

Village of Cold Spring

Code Update Committee

March 26, 2015

The Code Update Committee of the Village of Cold Spring held a meeting on Thursday, March 26, 2015 at 7:00 PM at the Village Hall, 85 Main Street, Cold Spring, NY.

Attending were Chair Jack Goldstein, Vice-Chair Marie Early, members Mike Armstrong, Terry Lahey, Donald MacDonald. Barney Molloy was absent.

1. The March 12, 2015 minutes were brought forth by Mr. Goldstein for approval. Mr. Lahey requested the statement that “detached garages are a subset of accessory buildings” be removed since it had not been agreed. He also suggested that setbacks be minimized for accessory buildings and garages, maybe as small as a 5 foot setback. Mr. MacDonald said that he would provide in a future meeting some examples from other codes for both. Mr. Armstrong identified some typographical errors. Mr. Armstrong made a motion to approve the amended minutes of March 12, 2015. Mr. Lahey made a second to the motion and the motion carried with a unanimous vote

2. Trustees Report – There was no report

3. Chair’s Report – Mr. Goldstein reported that the Greenway grant is \$10,000, not \$6,000 as expected. He mentioned some activities that the grant could fund. Mr. Lahey pointed out that one meeting is missing from the schedule. Ms. Early suggested that some of the money could be used for a firm that provides physical updating of the Code document, as well as the ability to search all sections of the code at one time instead of the current requirement to search each section separately. Mr. Goldstein mentioned that that functionality might be the subject of a future Greenway grant since it improves accessibility.

Mr. Goldstein said that he has sent the Barton & Loguidice (B&L) contract to Bill Florence, Village counsel, for review and also for wording related to guarantee of completion. NYSERDA is currently conducting an internal review of the NYSERDA contract; no completion date has been set. Mr. Goldstein is also reviewing the source documents that are going to impact the Code Update Committee (CUC) work; he has posed some questions about them to NYSERDA and is waiting for their response.

Mr. Goldstein said that as part of the B&L contract, B&L responsibility during the 5 public input sessions has been removed, specifically public notification. He has reached out to some volunteers, Linda Lange and Gretchen Dykstra, to assist in this effort on a pro bono basis to mount a public information campaign. The campaign will consist of 5 structured emails encouraging people to attend the session, and the emails will have a live comment function.

4. Member Reports – Mr. Armstrong reported that the CUC had 250 hours thus far although he had not received some timesheets yet. He also said that he has not yet received the hourly rate from the state. Ms. Early reported that she had set up a Google sheet, and had authorized Mr. Goldstein as a user and he was able to access it but was unable to update it. Ms. Early will investigate and provide a report for the next meeting. Mr. Goldstein explained that the CUC members would have permission to update, but B&L would be restricted to view only. He further said that he wanted B&L comments to come to the CUC as written documents for discussion at CUC meetings with B&L present.

5. B&L Contract – see above

6. Discussion on on-line spreadsheet – see above

7. Discussion on home occupations, accessory apartments, livable floor area & waterfront recreation – Mr. Armstrong said that he had found some additional codes on the topic of home occupations but they did not have the level of detail or specificity that Mr. MacDonald had provided. Mr. MacDonald said he had some materials on accessory apartment standards which he will email to the CUC members. Mr. Armstrong researched the source of GreenPlan’s LWRS statements on home occupations; he could not find a Google match on the words so he concluded that GreenPlan authored the statements. He will circulate the 2003 Maricopa paper on home occupations which he feels will be useful to the CUC, including definitions of Class 1 and Class 2 home occupations. The CUC had a discussion about home occupations. This topic will be discussed again at the next meeting including a list of occupations, a list of standards, a list of specific positives and negatives of/for various home occupations. As to the question of home occupations in accessory buildings, it was agreed that if the home occupation violates a standard, it should be prohibited regardless of where the home occupation occurs. It was further agreed that the LWRS stated requirement of a special permit for home occupations in accessory buildings was faulty and should not be implemented in the code update. Mr. Armstrong will generate the above occupation lists for the next meeting. Mr. Goldstein suggested that occupation lists will probably need review every 5 years or so, since new occupations arise and older ones are no longer pertinent. Mr. Armstrong said that he had sent the 2005 Zoning Board comments on home occupations to the CUC members; he summarized the comments. Ms. Early asked if the current conversation about home occupation should apply to R3 and B1 (for those buildings on Main Street which currently have residences on upper floors or which are currently totally residential) as well as R1. Mr. Goldstein said that there have got to be definitions that draw a distinction between a home occupation use and a commercial use. It was agreed that that needed to be checked; Mr. MacDonald will look into this. There were B1 permitted uses that were felt to be inappropriate for example, car dealership.

On the topic of accessory apartments, Mr. MacDonald reported that the classification does not exist in the current code. He had provided some sample definitions, including “boarder”. An accessory apartment can exist in the primary residence or in an accessory building; it provides everything to support one family and has physically separate access from other dwelling units. A boarder is a person who permanently occupies a room in a dwelling for sleeping purposes for which compensation is paid to the property owner. An accessory apartment differs from a two family dwelling in that it (the accessory apartment) is subordinate in size, location and appearance to the principal dwelling while in a two family dwelling they are equal in size and appearance. Mr. MacDonald talked about the zoning law and permits in Hastings which cover accessory apartments and boarders. There was discussion about the capacity of the sewer and water systems. Mr. Goldstein pointed out that densification will likely be one of the metrics applied by NYSERDA. Mr. MacDonald will flesh out the Hastings code and boarders. It was agreed that there is a need to clarify “accessory use” and its application to “accessory building” relative to another residence. There was not a consensus on “accessory apartments”.

8. Public Comment – There was no public comment

9. Old Business – There was no old business discussed other than above.

10. New Business – There was no new business discussed other than above.

The next meeting will be on April 9, 2015 in the Village Hall.

The meeting was adjourned at 8:57 PM with a motion from Ms. Early and a second from Mr. Goldstein and carried with a unanimous vote.

Respectfully submitted,

Marie E. Early