

**Village of Cold Spring
Historic District Review Board
85 Main Street, Cold Spring, New York 10516
Vote on Resolution for Butterfield Redevelopment Proposal**

May 14, 2015

Members Present: Chair Al Zgolinski; Vice Chair Kathleen E. Foley; Members: Carolyn C. Bachan, Peter Downey and Michael Junjulas. Also Present: Interim Village Attorney William Florence.

Present for the Applicant: Paul Guillaro, Property Owner; Matt Moran, Unicorn Construction; Ray Sullivan, Project Architect; and Steven Barshov, Attorney to the Applicant.

The Chair opened the meeting at 8:09pm, and informed the public that the Interim Village Attorney would be arriving late. Upon his arrival, the Chair reported that the Board would enter executive session to seek legal counsel on matters related to the board's deliberations of the application. Until that time, the Board would discuss other outstanding issues relating to the application.

K. Foley noted that outstanding from the Board workshop on 5/7/15 was the explanation of a change made to the roofline of Building 4,5,6 in response to public comment. Mr. Sullivan described the lowering of the roofline on the southwest portion of the building (over the garage) by two feet to reduce the appearance of the building's height. Mr. Sullivan also presented the Board with a final drawing of the revised inter-window panels on Buildings 1 & 2, which will be metal.

K. Foley asked Board members when they thought they first had sufficient information to assess the mass and scale of the project. C. Bachan responded that the public hearing was the first time that she felt she had full information, with the delivery of the mass model. A. Zgolinski pointed to a chart of square footage measurements provided for each building on a site plan reviewed by the Board in the Fall. Foley noted that that chart did not reflect modifications made by the Planning Board since its submission, and therefore did not constitute final measurements. Final measurements had only been provided at her request at the 5/7/15 workshop. As follow up, Foley asked if Board members felt they had had substantive discussions of the project's mass and scale. C. Bachan responded that she felt the only substantive discussion had been during the HDRB's evaluation of the B4 Zone Amendment Proposal and the review of the Environmental Assessment Form during the project's SEQR review. P. Downey expressed his view that any discussion of mass and scale should have happened long before this session and it was no longer valid to discuss mass and scale.

A. Zgolinski noted the draft Resolution from the Interim Village Attorney was broken down into four parts, addressing different site elements:

1. Site Plan and Site Furnishings
2. Commercial Structures
3. Multi-Family Structures

4. Single Family Structures

However, the Chair felt that the draft was repetitive and did not focus sufficiently on the criteria of Chapter 64, and he preferred to draft a new resolution during this session. He asked whether the Board was comfortable with this general format and process and Members agreed. The Chair presented a draft preamble for a new resolution; this portion was reviewed by the Board and agreed upon in principle.

M. Junjulas moved to recess until the Interim Village Attorney arrived; K. Foley seconded the motion and it was approved 5-0. The recess began at 8:44pm. The Interim Village Attorney, William Florence, had previously estimated his arrival at this session at 8:30pm. He was further delayed by an automobile accident and did not arrive until nearly 9:00pm. For this reason, the Board recessed to await his arrival before finalizing its Resolution. M. Junjulas moved to come out of recess at 9:06pm; P. Downey seconded the motion and it was unanimously approved.

P. Downey moved to go into executive session to seek legal counsel on matters related to the board's deliberations of the application vis-a-vis Village Code Chapter 134-4 and Chapter 64. K. Foley seconded the motion; it was unanimously approved and the Board went into executive session at 9:07 P.M.

M. Junjulas moved to close executive session at 9:47pm and K. Foley seconded the motion; it was approved unanimously. The regular meeting was opened and the Board continued to draft a resolution at 9:48 P.M, including making findings of facts for each site element under consideration.

When complete, M. Junjulas moved to discuss the Resolution and P. Downey seconded the motion. The motion was unanimously approved. The Chair confirmed that a single vote would be taken on the complete resolution rather than on individual project elements.

P. Downey moved to vote on the Resolution and C. Bachan seconded the motion. The results of the vote were as follows; the text of the Resolution is recorded separately from these minutes:

P. Downey – yes, without comment

K. Foley—no. Foley felt that while significant progress had been made to the commercial structures and the single family homes via the Board's work with the Project Architect, the mass and scale of the multi-family buildings on the site were incompatible with the Historic District and the Village overall. She felt that on balance the mass and scale of Buildings 3 and 4,5,6 outweighed improvements that had been made to the project design. She compare the land coverage of Building 3 and Building 4,5,6 to other structures in the Village, including apartment complexes and the Haldane school buildings. She noted that the Haldane buildings, as well as the Butterfield Hospital, are of the mass and scale required for them to serve their institutional uses. That the multi-family residential structures at the Butterfield site are so much larger than other apartment buildings in the Village gives them a disproportionate urban and institutional feel that is not compatible with the Historic District. She further noted the contrast of the multi-family structures with the Village's community character, particularly the neighborliness and casual exchange afforded by common green spaces in other apartment complexes in the Village. The Butterfield apartments have interior entries and central hall configurations that are more like a hotel

than a residential space that encourages community exchange. She additionally discussed the lack of open space buffering on the Butterfield site, which at the Village's other apartment complexes and the Haldane campus mitigate the impact of mass and scale on surrounding structures. Foley stated that she believed that the B4A legislation allows some flexibility to reduce the mass and scale of the project. Further, Chapter 64 of the Village Code requires consideration of the mass and scale of new construction, as well as its compatibility with the surrounding District. Not reducing the mass and scale of the multi-family residential structures, she felt, was a failure on the part of the HDRB to meet its mandate.

M. Junjulas –yes. Junjulas felt that the mass, scale, siting and materials of the Butterfield proposal are compatible with the Historic District and are a real improvement over the site as it exists today. He felt that the Applicant and the Project Architect had been very responsive to HDRB requests related to design and the result of their compromise was a very strong project that will improve the District and the Village.

C. Bachan-no. Bachan commented on mediocrity of the site plan on which the B4A Zone is based, and the resulting design that the HDRB was asked to review. She, too, felt that the mass and scale of the multi-family residential buildings was not compatible with the surrounding Historic District and the Village overall. She believes the site plan and designs to be urban in character, too dense and too large for the Village and belonging more to the built-up municipalities of Westchester County. Bachan noted that Cold Spring is exceptional because of its retention of a small-scale village character, and that the outsized scale of the Butterfield project is an undesirable departure from that character.

A. Zgolinski—yes. Zgolinski feels that the Butterfield proposal substantially conforms to the concept plan attached to the B4A Zone Amendment and believes that this should be a primary consideration of the HDRB review. He does not feel that the buildings on the site are too large, but rather feels they meet the bulk requirements of the zone. He also felt that reducing the size of the multi-family homes or breaking them up into smaller buildings would negatively affect the configuration of parking and reduce the amount of green space on the site, which he felt was essential to reduce the impact of the development.

The vote passed 3-2, with the following conditions:

- The inset panels between windows on Building 1 &2 are to be metal
- Various elements identified on the drawings as various types of PVC are all to be AZEK
- The guard rail in the parking lot near the Leahy pavilion will be either wood or a stone-wrapped wood
- the drawings for the Building 6 garage will be included in final drawings, as will drawings for the roofline change for the same structure

K. Foley expressed concern for the precedent, which she characterized as “dangerous,” that this approval sets for future reviews of new construction in the Historic District. She requested that her comments and Ms. Bachan's be recorded with the Resolution as dissent to the decision. The Interim Village Attorney agreed this could be done. The Applicant's Attorney requested that a transcript of the

comments made in the hearing be considered the dissent. The Chair confirmed that the dissenting opinions would be attached as an appendix.

Mr. Florence, the Village Attorney, will prepare the resolution as composed and agreed by Board members in this session.

C. Bachan moved to adjourn the meeting and M. Junjulas seconded the motion. The meeting adjourned at 11:36pm.

A. Zgolinski, Chair,

Date

(6/9/15) Note regarding the recording of dissent opinions to this decision:

Subsequent consultation with the General Council of the New York State Conference of Mayors confirms that written dissent may be prepared by Board Members and added as addenda to a land use Resolution; Foley and Bachan have requested this course of action.