

**Village of Cold Spring
Code Update Committee
December 2, 2015**

The Code Update Committee of the Village of Cold Spring held a meeting on Wednesday, December 2, 2015 at 7:09 PM at the Village Hall, 85 Main Street, Cold Spring NY

Attending were Board members: Carolyn Bachan, Donald Mac Donald and Ethan Timm; and Trustee Marie Early. Norah Hart arrived after the meeting had begun.

Trustee Early opened the meeting at 7:06 P.M. She said that the resubmitted Project Execution Plan (PE) had been reviewed by NYSERDA and they identified a few more changes which will be addressed by Mr. Fink. The first monthly conference call was held with NYSERDA. NYSERDA said they were pleased with the resubmitted PEP. They advised that reimbursement will occur when the full set of timesheets are submitted (this would be for the period from 2014 through September of 2015. Ms. Early asked all members of the group to submit their timesheets. Mr. Paul Henderson was in attendance; he had submitted a letter of interest and a resume to the Village Board expressing his interest in joining the Code Update Committee (CUC). The letter of interest and resume will be circulated to the CUC members so that a recommendation can be made to the Village Board. Lastly, the Hudson Valley Greenway has sent the Village an updated Memo Of Understanding (MOU) for signature by the Mayor to award the CUC a \$10,000 grant.

1. Minutes:

The minutes of November 12, 2015 were reviewed. Ms. Bachan moved to approve the minutes and Mr. MacDonald seconded the motion. The revised minutes were approved unanimously, 3-0 (Ms. Hart was not yet in attendance).

2. Restricting Main Street Shop Front Buildings to Commercial Use

Ms. Early pointed out that the previous membership of the CUC had discussed this topic in February 26, 2015 and was in favor of such a restriction from Depot Square to Route 9D, specifically, to prohibit residences from moving into first floor store fronts. The current Village Code is silent on this topic. The Comprehensive Plan in Section 4.2.5 is in favor of such a restriction and not permitting shop fronts to become residences; the LWRS continues that recommendation. Conversion from residential to commercial would be encouraged. Conversation included extending to the river, and including commercial uses, and business use that has some visual relationship with the street? It was agreed that conversion of Main Street first floor commercial or retail space to residential space would be prohibited from West Street to Route 9D. Mr. MacDonald will investigate glazing standards in other communities and he will measure a few shop front windows on Main Street to see what exists; the objective would be to define the minimum window size for the code.

3. Detached Garage Standards:

The code currently has accessory building standards including garages. This topic had been discussed earlier by the previous CUC, and it had been agreed that a detached garage should be a subset of an accessory building. Section 134-17 (Supplementary regulations applying to all residence districts), item A deals with accessory buildings and garages. The current code states:

- (1) An accessory building or a garage may be located in any required side or rear yard, provided:
 - (a) Such building or garage shall not exceed one and one-half (1½) stories.

(b) Such building or garage shall be set back ten (10) feet from any lot line, and if separated from the principal building, shall not be located less than, ten (10) feet from it.

(c) All such buildings or garages in the aggregate shall not occupy more than thirty percent (30%) of the area of the required rear or side yard.

Mr. MacDonald pointed out that #b above says that a garage or accessory building can be located 10 feet from the rear yard lot line while the Zoning Code requires the rear yard setback (for R-1) to be 20 feet meaning that a garage or accessory building is an exception and can be located closer to the rear yard lot line without requiring a variance. #c also says that the accessory building or garage cannot exceed 30% of the area of the required rear or side yard area. Mr. MacDonald provided a diagram illustrating this point which proved very helpful.

The conversation then discussed whether 10 feet is a reasonable rear yard set back. Mr. MacDonald also provided an illustration of “clumping” or “clustered” (where accessory buildings or garages are placed essentially adjacent to one another on two or more properties) that currently exists within the village. Such “clumping/clustered” of accessory buildings or garages in adjacent properties provides more light and sight lines between and within those properties. Mr. MacDonald also pointed out that NYS Building Code prohibits (without appropriate fire rating construction) garages from being located closer than 3 feet from the property line. The discussion centered on 3 feet versus the current 10 feet. Back yards are very important to people. The size of the accessory building should be a factor in the set back. Many manufactured sheds or accessory buildings are installed without permanent foundations (they can be placed on concrete blocks, for example) and should be considered an accessory building. A special permit can be issued by the Building Inspector and would not require a variance. The discussion also considered putting the requirements into the code versus a special permit. Building height and building width and length were discussed. It was pointed out that accessory buildings and garages provide some amount of privacy in a back yard. Mr. Timm is going to attempt to develop a formula that takes into account the height of the building and the ridge line relative to the required set back.

4. Accessory Building Standards:

The primary question is should accessory buildings be permitted to become a residence given their proximity to the adjoining property? And should accessory buildings be permitted to be attached to the primary building and then become a residence? It was agreed that accessory buildings cannot become residences unless the accessory building conforms to all the required area setbacks for the primary residence. This topic is now considered complete.

5. Accessory Buildings on Foundations:

Accessory buildings (any type of structure made of any material – metal, plastic, wood) that are placed on a foundation or concrete blocks or gravel or any other materials must conform to the requirements of accessory buildings including set backs and lot coverage. Although these buildings may be considered “temporary” by the owner, the reality is that most of these buildings become permanent buildings on the lot. Ms. Early will investigate the NYS Building Code for requirements for manufactured structures.

Ms. Bachan will try to find the report on three story buildings for the next meeting. Mr. Timm pointed out that he has sent everyone his report on Waterfront Recreation; all members should read that report prior to the next meeting. Ms. Early will circulate the 10 topics for the first public meeting and will summarize the status of each.

The CUC unanimously agreed to recommend to the Village Board the appointment of Paul Henderson to the CUC.

The next meeting will be Dec. 16, 2015.

Ms. Hart moved to adjourn the meeting and Ms. Bachan seconded the motion. The meeting adjourned at 9:00 P.M.

Respectfully submitted by
Marie Early