

January 20th, 2015

<DRAFT>

Mr. Jack Goldstein
Chairman, Cold Spring Code Update Committee
Village of Cold Spring
85 Main Street
Cold Spring, NY 10516

RE: Revised Work Scope for the NYSERDA Funded Code Update Project

Dear Mr. Goldstein:

On behalf of Anna Georgiou and myself, I would like to thank you and the Village of Cold Spring's Code Update Committee (CUC) for inviting us to meet with you at your January 8th, 2015 committee meeting to discuss anticipated revisions to the proposed work scope, schedule and fee for the Village's Code Update project. The meeting not only allowed us opportunity to meet the full committee, but it afforded us the opportunity to further discuss the CUC's ideas and questions with regards to the anticipated role of Barton & Loguidice (B&L) in this project.

As we discussed in our recent meeting, B&L will provide overall project management, with Chuck Voss, AICP as the defined Project Manager and main point of contact. Anna Georgiou (Counsel, McCarthy Fingar, LLP), an attorney who has drafted numerous local laws to facilitate sustainable development and who previously trained local officials and community leaders in how to effectively use land use tools and techniques to foster sustainable communities, will be providing legal and planning assistance to B&L with this endeavor. She and her staff will be a sub-contractor to B&L.

Based on our meeting, and subsequent conversations, we would like to offer the following revised scope of work that is in conformance with the scope of work you and your committee have negotiated with NYSERDA. We have also included a general calendar with milestones identified that mirrors your proposed calendar, and we have provided a fee breakdown for each task with a suggested invoicing schedule at the end of this proposal for your consideration. However as we discussed at our recent meeting, we can and will tailor any work scope items, meeting schedules and/or invoicing processes to best suit your specific needs. So please feel free to suggest modifications to this proposal if appropriate.

B&L proposes to undertake the following primary work tasks as identified in the draft NYSERDA Statement of Work:

Task 1: Contract Management

Task 1.1 - According to the draft NYSERDA Statement of Work, the Village CUC will be responsible for preparation and delivery of the Project Execution Plan (PEP) to NYSERDA as defined in Section 1.1. However B&L can assist with providing relevant data and information if requested.

Project Benefits Metrics Report (PBMR) – Based on our recent meeting with the CUC, it is our understanding that the CUC (or some subcommittee thereof) will be responsible for coordination and preparation of the PBMR. It is also our understanding that the CUC (or some subcommittee thereof) will also participate in the identified NYSERDA workshop for the express purpose of creating specific metrics for this project.





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Task 1.2 - According to the draft NYSERDA Statement of Work, and as per discussions with the CUC, B&L will be responsible for preparation and delivery of seven (7) draft Contract Management & Quarterly Progress Reports defined in Section 1.2, with full oversight of the CUC. Draft progress reports will be provided to the CUC for review and final approval prior to submission of each final report to NYSERDA.

Task 1.3 - According to the draft NYSERDA Statement of Work, and as per discussions with the CUC, it is assumed that B&L will assist the CUC with preparation of the Final Report, in a template provided by NYSERDA, and limited to no more than 15 pages. We will also assist the CUC in the transfer of all project-related data and information for ease of public use.

Task 1 Deliverables:

PEP – (CUC)

Contract Management and Quarterly Progress Report(s) #1 thru #7 – (B&L)

PBMR – (CUC)

Final Report – (CUC and B&L)

Task 1 B&L Fee: **\$7,375.00** (\$10,000 total budgeted for Task 1)

Task 2: Prepare Draft Village Code Amendments

Task 2.1 - According to the draft NYSERDA Statement of Work, the CUC will conduct 18 Committee meetings to review the following identified list of 31 code topics and oversee the phased preparation of draft revisions where deemed necessary by the CUC.

CUC Endorsed Topics & Approach:

Based on information provided to B&L by the CUC, we understand that the CUC intends to undertake a phased approach to the review of the Village's codes in a sequence that will allow for consideration, discussion and possible update of related topics. All of the identified topics in each of these three phases will be measured against a review of the recommended changes identified in the Village's Comprehensive Plan and draft Local Waterfront Revitalization Program. The Technical Guidance Manual for Sustainable Neighborhoods will also be a reference. Accordingly the three identified phases are as follows in order:

1. Standards

- a. Use Standards (Identified topics include):
 - i. Permitted Uses
 - ii. Main Street Shop Fronts
 - iii. Home Occupations
 - iv. Detached Garages
 - v. Accessory Apartments
 - vi. Livable Floor Area
 - vii. Overnight Accommodations
 - viii. Waterfront Recreation



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- ix. Parking
 - b. Appearance Standards
 - i. Area & Bulk
 - ii. Preservation/restoration of Cultural Features
 - iii. Maximum Lot Coverage & Setbacks
 - iv. Signage
 - v. 3-Story Buildings
 - vi. Landscaping of Parking Lots
 - vii. Fence Standards
 - c. Environmental Standards
 - i. Outdoor Lighting
 - ii. Steep Slopes
 - iii. Flooding/Stormwater Management
 - iv. Ridgeline Protection
 - v. Green Building
 - vi. Street Trees
- 2. Procedures**
- a. Conservation Easements
 - b. Demolition of Existing Structures
 - c. Subdivision Regulations
 - d. Conservation Subdivisions
 - e. LWRP Consistency Review Law
- 3. Consistency/Clarity**
- a. Amend Code for overall Consistency & Clarity
 - b. Amend Zoning Map

We concur with the CUC's phased approach and breakdown of these 31 topic areas of the code to be reviewed and potentially updated.

Based on initial discussions with the CUC, we would like to propose the following internal review and update process to clarify how B&L and the CUC will work together to create revisions to each of the 31 Code topics included in Task 2. Beginning with the "Phase 1" topics listed above, for each subtopic:

- The CUC should divide itself into subcommittees (based on Phase) for the purposes of collecting information relative to each topic area.
- The assigned subcommittee will then research the current Village Code, ZBA Use and Area Variance histories, Village public hearings, the LWRP, the Comprehensive Plan, any Village litigation, and online newspapers or other sources for instances of the topic. A list will then be generated containing the information.
- These aggregated materials will then be disseminated to all CUC members one week prior to a regularly scheduled meeting.



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- At a CUC meeting, the topic is discussed by the full CUC. The CUC reaches conclusions on the topic and documents those ideas.
- The aggregated materials and conclusions are then sent to the consultant. The consultant will then have one week to review and consider the conclusions including but not limited to an initial review of consistency with other Village Code provisions, legal history in other communities, and make recommendations. This review may also identify applicable legal requirements and/or potential constraints that could impact proposed legislation.
- Once the consultant's feedback is received, the CUC will review that feedback and make changes, if required or desired, to the Code.
- The consultant will then draft the revised Code Amendment based on the CUC's feedback.
- Once all the Code Amendments in a particular phase have been addressed, a Public Input meeting will be held to present the suggested Code revisions for that particular phase.
- The CUC will consider all public input and, if necessary or desired, modify the draft amendment(s) based on public input. Consultants will then conduct further substantive and/or legal reviews for any modification, if necessary.
- Once all three subphases of Phase 1 and the other phases in Task 2 are reviewed, updated, and vetted through their respective public workshops, the CUC will then send the entire package of draft amendments to the Village Board of Trustees for their initial review and comment. Upon receiving any suggested revisions from the Village Board, the CUC will finalize all Code Amendments. Final Code adoption procedures will be followed in accordance with applicable requirements of the Municipal Home Rule Law, Village Law and General Municipal Law as outlined in Task 6 of the NYSERDA Statement of Work and this proposal.

Task 2 Deliverables:

CUC Committee Meeting Minutes (x18) – (CUC)
Draft “Phase 1” Code Amendments – (B&L)
Draft “Phase 2” Code Amendments – (B&L)
Draft “Phase 3” Code Amendments – (B&L)
Draft Revised Zoning Map – (B&L)
Supporting Documentation for all Code Amendments – (CUC and B&L)

Task 2 B&L Fee: \$56,500.00 (\$49,000 total budgeted for Task 2 plus \$7,500 for Task 3)

Task 3: Prepare Historic District Amendments

Based on our meeting with the CUC, it is our understanding that any/all amendments to the Village's Historic Code will be undertaken under a separate project and separate contract administered by the Village's Historic District Resources Board (HDRB). As such no review of the Village's Historic Codes will be included with this NYSERDA Code update project. However we do concur with the CUC that all general Village Code revisions undertaken in this project be reviewed and revised in light of potential



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harmony with any proposed revisions to the HDRB Code if and when the two project's activities allow for such cross referencing.

For budgeting purposes, it is assumed that the \$19,200 or a \$7,500 portion of this originally earmarked amount for the update of the Historic Codes in the NYSERDA Grant will now be incorporated into Task 2, which will allow for greater flexibility and depth of review of the 31 identified topic areas. Alternatively, a portion of this budget amount could be shifted to Task 4 - Public Input, to cover the extra three public meetings not originally envisioned in the NYSERDA Statement of Work.

Task 4: Public Input Sessions

Based on conversations and information provided by the CUC, we anticipate five (5) public Input meetings conducted by the CUC to gather public input on any/all proposed code revisions, and one (1) final Public Hearing conducted by the Village Board. The following public meetings have been identified as follows:

- Public Meeting #1 – Use Changes
- Public Meeting #2 – Appearance Standards Changes
- Public Meeting #3 – Environmental Standards Changes
- Public Meeting #4 – Procedures Changes
- Public Meeting #5 – Consistency & Clarity Changes

- Final Public & SEQRA Hearing – Conducted by the Village Board prior to adoption of code amendments as per Task 6 of the NYSERDA Statement of Work.

B&L will directly assist in planning and facilitating each of these public meetings with assistance from CUC members. Meeting Dates, times and locations will be determined by the CUC.

Task 4 Deliverables:

Meeting minutes and attendance lists for Public Meetings #1-5.

B&L will provide meeting notices, agendas, flyers, and handouts and all materials to facilitate these public meetings.

Task 4 B&L Fee: \$3,200.00

(\$1,600 originally budgeted for three public meetings in Task 4 in NYSERDA grant. The three additional meetings to be covered by the Greenway Grant the Village has applied for...or funds budgeted from Task 2 for the HDRB code update can also be allocated to this task.)



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Task 5: Prepare Final Village Code Amendments, Implementation and Final Report

Task 5.1 Revise Village Code Amendments - Based on conversations and information provided by the CUC, all public workshops and meetings, and the Village Board, B&L will revise and organize all of the various Code amendments approved by the CUC into their final draft form.

We will also assist the CUC in the preparation of the NYSERDA Grant Final Report as outlined in Task 1.3 above.

Task 5.2 Revision of Historic District Amendments – As noted previously in Task 2, it is assumed that no revisions to the village’s Historic District Codes will be part of this project. Therefore Task 5.2 as outlined in the original NYSERDA Statement of Work is not applicable to this proposal.

Task 5 Deliverables:

Revised draft Village Code amendments prior to public hearing.

Task 5 B&L Fee: \$12,200.00

(It is assumed for purposes of budgeting that the \$5000.00 originally earmarked for preparation of final HDRB code amendments as noted in the original NYSERDA Statement of Work will be incorporated into Task 5.1... or reallocated to other project tasks by the CUC.)

Task 6: Adoption of Final Village Code Amendments and Zoning Map

In association with the final tasks necessary for review and adoption of all code amendments, B&L will undertake the following activities under the guidance of the CUC:

Task 6.1 B&L will prepare and introduce the proposed draft Village Code Amendments and Zoning Map at a regularly scheduled Village Board meeting, and will facilitate that meeting along with members of the CUC. In association with this task, B&L will also prepare/provide the following:

- B&L will provide full copies of all proposed Village Code Amendments and Zoning Map Revisions to the Village Clerk in the form of a proposed local law prior to the Village Board meeting where it is anticipated the legislation would be formally introduced as proposed legislation.
- B&L will prepare a resolution, in conjunction with the Village Attorney, to officially endorse the conduct of a public hearing by the Village Board for the purposes of reviewing the proposed legislation with a date set for a public hearing.
- B&L will prepare and submit the required GML 239 referral form to Putnam County Planning Department and the Putnam County Planning Board.
- B&L will prepare the public hearing notice and submit to the Village Clerk.



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- B&L will prepare and send a notice (including the coordination of the public hearing notice) to the municipal clerk of the following adjacent communities regarding the proposed Code Amendments and Zoning Map Revisions: Village of Nelsonville, Town of Philipstown and Town of Highland.
- B&L will coordinate required referral of the proposed Code Amendments to the Planning Board in accordance with Village Code §134-32.
- B&L will submit meeting minutes and attendance list(s) from the Village Board of Trustees meeting and Village Board Public Hearing.

Task 6.2 B&L will facilitate the Public Hearing by the Village Board of Trustees where they will review final Village Code Amendments and Zoning Map revisions, receive public comment, and consider responses received from the Putnam County Planning Board. Any information and feedback provided from the Village Board meeting in Task 6.1 will also be incorporated into this Public Hearing.

Task 6.3 B&L will conduct the prescribed State Environmental Quality Review Act (SEQRA) review that will include:

- Preparation and submission of a SEQRA resolution establishing the Village Board of Trustees as Lead Agency and recommendation as to classification of the action.
- Preparation and submission of SEQRA Long Form Environmental Assessment Form Parts 1, 2 & 3 for review and consideration by the Lead Agency, including all necessary revisions.
- Preparation of SEQRA Lead Agency Determination of Significance (Positive Declaration or Negative Declaration), and draft resolution in support of the declaration.

Task 6.4 B&L will facilitate and document the final adoption of the Village Code Amendments and Zoning Map by the Village Board of Trustees. In association with this task, B&L will also prepare/provide the following:

- Provide the final Village Code Amendments and Zoning Map in the form of a local law for adoption, and prepare and submit the necessary adoption resolution to the Village Board for their review and adoption.
- Upon adoption of the Code Amendments and Zoning Map Revision by the Village Board of Trustees, B&L will:
 - Provide a copy of the adopted resolution and file a Final Report to the Putnam County Planning Department.
 - Assist the Village Clerk in providing a copy of the Village Code Amendments and Zoning Map to the New York State Department of State for official filing.
 - Assist the Village Clerk in collecting and filing of zoning verification cards if required.



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- Assist the Village Clerk with publishing the entire Village Code Amendments and Zoning Map, or a summary thereof in the Putnam County News and Recorder or other local publication to be identified by the Village and approved by the NYSERDA Project Manager.
- Assist the Village Clerk with the official filing of an affidavit of the publication.
- Assist the Village Clerk with posting of the Village Code Amendments and Zoning Map in Village Hall and on the Village’s web site. The Village Clerk shall be responsible for verifying to the NYSERDA Project Manager that this posting has been completed in a form acceptable to NYSERDA.

Task 6 Deliverables:

6.1:

Meeting minutes and attendance list(s) from Village Board of Trustees meeting and Public Hearing.
 Confirmation of document filing with Village Clerk.
 Copy of notice to Putnam County Planning Department.
 Copy of notice to adjacent municipalities.

6.2:

Meeting minutes and attendance list(s) from Village Board of Trustees adoption Public Hearing.
 Final Village Code Amendments and Zoning Map.

6.3:

SEQRA documents as noted in this task above.
 (Note: If the Village Board declares a Positive Declaration and requires the preparation of a Generic Environmental Impact Statement (GEIS), then B&L reserves the right to modify this work scope and seek additional fees for the preparation of such an involved and extensive document).

6.4:

Adoption documentation as noted in this task above.

Task 6 B&L Fee: \$8,000.00

Proposed Hourly Staff Rate(s):

Chuck Voss, AICP (Project Manager)	\$133.00
Ted Kolankowski, RLA, LEED AP	\$163.00
Sharon Lilla, Land Use Planner	\$104.00
Keith Ewald, AICP, RLA	\$133.00
Robert Murphy, Land Use Planner	\$ 89.00
Nadine Madina, PE, CPESC, LEED AP BD+C	\$130.00
Anna Georgiou, Esq (Legal & Sustainable Planning Consulting)	\$245.00



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Proposed Invoicing Approach:

Based on our extensive conversations with the CUC and Chairman Goldstein, we understand that the Village would like all subcontractor billings for this project to be in accord with pre-determined task milestones that the CUC is currently finalizing with NYSERDA. Currently B&L is under contract with the Village for other projects and utilizes a monthly invoicing process, where all time and/or reimbursable expenses accrued for a project are invoiced and sent to the Village for approval each month.

However for this project, we are open to following a more structured invoicing schedule based on submission of deliverables tied to specific tasks. Our only concern with this approach would be to ensure invoices are spread out across no more than 2 months for any particular grouping of tasks, to ensure that B&L receives timely compensation for work performed. Accordingly, we propose that we meet with CUC Chairman to plan out the invoicing schedule based on NYSERDA-approved task milestones, and incorporate that reimbursement schedule into the final contract between B&L and the CUC/Village.

Proposed Scheduling Approach:

Based on our extensive conversations with the CUC and Chairman Goldstein we understand that the CUC has set an ambitious project schedule and calendar of events and meetings, culminating with adoption of the final code amendments in the third quarter (August-September) of 2016. B&L is in position to fully comply with this overall project schedule.

However because the CUC has yet to finalize their anticipated meeting schedule, and decide which meetings B&L should be present for, we will refrain from noting specific meeting dates in this proposal where we anticipate to be present. However if resources allow, we strongly suggest that B&L be present at a majority of the meetings listed in the proposed meeting schedule below provided by the CUC:

Proposed CUC Meeting Calendar

(Note – the CUC has held 3 meetings in 2014, and 1 in 2015)

- 1/8/2015 B&L Meeting
- 1/22/2015 Permitted Use Standards
- 1/30/2015 PEP with Draft PBMR
- 2/12/2015 Main Street Shop fronts
- 2/26/2015 Home Occupations, Accessory Buildings, Detached Garages
- 3/12/2015 Accessory Apartments, Livable Floor area, Overnight Accommodations
- 3/26/2015 Waterfront Recreation
- 4/9/2015 Parking
- 4/18/2015 Public Input Meeting #1 on Use Changes
- 4/23/2015 Appearance Standards -- Area and bulk
- 5/14/2015 Appearance Standards -- maximum lot coverage



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- 5/28/2015 Appearance Standards -- ,3-story buildings
- 6/11/2015 Appearance Standards --Signage
- 6/25/2015 Appearance Standards -- Landscaping prking lots, fence standards
- 7/11/2015 **Public Input Meeting #2 on Appearance Standards changes**
- 7/23/2015 Envionmental Standards - Flood Zones
- 8/13/2015 Environmental Standards -- steep slopes, ridgeline Protection standards
- 8/27/2015 Environmental Standars -- Outdoor Lighting, Green Building Standards, street trees
- 8/29/2015 **Public Input Meeting #3 on Environmental Standards changes**
- 9/10/2015 Procedures - Conservation Easements & subdivisions
- 9/24/2015 Procedures - Demolition of Existing Structures
- 10/8/2015 Procedures- LWRP Consistency Review Law
- 10/17/2015 Procedures -- Amend Subdivision Regulations
- 10/22/2015 **Public Input Meeting #4, on procedures changes**
- 11/12/2015 Review of Code for Consistency and Clarity
- 12/10/2015 Review of code -- subdivision regulations, amend zoning map
- 12/19/2015 **Public Input Meeting #5, on consistency & clarity**
- 1/30/2016 PubMtg Review Doc
- 6/30/2016 Adoption Documentation, SEQR
- 9/30/2016 Final Report with PBMR