



September 22, 2023

Mr. Paul Thomas, Chairman
Town of Clinton Planning Board
1215 Centre Road
Rhinebeck, NY 12572

Re: Cornerstone at Rhinebeck
Site Plan and Special Use Permit Approval
73-93 Serenity Hill Road, Town of Clinton
Tax Parcel ID# 531763 & 617725
LaBella Job No.: 2231559

Dear Mr. Thomas:

Please find out response to CPL's comments on our June 6th submission for the referenced project. The plan set has been revised in response to these comments. Below is a point-by-point response to each of the comments received:

TOWN ENGINEER'S (CPL) COMMENTS DATED JULY 6, 2023:

GENERAL:

1. The submittal was reviewed in accordance with Code of the Town of Clinton, Chapter 250, Zoning:
 - a. Article V, Section 31, Alternate Care Facility, including amendments adopted in 2023; and;
 - b. Article VII, Sections 96. Site Plans; and 97. Special use permits.
2. The purpose of the review of is that because there is no site plan on file for this use and its operation, to offer comments toward establishing a detailed site plan for Cornerstone's existing and future use and operation.
3. Our office conducted a site visit to review the site survey with field conditions and the Daily Work Report prepared by Mark Long, CPL, dated January 6, 2022, was previously provided to the Planning Board.
4. In summary the following comments are intended to require the applicant to prepare a Site Plan in accordance with the Code of the Town of Clinton, Chapter 250 Zoning, requirements, and standards for Site Plans, in section 250-96 to be approved as a site plan. All pertinent existing conditions and any improvements proposed now must be shown on the Site Plan.

Response: Comments noted. To address some of the concerns, the Applicant proposes to install additional landscaping in addition to the evergreen trees previously shown on the site plan. A four-foot-high, two-rail wooden fence is also proposed to be installed at the northwest corner of the site along the property line to clearly delineate the boundary line. Approximately 900 square-feet of



asphalt constituting the handball court is called out to be removed to resolve the de minimus encroachment at the northern property line. An additional 1,900 SF of gravel will also be removed at the north property line. This removal will support the installation of additional landscaping at the northern property line. Notes related to the installation of screening trees and seeding of disturbed areas can be found on the Landscape Plan Sheet C180.

5. Since the Zoning Administrator's letter also notes a Special use permit is also required, the application form, project narrative and site plan should address the pertinent requirements and standards of section 250-97 with regard to existing conditions and any improvements proposed.

Response: The Applicant submitted an application, which is inclusive of the Special Permit. A narrative has been added with this submittal to address the General Standards applicable to a Special Permit Use in stated in Section 250-97 of the Zoning Code. This information is included in the EAF report in Section 2.1.2. The site plan has been updated per the comments included and is intended to address the pertinent requirements of Sections 250-96 and 97.

6. Submit an application for a permit for activities in freshwater wetlands, watercourses, lakes, ponds and floodplains, which form is on the Town's website. See comments below about freshwater wetland and corresponding provisions at Zoning sections 250-26 and 250-78.

Response: There is no grading or deposition of fill into the aquatic resources or within the regulated buffers as part of the proposed action. There are pre-existing structures that are located within the regulated buffer areas and the proposed action to increase the facility's bed count by 50% (66 to 99 beds) has no effect on these structures. Therefore, the Applicant does not require a wetland permit. However, if the Town requests that a wetland permit be sought to bring the legal, nonconforming structures into compliance, the Applicant respectfully submits that a waiver be granted per ZS 250-78H. A note has been added to the overall Existing Conditions Site Plan (C130) stating that the lake edge was surveyed by The Chazen Companies as shown on the ALTA/NSPS LAND TITLE SURVEY PREPARED FOR CORNERSTONE REAL ESTATE, LLC dated October 17, 2016, last revised January 23, 2018. The lake edge was used for the 100-foot setback shown for the NYSDEC adjacent area. The note also states, "Any amendment to the site plan, may require wetland delineation, as needed."

7. In the Zarin & Steinmetz cover letter dated June 6, 2023 ("cover letter"), at page 7 (p. 7.) notes "...until recently, Cornerstone has received few if any complaints...". Can this be quantified? What is the nature of the comments if any were received?

Response: The cover letter refers to "numerous steps" that it has taken over the years "to mitigate any perceived impacts from the Facility on the neighbors." Each of these steps was in response to complaints and/or requests of neighbors, including: (i) fixing the omnidirectional lights on the Property to ensure there would be no spillover onto neighboring properties; (ii) changing the time patients are allowed outside to minimize noise impacts in the evenings; (iii) changing the day of the month that the generator is tested; and (iv) requesting that the garbage collection company be more respectful of the residential setting in which Cornerstone is located.

8. The Cover letter at p. 9 notes "Cornerstone reached out to NDP EMS...". Assuming this is Northern Dutchess Paramedics (NDP), is this the only provider of EMS services to



Cornerstone? We understand that both the West Clinton and East Clinton Fire Departments have also responded to the Facility. How many calls were there from responders, if any, other than NDP? Have there been responses from any police, such as the state troopers or the Sheriff's department? If so, how many and of what nature?

Response: The following information provides a description of emergency service dispatches and responses from various relevant agencies and organizations. In summary, Northern Dutchess Paramedics (NDP) is the primary responder to 911 calls from Cornerstone. As a commercial provider, NDP is reimbursed through a patient's insurance. West Clinton Fire District (WCFD) is also a frequent responder. WCFD is a special district, which receives an allocation of tax dollars from the Town. Through the recently enacted EMS Cost Recovery Act, volunteer fire departments may now also recover costs associated with their ambulance services from insurance companies.

In 2005, Cornerstone paid \$2,143.36 in taxes to the Fire District. In 2022, Cornerstone paid \$4,731.26 to the Fire District. Therefore, Cornerstone's payment to the Fire District has increased by over 100% (difference of \$2,587.90), despite the bed capacity increasing by only 50%. To the extent any additional mitigation to emergency services is necessary, the Fire Districts (both WCFD and ECFD) are eligible to receive insurance payments. Finally, it cannot be ignored that Cornerstone is providing an important service to a vulnerable community. Individuals in residential treatment with 24/7 monitoring are less likely to require emergency services than if they were living independently in their own homes.

Of the 75 EMS dispatches by 911 in 2022, WCFD responded 56% of the time,¹ or 42 times, for an average of 3.5 times a month. If we assume approximately 33% fewer patient beds, this reduces the number of WCFD responses to 2.3 times a month. So, based on 2022 data, we can extrapolate that the increase from 66 beds to 99 beds resulted in an average of one additional EMS call a month for WCFD.

We further note that Cornerstone has been operating with essentially the same capacity since 2006. The fact that the applicable EMS services are continuing to operate 17 years later demonstrates that the increase in capacity from 66 beds to 99 beds did not result in a significant adverse impact on EMS services.

To obtain the most accurate data possible, FOIL requests were sent by this office on behalf of Cornerstone to the following agencies: NDP, WCFD, East Clinton Fire District (ECFD), Dutchess County Sheriff's Office (DCSO), and NYS Troopers. The following summarizes the responses received.

NDP

Northern Dutchess Paramedics (NDP) is the only commercial ambulance provider in Dutchess County and has 140 EMTs on staff. In a July 28, 2023 email from the Dutchess County Director of Emergency Management, the Director of 911 Services reported that NDP was dispatched to 911 calls at Cornerstone 73% of the time in 2022 and 78% of the time in 2023 (as of July 28, 2023). The Dutchess County Director of Emergency Management reported that at times multiple

¹ Note that the sums of the various agency dispatches are greater than the total because more than one agency may be dispatched to a call based upon the respective agency's protocols and/or policies. Cornerstone does not have control over who is dispatched when a call is made to 911.



organizations are dispatched. On behalf of Cornerstone, LaBella reached out to NDP for additional data by online form and phone, but to date has received no additional information. As a commercial provider, NDP is reimbursed for its services through patient insurance payments, and does not receive tax dollars from the Town.

West Clinton Fire District (WCFD)

In a July 28, 2023 email¹ from the Dutchess County Director of Emergency Management, the Director of 911 Services reported that WCFD was dispatched to 911 calls at Cornerstone 56% of the time in 2022 and 47% of the time in 2023 (as of July 28, 2023). The Dutchess County Director of Emergency Management reported that at times multiple organizations are dispatched. As a Fire District, WCFD may seek insurance payments for their services per the EMS Cost Recovery Act. These payments would contribute additional budget beyond that received through the special taxing district. If determined to be beneficial by the Town, the Applicant would provide assistance, if needed, to WCFD so that it may avail itself of the EMS Cost Recovery Act and obtain reimbursement for services through insurance payments.

East Clinton Fire District (ECFD)

In a July 28, 2023 email¹ from the Dutchess County Director of Emergency Management, the Director of 911 Services reported that ECFD was dispatched to 911 calls at Cornerstone 12% of the time in 2022 and 4% of the time in 2023 (as of July 28, 2023). The Dutchess County Director of Emergency Management reported that at times multiple organizations are dispatched. As of October 2022, ECFD has requested not to be dispatched to Cornerstone. Any decision to dispatch ECFD to Cornerstone are made by 911 services and are out of Cornerstone's control.

Dutchess County Sheriff's Office (DCSO)

In a July 31, 2023 email, DCSO responded with the total number of calls and types of calls that have occurred at Cornerstone since 2005 to July 31, 2023. DCSO will at times dispatch two cars, at its discretion, based on the type of call or because another car was nearby. There were 496 calls from 1/2005 – 7/2023 (235 mo.), which totals 2.1 calls a month. Thirty-seven (37)% are EMS Police Department responses, 19% dropped 911 calls, 13% for Emotionally Disturbed Person, 4% for police assistance, 4% for disturbance, 3% for back up/assist. The remaining 20% represents calls due to the alarm (17 calls); lockout (13 calls); welfare checks (10 calls) and single digit calls for police matters, e.g., altercations (6 calls).

NYS Troopers

In a July 18, 2023 email, the NYS Troopers responded that they would respond to our FOIL request "by January 9, 2024." To date, no response has been received.

9. Regarding Ex. 4 to the cover letter, the Community Impact Statement, at p. 5 Cornerstone responds to item 19 which asks for the facility's five-year operating plan by stating "there are no current plans to deviate..." from any of the preceding responses, which would include item 9 at p. 7 which states there are "no immediate plans" for expansion of the bed capacity beyond 99. We understand that Cornerstone was only recently purchased by its current owners. Were any projections of potential bed capacity made by the purchaser, or anyone else in connection with the purchase? If so, please submit the projections.



Response: The application pending before the Planning Board is for 99 beds. Any approvals issued by the Planning Board would be limited to the 99 beds. Pursuant to Section 250-31 of the Zoning Code, Cornerstone is limited in any event from increasing beyond 102 beds. Any increase beyond the 99 beds would require further Planning Board approval. Respectfully, any discussions during negotiation of the sale of Cornerstone has no bearing on the application and is beyond the scope of the Planning Board's jurisdiction.

10. To the same end, Cornerstone's response to Item 12, at Ex 4., p. 3, states that "Even assuming that the increase in beds resulted in an additional need for emergency vehicles, any purported impact would be offset by Cornerstone's contribution to the tax base." Is there a quantifiable basis for this statement?

Response: Cornerstone has received additional data regarding emergency services since our earlier submission. Initially, to the extent that WCFD is dispatched to the Property, Cornerstone paid \$4731.26 to the WCFD in 2022, which is 0.7% of the 2023 budget (\$619,100.00). Cornerstone further learned that the majority of calls are answered by NDP, which is a private entity that is reimbursed by patient insurance. Thus, NDP is paid directly for its services and does not impact the tax base. It also appears that WCFD is eligible under the EMS Cost Recovery Act to bill insurance companies for reimbursement, which may further offset any shortfalls in tax revenue (if any exist). Importantly, Cornerstone has been operating with essentially the same capacity since 2006. The fact that the applicable EMS services are continuing to operate 17 years later demonstrates that there has been no significant adverse impact on EMS services.

11. The site plan must show the location of dwellings on the adjacent properties.

Response: The site plan has been updated to show the approximate location of dwellings on adjacent properties per aerial ortho imagery.

Legal

12. Exhibit 1 (Ex. 1) to the cover letter, the Full Environmental Assessment Form attached to Ex. 1, identifies the property owner as "Even Pine Rhinebeck Propco LLC" (page 1). Please provide an Organizational Chart/Corporate Hierarchy for this entity. We would like to know who the principals and officers of this entity are. This should be laid out in a chart signed by a managing member of Even Pine Rhinebeck Propco, LLC. The chart should also list any parent companies and sibling entities of Even Pine Rhinebeck Propco LLC and their principals, who are involved in the ownership or management of Cornerstone.

Response: Comment noted; however, zoning regulates the use of land, not the user. Accordingly, Cornerstone submits that it is the ACF use of the property by Cornerstone that is relevant to the instant application, not the organizational structure or corporate hierarchy of the owner(s).

Notwithstanding, and by way of clarification and correction to Cornerstone's prior submission, Even Pine Rhinebeck Propco, LLC is a majority owner of the property (89%), together with minority owners Rhinebeck Propco TIC Member I LLC (10%) and Rhinebeck Propco TIC Member II LLC (1%) (collectively, the "Owners"). The facility is operated by Medical Arts Sanitarium, Inc. d/b/a Cornerstone of Rhinebeck, which has operated the facility since 1997. Cornerstone is a lessee of the property, and the Owners of the property are not involved in the ownership or management of Cornerstone.



13. Provide a resolution of Owner Authorizing Joel Basch to sign the authorization included as Exhibit 1 of the Application.

Response: A corrected Town of Clinton Consent of Authorization to Act form is being prepared and executed to reflect all three Owners, and will be provided to the Board under separate cover, together with the requested Owners' Resolutions.

14. Provide a copy of the easement granting ingress/egress over parcel 132400-6469-00-580010-0000 owned by Niagara Mohawk Power Corporation. See Exhibit 13 of June 6, 2023 submission.

Response: A copy of the easement is enclosed.

Site Plans:

15. The following bold note should be added to Site Plan: **"Approved for ___ Patients. Any Increase In Patient Capacity Beyond ___ Requires Planning Board Approval. Maximum Patient Capacity is 102 per LL No. 1 of 2023. See Town of Clinton Town Code Section 250-31"**.

Response: The note has been added to Sheet C130 to state, "Approved for 99 Beds or 99 patients. Any Increase In Patients/Beds Requires Planning Board Approval. Maximum Patient Capacity is 102 per LL No. 1 of 2023. See Town of Clinton Town Code Section 250-31".

16. Previously our office received a 2-sheet set of plans prepared by Cummings Engineering, PC, dated March 14, 2022, with 1 sheet showing the entire site (parcels 531763 & 617725) and the second sheet focusing on parcel 531763, the lot with all of the buildings. On the Labella single plan sheet, Existing Conditions Site Plan, dated June 6, 2023, shows the entire site (parcels 531763 & 617725), which appears to be nearly identical to the Cummings sheet showing both parcels, except there is no second sheet focusing on parcel 531763. Address the following:

- a. Provide a plan set with 2 sheets at the required scale of equals 50 feet (1"=50'), with 1 sheet showing the entire site (parcels 531763 & 617725) and the second sheet focusing on parcel 531763, the lot with all of the buildings;
- b. Add back the "Building Key" table, which should be inserted to the new plan set from the Cummings site plan set; and
- c. Due to the scale of the plan, many labels are difficult to discern. Improve the font size and/or provide a sheet with insets focusing on the areas of the site with many buildings and improvements.

Response: An updated plan set has been provided with 2 sheets at a scale of 1"= 50' with 1 sheet showing the entire site (parcels 531763 & 617725) and the second sheet focusing on parcel 531763, the lot with all of the buildings. The Building Key Table has been added. Font size and insets have been provided.



17. Based on or referencing the submitted survey and providing key site plan elements to depict the recent site and interior changes made to increase the site's bed capacity from 66 to 99, revise the plans to clearly show existing conditions and proposed changes, including the following:
- a. Show all building footprints in square feet (SF) and any increases; or clearly indicate where there are no increases.

Response: There have been no increases to building footprints since Cornerstone took over operation of the Facility in 1997. No change to building footprints was required to accommodate the increase in maximum patient capacity. All building footprints have been calculated and this information is available on Sheet C130 and C131.

- b. Provide a table describing and noting including all existing and any recent changes in:
 - i. square footage for the building footprint;
 - ii. gross floor area (GFA) including all floors in square feet;
 - iii. occupancy;
 - iv. parking and access; and
 - v. This table should provide any additional information necessary to consider recent site changes that are now being considered in a site plan application.

Response: There has been no change to building square footage (including gross) totals since Cornerstone took over operation of the Facility in 1997. No change to building footprints was required to accommodate the increase in maximum patient capacity. A table including the licensed number of beds over the years has been included on Sheet C130. No change to parking or access was required to accommodate the increase in maximum patient capacity.

- c. The subject site is composed of 2 lots (parcels 531763 & 617725), which appears to be consistent with the purpose and lot area and bulk requirements of the Code of the Town of Clinton, Chapter 250, Zoning for the C (Conservation Agricultural) zoning district in which the use is located, which is intended for very low density development. Specifically, the district requires low building coverage and a higher open space requirement than other zones. We note that the use is an existing nonconforming use. Due to the ownership of both parcels by the same entity and aspects of the existing use being present on both lots, we assume that the lot area and bulk requirements for the C zone would be satisfied based on the total area and configuration of the 2 subject parcels. We defer to the Zoning and Building Departments on this point.

Response: Per the Zoning Officer, the Application materials have been updated to indicate that the use occupies 2 lots. This information is reflected in the bulk table on Sheet C130, which has been updated.



- d. A zoning compliance table was provided listing the zoning district lot area and bulk requirements and the corresponding actual values for the site's conditions corresponding to each of the zoning district lot area and bulk requirements, however, address the following:
- i. Per the comment above, the zoning compliance table may have to be fully revised to address the fact that both of the lots that make up the site for the existing use;

Response: The bulk table has been revised. See Sheet C130.

- ii. Plan notation should be added to explain that the fact that both of the lots make up the site for the existing use;

Response: The note has been added. See Sheet C130.

- iii. Revise the plans to note pre-existing, nonconforming conditions. This was mostly provided on the prior Cummings plans and should be added to the revised plan set. While pre-existing nonconforming conditions may be noted on the plans, we defer to the Town's Zoning Department about what may be considered "pre-existing nonconforming";

Response: This information is included in the bulk table, see Sheet C130.

- iv. In the Town of Clinton Zoning, the District Schedule of Area and Bulk Regulations for the C zone indicates a minimum lot width requirement of four hundred feet (400'). Correct the zoning table accordingly;

Response: This information has been corrected in the bulk table, see Sheet C130.

- v. Although the front lot appears to comply with the lot frontage requirement of 40', the plan lists the lot's frontage as 400'. The values listed along Milan Hollow Road for parcel 617725, do not add up to 400', and may be closer to 335'. Please explain or revise.

Response: This lot frontage has been updated/the survey indicates 400' which is shown in the bulk table, see Sheet C130.

- vi. Confer with the Planning and Zoning departments to discern whether zoning front yard setbacks should be measured from the Milan Hollow Road frontage of parcel 617725, or the eastern line of parcel 531763. Revise the table as needed;

Response: Per the Zoning Officer, the front setback has been measured from Milan Hollow Road. See Sheet C130.

- vii. Add the open space requirement of seventy-five percent (75%) and the corresponding existing and proposed value; and



Response: The bulk table has been updated, see Sheet C130.

- viii. List the 200' lake setback in the zoning table as per zoning section 250-10, Conservation Agricultural Residential (C) District regulations., D. (5) Sewage treatment systems.

Response: The bulk table has been updated, see Sheet C130.

- e. Show and label any related changes to the site's buildings and improvements. This review process presents an opportunity to show existing and continued site use by identifying anticipated improvements. For example:
 - i. The "handball court remains" should be removed as they encroach over the site's northern property line.
 - ii. Show where a new handball court will be located and created as a recreational amenity for residents.
 - iii. Along the northern part of parcel 531763, there are driveways and parking areas that appear to extend over the northern property line into the adjacent lot to the north. Show any changes to remedy this existing nonconforming condition.

Response: 2,800 square-feet of impervious area associated with the voluntary removal of the handball court and other asphalt is shown on the Existing Conditions Site Plan (C130) and the Enlarged Existing Conditions Site Plan (C131). No new handball court is proposed.

- f. Label the dimensions of larger structures (Residence Hall and Building H).

Response: Sheet C130 has been updated with this information.

- g. Show structures, improvements and uses on adjacent properties within 100 feet of the subject lot line. A specific concern is that the location of the structure to the north of the northern property line be shown.

Response: Sheet C130 has been updated to include approximate locations of structures and other improvements within 100 feet of the property utilizing aerial ortho imagery. The land use map enclosed with the FEAF shows land uses.

- h. Show and label the locations and surface of existing and proposed paths or walkways. Aerial photography indicates there may be walks or paths not noted on the plans. For example, there appears to be a pathway from Serenity Hill Road, opposite the three "Existing SDS Area" items, which runs north to where a "PATH" is shown. Show the connection from the road; and show how the path continues to the site's northern buildings (residence hall and training and emergency residence); and to the stairs to Silver Lake.



Response: All paths surveyed by The Chazen Companies as shown on the ALTA/NSPS LAND TITLE SURVEY PREPARED FOR CORNERSTONE REAL ESTATE, LLC dated October 17, 2016, last revised January 23, 2018, are shown on the Site Plan (C130).

- i. Aerial photography indicates there may be a second walk or path to the basketball court.

Response: All paths surveyed are shown on the Site Plan (C130).

- j. Show any existing or proposed path to the volleyball and handball courts.

Response: All paths surveyed are shown on the Site Plan (C130). No new path is proposed.

- k. Label any existing or proposed patio, deck, garden or other outdoor areas.

Response: All decks, patios and other uses are shown on the Site Plan (C130). No new outdoor areas are proposed.

- l. Label the surfaces of driveways, paths or improved outdoor areas.

Response: See Sheets C130 and 131.

- m. One aspect of existing and continued site use that needs attention is the creation of detailed site plans showing and labelling existing wooded, vegetated and landscaped areas clearly; and showing/labelling proposed buffering and other proposed landscaping with corresponding specifications. The Planning Board should discuss the level of detail needed for the landscaping plan. The Applicant must address the following

- i. Provide a landscaping plan in accordance with 250-96, C. (3)(n); and 250-61., including existing vegetation and proposed.

Response: A landscaping plan is enclosed as Sheet C180.

- ii. Show and label existing vegetative cover including wooded areas, single large trees (eight or more inches [8"+] in diameter) or clusters of trees; brushy or meadow areas; lawns; and planted medians;

Response: The Applicant is seeking a waiver from this requirement due to insufficient survey information and because no physical improvements are proposed.

- iii. Show and label the areas of rock outcroppings;

Response: The Applicant is seeking a waiver from this requirement due to insufficient survey information and because no physical improvements are proposed.

- iv. We note the "Proposed (8) 8'-10' Tall Evergreen Trees +/- 12' O.C. Located 10' from Property Line". Provide more details including the tree species, planting details, etc. Native species are recommended;



Response: A landscaping plan, including this information, is enclosed as Sheet C180.

- v. Additional screening and buffering are needed, in coordination with the remedies to encroachments, along the northern property line near existing recreational amenities; and

Response: Additional landscaping has been provided along the northern property line. There are now 11 proposed White Spruce trees and 17 Silky Dogwood bushes. A four-foot-high, two-rail wooden fence has been proposed at the northwest property line to delineate the boundary.

- vi. Regarding existing or proposed field or lawn areas, consider using meadow and pollinator seed mixes.

Response: The former handball court will be restored to an Ernst Meadow mix, see Sheet C180.

- n. Provide a habitat assessment report regarding the Blandings Turtle and any other threatened and endangered species. The report should show any known Blandings Turtle habitat area, which would likely be along the site's lakeshore and frontage corresponding to flood hazard and wetland areas.

Response: The Applicant has not conducted a habitat assessment report. There is no development proposed on the lakeshore or within flood hazard, wetland or wetland buffered areas.

- o. Identify existing wells, water storage tanks, waterlines, valves, etc.

Response: See Sheet C131 for existing wells and storage tanks. Locational waterline and valve information is unknown.

- p. If there is a separate water treatment building, it should be shown. Or, if water treatment is located in any building, this should be noted.

Response: Water treatment is shown in a building on Sheet C131.

- q. Numerous "SSDS" areas, which are assumed to be subsurface sewage disposal systems (SSDS's), are shown on the plans. Related to these systems, show and label the locations of any pump chambers, septic tanks, grease traps, etc.

Response: See Sheet C131 for existing subsurface sewage disposal systems, pump chambers, septic tanks, and grease traps.

- r. Also add notation referring to any plans approved by the DCDOB&CH, including the dates of the approvals. Add notation as needed to clarify whether or not the outline labeled as an SSDS area, near the Niagara Mohawk parcel, is in use.

Response: Notations on approvals from Dutchess County Department of Behavioral and Community Health (DCDBCH) and the New York State Department of Conservation have been added to Sheet C150. It has been clarified to show that the SSDS area located east of the Niagara Mohawk parcel is an expansion area that is not currently in use.



- s. In that same area, explain the 2 dotted lines.

Response: The dotted lines were a relic from the Cummings (prior Engineer) plan. These have been removed as we cannot determine with certainty their meaning.

- t. North of that area, it appears that there may be a small wetland area. Please label as needed.

Response: We show National Wetlands Inventory (NWI) mapping on the plans per available online GIS data. There is no aquatic resource identified in the location noted in the comment. Therefore, this line type has been removed.

- u. Show and label any existing or proposed catch basins, culverts, drainage improvements or system, piping, etc.

Response: There are no existing catch basins, culverts, drainage improvements, etc. and none are proposed.

- v. Show and label any fuel tanks that are large enough to require NYSDEC permits.

Response: There are no fuel tanks on site that require NYSDEC registration. A NYSDEC PBS registered 1,000 gallon, #2 Fuel underground storage tank was removed in November 2021.

- w. On parcel 617725, there are numerous dashed and solid lines that are not labeled. Please clarify with additional line types, legend items and labelling.

Response: Line types that could be verified were identified. All other lines were removed from Sheet C130 and C131.

- x. Show the property owner's name across Milan Hollow Road.

Response: The property owner's name was obtained from Dutchess County Parcel Access and is shown on Sheet C130.

18. Provide a copy of any previous wetland delineation report. This is required to process the town wetland permit.

Response: There is no known wetland delineation report on file with Cornerstone. See also Comment Response #6. All improvements are preexisting nonconforming, and no new physical improvements are proposed.

19. Depending on Planning Board comments and the next round of review, additional plan revisions and special use permit and site plan information may be needed.

Response: Comment noted.

Code & Zoning:

20. The submittal, including the Community Impact Statement, and plans appear to address Zoning section 250-31, C.



Response: Comment noted.

21. The 2 submitted sets of plans do not appear to show any proposed land disturbance. Yet, as noted above, land disturbance may be necessary to resolve encroachments on northern property line. Any improvements must address the standards and requirements of zoning generally, including freshwater wetland provisions at 250-26 and 250-78.

Response: Approximately 2,800 SF of asphalt/gravel is voluntarily proposed to be removed from the site. Landscaping and fencing are proposed at the northern property line. The land disturbance proposed will not encroach in the Town's freshwater wetland buffer.

22. Please refer to the attached excerpt of the submitted Site Plan or Special Permit application form, page 2 of 4, which is annotated with a "W" in the right columns for items c., d., f., and g. The Planning Board must review these waiver requests. Refer to section 250-96, C., regarding waivers.

Response: Comment noted.

23. We reviewed the submitted site plans per the site plan requirements in zoning section 250-96. Please refer to the site plan comments above. Since the issue of how the encroachments would be addressed remains to be explained, it is likely more detailed review per section 250-96 will be done in response to the next submittal.

Response: Comment noted.

24. Similarly, given the site plan comments above, and that the issue of how the encroachments would be addressed remains to be explained, it is likely more detailed review per section 250-97, Special use permits., specifically section 250-97, D. General standards., will be done in response to the next submittal.

Response: Comment noted.

Environmental Assessment Form:

25. Provide in an appendix a copy of the most recent New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) permit referred to in the Introduction, and any current corresponding report related to the operation of existing on-site subsurface sewage disposal system (SSDS), such as NYSDEC discharge limits. Also:
- A. Describe the frequency of site inspection and testing, including water sampling; and
 - B. Provide copies of the last 2 to 3 years of monthly reports.

Response: The DCDBCH and NYSDEC permits are enclosed in the EAF within Attachment A. The public water supply permit with the DCDBCH requires monthly testing. NYS Part 5 rules and regulations apply to public water supplies. These regulations govern public water systems as part of the NYS Sanitary Code. The system is under the oversight of a Certified Water Operator, which is approved by DCDBCH. Samples are taken regularly at these sites to analyze for bacteria,



inorganic compounds, and organic compounds. Monthly reports from 2021 - 2023 are enclosed in Enclosure 1. This information is also discussed in Section 2.2.1 in the EAF report.

26. The narrative regarding 2.1.3 Public Policy, in the middle of page 4, then in 1997 Cornerstone “ ... ceased any use of Silver Lake by staff or patients for any purpose”. Please explain the limitations related to “use” of Silver Lake. It seems appropriate for clients and staff to be able to enjoy views of the wetlands and lake, vegetation and wildlife, etc.

Response: There is no in-water use of Silver Lake by staff or patients. Additionally, there are no paths to the Lake that are accessible by patients. The area located west of the buildings is also heavily vegetated. As such, the lakefront is not improved for access and direct access is challenging due to existing natural vegetation.

27. Although the narrative regarding 2.1.3 Public Policy, at the bottom of page 4 describes the planting of 8 evergreen trees, please expand the narrative to describe the plan to resolve encroachments on northern property line. This pertains to the gravel drive outline, asphalt/hardball court, and retaining wall. The encroachments must either be removed or an easement agreement with the property owner upon which the encroachments extend must be provided.

Response: Approximately 900 square-feet of asphalt constituting the handball court is called out to be removed to voluntarily resolve the encroachment at the northern property line.

28. The narrative at 2.2 Utilities discusses existing water and sewer facilities and capacities. The Full EAF should include an appendix with the last 12 months of monthly operation reports for both water supply and sewage treatment systems (if applicable), which were submitted to Dutchess County Department of Behavioral & Community Health (DCDOB&CH) and the NYSDEC. These materials are needed to verify statements made in the Full EAF narrative about system capacities.

Response: Please see Enclosure 1.

29. The narrative regarding 2.3.1. Surface Water Resources, at the bottom of page 6 describes required water sampling. Please provide a copy of the most current set of water sampling results; and any agency response to the sampling results. These may be in the monthly reports.

Response: This information is provided in Enclosure 1.

30. The narrative regarding 2.4. Vegetation and Wildlife, on page 7, mentions The United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), noting the site is within the range of the Indiana and northern long eared bat and monarch butterfly. Provide a copy of the IpaC report.

Response: Please see Attachment B in the EAF Report.

31. Regarding the Full EAF form, address the following items:



- a. In the Brief Description of the Proposed Action and in other responses in the form, it is stated that no construction is proposed. Yet as noted above, the Applicant and their representatives must address the plan to resolve encroachments on the northern property line. This pertains to the gravel drive outline, asphalt/handball court, and retaining wall, which encroachments must either be removed, or an easement agreement provided as noted herein above.

Response: The Full EAF form and report have been updated to discuss the proposed voluntary removal of the handball court, as well as the installation of landscaping and a four-foot-high, two-rail wooden fence.

- b. Revise the response to D.1, b., a. through c., to account for disturbance necessary to resolve the encroachments noted in the comments above.

Response: These responses have been updated.

- c. In response to D. 1. g., refer to the “Building Key” table, which should be inserted to the new plan set from the Cummings site plan set. This provides a useful, comprehensive listing of existing site structures.

Response: This note has been added to the FEAF form.

- d. The response to D. 2. e., regarding stormwater runoff should be revised given that encroachments must either be removed, or an easement agreement provided as noted herein above. Removal of encroachments and relocating these improvements on the Cornerstone site will require land disturbance, grading, drainage improvements, erosion and sedimentation control, and revegetation of disturbed areas.

Response: Approximately 2,800 SF of asphalt/gravel will be voluntarily removed, including the removal of the handball court. The handball court will not be replaced. In addition, landscaping and installation of a four-foot-high, two-rail wooden fence are proposed. Therefore, there is a decrease in impervious surface by 0.06 ac., bringing the total existing impervious down from 3.15 acres to 3.09 acres.

- e. The responses to D. 2. E., iii., describes existing uncontrolled runoff and sheet flow, assuming sufficiently vegetated areas, which must be examined, given the concern about stormwater runoff likely affecting Silver Lake water quality. Existing eroded areas may be contributing sediment to this sensitive watershed area. Additionally, the resolution of encroachments will likely have the effects (disturbance, grading, drainage, etc.) described above.

Response: There is no known erosion issue at the lakefront, and the application does not result in any additional physical improvements to the property, except for the voluntary removal of the de minimis encroachments. There is significant vegetation existing between the impervious area on site and the lakefront. It is anticipated that this buffer will treat and assist in infiltration of stormwater prior to its entry into the lake. The proposed improvements (fencing, landscaping, removal of asphalt/gravel) will be undertaken in coordination with an erosion and sediment control silt fence.



- f. The response to Full EAF question D. 2. J., notes no increase in traffic and no change in operations. Yet given concern about traffic, provide narrative describing and quantifying existing peak traffic times and volumes. For example, would there be 35 staff trips in and out at shift changes? Are there 3 shift changes per day?

Response: According to the Institute of Transportation Engineers (ITE) Traffic Generation Manual, 11th Edition, a 66-bed Alternate Care Facility (assumed to be similar to a nursing home²- Land Use Code 620) is expected to generate 12 vehicle trip ends (vtes) (using the fitted curve, which is more conservative) per weekday a.m. peak hour of adjacent street traffic (9 entry/3 exit) and 11 vtes per weekday p.m. peak hour of adjacent street traffic (4 entry/7 exit). For the current 99-bed facility, ITE estimates generate 15 vehicle trip ends (vtes) (using the fitted curve, which is more conservative) per weekday a.m. peak hour of adjacent street traffic (11 entry/4 exit) and 15 vtes per weekday p.m. peak hour of adjacent street traffic (5 entry/10 exit). The difference between the 66-bed facility and the 99 bed facility estimated trips is 3 vtes in the weekday a.m. peak period and 4 vtes in the weekday p.m. peak period.

The estimated incremental increase in trips is well below the SEQR guideline of 100 peak hour trips for warranting a detailed traffic analysis.

According to data provided by Cornerstone for a total of 53 regularly scheduled staff, the majority (72%) of staff arrive at Cornerstone between 6 a.m. and 8:30 a.m. on weekdays. The peak a.m. period for staff arriving to Cornerstone is between 7 - 8 a.m. when 24 staff (45%) arrive. Therefore, Cornerstone's a.m. traffic peak period is consistent with the typical a.m. peak hour for local traffic.

The majority (72%) of regularly scheduled staff leave Cornerstone between 2:30 p.m. and 5:30 p.m., with the p.m. peak period of traffic at Cornerstone occurring between 2:30 - 3:30 p.m. with 23 staff entering and exiting (43%), when there are staff starting shifts and staff ending shifts. This peak period does not align with the typical peak p.m. peak hour for local traffic, which occurs during one hour between 4 - 6 p.m. Comparatively, during the typical peak p.m. peak hour for local traffic, 17 (32%) staff leave Cornerstone.

As described above, the Cornerstone facility is estimated by ITE to generate 15 vtes during the a.m. peak hour of adjacent traffic and 15 vtes during the p.m. period of adjacent traffic. Based on regularly scheduled staff schedules for 99 beds, we understand that 24 vtes occur during the a.m. peak period of adjacent traffic and 17 vtes occur during the p.m. period of adjacent traffic. Based on this information, the incremental trips gained from the expansion from 66 beds to 99 beds (7 vtes in the a.m. and 5 vtes in the p.m.) would not result in significant adverse impacts to the traffic network as the amount is well below the 100 peak hour trip threshold under the SEQR guidelines.

- g. Although the response to EAF question D. 2. I., i., regarding hours during construction is "Not Applicable", the potential for some construction is possible to remedy

² For detox patients, no visitors/family are allowed to visit. For rehab patients, one visit during the stay (typically 1 month). The ITE description of a nursing home as it applies to traffic is: "A nursing home is a facility whose primary function is to provide care for persons who are unable to care for themselves. Examples include rest homes, chronic care, and convalescent homes. Skilled nurses and nursing aides are present 24 hours a day at these sites. Residents often require treatment from a registered healthcare professional for ongoing medical issues. A nursing home resident is not capable of operating a vehicle. Traffic is entirely generated by employees, visitors, and deliveries."



encroachments. See the comments above about encroachments that must either be removed, or an easement agreement provided. Revise the response as needed. In response to EAF question D. 2. q., provide a brief description of care and maintenance of the site’s grounds or refer to and provide narrative.

Response: The FEA form has been updated to reflect hours of construction for installation of landscaping and fencing and removal of asphalt/gravel. Pesticide is applied 1 time a year. No herbicides or fertilizers are used on site.

- h. The response to question E. 1. A., should check the box for “aquatic” and check “Other” and list Rehabilitation Facility.

Response: This change has been made to the FEA form.

- i. Regarding the response to E. 2. d., revisit the response about the depth to water table given part of the site is wetland and lake and is underlain by an aquifer.

Response: According to the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS), the site is anticipated to be comprised of the following soil groups.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
FcC	Farmington-Galway complex, rolling, very rocky	19.3	42.5%
FcD	Farmington-Galway complex, hilly, very rocky	5.9	12.9%
FeE	Farmington-Rock outcrop complex, steep	5.5	12.2%
HsA	Hoosic gravelly loam, nearly level	7.8	17.1%
HtB	Hoosic channery loam, fan, 3 to 8 percent slopes	0.3	0.7%
W	Water	6.5	14.4%
Wy	Wayland silt loam	0.1	0.3%
Totals for Area of Interest		45.5	100.0%

According to the USDA NRCS, the soil groups are anticipated to have a depth to water of greater than 80 inches (6.6 feet), except for the Hoosic channery and Wayland soil types, which are anticipated to have a depth of 36 – 72 inches and 0 inches to water, respectively. This information has been added to the EAF report.

- j. Given other responses about natural resources on the site, it seems that poorly drained areas would be approximately 21% of the site and well drained would be 79%.

Response: The soil groups are generally well drained, with the exception of the Wayland soil group, which is poorly drained. Therefore, approximately 85% of the site is anticipated to be well drained.



- k. The site has the potential for presence of the Blanding's Turtle, which would likely be in and near the wetlands, and flood hazard areas along the site's lakeshore and frontage. In response to EAF questions E. 2. n. and o., please refer to and provide any report related to the "Medium Fen" significant natural community and Blanding's Turtle. Describe any precautions for use of the site relative to these aspects of the site and any recommended protections for related habitat areas.

Response: No habitat assessment has been prepared for the project site. According to the Significant Habitats in the Town of Clinton report by Hudsonia Ltd., dated December 2012, the project site is considered to be part of the Circumneutral Bog Lake habitat. Recommendations by Hudsonia for this habitat include:

- ***Maintain water quality***
 - ***The facility is permitted by the DCDBCH and NYSDEC to operate septic disposal systems. These systems were certified following construction. Groundwater testing conducted in accordance with NYS Sanitary Code requirements does not indicate that contamination to groundwater has occurred. The facility is comprised of 3.09 acres (following proposed removal of asphalt/gravel) of impervious surfaces, leaving abundant acreage in a landscaped or natural vegetative state. Landscaping, fencing, and asphalt/gravel removal will be undertaken using erosion and sediment control practices to maintain water quality.***
- ***Maintain hydrology***
 - ***No new wells are proposed as part of the proposed action.***
- ***Maintain or restore a vegetated buffer of 300 feet from the lake edge.***
 - ***The removal of 1,900 SF of gravel at the north property line occurs within 300 feet of the lake edge. In this area, new native White Spruce trees and Silky Dogwood shrubs will be installed. The work area will be surrounded by temporary turtle fencing prior to initiation of work.***
- ***Protect habitats and assess potential impacts within 3,300 ft (1,000 m) of the lake edge.***
 - ***No new building construction or paved roadways or paths are proposed as part of the project. Ground disturbance is limited to the areas proposed for installation of a fence, removal of asphalt, and installation of new landscaping, which are proposed to include White Spruce trees and Silky Dogwood shrubs, both native species.***
- ***If any significant land-use changes are proposed in the vicinity, conduct rare species surveys in the lake, adjacent wetlands, and surrounding forests early in the planning process, so that development designs can accommodate the needs of sensitive species.***
 - ***The Applicant respectfully asserts that the proposed project is not a significant land use change given that there is no new building or other impervious surface construction proposed.***



- **Discourage use of motorized watercraft**
 - *The facility does not allow use of motorized watercraft on the Lake by employees, patients, or visitors.*
- **Avoid the introduction of non-native fish species that may disrupt the lake's food web.**
 - *The facility does not allow employees, patients, or visitors to fish, boat, or swim in the Lake.*

According to the New York Natural Heritage Program³, the Blanding's Turtle is a State Threatened species, which prefers shallow wetlands such as shrub swamps, marshes, and shallow ponds. Vernal pools are used in the spring. Blanding's Turtles will frequently travel through uplands and cross roads, especially during the nesting period or when moving between wetlands. As such, Blanding's Turtles are associated with Medium Fen ecological communities.

According to the Significant Habitats in the Town of Clinton report by Hudsonia Ltd., the project site is part of the Circumneutral Bog Lake. This ecological community provides some of critical habitat for Blanding's Turtle in the Town, though not the majority.⁴ The majority of critical habitat for Blanding's Turtle in the Town is provided by the Buttonbush and Kettle Shrub Pools, the largest of which are located south of Mud Pond⁵, which corresponds with the Significant Natural Community mapped by the NYSDEC. Hudsonia defined the potential extent of the habitat complex for the Blanding's Turtle population and delineated 3,300-ft (1,000-m) and 6,600-ft (2,000-m) zones around each core wetland habitat and the project site is located within the 6,600-ft (2,000-m) Kettle shrub pool area of concern. According to the report, "The 2000-m "area of concern" includes the landscape over which Blanding's turtle makes long-distance movements to explore new wetlands, seek mates, or nest. One can expect a few turtles from a particular core wetland in this zone each year. Within these zones, potential Blanding's turtle habitats include both wetlands and upland nesting habitats, as well as the travel corridors between them."⁶ For the 6,600-ft (2,000-m) "area of concern," Hudsonia has the following recommendations:

- **Protect wetland habitats from physical, chemical, or unnatural hydrological disturbance.**
 - *No new wells are proposed as part of the project. Existing well is a public water supply and regulated by the DCDBCH, including monthly water quality testing.*
- **Maintain the spatial and temporal patterns of surface water and groundwater entering and leaving wetlands.**
 - *Installation of landscaping and fencing and removal of asphalt/gravel are part of the project. These activities will not directly impact aquatic resources and will not occur within the aquatic resources buffers administered by the Town and/or NYSDEC.*

³ New York Natural Heritage Program, Blanding's Turtle. [Blanding's Turtle Guide - New York Natural Heritage Program \(nynhp.org\)](https://www.nynhp.org), Accessed 8/2/2023.

⁴ Significant Habitats in the Town of Clinton report by Hudsonia Ltd., dated December 2012. Pages 77, 79.

⁵ Significant Habitats in the Town of Clinton report by Hudsonia Ltd., dated December 2012. Page 108.

⁶ Significant Habitats in the Town of Clinton report by Hudsonia Ltd., dated December 2012. Page 109.



- **Maintain broad corridors of undeveloped land within the Area of Concern between all 1,000 m (3,300 ft) Conservation Zones.**
 - *The facility is comprised of 3.09 acres of impervious surfaces (following proposed removal of asphalt/gravel), leaving abundant acreage in a landscaped or natural vegetative state.*
 - **Minimize the extent of new roads. Consider installing turtle crossing signs along existing roads, particularly during high activity periods (June and July; Beaudry et al. 2010).**
 - *A Habitat Encounter plan will be implemented for the property to assist staff in protection of Blanding's Turtles.*
 - **Maintain broad buffer zones (e.g. at least 30 m [100 ft] width) of natural soil and vegetation around all wetlands, including unregulated wetlands.**
 - *The addition of patient beds will not result in ground disturbance that encroaches on or results in fill in wetlands or other aquatic resources. The regulated 100-foot buffer and the Town's buffer is shown on the site plan sheets around the State regulated wetland. The proposed landscaping, fencing, and removal of asphalt/gravel will not directly impact the wetlands or regulated buffers.*
 - **Minimize or eliminate pesticide use.**
 - *To reduce exposure to ticks and mosquitos, the facility has licensed contractors apply pesticide once a year in well-used areas, including the centralized park, barn, and volleyball areas.*
 - **Educate landowners about the Blanding's turtle and its conservation.**
 - *A Habitat Encounter plan will be implemented for the property to assist staff in protection of Blanding's Turtles.*
32. The answers to questions E. 3. e. and f., indicate a nearby historical site and archaeological sensitivity per the online EAF Mapper Platform. Prior comments requested that narrative and any information about archaeological sensitivity should be attached to the EAF, which was not provided. As per the online Cultural Resource Information System (CRIS), an archaeological survey was done in the area. The Applicant and its representatives should make a submittal via the CRIS as soon as possible. Provide copies of any information and reports completed for this site; and any materials submitted via the CRIS and responses therefrom.

Response: The New York State Office of Parks, Recreation and Historic Preservation was consulted on the project and in a September 5, 2023 letter, the stated, "that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project."



33. Until the scope of the applications is clarified by the Applicant and its representatives, we do not recommend the Planning Board take any procedural actions related to SEQRA, site plan or special use permit review. A public hearing should not be scheduled yet.

Response: Comment noted.

34. The proposed action, involving site plan and special use permit, would appear to be an Unlisted action in accordance with the SEQRA.

Response: Comment noted.

35. After the proposed action is clearly presented, per the comments above, the following actions may be taken:

- a. Perform a coordinated SEQRA review if proposed improvements are planned.
- b. The Planning Board must make a referral to the Dutchess County Planning Board.

Response: Comment noted.

36. Please provide a response letter with the next application submittal.

Response: As enclosed.

Thank you for your consideration of this application. Please contact me at clobrutto@labellapc.com or 845-486-1458 with any questions. We look forward to discussing this matter further at the next Planning Board meeting.

Sincerely,

Senior Planner

Encl: Amended Site Plan Set, last revised 9/12/2023 (8 full-size copies)
Full Environmental Assessment Form and Report, last revised 9/25/2023
Enclosure 1: Water Usage Reports
Enclosure 2: Iroquois Easement

cc: Applicant
File