

Report of the Special Board for CP/LWRP on
Drive-Thru's, Formula Business
February 28, 2013

The Village Board of Trustees has asked the Special Board for the Comprehensive Plan and Local Waterfront Revitalization Plan to prepare a report outlining the following with respect to drive-thrus and formula businesses (which include formula fast food and formula retail):

- a. Whether existing laws / regulations give adequate protection;
- b. What new protection should cover;
- c. Where in the Village new protection should be provided;
- d. What and where the impacts of concern are; and
- e. Reasons for prohibiting drive-thrus.

Each of these points will be addressed in turn.

A. Whether Existing Laws Give Adequate Protection

The Special Board conducted reviews of each chapter of the existing Village Code and concluded that there are no prohibitions or adequate protections against drive-thrus and formula businesses therein.

B. What New Protection Should Cover

The Comprehensive Plan ("CP"), adopted by the Village Board on January 10, 2012, the Local Waterfront Revitalization Strategy ("LWRS"), accepted by the Village Board on November 20, 2011, and their supporting documents and analyses show that prohibitions against drive-thrus and formula businesses throughout the Village (both developed and yet-to-be-developed parcels alike) are necessary – and desired by Village residents -- in order to protect and enhance Village character, economic vitality, the natural environment and energy, and community facilities and services. Appendix A lists provisions in the CP and LWRS supporting prohibition of formula businesses and drive-thrus, and includes an aerial view of the "Chestnut Street Area" (defined below).

New York law grants municipalities broad powers to enact zoning laws, and accordingly, numerous New York communities have restricted drive-thrus and formula businesses:

- Nearby Rhinebeck has restricted fast-food establishments to a clearly defined area of the town, far from the historic district and subject to stringent permitting requirements specific to that particular use. Town of Rhinebeck Code defines "fast-food establishment" as:

An establishment required by contractual or other arrangements to offer some or all of the following: 1) Standardized menus, ingredients, food preparation, decor, external facade and/or uniforms; 2) Systemic

purchasing of food, containers, wrappers, and other consumable goods from a central source; 3) Pre-prepared food in a ready-to-consume state, which is: a) Sold over the counter in disposable containers and wrappers, b) Selected from a limited menu, c) For immediate consumption on or off the premises; 4) Where the customer pays before eating.

The definition excludes bake shops, delicatessens, and restaurants. *See* Town of Rhinebeck Code [§ 125-135 A & B.](#), and Town of Rhinebeck Code [§ District Schedule of Use Regulations](#)¹

- The Village of Victor, near Rochester, a community 50% larger in area and population to Cold Spring, bans formula fast-food restaurants completely in its Central Business District and strictly regulates them in its Gateway District.² The Victor Zoning Code defines formula fast-food restaurant to include:

¹ In its Community Business-South District, Rhinebeck permits fast-food establishments, subject to the Special Use permit and Site Plan approval, provided:

[\(1\)](#) Hours of operation shall be reviewed and approved by the Planning Board so as to be compatible with adjacent uses and residential areas and to avoid the creation of any nuisance condition; and [\(2\)](#) The inclusion of accessory recreational facilities or similar amusement areas, including tot lots, video games and the like, as part of the fast-food establishment shall be strictly prohibited; and [\(3\)](#) The establishment shall not alter the identity of Rhinebeck in a way which detracts from its uniqueness or contributes to a nationwide trend of standardized fast-food offerings; and [\(4\)](#) The establishment shall contribute to a diverse and appropriate blend of uses in the district and shall not be located within 2,000 feet of another fast-food establishment; and [\(5\)](#) The establishment shall complement the uses already located in the district and must help promote and foster the economic base as a whole; and [\(6\)](#) The establishment shall be compatible with existing surrounding uses and shall be designed and operated in a nonobtrusive manner to preserve the community's character and appearance; and [\(7\)](#) The establishment shall not provide a drive-through window or drive-in service due to high volumes of traffic and potential for vehicle back-up on highways as well as vehicle idling, air quality and respiratory health concerns, greenhouse gas emissions, waste of fossil fuels and noise; and [\(8\)](#) The establishment shall not exceed 2,000 square feet on the ground floor; and [\(9\)](#) The establishment shall not create a substantial impact to the public safety from increased traffic. The Planning Board may require a traffic study. Town of Rhinebeck Code [§ 125-68RR.](#)

² In its Gateway District, Victor allows a maximum of two formula fast-food restaurants and prohibits more than one formula fast-food restaurant operating on the same site. Further, prior to approving any formula fast-food restaurant in that district, the Victor Code requires its Planning Board to find “that the establishment of the proposed formula fast-food restaurant, or the relocation or expansion of a formula fast-food restaurant, will not increase the intensity of use on the site to a level that will adversely impact: (a) Land uses in the area; (b) Pedestrian or motor vehicle traffic; or (c) The public welfare.” Formula-food restaurants in that district are also subject to design standards. *See* Victor Code [§ 170-13\(C\).](#)

Victor’s formula fast-food restaurant law has survived challenges both at the trial and appellate levels. *See Mead Square Commons, LLC v. Village of Victor*, 97 A.D.3d 1162 (4th Dep’t 2012). In that case, after demolishing a historic building to build a mixed-use structure, the property owner sought approval to operate a Subway shop on the ground floor. In July 2012, an appellate court upheld Victor’s refusal to grant the approval, ruling that the ban was a valid regulation. Victor’s zoning code notes that its purpose “is to regulate the number, location and operation of formula fast-food restaurants in order to maintain Village of Victor’s unique village character, the vitality of our commercial districts, and the quality of life of Victor residents.” Victor Code [§ 170-3\(C\).](#)

[a]ny establishment, required by contract, franchise or other arrangements, to offer two or more of the following: (1) Standardized menus, ingredients, food preparation, and/or uniforms; (2) Preprepared food in ready-to-consume state; (3) Food sold over the counter in disposable containers and wrappers; (4) Food selected from a limited menu; (5) Food sold for immediate consumption on or off premises; (6) Where customer pays before eating.

Further, Victor bans “[d]rive-through or drive-up window[s] through which food, beverages, or ice cream may be purchased.” *See* Victor Code [§ 170-13\(C\)](#).³

- The Village of Port Jefferson, New York bans formula fast-food restaurants outright from the Village’s Central Commercial District, General Commercial District and Marina Waterfront (MW) District as a way to “protect the community’s unique character and ambiance.” The Village of Port Jefferson Code defines a formula fast-food establishment as:

An establishment required by contractual or other arrangements to offer some or all of the following: (a) standardized menus, ingredients, food preparation, decor, external facade and/or uniforms; (b) pre-prepared food in a ready-to-consume state; (c) sold over the counter in disposable containers and wrappers; (d) selected from a limited menu; (e) for immediate consumption on or off the premises; (f) where the customer pays before eating.

The definition excludes eating and drinking, and retail food establishments. *See* Port Jefferson Code [§ 250-9, § 250-18](#).³

- The Town of Philipstown prohibits “trademarked architecture”; architecture which identifies a specific company by building design features is prohibited unless the applicant can demonstrate that the design is compatible with the historic architecture of the Town or the Building Form Guidelines. *See* Town of Philipstown Code [§ 175-65 D.\(1\)\(f\)](#).

The Special Board, therefore, recommends that the Village Board enact zoning provisions that would prohibit drive-thru businesses and formula businesses in the Village. Such provisions could include language regarding formula fast-food restaurants such as that used in Rhinebeck and Victor. Further, zoning provisions could be enacted to prohibit formula retail uses, with “formula retail use” defined as a retail sales establishment which, along with ten or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array

³ Ibid.

of merchandise; a standardized façade; a standardized decor color scheme; a uniform apparel; standardized signage; and a trademark or a service mark.³

C. Where New Protection Should Apply

By establishing its Historic District in 1976⁴, the Village of Cold Spring determined that the space and features within those district boundaries were worth caring about, preserving and maintaining. As documented in the Comprehensive Plan / LWRS, as well as ongoing public discussion of tourism and economic drivers in Cold Spring, the small-town 19th century feel of the Historic District is meaningful to the Village and provides residents and visitors with a sense of place. The Village is valued for the character and quality of its walkability, its closely built historic buildings, its historic fabric and its lack of suburban sprawl. Its public spaces reflect a Village connected by human interaction along sidewalks, narrow streets, and green space that encourage residents and visitors to interact with one another.

Due to its many well-preserved 19th century buildings, Cold Spring's Historic District is listed on State and National Registers of Historic Places. An inventory of Historic Resources of the Cold Spring Historic District was prepared in 1982 for listing the Hudson Highlands Multiple Resource Area on the National Register. Of the 219 buildings in the National Historic District, 208 are identified as creating the overall character of the District.⁵

All of Cold Spring's commercial properties are located within the Local Historic District; most of them are within the National Historic District. The commercial areas in the Village —Main Street and the Chestnut Street Area (which for the purposes of this report shall refer to the roadway that runs along 9D from the southernmost Village boundary at the intersection of 9D and Bank Street through the intersection of Chestnut Street and Main Street/Route 301 to the gas station on the corner of Morris Avenue and Main Street) – generally contain small, unique restaurants and shops. As of February 2013, there are no formula fast-food restaurants in the Village. The Main Street area is filled with small shops and restaurants. The Chestnut Street Area hosts two gas stations, two banks, a drug store and a supermarket that are part of “chains,” but these establishments are interspersed among unique businesses and residences of significant historic value. In particular in the Main Street area, but also along the Chestnut Street Area, residents and tourists are drawn to the Village by its timeless, throwback charm. With its special

³ In 2012, a bill to make it clear that Villages have authority to regulate formula retail uses was introduced in each house of the New York State Legislature, but it has not yet been voted on. *See* <http://open.nysenate.gov/legislation/bill/S6789-2011>. The definition of formula retail use provided in the text is drawn from the proposed bill.

⁴ In 1976 the Village of Cold Spring Village established a Historic District. Chapter 64 was adopted by the Mayor and Board of Trustees of the Village of Cold Spring 7-13-76 as Local Law No. 1-1976.

⁵ Referenced in the draft Inventory & Analysis portion of Cold Spring's Local Waterfront Revitalization Program dated February 12, 2013.

combination of shops and residences built to the 19th century scale, the Village conveys a feeling of being in another era.

In addition to referring to an outright prohibition of drive-thrus within the Village, LWRS discussions of Main Street, Chestnut Street and the “Mixed-Use” district along the Chestnut Street Area, refer to pedestrian-friendly design, scale and walkability of the Main Street district as the model or standard that should be used when redeveloping the Chestnut Street and “Mixed-Use” districts. In order to promote redevelopment in the Chestnut Street and “Mixed-Use” districts of the Chestnut Street Area that creates a traditional Main Street environment, offices, galleries, theaters, and residential uses would be permitted on the upper floors of any building that conforms to traditional Main Street design and siting standards. Commercial uses would be permitted on the ground floor of buildings. Development would be subject to design standards to ensure that site layout, streetscape elements, and architecture are compatible with the character of traditional 19th century streets in the Village (i.e., relatively small lots with buildings located close to the road, detached garages, front porches, sidewalks, street trees, and other features that encourage walking).

The LWRS states that drive-thrus should be prohibited on Main Street and in the Chestnut Street district. (*See LWRS at 56-62*) Unfortunately, the Village laws have not yet been changed to reflect recommendations in the Comprehensive Plan and LWRS. The Village Board should urgently begin to implement these recommendations. In addition, the recommendations that are identified for the Main Street and Chestnut Street districts should be extended to include the Butterfield property.

As Rhinebeck, Victor and Port Jefferson have banned formula fast food restaurants, Cold Spring could ban formula businesses in one area (Main Street/Lower Main Street) and strictly regulate them in another (in the Chestnut Street Area). Significantly, however, Cold Spring is smaller than these communities.

As noted above, Cold Spring’s commercial areas are entirely within the Historic Districts. Commercial areas in Cold Spring are within viewshed of both Local and National Historic District properties, as well as properties on and eligible to be on the National Register of Historic Places. Throughout the commercial areas, commercial properties and residential properties are separated by no more than 100 feet to either side, behind, or across the street from one another. Without prohibiting their proliferation, the close proximity of discordant elements of formula businesses and drive-thrus (e.g. standardized, trademarked exterior, standardized signage, branded packaging, drive-thrus that detract from the pedestrian-friendly, walkable 19th century village) will detract from and diminish these contiguous Historic District properties and their neighborhoods.

Notably, these Historic District neighborhoods include both newly built homes and older homes; regardless of their age, they are all maintained and protected in accordance with the Local and National Historic District requirements and regulations, including initial design and construction of houses built recently.

Marion Avenue is host to 6 recently constructed homes (2005), all built to reflect the traditional village. Notably, their situation and relationship to the street were developed in direct response to the Village's requirement that their construction provide continuity to the rest of the Historic District, reflecting a traditional village neighborhood as opposed to the originally proposed cul-de-sac.

Older homes line the east side of Chestnut Street between Oak Street and Main Street, opposite the home of Karen & Steve Parks whose recently constructed home (2005) intentionally emulates the design and character of a 19th century Victorian house. New and old, all of these buildings are subject to the requirements of the Historic District requirements & regulations.

Two (2) properties on the National Register of Historic Places punctuate Chestnut Street: the Grove and the Putnam History Museum which includes the West Point Foundry Site. All of these properties enjoy the protections afforded by their status.

In light of these considerations, it is strongly recommended that Cold Spring ban formula businesses and drive-thrus from further proliferation in any area of the Village, or at a minimum the Historic Districts (Local and National). If at some point in the future, districts outside the Historic Districts are rezoned for commercial uses, the ban should be extended.

D. Impacts of Concern

The Comprehensive Plan / LWRS is concerned that in and of themselves formula businesses and drive-thrus will not only detract from the character of surrounding historic properties and newly built properties within the Historic District, but will detract from the unique, historic character of the entire Village, the vitality of existing commercial areas, and the quality of life of Cold Spring residents. Cold Spring is recognized by residents and visitors for its special small businesses. These businesses give Cold Spring its small-town character and contribute to its neighborly quality.

In particular, because the Chestnut Street Area -- which includes the Butterfield site -- is the southern gateway to the Village, formula businesses or drive-thrus in that area would irrevocably undermine and destroy the Village's efforts to maintain, protect and continue to develop the traditional 19th century character for which it is widely recognized and has long been appreciated. The Chestnut Street Area runs perpendicular to Main Street, and even its farthest, southernmost edge (at the southern boundary of the Butterfield site) is less than half a mile from Main Street. The Chestnut Street Area and the Main Street Area, therefore, should be considered together for purposes of avoiding the negative impacts of formula businesses and drive-thrus.

As emblems of ubiquitous suburban sprawl formula businesses and drive-thrus would immediately detract from the very characteristics that make the Village and its Historic District meaningful and worth caring about. They would significantly alter residents' and visitors' perceptions of Cold Spring immediately upon entering the Village at its southern

gateway. They would devalue the character and quality of public space (as well as green space) that the Village has determined it wishes to protect and improve upon, such as the Village's walkability, its compact neighborhood layouts, and its sidewalks and streets where residents and visitors can interact, and defined civic space for outdoor enjoyment. Their presence would undermine the Village's efforts to maintain the historic fabric with the Historic District and apply architectural standards that help maintain the Village's small-town 19th century feel.

Generally, if formula businesses and drive-thrus were allowed to proliferate in the Village, properties in the surrounding Historic Districts would be diminished and the unique, historic character of Cold Spring would be irrevocably lost – perhaps overnight. Cold Spring would likely become one more generic Hudson Valley commercial strip, perhaps resembling the unsightly and heavily congested stretch of Route 9 that runs from Fishkill all the way to Poughkeepsie. Moreover, formula businesses and the attendant heavy vehicular traffic they would generate would likely overwhelm the Village with noise, pollution (via fumes and excessive lighting) and odors. The Village would cease to be walkable, the quality of life of residents would deteriorate, and tourists (who help support existing businesses) might avoid the Village. Property values and the tax base would plummet. Put simply, the Village could become a shell of its former self.

Across New York, formula businesses and drive-thrus, previously relegated to shopping malls, have invaded many village downtowns eroding historic character, aesthetics, unique community character, commercial diversity and identity, replacing it with the sameness of Anywhere USA. In contrast, the businesses that presently exist in Cold Spring's walkable commercial areas encourage the growth of strong community character by providing connections that are essential to a healthy community. These establishments are, by their nature, unique in that they are not found in numerous other locations. Their products (whether retail goods, food or other services) are tailored to, and unique to, Cold Spring, contribute to the community's identity, and are a major economic driver for property values and tourism.

E. Reasons for Prohibiting Drive-Thrus

Because they are a distinguishing feature of suburban sprawl, drive-thrus conflict with and detract from the compact, walkable character of Cold Spring's small-town 19th century environment. By promoting greater reliance upon automobiles, they will adversely affect pedestrian and motor vehicle traffic and the public welfare generally. As noted, the Village's small-town character and neighborly feel can be traced to its walkability, and the social connections made by residents as they walk throughout the Village. Car-dependent development such as drive-thrus, with their standardized design, hinders the kind of social connections that now occur when residents and visitors to the Village conduct business outside their automobiles. Wherever cars are encouraged to cross the sidewalk, pedestrian safety is reduced. Drive-thru business development relies on high traffic counts through the commercial districts of a community and draws its customers from that traffic flow, across the sidewalk, and in and out of the parking lot at a higher rate of frequency than a business that does not run a drive-thru. Drive-thrus

generate potentially heavy traffic, pollution via car exhaust fumes (in particular when cars are idling while waiting in line), and garbage via containers and food items dropped from the drive-thru window and vehicles. All of these outcomes would be detrimental to Cold Spring's community character.

Appendix A

Provisions in the Village of Cold Spring Comprehensive Plan and Local Waterfront Revitalization Strategy Supporting Prohibition of Formula Businesses and Drive-Thrus

Introduction

This report lists provisions of the Comprehensive Plan (CP) (adopted by the Village Board on January 10, 2012) and the Local Waterfront Revitalization Strategy (LWRS) (accepted by the Village Board on November 20, 2011) that support regulations prohibiting and/or limiting formula businesses and drive-thru.

In particular, CP and LWRS provisions 4.1.6. recommend the Village limit stores from large chains and ensure that franchise/formula businesses are compatible with the character of the Village. Additionally, the Land and Water Uses Section of the LWRS (pages 56 to 62) provides that: (i) in the Main Street business area, uses that are primarily oriented towards the automobile, such as car dealers and drive-thru, would be prohibited since they detract from the pedestrian orientation of Main Street; and (ii) in the Chestnut Street District, to promote site layout that encourages walking, no drive-thru establishments would be allowed.

The language below is taken verbatim from the CP and LWRS.

COMPREHENSIVE PLAN PROVISIONS

Village Character

1. Goal: Preserve and enhance the small town, historic, neighborly, diverse and safe character of Village life.

Cold Spring has a strong sense of place and a distinct character. It has an impressive history, an extraordinary natural setting between mountains and river, a small-town "feel," with 19th century architecture, and very special people who are unusually caring and neighborly.

Villagers attach high importance to the small-town and historic character of Cold Spring, as seen in responses to the survey and repeatedly in public discussions. In the survey, 42% (the most of any category) cited the "small-town atmosphere" as what they "liked best" about the Village. Add architecture and history and it goes to 47%. The

second-ranked category was the natural environment, 28%, and third was “the people,” at 16%. The Local Historic District was established in 1976 as “an expression of civic pride in the architectural, historic, and scenic qualities of the Village. Main Street and other key areas were placed on National Register as a Historic District in 1982. The Village adopted design standards in 1999 to guide changes to structures within these districts. In 2010, the West Point Foundry Archeological Site was placed on the National Register including the 87-acre Foundry, the original foundry school (now the Putnam County Historical Society and Foundry School Museum), the 1833 Chapel of Our Lady Restoration built as a place of worship for foundry workers, the home of foundry partner William Kemble, and Foundry Dock Park, the site of the wharf where the foundry received raw materials and shipped manufactured goods.

At just over 400 acres, the Village is the right size for walking. Although many people in the community enjoy walking, most of the newer neighborhoods lack sidewalks. Many hikers come from the train station and through the Village to reach the trails to Breakneck and Bull Hill. They stroll along unprotected, hazardous road shoulders to get to their destinations. Enhancing the walkability of the Village was a big concern in the community survey of 2007, and it is addressed in many ways in this Plan. Indeed, walkability is a hallmark of successful places, increasing safety and convenience for residents and visitors alike.

Village Character

1. Goal: Preserve and enhance the small town, historic, neighborly, diverse and safe character of Village life.

1.1 Objective: Assure that zoning and land use regulations support the character of Cold Spring as set forth in this Plan and are internally consistent.

1.1.1 Recommendation: Review and revise current zoning and land use regulations to recognize existing building forms and streetscapes and to make the regulations internally consistent, in keeping with the community’s vision and goals included in this plan.

1.1.3 Recommendation: Reaffirm and update performance standards including environmental performance standards that address negative impacts (such as noise, odors and noxious fumes, traffic, parking problems).

1.3 Objective: In order to respect Cold Spring’s small-town character and architectural heritage, modify the zoning laws where appropriate to be consistent with the objectives of this Comprehensive Plan.

1.3.1 Recommendation: Ensure that all subdivision, special use permit and/or site plan regulations relating to landscaping, lighting, signage and other site features conform with the Zoning Law as recommended in this comprehensive plan, to the greatest extent practicable.

1.3.2 Recommendation: Establish one or more Comprehensive Plan Work Group(s) (CPWG) to work at the direction of the Village Board, to assist with the implementation of the Comprehensive Plan.

1.3.3 Recommendation: Charge the Comprehensive Plan Work Group(s) in consultation with the Planning Board and the Zoning Board of Appeals with the task of identifying uses in the Village Zoning Law to be removed, district by district, because they are no longer consistent with the Comprehensive Plan recommendations and identify new uses to be added, district by district.

1.7 Objective: Improve walkability in the Village.

1.7.15 Recommendation: Work with the NYS Department of Transportation to install a curb along the entire length of the service station located on Morris Avenue at Main Street, with a curb cut on Morris Avenue to allow vehicular entrance and exit of no more than the minimum width needed for two cars.

1.10 Objective: Improve other aspects of the appearance, safety and security of the Village while maintaining its informal friendly character.

1.10.2 Recommendation: Amend the Site Plan requirements for commercial development to include locations for parking lots (e.g., requiring them to be located to the rear or side of buildings to minimize their visual effect or suitably screened if they are located to the side of buildings), and to require landscaping within and around parking lots.

1.10.5 Recommendation: Consider conducting a qualitative traffic analysis in the Village to identify ways of improving safety and convenience for pedestrians and vehicles alike.

1.13 Objective: Make the Village safer and more accessible to bicyclists.

Natural Environment and Energy

3. Goal: Protect the natural environment and conserve energy.

3.3.4. Recommendation: Encourage pervious surfaces for all new commercial, multiple automobile parking areas and explore converting impervious parking areas to surfaces that are pervious.

Economic Vitality

4. Goal: Enhance the economic vitality of the Village.

4.1. Objective: Encourage businesses in the Village that provide local jobs, convenient services to residents, sustain property values, or provide more tax revenue than the cost of services for them, at a scale that respects the Village's small town character and

the primary needs of residents year-round.

4.1.6. Recommendation: Within the Village set size limits to prohibit "big box" stores and limit stores from large chains. Ensure franchise/formula businesses are compatible with the character of the Village.

4.2. Objective: Make the Village a destination for visitors to shop, dine, be entertained, enjoy nature and cultural events, and stay overnight, so that visitors provide overall benefit to the community in local jobs, business opportunities, convenient services, controlled property taxes and sustained property values, at a scale that respects the Village's small town character and the primary needs of residents year-round.

4.4. Objective: Make Main Street accessible, attractive and well maintained.

4.4.8 Recommendation: Consider the Main Street approach as advocated by the Main Street Program, National Trust for Historic Preservation.

4.5. Objective: Make the Chestnut Street area safer and more attractive.

4.5.1. Recommendation: Develop a plan to improve traffic flow for all vehicles in the Chestnut Street commercial area, defined as the area enclosed by Wall Street, Marion Avenue, Chestnut Street and the south end of the shopping plaza on the south side of Benedict Road, with the plan to include a truck route and delivery analysis and recommendations to improve truck access to all stores and facilities in the Chestnut Street commercial area, and to improve visibility and pedestrian safety. Work with local businesses to identify truck routes that would result in the fewest conflicts with traffic in the Village.

4.5.3. Recommendation: Improve the streetscape and landscaping in the Marion Avenue area on the west side of the Chestnut Street commercial area, to better screen deliveries from residences and to improve walkability.

4.5.4. Recommendation: Define a pedestrian route from Grove Court through shopping to Marion Avenue, Furnace Street and Main Street.

4.5.5. Recommendation: Whenever changes are made, encourage integration of the design with the traditional Village.

4.5.7. Recommendation: Improve pedestrian safety with traffic calming devices (such as bump outs) at pedestrian crossings.

4.5.9. Recommendation: Consider the eventual development of the Butterfield site and assure a good entrance from the Chestnut Street/Route 9D area for both pedestrian and vehicular access and facilitate the connection between the Foodtown area and the Butterfield site.

Community Facilities and Services

5. Goal: Ensure that community facilities and services meet the Village’s needs and are efficient and affordable.

5.10. Objective: Make truck deliveries to businesses and stores in the Village safer and less disruptive.

5.10.1. Recommendation: Arrange for a traffic study to plan truck delivery routes through the Village, and implement this by changing signage and notifying delivery companies of appropriate routes through the Village. (This may also require working with GPS companies to change their routing.)

Areas with Potential

7. Goal: Apply the vision, goals and objectives in this Plan to all new development within the Village.

Background

The Village’s 407 acres are largely developed, with only a few open spaces. Although this section focuses on several specific areas, it is the intention of the Special Board that, in general, as areas in the Village become available for development (or redevelopment), the principles articulated in this section, which are consistent with Smart Growth guidelines, be applied. In particular, the community has expressed support for two principles: (1) development should be “tax positive,” in other words, property tax revenues from new development/redevelopment should be greater than the total cost of services required by those properties, including the school costs; and (2) development/redevelopment should also not unduly disrupt existing neighborhoods or the character of the Village.

7.1 Objective: Ensure that proposed plans for any property that, because of its size, location, or historic significance is of special importance to the Village, are in compliance with this Comprehensive Plan and are open to public review.

7.1.6 Recommendation: When such property is being developed:

- Prohibit gated communities, cul de sacs, dead ends and private roads, except in the case of private roads where public access is not impeded or denied, and where water and sewer are provided in compliance with Village standards.

LOCAL WATERFRONT REVITALIZATION STRATEGY

Land and Water Uses

Pages 58-59

Main Street District. This area, of generally pre-war structures, would be predominantly commercial with some continuing residential uses. Commercial buildings with storefronts would be permitted to have a variety of commercial uses, such as retail, personal services, restaurants, and offices, on the ground floor, and offices, galleries, theaters, and residential uses on upper floors. Lodging, such as inns, would be permitted on all floors of a building. The Zoning Law should be amended to permit all properties that are single-family residential, multi-family or row houses in this area as of the date of adoption of the amendments, to maintain those residential uses on all floors of the building and to convert back to such uses if they are subsequently used for commercial purposes. The provision restricting residential uses to upper stories would thus not apply to these particular buildings. A list of which buildings are single family residential, multi-family or row houses as of the date of adoption of the amendments should be created and maintained on file in the Village Clerk's office so there is no confusion regarding which properties are permitted to do this. Uses that are primarily **oriented towards the automobile, such as car dealers and drive-throughs, would be prohibited** since they detract from the pedestrian orientation of Main Street. Gas stations would be allowed subject to a special permit that requires access from a state road, amongst other conditions.

Chestnut Street District. This designation applies to the Drug World and Foodtown Plaza area. Permitted uses would include a wide range of commercial uses, such as retail, services, restaurants, and offices. Uses with the potential to generate significant traffic, such as theaters and galleries, and automobile-oriented uses, such as gas stations, would be allowed if they have direct access from a state road. New area and bulk standards should be established for this district to create a traditional Main Street environment if the area is redeveloped. To encourage such redevelopment, offices, galleries, theaters, and residential uses would be permitted on the upper floors of any building that conforms to traditional Main Street design and siting standards. Commercial uses would be permitted on the ground floor of buildings. **To promote site layout that encourages walking, no drive-through establishments would be allowed.** Community uses would be permitted on all floors of a building. A priority for this district is to improve traffic flow and pedestrian safety. A plan to improve traffic circulation, particularly truck delivery traffic, should be developed. Pedestrian safety can be enhanced with traffic calming devices, defined curb cuts, street trees, and benches. Enhanced landscaping within parking lots and in the planting strip adjacent to the sidewalk will soften views of the buildings and provide shade to reduce the "heat island" effect of the pavement.

Mixed Use District. This designation would include a variety of residential types (single-family, two-family and multi-family), live-work units, community uses, restaurants, inns, retail, research, office and light industrial uses, and open space. Some uses with more intensive traffic demands, such as health and medical facilities for example, would be allowed subject to a special use permit that limits such uses to sites with direct access to state or county roads. Senior citizen housing would be allowed by special permit and should be ensured to serve a portion of the local population. A mix of residential and

commercial uses would be required to ensure that development in this district enhances the Village's tax base and minimizes traffic impacts by providing shops and services within walking distance of residences. A fiscal impact analysis and phasing requirements should be included in the Zoning for this district to ensure that growth occurs in an orderly and planned manner with an appropriate ratio of residential, commercial, and other non-residential uses in the overall plan. Development in this district would be subject to design standards to ensure that site layout, streetscape elements, and architecture are compatible with the character of traditional 19th century streets in the Village as discussed above under "Residential" (i.e., relatively small lots with buildings located close to the road, detached garages, front porches, sidewalks, street trees, and other features that encourage walking).

Village Character

Goal: Preserve and enhance the small-town, historic, neighborly, diverse and safe character of Village life.

1.1 Objective: Assure that zoning and land use regulations support the character of Cold Spring as set forth in this Plan and are internally consistent.

1.1.1 Recommendation: Review and revise current zoning and land use regulations to recognize existing building forms and streetscapes and to make the regulations internally consistent, in keeping with the community's vision and goals included in this plan.

1.1.3 Recommendation: Reaffirm and update performance standards including environmental performance standards that address negative impacts (such as noise, odors and noxious fumes, traffic, parking problems).

1.3 Objective: In order to respect Cold Spring's small-town character and architectural heritage, modify the zoning laws where appropriate to be consistent with the objectives of this Local Waterfront Revitalization Strategy.

1.3.1 Recommendation: Ensure that all subdivision, special use permit and/or site plan regulations relating to landscaping, lighting, signage and other site features conform with the Zoning Law as recommended in this Local Waterfront Revitalization Strategy, to the greatest extent practicable.

1.3.2 Recommendation: Establish one or more Work Group(s) to work at the direction of the Village Board, to assist with the implementation of the Comprehensive Plan and Local Waterfront Revitalization Strategy.

1.3.3 Recommendation: Charge the Comprehensive Plan/LWRS Work Group(s) in consultation with the Planning Board and the Zoning Board of Appeals with the task of identifying uses in the Village Zoning Law to be removed, district by district, because they are no longer consistent with the Comprehensive Plan and

LWRS recommendations and identify new uses to be added, district by district.

1.7 Objective: Improve walkability in the Village.

1.7.15 Recommendation: Work with the NYS Department of Transportation to install a curb along the entire length of the service station located on Morris Avenue at Main Street, with a curb cut on Morris Avenue to allow vehicular entrance and exit of no more than the minimum width needed for two cars.

1.10 Objective: Improve other aspects of the appearance, safety and security of the Village while maintaining its informal friendly character.

1.10.2 Recommendation: Amend the Site Plan requirements for commercial development to include locations for parking lots (e.g., requiring them to be located to the rear or side of buildings to minimize their visual effect or suitably screened if they are located to the side of buildings), and to require landscaping within and around parking lots.

1.10.5 Recommendation: Consider conducting a qualitative traffic analysis in the Village to identify ways of improving safety and convenience for pedestrians and vehicles alike.

1.13 Objective: Make the Village safer and more accessible to bicyclists.

Natural Environment and Energy

3.3.4. Recommendation: Encourage pervious surfaces for all new commercial, multiple automobile parking areas and explore converting impervious parking areas to surfaces that are pervious.

Economic Vitality

4. Goal: Enhance the economic vitality of the Village.

4.1. Objective: Encourage businesses in the Village that provide local jobs, convenient services to residents, sustain property values, or provide more tax revenue than the cost of services for them, at a scale that respects the Village's small-town character and the primary needs of residents year-round.

4.1.6. Recommendation: Within the Village set size limits to prohibit "big box" stores and limit stores from large chains. Ensure franchise/formula businesses are compatible with the character of the Village.

4.2. Objective: Make the Village a destination for visitors to shop, dine, be entertained, enjoy nature and cultural events, and stay overnight, so that visitors provide overall benefit to the community in local jobs, business opportunities, convenient services, controlled property taxes and sustained property values, at a scale that respects the Village's small-town character and the primary needs of residents year-round.

4.4. Objective: Make Main Street accessible, attractive and well maintained.

4.4.8 Recommendation: Consider the Main Street approach as advocated by the Main Street Program, National Trust for Historic Preservation.

4.5. Objective: Make the Chestnut Street area safer and more attractive.

4.5.1. Recommendation: Develop a plan to improve traffic flow for all vehicles in the Chestnut Street commercial area, defined as the area enclosed by Wall Street, Marion Avenue, Chestnut Street and the south end of the shopping plaza on the south side of Benedict Road, with the plan to include a truck route and delivery analysis and recommendations to improve truck access to all stores and facilities in the Chestnut Street commercial area, and to improve visibility and pedestrian safety. Work with local businesses to identify truck routes that would result in the fewest conflicts with traffic in the Village.

4.5.3. Recommendation: Improve the streetscape and landscaping in the Marion Avenue area on the west side of the Chestnut Street commercial area, to better screen deliveries from residences and to improve walkability.

4.5.4. Recommendation: Define a pedestrian route from Grove Court through the shopping center to Marion Avenue, Furnace Street and Main Street.

4.5.5. Recommendation: Whenever changes are made, encourage integration of the design with the traditional Village.

4.5.7. Recommendation: Improve pedestrian safety with traffic calming devices (such as bump-outs) at pedestrian crossings.

4.5.9. Recommendation: Consider the eventual development of the Butterfield site and assure a good entrance from the Chestnut Street/Route 9D area for both pedestrian and vehicular access and facilitate the connection between the Foodtown area and the Butterfield site.

4.5.10. Recommendation: Consider the Main Street approach as advocated by the Main Street Program, National Trust for Historic Preservation.

Community Facilities and Services

5. Goal: Ensure that community facilities and services meet the Village's needs and are efficient and affordable.

5.10. Objective: Make truck deliveries to businesses and stores in the Village safer and less disruptive.

5.10.1. Recommendation: Arrange for a traffic study to plan truck delivery routes through the Village, and implement this by changing signage and notifying delivery companies of appropriate routes through the Village. (This may also require working with GPS companies to change their routing.)

Land and Water Uses

(Areas with Potential)

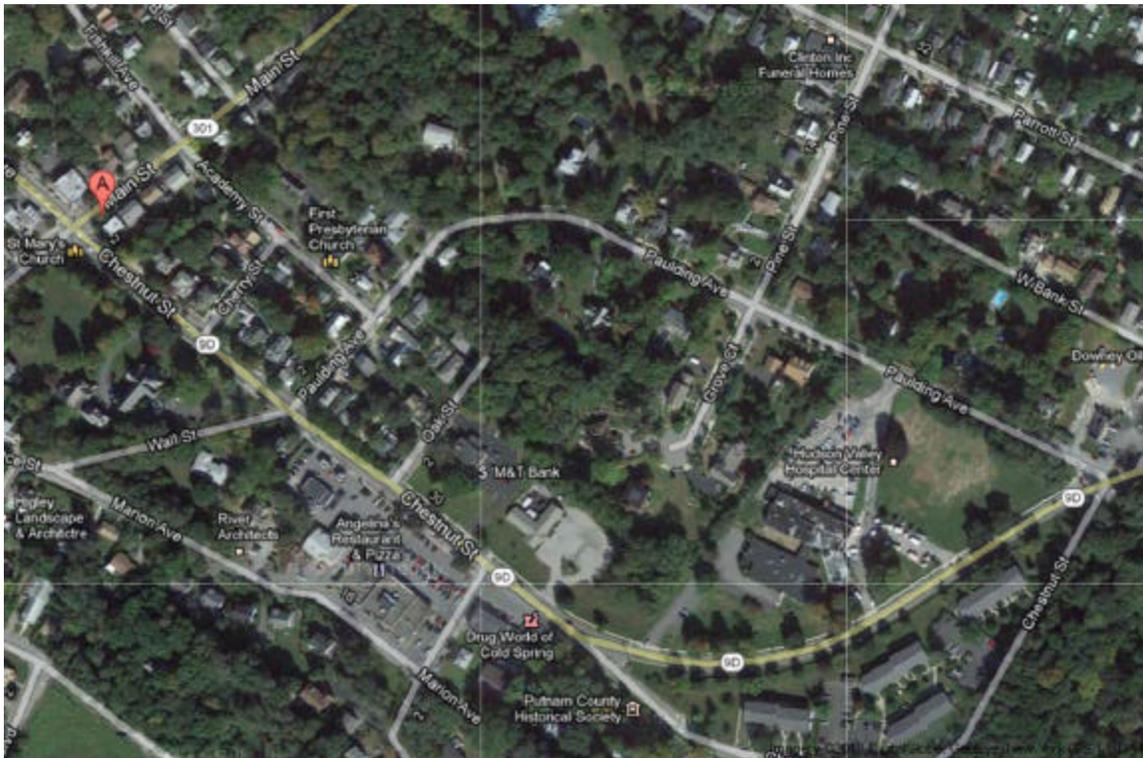
Goal: Apply the vision, goals and objectives in this Plan to all new development and redevelopment within the Village.

7.1 Objective: Ensure that proposed plans for any property that, because of its size, location, or historic significance is of special importance to the Village, are in compliance with this Comprehensive Plan and LWRs and are open to public review.

7.1.6 Recommendation: When such property is being developed:

- Prohibit gated communities, cul de sacs, dead ends and private roads, except in the case of private roads where public access is not impeded or denied, and where water and sewer are provided in compliance with Village standards.

AERIAL VIEW OF THE CHESTNUT STREET AREA



Googlemaps.com, 2/28//2013