

Village of Cold Spring

Code Update Committee

March 12, 2015

The Code Update Committee of the Village of Cold Spring held a meeting on Thursday, March 12, 2015 at 7:03 PM at the Village Hall, 85 Main Street, Cold Spring, NY.

Attending were Committee Chair Jack Goldstein, Vice-Chair Marie Early, members Mike Armstrong, Terry Lahey, Donald MacDonald, Barney Molloy; Trustee Bruce Campbell; liaison to NYSERDA Stephanie Hawkins.

1. The February 26, 2015 minutes were brought forth by Mr. Goldstein for approval. Mr. Armstrong requested two amendments to the minutes including an explanation of the agreement that was reached relative to First Floor Main Street Storefronts. Mr. Goldstein identified a correction as well. Mr. Molloy made a motion to approve the amended minutes of February 26, 2015. Mr. Lahey made a second to the motion and the motion carried with a unanimous vote
2. Trustees Report – Mr. Campbell advised Mr. Goldstein to speak with the Village Clerk to recommend deferral of discussion of the two candidates until after the election. The Code Update Committee (CUC) members agreed with that recommendation.
3. Chair's Report – Mr. Goldstein reported that he had attended the Greenway board meeting on March 11 at Locust Grove in Poughkeepsie. He had an opportunity to meet the Greenway people and thank them for the \$6,000 grant. A Memo of Understanding will be sent to the Village for signature. Jamie Ethier, Department Of State representative to Greenway, was in attendance at the meeting. Mr. Goldstein also said that he saw some additional opportunities for grants in the Greenway mandate. He had a conversation with Jaime Ethier who is the DOS representative on the Local Waterfront Revitalization Strategy (LWRS) and the Local Waterfront Revitalization Plan (LWRP). The Greenway grant is not a matching funds grant. There was discussion about when and how to use the Greenway grant. It was pointed out that if the grant is used sooner, the CUC could apply for another Greenway grant in their next fiscal year. In addition, it would be desirable to be able to associate the current grant with some completed, tangible deliverable. Mr. Goldstein is now the point person for the DOS grant.
4. Members Reports – Mr. Armstrong reported that he still does not have the hourly rates which will influence the strategy for how the volunteer hours are applied. Ms. Hawkins stated that she does not have a date for NYSERDA's review and return of the contract; she will follow up again with them. Mr. Goldstein remarked that if it is not returned by April 6, this may have an impact on the overall schedule.
5. B&L contract - Mr. Goldstein reported that he is still working with Barton & Loguidice (B&L) on the language for that contract. He is working to ensure that B&L does not sign on to an open ended commitment to complete the work regardless of budget while the Village has a contract that guarantees the completion of the work for the available money. He expects to have an updated contract in approximately one week.
6. Discussion on on-line spreadsheet – The use of Google's spreadsheet capability may be a solution. Ms. Early will create a spreadsheet and place it in Google Sheets for other members to review. Use of this function will permit B&L to access CUC work without the need to attend all meetings and will permit them to prepare their materials in advance.

7. Discussion on detached garages, accessory building, home occupations – Ms. Early reviewed the follow up items from the previous meeting. 1. A term is needed to equate to “overnight accommodations”. Mr. Molloy said that he expects to have this term within a week. 2. An explanation is needed for Point #10 in the definition of B-4A in Village Code chapter 134; Mr. Molloy said that this should be deferred until Ms. Giorgiou has an opportunity to explain this to the CUC.

Mr. MacDonald reviewed his research and analysis on the topics of detached garage and accessory building, including the definitions. Discussions included whether a structure without a foundation was an “accessory building” (such as a structure on concrete blocks), whether a dog house (a structure which was of a size less than “X square feet”) was an “accessory building”, and whether a storage module (a structure which is leased from a company) is an “accessory building”. It was agreed that a foundation is irrelevant for a structure to be deemed an “accessory building”; size (that is, that it does not occupy more than 30% of the rear or side yard) and setbacks are the key factors as well as any temporary structure (associated with building materials or storage of furniture) associated with a building permit. Mr. MacDonald was asked to provide some size examples of structures that are not considered accessory buildings in other municipalities, as well as examples of codes that address structures which house emergency generators, heat pumps, HVAC machinery, which typically must be closer to the principal structure than ten feet (the current code requires a ten foot separation between the principal structure and an accessory building. Mr. MacDonald pointed out that the code should also consider accessory buildings in other districts, not just R-1. The definition of “accessory building” should be changed to be gender neutral. There was discussion on detached garages. It was agreed that 134-19H (enlargement of non-conforming buildings) should be modified to eliminate enlargement of non-conforming accessory buildings. It was also agreed that the small lot side yard setback should be applicable to accessory buildings (currently, the accessory building setback is defined as 10 feet). It was further agreed that an accessory building in an R-1 district could not be used as a residence, and that the description of “accessory use” needs further clarification to reflect this. It was also agreed that the height of an accessory building (currently one and one half stories) would be limited to a specific number of feet. Mr. MacDonald will research other codes for height – either formulas or specific height.

The Local Waterfront Revitalization Strategy (LWRS) refers to Class I and Class II home occupations. However, there is no list in the LWRS of home occupations by name for either Class I or Class II. Mr. MacDonald will include in the spreadsheet the LWRS definition of Class I and Class home occupations. There was discussion about questionable impacts of Class II home occupations – noise and traffic. Mr. MacDonald said he would supply a list of quantifiable impacts. It was agreed that impact should be the determining factor regardless of whether the home occupation is in the primary residence or in an accessory building, and the degree of impact would require a special use permit. It was agreed height limitations need to be established for accessory buildings in B1, B2, B3, B4, B4A, I1 and I2 districts. Mr. MacDonald will research other codes for examples. It was also agreed that cell towers need to be addressed in the code.

The next meeting will be March 26, 2015 in the Village Hall. Topics to be covered are home occupations (Mr. Armstrong), accessory apartments (Mr. MacDonald), livable floor area (Mr. Goldstein), waterfront recreation.

8. Public Comment – A member of the audience commented that there are multiple family residences in R-1 districts so that there is not much difference in density between R-1 and R-3 districts. In addition, using accessory buildings as mother-in-law apartments creates economic and age diversity, it provides people with limited means an opportunity to rent in the Village; using accessory buildings for home occupations provides additional opportunity to look after children. For these reasons, the use of accessory buildings should be more closely examined because of these potential benefits. The urban model points out that these uses make a very safe community. Mr. Goldstein expressed thanks for this input and

pointed out that multiple public input sessions will be held where comments would be received, and urged the public to continue to attend the CUC meetings and provide feedback.

The meeting was adjourned at 9:10 PM with a motion from Ms. Early and a second from Mr. Molloy and carried with a unanimous vote.

Respectfully submitted,

Marie E. Early