined solely by control delay.

**MARY ELLEN FINGER/ENTERGY NUCLEAR INDIAN  
POINT 2, LLC  
ENVIRONMENTAL ASSESSMENT FORM  
APPENDIX 4**

To: Philipstown Planning Board

From: Conservation Board (CB)

Date: 2-16-12

RE: Finger Subdivision and Entergy EOF Proposal - 3 Horseman's Trail

Stormwater drainage off of the large building and associated parking lots appears to be well managed by the sub-surface system.

However, the potential for utilizing rain gardens type structures with native species should be explored. These plantings will further treat run-off and help alleviate excessive heat produced by large areas of pavement before it enters into local waterways. Heated waters entering our local streams can have a devastating impact on stream fauna and should be avoided when ever possible!

Efforts to minimize light pollution without sacrificing security should also be implemented.

Thank you for allowing us the opportunity to comment on this proposal.