

**VILLAGE OF COLD SPRING
SPECIAL BOARD for a
COMPREHENSIVE PLAN/LOCAL WATERFRONT REVITALIZATION PLAN**

**Minutes
Meeting of December 9, 2010
At Village Hall, Main Street**

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

Also present: Bruce Campbell, Liaison to the Special Board

The Chair called the meeting to order at 7:34 pm.

Remarks of Chair

Mike Armstrong stated that a FOIL request had been received, asking for all correspondence between the Special Board and the DOS associated with the LWRP grants over the period of January 2009 to November 2010. The materials have been prepared. An additional FOIL request had been received in November, asking for the October 28 spreadsheet; the FOIL request has been rejected by the village FOIL officer (Village Clerk) at the request of the Chair of the Special Board and on the advice of the Village Attorney. The rejection was appealed. The Board of Trustees reviewed the situation on December 7 with the Village attorney represented. The Village attorney provided his advice that the spreadsheet was an intergovernmental communication and thus was exempted from FOIL requests. Some members of the Special Board took the position the Dec. 7 meeting that the materials should not be released; one member took the position that the materials should be released. The Board of Trustees however voted to grant the appeal 3 to 2. The October 28 spreadsheet will be provided.

The final payment on the Greenway grant, which has \$767 remaining, is dependent upon adoption of the Comprehensive Plan. An extension to the grant has been requested since the Comprehensive Plan has not yet been adopted. Armstrong provided the meeting dates for January 2011 – January 13 and January 27, venues to be determined. Armstrong said that he had received thus far two responses on the modification of ordinances of fence height and the new definition of half story; he will give the Board of Trustees those two responses. Armstrong clarified that there will not be a presentation of the Comprehensive Plan to the Village Board at this meeting; there apparently had been a miscommunication on this. Lastly, there will be no review of minutes from previous meetings; the secretary has not yet prepared the minutes for the Dec. 2 meeting.

Discussion of Streets, Transportation, and Emergency Services Reports and Business and Parking Spreadsheets

Marie Early made a motion to release and put on the Village website the Streets, Transportation and Emergency Services Reports and the Business and Parking Spreadsheets. Cathryn Fadde said that there were some changes required in the Emergency Services report. The motion was seconded by Karen Doyle. Members of the Special Board discussed the reports. Catharine Square said that there were discrepancies in the Emergency Services report. It was pointed out that some of the words in the report were highlighted in yellow.

Armstrong said that the highlighting was an error and would be removed. Additional changes were discussed. Anne Impellizzeri pointed out that these reports are starkly labeled “DRAFT” which means they are subject to improvement. Early then amended her motion to release and put on the website the Streets, Transportation and Emergency Services Reports and the Business and Parking Spreadsheets with amendments that have to be made to the Emergency Services report; Doyle seconded the motion. Members were asked to send their recommended changes to Early by end of day Saturday. The motion was unanimously approved.

Discussion of Comprehensive Plan Draft

Early made a motion that the Dec. 9, 2010 draft Comprehensive Plan be recommended to the Board of Trustees. Impellizzeri seconded the motion. Impellizzeri suggested that the members review the changes to the September 29th draft Comprehensive Plan as a method of going through the December 9th draft. Armstrong distributed a list of the changes. Early described the process that was used (the reconciliation process) to identify and reach agreement on changes to the September 29th draft. Board members discussed this, including a request to delay the vote to the next meeting to provide additional time to review the Dec. 9 draft which, it was said, would result in a better document. Marshall Mermell made a motion to amend Early’s motion to delay the vote until January 13 to provide more time for members to review the December 9th draft and the list of changes, while continuing the discussion at the meeting, and asked Early to accept the amendment; Early rejected the amendment since discussion could continue in the meeting, and since the changes in the document have been under discussion in the reconciliation meetings beginning on November 30. Square seconded Mermell’s motion. Further discussion ensued. The vote on Mermell’s motion was 3 in favor (Fadde, Mermell, Square), 5 opposed (Armstrong, Doyle, Early, Impellizzeri, Reisman) with 1 abstention (Anthony Phillips); the motion did not pass. Impellizzeri then went through each of the changes to the September 29th draft. Discussions occurred on a number of the changes, with some errors being identified for correction. Phillips made a motion to delete 1.1.11 since the laws must be complied with anyway and the RLUIPA law is currently being debated in the courts. The motion was seconded by Mermell. The motion passed with 8 in favor (Doyle, Early, Fadde, Impellizzeri, Mermell, Phillips, Reisman, Square), 1 opposed (Armstrong)). Phillips recommended an addition to Action 1.3.2 to include a suggestion as to the composition of the CPAC to include people with experience in the process. Wording for this Action addition was achieved by consensus. It was agreed by consensus that “see Glossary” will be included after each term (which is defined in the Glossary) appears in the body of the draft. Impellizzeri pointed out 2 other changes: the addition of form-based codes to the Glossary, and the movement of the Parking Survey by Village Sidewalk Committee (dated Dec. 20, 1999) from the Working Group and Other Special Board Reports and Spreadsheets to the Bibliography. After the discussion on changes, Early amended her motion to recommend the December 9th draft, with amendments identified during the meeting, to the Board of Trustees; the motion was seconded by Impellizzeri. The vote on this motion was 5 in favor (Armstrong, Doyle, Early, Impellizzeri, Reisman) and 4 opposed (Fadde, Mermell, Phillips, Square); the motion passed.

Armstrong distributed a memo to the Village Board describing the decision just made. Early made a motion to send this transmittal letter to the Village Board of Trustees with the draft December 9th Comprehensive Plan as amended during the evening’s meeting. Impellizzeri seconded the motion. The Special Board discussed the transmittal letter; some changes were recommended. Mermell made a motion to amend Early’s motion to add to the transmittal letter the 5 to 4 results of the previous vote (on the December 9th draft Comprehensive Plan) and to strike a sentence stating that there had been broad agreement. Fadde seconded Mermell’s motion. Early accepted Mermell’s amendment to her motion. The amended motion is to send the amended transmittal letter to the Village Board of Trustees with the draft December 9th Comprehensive Plan as

amended during the evening's meeting. The Special Board voted 8 in favor (Armstrong, Doyle, Early, Fadde, Impellizzeri, Mermell, Phillips, Reisman) of the motion with one opposed (Square). The motion passed.

Public Comments

Susan Peehl, a participant in the GIPS Energy Report who had been unable to attend the Public Hearing in October, reported that there is now a moratorium on new natural gas pipe lines as a result of fracking (hydraulic fracturing or fracking is a method of natural gas extraction) in the Catskills, the source of the New York City water supply and, when need arises, the source of the Village water supply through the NY City pipes. Susan suggested that the Comprehensive Plan remove the recommendation about a natural gas pipeline. It was recommended that Susan bring up this point at the Public Hearing to be held by the Board of Trustees.

Adjournment

Early made a motion to adjourn. This was seconded by Phillips and unanimously approved. Meeting adjourned at 9:58 pm.

Respectfully submitted,
Marie Early, Secretary

Signed,

Michael Armstrong