

VILLAGE OF COLD SPRING PLANNING BOARD
85 MAIN STREET, COLD SPRING, NEW YORK 10516
Postponed Regular meeting from June 19, 2013

June 26, 2013

Acting Chair: James Zuehl **Members:** Bernard Molloy, Arne Saari and Richard Weissbrod

The meeting opened at about 7:15 P.M.

1. SEQRA:

Acting Chairman **J. Zuehl** read the following statement from Village Attorney Steve Gaba regarding the SEQRA review on the Butterfield Project by the Mayor and Board of Trustees:

“By way of background, the VB “declared its intent to be lead agency” on the Butterfield project in a resolution adopted on May 7th Shortly thereafter the VB sent out a notice of its “intent to be lead agency”. Under the SEQRA regulations, if no objection to the lead agency designation is received within 30days after the notice of intent is circulated then the agency who circulated it becomes the lead agency and “will continue in that role until it files either a negative declaration or a findings statement or a lead agency is re-established” [under the procedure prescribed by the SEQRA regulations. The re-establishment provisions are fairly narrow, requiring among other things agreement of all involved agencies and the project sponsor.

As I understand it, the VB is going to take the position that the comments received from the PB constitute an objection or disagreement” over which board should serve as lead agency and that those comments were received within 30 days of the notice of lead agency sent out by the V. That is, the VB is going to take the position that it has not yet become lead agency because of the PB’s timely objection. While formal written objections from the PB would be a better basis for the VB’s position, I think that it is still a legitimate (or at least defensible) position for the VB to take.

When there’s a dispute over lead agency, the involved agencies can resolve it themselves by having one agency rescind its resolution declaring intent to be lead agency. (it’s only if neither of the two agencies will back down that the dispute goes to the DEC to be resolved). So, in this case, the VB needs to adopt a resolution rescinding its May 7th resolution in order to clear the way for the PB becoming lead agency in SEQRA review. The PB needs to adopt its own resolution declaring its intent to be lead agency because the VB does not have the power to designate another board as lead agency or even to direct another board to act as lead agency in SEQRA review.

The Board discussed parking at the Butterfield realty LLC site and the Board noted that most changes to the original plan came from public hearings, the charrette and public comments.

2. Correspondence:

- Butterfield Realty, LLC – review of status of application from Paul Guillaro (Butterfield Realty LLC).
- The New York State Conference of Mayors and Municipal Officials - Planning and Zoning Summer Schools.
- Environmental Finance Center Network – Leadership Workshops for Small Water Systems June 13-14.
- New York Metropolitan transportation Council – Notice of Public Meetings and Comment Period for Draft Regional transportation Plan and Congestion Management Process Report, Transportation Improvement Program and the Draft Transportation conformity Determination June 19 – July 18.
- Lot line adjustment for Gallagher and Elmesco.
- Invitation from Village Trustee Bruce Campbell to march at the July 4th parade.

3. Minutes:

- The minutes of March 5, 2013 were reviewed and **R. Weissbrod** moved to approve the minutes as presented and **A. Saari** seconded the motion. The minutes were approved 3-0. **B. Molloy** abstained since he was not a board member at that time.
- The minutes of May 29, 2013 **B. Molloy** moved to accept the minutes as submitted and **A. Saari** seconded the motion. The minutes were approved 4-0.

4. Board business:

- It was noted that Ann Impellizzeri will be the new Planning Board member.
- Planning Board Chair position vote was tabled until the new Board member is on the Board.
- Discussed concern over B&L (Barton & Loguidice) Engineers, Environmental Scientists, Planners and Landscape Architects suggesting pro-bono work as opposed to getting paid for their work.
- Ann Impellizzeri, as a member of the public, suggested that any plans and concerns should be aired in the beginning of the project.
- Review of the SEQRA process was discussed.
- Discussion over not allowing applicants to meet with any consultants without planning Board's involvement.

B. Molloy moved to have a workshop on July 3, 2013 to declare the Planning Board as lead agency
R. Weissbrod seconded the motion. It was approved 4-0.

R. Weissbrod moved to adjourn the meeting and **B. Molloy** seconded the motion. The meeting was adjourned at 7:51 p.m.

James Zuehl, Acting Planning Board Chairman

Date

