

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

**Minutes  
Meeting of January 25, 2012  
At Village Hall, 85 Main Street**

**Present:** Mike Armstrong, Chair; Anne Impellizzeri, Vice-Chair; Members: Karen Doyle, Marie Early, Stephanie Hawkins, Michael Reisman, Dick Weissbrod

**Absent:** Cathryn Fadde, Anthony Phillips

**Also attending:** Jaime Ethier, DOS Coastal Resources Specialist, Ted Fink, GreenPlan

The Chair called the meeting to order at 7:35 pm.

**Remarks of Chair**

Mike Armstrong welcomed Jaime Ethier and Ted Fink. Armstrong said that on Jan. 24, the Village Board voted to request the Special Board to prepare a report on Butterfield with a draft available on Feb. 9 and the final report available on Feb. 23. At the same time, the Village Board passed a resolution of support for Scenic Hudson's book "Revitalizing Hudson Riverfronts".

**Minutes – January 12, 2012 meeting**

Anne Impellizzeri made a motion to approve the minutes. The motion was seconded by Michael Reisman and adopted unanimously.

**What the Final LWRP should include: Jaime Ethier and discussion**

Jaime said that he will work with the Village on developing a work program for the LWRP contract, including implementation techniques. Jaime brought copies of a generic Work Program which contain all the necessary components that the Secretary of State will be looking for in a completed LWRP. He pointed out that after the Secretary of State approves an LWRP, it goes on to the NOAA's Office of Ocean and Coastal Resources Management for federal concurrence.

There are 5 primary sections in an LWRP. The first is the boundary (which is specified in the LWRS) which is the State's coastal boundary as it exists or modified per the Village's request for the LWRP. For Cold Spring, it will be the entire jurisdiction of the Village. The second section is the Inventory and Analysis (much of which was covered in the LWRS). There may be areas in the LWRP which are expansions of what was covered in the LWRS especially current land and water (both in-water and ownership of under-water) uses particularly as part of the Harbor Management Plan; page D6 lists topics to be covered. The third section, and the primary section, contains refinements to the State's 44 coastal policies, organized into 13 major policies as

they apply to the Village. These policies guide, among other things, land and water uses, protecting scenic and natural resources, access to the Village waterfront, water quality, protection and promotion of water dependent uses including economic development (which is a key topic to the Governor at this time). The fourth section covers proposed land and water uses projects and would include changes to or additional recommendations and elaboration on the projects in the LWRP. The fifth section defines the implementation techniques for any actions identified in section 4, for example, any draft changes to the zoning language. All means required to implement actions must be included in this section for approval by the Secretary of State including the consistency law. The LWRP including section 5 (identified means/techniques) are required to be adopted by the Village, (e.g., zoning changes necessary for the LWRP must be adopted by the Village) prior to approval of the LWRP by the Secretary of State. Contracts are not required to be adopted (e.g., the contract with Department of Parks for Dockside) as part of the State approval process, however it could be included in an Appendix as part of future actions. Easements could also be part of an appendix. The appendix items do not have to be approved. Jaime noted that adoption of zoning changes may be a back-and-forth process between the Village and the Department of State as zoning language is modified or change and, depending on the substantial nature of any changes during this back-and-forth process, the DOS may require another SEQRA and/or public hearing.

Section six is a list of State and federal programs and actions that may affect the Village, which will be provided by the Department of State. Section seven is an outline of the outreach processes that the Village has gone through during the LWRP process. Jaime will provide section six sooner rather than later.

The Village will take lead agency status during the review/approval process. Once the LWRP is accepted by the Village, it goes to the Secretary of State to be reviewed and approved. There will be a 60-day review period by State and local agencies which will also ensure that any projects/actions by those agencies are consistent with the Village's LWRP. It then goes on to NOAA, where the review will ensure that any Federal actions are consistent with the Village's LWRP. The DOS will provide all comments to the Village after the review process along with any recommended changes. Jaime does not recommend a Draft Generic Environmental Impact Statement for the SEQRA. As a guideline, Jaime felt that an LWRP would take about a year from now. Once the Village receives the response from DOS on the preliminary draft (of the LWRP), the Village must make any final changes and adopt the LWRP and the laws identified in section 5 and send it back to the State for formal review and approval by the Secretary of State. At that point, the LWRP becomes part of the State's Coastal Management Program. The LWRP is then sent to NOAA for their consistency conformance and final approval.

There was discussion about the Cold Spring waterfront boundary – there are some questions about the legal boundary. Should these be addressed in the LWRP? Jaime's response was yes, and the cost could be covered by the LWRP grant under contractual services. Jaime was asked if the final LWRP could say "consider a law". His response was yes and gave the example of saying "consider design standards" and at some point in the future (after State approval), the design standards could be defined. A further question was raised about contamination at the Boat Club and the possibility of the building being demolished; an "if" statement could be included in the LWRP such as "If the Boat Club building is demolished to remediate contamination...."

A local consistency review law is required as part of the LWRP. The Watertown consistency review law is now considered the model for LWRPs. Jaime distributed a copy of this law along with the law from the Town of Rhinebeck which had previously been the model used by the State. The consistency review law and process would be contained in the Village's LWRP in the Appendix and will be identified in section 5. The law

would describe the process the Village will use to determine if any local, state or federal projects or actions will be reviewed against the LWRP to determine if they can proceed. State agencies must send their actions to the Village for consistency review. Federal agencies must send their actions to the State who then forwards it to the Village for review.

Topics for consideration in the appendix would include local laws, photos of scenic resources, significant coastal fish and wildlife habitats, and any endangered or protected species. The Work Program identifies three public information meetings. Jaime stated that the first public information meeting (review of the inventory and analysis and boundary) could probably be covered by the meeting held during the LWRS process. The second public information meeting would review and obtain input primarily on the draft of Cold Spring's adaptation of the 13 policies. The third public information meeting covers the draft LWRP and is conducted during the 60-day review period.

### **Development of the Harbor Management Plan and other LWRP sections**

The Harbor Management Plan (HMP) is essentially an LWRP for waterside resources. Waterside uses are defined as anything that occurs in, under or on the water including underwater land ownership. Examples include moorings, swimming areas, harbors, ferries, marinas, boatyards, shipping facilities. These are all rolled into the LWRP but are the HMP component of the LWRP. Jaime said there was no advantage or disadvantage to including the HMP within the LWRP or as a separate document although he would recommend including it within the LWRP. A HMP covers anything water-ward of the high water mark and going out 1,500 feet. If it were to be separated, shoreline stabilization would be part of the base LWRP, not a part of the HMP. Management of the harbor would be part of the HMP and must be identified; the process of performing harbor management duties should be part of the HMP. A waterways law or a harbor law (part of a Village code) could be identified as the means of governing on water uses. The HMP would address water resources conflict, congestion and competition for space.

### **Questions from the Special Board**

What is the relationship of the adopted Comprehensive Plan to the LWRP – does the LWRP replace the CP? How do they work together? Jaime provided a document “Integrating Local Waterfront Revitalization Planning into Local Comprehensive Planning and Zoning” by Patricia Salkin. He said that if an LWRP comes after a CP, the LWRP further refines the CP. An LWRP should not conflict with a CP; it can elaborate on the content of a CP. Once approved, an LWRP can be used as a base for zoning. A question was asked if something was identified as an Objective in a CP and, in subsequent evaluation, it was determined that the objective is not the right one to have, can it be removed in an LWRP? Jaime's response was yes, and to include that path of logic in the LWRP. Should zoning changes be deferred until the LWRP? Jaime's response was no, not necessarily; it could be done sooner if you wish. If there are errors in the CP such as dates of documents, should an errata be published? Should the CP be reissued? Jaime asked if it matters to the document? The answer was no, it does not matter to the document. Jaime's response was not to do anything. Jaime was asked if the Army Corps of Engineers should be engaged now. His response was that it would not be of value now unless there is a specific issue.

Jaime does not recommend incorporating the CP wholesale into the LWRP. It was mentioned to Jaime that one of the largest causes of skepticism for the CP and LWRS is the answer as to funding. It was noted that the LWRP is an opportunity for the Village to make statements about issues that are important to the Village – such as allowable signage, marking submerged islands, setting a lower speed limit seeking a room tax, and that once approved, agencies would have to conform to these statements and or permit the action. Jaime said that room tax or speed limits may not be approved, but he said he'd look into it.

### **Planning Board Liaison Report**

This topic was deferred to the next meeting.

### **Public Comment**

There was discussion about marking Cupcake Island for boating safety, some people feeling that it is already marked on maps, others feeling that markings would assist people.

Walkway along the Hudson – what agencies would need to be involved? The response was that the LWRP should identify the agencies that would be required.

What is a reasonable timeline? The response was one year, maybe two since a lot of the work was already done in the LWRS.

When a stakeholder does something now that is not consistent with the LWRP – is there a retroactive action against the stakeholder? The Village can put a moratorium on actions now, or the action would be grandfathered in, or the Village could specify a time period within which the action must be brought into conformance, or criteria would be identified under which the action would no longer be allowed (change in ownership for example).

Could the lease with the Boat Club (a lease/contract) be revisited under the LWRP? Jaime thought that would not be legal; the LWRP could address conditions at the expiration of the current lease.

Could the Boat Club assume the responsibility of Harbor Master? Jaime said he didn't know who a Harbor Manager could be, if it could be a private entity, but he would look into it.

### **Adjournment**

Marie Early made a motion to adjourn. This was seconded by Hawkins and unanimously approved. Meeting adjourned at 9:31 pm.

Respectfully submitted,  
Marie Early, Secretary

Signed,

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Michael Armstrong