

**VILLAGE OF COLD SPRING PLANNING BOARD  
85 MAIN STREET, COLD SPRING, NEW YORK 10516  
Workshop meeting for Scenic Hudson Foundry Preserve**

November 8, 2011

**Present:** Chairman: Joseph Barbaro; **Members:** Joseph Immorlica, Arne Saari, Placito Sgro, Richard Weissbrod and Planning Board consultant; Rob Cameron, Putnam Engineering

**Present for the applicant:** Rita Shaheen; director of Parks for Scenic Hudson, Kim Mathews; Mathews Nielsen,

**J. Barbaro** opened meeting at 7:30 p.m.

The Board reviewed the following:

- Memorandum from Planning Board consultant, Rob Cameron, Putnam Engineering, dated 11/03/11.
- Letter from Scenic Hudson from Rita Shaheen dated 10/28/11 regarding allowance of the Planning Board decision extension.
- Performance bond information.
- Revised site plans.
- Memorandum and Site plan regarding revision number T003 was distributed by the applicant dated 10/13/11 noting acknowledgement and explanation of corrected site plans. Kim Mathews noted that site plan number T003 is dated with the final date of drawings.
- Memorandum Darlene Montgomery dated 11/1/11 noting site plan revisions.

Kim Mathews noted two submissions were sent but were distributed to Board members out of order and noted the applicants have been working very closely with Rob Cameron to make sure every detail was sorted through before this meeting.

Chairman **Joe Barbaro** read a transmittal by Darlene Montgomery dated 10/25/11 noting the location of a gate which will allow the Village snow plow to turn around at this location. The memo was signed by Ed Trimble, Village of Cold Spring Highway Department.

**P. Sgro** noted that paperwork submitted by Scenic Hudson notes the contractor doing the work is responsible for the drainage. P. Sgro noted asked: What guaranty does the village has that the contractor will live up to that responsibility? The drainage is important due to erosion control. Kim Mathews and Rita Shaheen noted that a member of Scenic Hudson will be on site during construction. **P. Sgro** asked for a letter stating the contractor will be responsible for the drainage. Rita Shaheen asked if it is common practice for the Planning Board to ask for such a letter.

**P. Sgro** noted that in his opinion is that the Performance bond should not be waived but should be reduced to 1/3 of the estimated project.

**J. Immorlica** noted he does not feel comfortable that the Planning Board did not review all the plans since the first of the two packets received had just been distributed, but does trust Rob Cameron, who reviewed in detail all submissions by Scenic Hudson. **A. Saari** noted he does not look at every drawing in detail and he defers to the consultant. **A. Saari** noted he trusts the opinion of Rob Cameron of his review of the plans dated 10/27/11.

**R. Weissbrod** moved to accept the final submitted plans as submitted by Scenic Hudson **P. Sgro** seconded the motion. The motion was approved 5-0.

Kim Mathews noted that the building inspector still has to review the site plan which is done after Planning Board approval .

Kim Mathews handed out a memorandum dated November 8, 2011 regarding signing of Clivus Multrum and Foundry Hill Trail Gate regarding snow plowing. The letter was read by J. Barbaro. **J. Immorlica** noted the drawings are contingent upon L524 and L525 being signed. **R. Weissbrod** moved to accept the memo and J. Immorlica seconded. The motion was approved 5-0.

**R. Weissbrod** moved to accept the MTA letter for the record dated March 30, 2009; easement from train station to the scenic Hudson property use and operation of pedestrian walkway. **J. Immorlica** seconded the motion. The motion was approved 5-0.

**J. Barbaro** read a letter from Rita Shaheen dated 10/27/11 regarding the Bond Waiver. Kim Mathews noted the figures on the Bond Waiver are not accurate figures and she will get the figures for the composting toilet.

**J. Barbaro** opened the meeting for all Planning Board members to comment on the Performance Bond issue. **P. Sgro** noted that according to the Village Code a bond is required but noted the bond can be waived and does have certain restrictions and read Village Code section 134-27 (8) (B)Bond and (C) Additional Duties. **P. Sgro** recommended a bond of 1/3 of the final cost article

**J. Immorlica** read a section of the Bond Waiver letter by Rita Shaheen and noted that the park (Foundry Preserve) now and has always been open. Kim Mathews noted the site will be closed during construction. There will be signs posted noting the park will be closed during construction.

**J. Immorlica** also noted and commented that risk to public safety does exist. Examples of public safety concerns are the viewing deck, steps and work being done on Chestnut St. Topography such as a trench would be included in the Performance Bond.

**R. Weissbrod** noted the breakdown of the cost of each item being proposed is not noted on the Bond Waiver letter presented and noted that the project should not be finished due to lack of money since money had been raised for specific items. **R. Weissbrod** noted he is not in favor of a Performance Bond.

**A. Saari** noted that a partial bond should be in place for specific items and areas that could be dangerous if not completed.

**P. Sgro** noted if the project is completed the bond money goes back to the applicant. **R. Weissbrod** noted he is not in favor of a bond but is trying to come up with an agreement.

Rita Shaheen noted that the Chapel of Our Lady Restoration, Foundry Museum and Foundry Dock Park did not post bond.

**J. Barbaro** explained that the Planning Board treats all applicants the same and tries to be fair to everyone.

Kim Mathews noted the applicant does not have clarity as to the cost of itemizing each item being built.

**J. Barbaro** polled the board members regarding a partial performance bond. **A. Saari** noted his concern is safety of the public if items are not finished. **P. Sgro, J. Immorlica, A. Saari and J. Barbaro** noted they agreed to a partial performance bond. **R. Weissbrod** was against the bond since the applicant already had money set aside for certain items.

Kim Mathews noted it is unfair to Scenic Hudson to put the itemized figures out for public view and asked if the board members can keep the figures to themselves and Rob Cameron only and asked that the cost estimate not be a part of the public record.

**P. Sgro** noted that the Board is not discussing the cost of damage done to site during construction such as damage to streets from trucks. R. Cameron noted that the bond usually covers just the work on the site.

**J. Barbaro** asked Kim Mathews to arrive at a figure for the items discussed. Kim Mathews noted she will come up with an itemized list and Rob Cameron will review the list. **J. Immorlica** noted J. Barbaro should get an email with the figures received by Rob Cameron so the planning Board members can review them also.

Rita Shaheen asked if the Board would accept a Letter of Credit from the bank. Rita noted that the Village Attorney stated a credit letter would be fine if the letter was accepted by the Planning board. Rob Cameron noted there is a difference between a performance bond and a Letter of Credit, the Letter of Credit states that the applicant would be good for the money.

**J. Barbaro** noted he did not have enough knowledge to comment on the issue and noted the issue can be kept open and to be proposed at a Village Board meeting to be decided by the Mayor and Board of Trustees.

**J. Immorlica** suggested a letter from the Village Attorney which states that A Letter of Credit can be accepted rather than a performance bond.

**A. Saari** noted that the Planning board should state the Planning Board would recommend a performance bond unless the Village Board accepts a letter of credit.

Rita Shaheen noted that Scenic Hudson has two state grants and will not leave any partial construction they also have a wavier allowing them to determine there own contractor rather than accepting the usual lowest bid.

Rob Cameron noted that the law states the performance bond is created for the purpose of completion of the project in case the applicant cannot finish the project.

**J. Barbaro** noted that if the Planning Board is not in agreement with the list of figures the Planning Board still has a right to go with a percentage of the final cost or to even ask for the full amount of the bond. Kim Mathews noted that her understanding is the Planning board is looking for a total amount of an urgent list of items that should be finished in order to be safe.

Kim Mathews noted an erosion and sediment control plan is already in place, and must be before any work starts at the site.

Rita Shaheen handed out a draft resolution revised by George Rodenhausen, attorney for Scenic Hudson. **J. Barbaro** will compare the resolution to Rob Cameron's draft resolution and noted the resolution is still a work in progress.

Rita noted that the site plan must be signed by the Planning board and the Village board of Trustees.

Rita Shaheen also noted she has a copy of a letter from Stacy Matson Zuvic New York State Office of Parks and Recreation and Historic Preservation dated 11/08/11 acknowledging there is no adverse impact.

**J. Immorlica** noted part of the site plan review must go to the building inspector for approval. Kim Mathews noted the Planning Board must approve the site plan and then the building Inspector will review the project **J. Immorlica** noted the building inspector should review the plan and approve it before the Planning board votes on it. **J. Immorlica** noted that the building Inspector reviewed the site plan and noted that he has no problems with the plans he received as of 09/09/11 but, noted that new plans have been submitted that building inspector has not seen dated 10/03/11.

**J. Barbaro** noted in his opinion the building inspector does not have to get involved again. **J. Barbaro** polled the Board members regarding having the building inspector's review of the site plan.

**P. Sgro** did not care either way since the building inspector has the option to refuse the review.

**A. Saari, J. Barbaro and R. Weissbrod** did not feel it has to go back to the building inspector for review. **J. Immorlica** noted the building inspector should be notified of new site plans. Rob Cameron noted the building inspector should not be put in that position and it is not his time to review the site plan.

The Planning Board scheduled a workshop meeting for Tuesday, November 15, 2011 from 7:30 – 8:30 P.M. to discuss the Performance Bond, revised site plan (L524 and L525) regarding the composting toilets and the resolution.

Rita Shaheen signed another extension letter extending the Planning Board process until November 15, 2011 to approve or the denial of site plan.

**A. Saari** move and **J. Immorlica** seconded the motion. The meeting was adjourned at 10:22 P.M.

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Joseph Barbaro, Planning Board Chairman

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Date