VILLAGE OF COLD SPRING

SPECIAL BOARD for a

COMPREHENSIVE PLAN/LOCAL WATERFRONT REVITALIZATION PLAN

Minutes

Public Hearing on

Draft Comprehensive Plan

October 21, 2010

At Cold Spring Fire House Main and Church Streets

Mike Armstrong (Chair, Special Board) opened the second session of the two-part Public Hearing at 7:36pm with a brief introduction including why a Comprehensive Plan is important for the Village, a history of the development of the Comprehensive Plan, and the process that will be followed following the Public Hearing.

He identified the written comments that have been received since Oct. 14, 2010 from Mark Wildonger (Scenic Hudson), and Village residents Judith Rose, Donald MacDonald, Pete Henderson, and Jean-Pierre and Rita Seibel.

Present: Michael Armstrong, Chair; Anne Impellizzeri, Vice Chair; Members: Karen Doyle, Marie Early, Cathryn Fadde, Anthony Phillips, Michael Reisman, Catharine Square. Absent: Marshall Mermell

Note: All responses and answers are from Mike Armstrong unless otherwise noted.

Armstrong expressed great appreciation for each of the public comments. The spoken comments were as follows:

Mark Patinella – (President of the Cold Spring Boat Club) – First, a correction - in 2.10 – the Boat Club does pay sewer and water taxes. Can you provide some clarification on 2.2.3 ("In the event that the DEC and the Village agree to remove contamination from below the building and it is town down, re-think the uses of the entire property from the river to Market Street.")?

A: This meeting is really to receive your comments rather than giving a lot clarification. I think it is fairly straightforward, I think it is saying to re-think the uses of the entire property and think of it as a single piece. It is a fairly large parcel and rather than just to think of the part that is being excavated, or to just think of the site of the current building, to look at the entire parcel as one opportunity for the Village. I think that's fairly clear. Is that what you're looking for?

Q: (**Mark Patinella**): I don't understand the "re-thinking" . I understand we're trying to preserve the Boat Club.

A: The question is if you remove the building, what use would you make of that property, but look at it as a single piece, that is, it's a fairly large parcel so for example, you might think about a reorientation of the building, you might look at going to a second floor, or a different use of the footprint there. By "re-thinking", it means to look at what might make sense relative to the configuration of the structure, and what might make sense for the other action items in the light of the Objective. Everything in the Action items is framed in terms of or with reference to the Objective. Does that help?

Q: (**Mark Patinella**): So restructure the Boat Club.

A: We're talking about the building, about the structure there, not the Boat Club itself. Do you see what I'm saying?

Q: (**Mark Patinella**): I understood what you're saying, but that affects the Boat Club.

A: What you see here is a plan of process, of an approach. And the plan talks about the need to work with the Boat Club on what would go there. We're identifying the parameters. When that is looked at, that it be taken as a large parcel, that it be thought of as a whole piece, and that it be thought of in light of the Objectives that are outlined here, that is, protecting the interests of the Boat Club is of paramount interest, increasing the benefit of the riverfront for Village residents, and generating revenue for the Village. Those are the Objectives that are being sought as that property would be assessed.

Q: (**Mark Patinella**): So, inadvertently, that would impact the lease then.

A: I think that what we would do is work with the Boat Club, that's the concept. What the legal instruments are that would get involved….. the lease probably would be, there would probably be some impact on the lease. But the objective here, or the goal here, is to work with the Boat Club on whatever the outcome is.

Q: (**Mark Patinella**): Moving on the 2.2.5, just as a point of clarification, "Give consideration to reserving some space uniquely for Boat Club use and some uniquely for the Village, such as storage, supplies and refrigeration." Before it was vague, now it is very specific. I don't understand this – reserve storage for what? Refrigeration for what?

A: (**Anne Impellizzeri**): " Such as".

A: (**Marie Early**): Mark, hypothetically speaking, if the Boat Club building were made available to other organizations to use, to rent, for parties, for the Village, there might be a need to store more chairs or tables. So the thinking was if the building could be made available to other organizations for rent, sometimes the building here is made available to rent for parties or what not, there might be the need then to have equipment there that would be supportive of social events that could be conducted in the building. Refrigeration would go along with if someone wanted to have a dinner party …

Q: (**Mark Patinella**): for catering…

A: (**Marie Early**): Exactly.

Q: (**Mark Patinella**): I just wanted to make sure we weren't talking garbage trucks…

A: (**Marie Early**): No, no, we were not thinking garbage trucks, we were thinking tables and chairs, dishware.

A: (**Anne Impellizzeri**): To amplify, the wording here, to be worked out with the Boat Club, would be that some space, because of the Boat Club's need, could consideration be given to reserve uniquely to the Boat Club and some space uniquely for the Village. It doesn't mean necessarily equal amounts of space. But it's meant to give the Boat Club opportunities to say, "Look, we need our refrigeration for us only."

Q: (**Mark Patinella**): Is your intention to make this available in the current building?

A: I think the key here is a mutual discussion that the Village would have, with mutual agreement. This is something that would be worked out by mutual agreement. It seems to us that there is an opportunity there and that something could be worked out. And if something could be worked out, it should be worked out.

Q: (**Mark Patinella**): 2.2.7 "Investigate ways to generate revenue for the Village from the Boat Club site." Does this mean fees for docking?

A: That's one idea that has come up. There are several ideas out there but they need to be investigated how best to do that.

Q: (**Roger Chirico Sr**.): 50 years here, member of the Boat Club for 45. I'd like a little clarification on the last question – In what way are you looking to generate revenue off the Boat Club property? Can you tell me the specifics? I know you don't want to go there but…

A: We really can't go there because that needs to be developed. Those are ideas. People have talked with us and made suggestions about ways we could make money there – Gordon Robertson had some ideas he shared with us. I don't know if they're practical or not. But there have been a number of ideas people came forward with but they need to be investigated to see what's practical and viable. We think that it should be in the plan and in the sights of the plan to do that work of looking at those and seeing what's workable, and then if it's workable, put it into practice.

Q: (**Roger Chirico Sr**.): Are you looking for us to put it in the package?

A: It's a mutual effort. We, people in the community, would work on this together, work with you….

Q: (**Roger Chirico Sr**.): In other words, like ….

A: We don't know what might be practical and what might not be at this point. But we're not presenting that kind of information at this point. We don't know. We're just saying it should be looked into.

Q: (**Roger Chirico Sr**.): I don't know how we can answer any questions if we don't know exactly in which direction you're going here. We're going to share the building you think? Is it so we get more use for the residents of the Village of Cold Spring?

A: I think the key is to look at the Objective. Look again at the Objective. What's the Objective – to do 3 things with the Boat Club from what we have learned talking with people in the community and in talking with you guys. The 3 things are: 1) enhance and protect the benefit of the Boat Club for its members – for you guys ; in other words what we're saying is that this is really important; the Village should recognize that, should respect that; 2) increase the benefit of the riverfront site for Village residents; that is, we got a lot of feedback out of Village residents that they would like to get use out of that site; so we think one of the 3 Objectives should be that; 3) generate revenue for the Village from that site. It's a very valuable property and we are saying that should be an Objective for that site.

Q: (**Roger Chirico Sr**.): How can we generate revenue off a recreation property?

A: (**Anne Impellizzeri**): But most of all, the most important words in this Objective are the first two and that is "Work with the Boat Club.". There isn't anybody who's going to tell the Boat Club what has to happen. The Village and the Boat Club need to sit down together and work this out.

Q: (**Roger Chirico Sr**.): I'm thinking of the room on the facility down there to incorporate outside people for let's say a birthday party or a wedding or something like this. How do you operate this facility at its size and where do you draw the line on the amount of people that are going to be in there? Where do we go with the insurance? These are all things that ….

A: These are all good questions but they are not something that would be addressed here tonight. The question that we have is – we propose this is the plan; what we're asking for is public comment on the what we've proposed. We haven't proposed any kind of these detailed specific uses that you're referring to, that we could talk about when and if they are proposed in a year or two or whatever. But that's not what's here before us. What we're talking about here is to work with the Boat Club to achieve these 3 Objectives, and that's what we'd like to hear comment on.

A: (**Anthony Phillips**): Mike, can I say something. I think this is one of the reasons why we have a problem with what we're presenting. There are too many variables and the people that are involved don't understand the direction that we're going. I'll be honest with you – I have a problem with part of it too. These guys are asking the right questions but we're not giving them any answers because it's only a presentation of what possibly could happen but is not happening until a year or two down the road. That's part of the problem with this plan.

Q: (**Roger Chirico Sr**): What I think should have been done here is I think this should have been given out for us to review. And you people also. What thoughts you have and what we can gain from revenue on Boat Club property or where ever you're going. And we'll think about it also at the same time. Then when we sit down the next time we can say "Well look, what action are we going to take on 2.2.5?" or something like this rather than just sit here and ask a question and can't say "Well, what's going to

happen is how do you intend to gain revenue." What is the answer? I ask you "What do you mean by this" and you tell me "I can't answer that now just look at it."

A: That's not what I said. What I said was that there's a process that we're going through, that we're recommending a process. And what we're recommending is a way we approach how the decisions will be made, and the Goals and Objectives of that decision. And I think that's enough, and the reason it's enough is that there are big unknowns about that Boat Club. There's the DEC decision that's unknown. The question is if we say this is the plan, we have to wait until we knew the future, we would do nothing. But if we say, OK, let's simply say what the process should be as we go forward, and what the objectives of those decisions should be, I think you've got something that is much more practical, much more flexible and much more effective. You've got a way of addressing the actual opportunities and challenges of the Village. This is a very good example of that. What we're saying is there are four things: 1) the process is that the Village will work with the Boat Club – it's not going to dictate to the Boat Club, it's not going to say to the Boat Club you've got to do this or that, and it's also not going to say we will just ignore the Boat Club; 2) the Village will work with the Boat Club and it would work toward these three Objectives…..

Q: (**Roger Chirico Sr**): I understand that. The thing is we want to know how question is how we can work with you, and how can we come to agreement on what revenue on the property and how we can work it out?

A: You don't need to. You're jumping ahead of where we are. Where we are in the process is we're laying out a plan that defines the process, that defines the Objectives, that defines the Goal, and it defines some specific actions, it respects the fact that we don't know what the future will bring and we don't know exactly what the DEC will rule, and we don't know how this will happen or that will happen, or where the money is coming from, so what we do is set forth the Objectives, we set forth the way we hope the Village will approach those things, and we set that out. Whatever comes at us in the future, we can do.

Mark Patinella: Maybe a better way would have been to change – substitute "Action" with "Suggestion". The word "Action" is very a very powerful and strong word. It means something. When you say "Action", it's implying this is what's going to happen. If you say "Suggestion", you're backing off.

Michael Bowman (resident of Nelsonville, President of the Cold Spring Fire Company): First, thank you for inviting us down and meeting with us. The need for a new fire house needs to be stated even more so in the report whether it's at the Butterfield property or another location which is unforeseen. The Fire Company has spent over a year and a half looking into this all over the Village and we identified the Butterfield property as the one that fit with all of the regulations. Our company is not opposed to staying on Main Street but it's just a matter of how would this building work, where would we go. Another small comment is about the Service Award program that is mentioned in this report – getting people to join the company and retention – it is an important thing to a lot of people who join the company. We're volunteers but that is an incentive to us.

Stephanie Hawkins: I wonder if it is reasonable to say that activities specific to the Village that occur at the Village Hall, these activities are integral to Main Street, that Main Street is the center of the Village and there's a proposal that the Village Hall move to Butterfield, I'm just wondering if those are conflicting ideas? All these important meetings occur at the Village Hall and now those meetings are moved, how do we distinguish Cold Spring on a map with these all now on the outskirts of the Village.

Stephanie Hawkins: The Vision and Goals says quality of Village life while Section 1 says character of the Village.

A: I think they were intended to be the same and probably it was overlooked.

Stephanie Hawkins: Question about zoning.

A: Zoning would be reviewed and modified over time to make sure they were in conformance and doesn't conflict with the principles and objectives laid out in the Comprehensive Plan. It provides guidance to the regulations in the law. The exact connection between that – we would have to have an attorney here to walk you through that process but the intention is that the Comprehensive Plan be the basis for land use regulations.

A: (**Michael Reisman**): I'm troubled that you're troubled Roger. ….there are some items in the Comprehensive Plan that are very specific so, for example, things regarding the water quality in the Village because they are technical items and there is consensus on those items. Items related to the Boat Club I think are phrased more in terms of process because they are less technical and they are….one of the …in the equation …issue and the DEC. Having said all that, I think maybe it….anxiety producing or confusing to see action items here that are process. But I think…..entirely appropriate for certain issues like …. Boat Club … set agenda… I understand how you…oh well….is it out….or the Boat Club….abilities….that it has had for the last decades…I think the answer to that question is no….they are actively involved….

Roger Chirico Sr.: I thought maybe we could talk about …. (at this point, the tape skipped so I cannot identify what Roger said).

A: Exactly. You have it exactly right.

Roger Chirico Sr.: I was under the impression when we read these how did we intend to give back…the property goes all the way to Market Street…recreation property…. Another issue, there's a parking lot in the back that's used by Hudson House off street parking so the restaurant can have enough parking spaces per table….issue….but we're not allowed to talk about it.

A: You can say anything you want. My response stands though. What we've presented here is a way to get at these issues in the future, acknowledging that we don't know what the future is but we're trying to point to what we think is the right way to go about getting at those issues. That's what the plan says.

Roger Chirico Sr.: I think we should bring these copies and present them to the Boat Club.

Jan Thacher: I'm going to submit a letter that goes into some detail as to what my thoughts and theories are here. But I'm really echoing what I heard with a lot of comments from last ….there's… saying here and what I'm feeling is that there are a lot of inconsistencies in here, a lot of mistakes, there are some that absolutely contradict each other. I think that we really as a community haven't been given enough time to analyze this thing. It's full of a great deal of material, some of it really good, some of it I really don't understand - I can't understand the wording on some of these comments – they need to be clearer, they need to be – what is it that you are saying? It is a…..problem. And there are many of them, not just one or two. I am concerned that we're rushing this, that this is being pushed too hard. …see the reasons… deadline…expressed that you are a deadline oriented business, so did I. …tried to make if such a…..and clearly there are some mistakes. …encourage you to

Mike Armstrong: We will distribute to these (letters) to everybody on the Special Board.

Jan Thacher: I would really like you to consider perhaps – I would like very much what Roger said – to allow community comment on these particular….and these…workshop on these specifically on the chapters in this book, where we sit down as a group and go through them. There's good meat in here. But it's just not being presented well.

Catharine Square: I have received two letters.

Mike Armstrong: In addition to the written comments that I mentioned at the outset, we have those two (Bob and Eva Leonard, and Susan Wallach) and Jan Thacher's. Has anyone else received any written comments? Anything that we receive up to the end of this meeting will become part of the public record. People that go to the Village Office can get ….comments the public has made.

Anne Impellizzeri: And if there are some that have gotten to the Village Office but haven't gotten to us, they too are valid.

Mike Armstrong: I've been distributing the comments as I receive them.

Jan Thacher: It is my understanding that after you do what you're going to do on the 28th, take your vote, if it's in the affirmative, then it goes to the Village Board to be accepted or …. Correct?

A: Generally, yes. They will review it and – right.

Jan Thacher: If you say "We're done with this" -

A: And the public will have ample opportunity to comment throughout that entire process with the Village Board. That's a very public process as well. There will be hearings which are required before the Village Board can vote to adopt the plan. So they can change the plan however they wish, they will have their own Public Hearing, and they'll have their SEQRA review and there will be public hearings on that so it will be a very public and open process.

Jan Thacher: ….Village Board says OK, fine, they vote to accept it. What we have here, right now, is, as Mike was saying, has force of law.

A: Right, the Village Trustees have the final say on what's in the document.

Jan Thacher: We were discussing the differences between a Comp Plan and the LWRP.

A: It gives the basis….

A: (**Michael Reisman**): I said basically what Mike said and ….

Jan Thacher: No, this is a different conversation.

A: It becomes the basis for Village regulations. In other words, the regulations in the Village have to be consistent with the Comprehensive Plan. They have to – they cannot contradict it. In that sense, it has the force of law in the sense that it defines, it is like the root of the law, it is the basis for the law. Yes, in that sense, it has the force of law.

Jan Thacher: If there are inconsistencies in this document right now and they get passed on to the Village Board and they do nothing to correct them..when do these things get filtered?

A: The term "inconsistency" – I've heard that, that people have the perception of inconsistency. When I look at it, I think when an attorney is looking at it would say that's not an inconsistency. Inconsistency is in the mind of the beholder. And when you look at it, those two…statements (from Marie - I cannot identify what two statements are being discussed here)are not truly inconsistent. So I would say for one thing, as the attorneys look at the document that is approved and I think as they apply the Comprehensive Plan to ….the regulation in the Village for what needs to be modified, they will look at it and they will say "Based on the Comprehensive Plan we have these two statements but we see… what they're getting at, we see that this suggests that the regulation should be changed in this way." And I think that they will be fine with it. I think that this plan…those are the kinds of things that are worked out by attorneys as they apply this plan to the Village regulations.

Jan Thacher: So those of us who have worked on this and who can see some glaring inconsistencies..

A: Who believe that there are inconsistencies.

Jan Thacher: OK, it's relative, but we believe we see some pretty glaring inconsistencies and we feel that they should be talked about and could be corrected before it gets to any other stage.

A: The Village Board is a wonderful venue. When the Village Board discusses it, bring – have the Village Board discuss it.

A: (**Michael Reisman**): Just again, that is not a preordained outcome. We have to have our discussion and I hope – I haven't looked at the letter you gave us – but I hope you put some meat on the bones – what is inconsistent? Because frankly to say "Oh, this 60 page document is…inconsistent" - that's not very helpful.

Jan Thacher: But also in fairness, I would have given you much more had I had more time. I really feel the pressure was put upon us – and I'm not proud of this piece of work. I think it shows…

The two-part Public Hearing was closed and adjourned at 8:25pm.