

VILLAGE OF COLD SPRING PLANNING BOARD
85 MAIN STREET, COLD SPRING, NEW YORK 10516
Public Hearing and workshop Meeting

September 2, 2015

Members present: Chairman, Donald MacDonald; Members: Karn Dunn, James Pergamo, B.M. Molloy and Arne Saari

Chairman D. MacDonald opened the meeting at 7:04 P.M. by announcing the board members names.

1. Minutes:

The minutes of August 19, 2015 were reviewed. A. Saari moved to approve the minutes as presented and J. Pergamo seconded the motion. The minutes were approved 4-0. B.M. Molloy abstained since he was not present.

2. Correspondence:

Putnam county Department of Planning, Development, and Public Transportation dated August 26, 2015 regarding recent reviewed of large projects to update the county's annual report.

3. Public Hearing – EB11 LLC, 16 Hanna Lane, Beacon, NY

Chairman D. Mac Donald reviewed the legal notice as follows:

Review of the application of EB 11, LLC, 16 Hanna Lane, Beacon, NY for a proposed renovation/reconstruction of 15 Main St. into a bakery, café and retail space.

Jason Hughes reviewed the proposed project which is for a bakery cafe'. The hours of operation will be from 6:30 – 4:30 and possible later during events. Employees will be required to park away from the business.

The Board reviewed the parking for the 9 grand fathered spaces and previously existing spaces. The Applicant would need to apply for a parking waiver for 4 spaces.

Propane tanks have been reviewed by the building inspector and the propane delivery company. The Applicant did not know if the fire department signed off on the location of the propane tanks.

The Ansell hood location has been changed to another location.

The applicant must do the following:

- Get plans stamped by the Architect that did the drawings;
- Talk to the building inspector and get something in writing noting that the location of propane tanks are acceptable or have the location approved by the fire company.

Public comment:

Frank Haggerty 12 Main St. – asked the Board to explain the parking calculations Chairman

D. Mac Donald responded that the 600 sq. ft. of retail spaces requires 4 parking spaces and 16 seats on inside and 12 seats outside requires another 10 spaces which totals 14 spaces. Mr. Haggerty asked about grandfathered spaces and asked if walkers would be an exception. Chairman Mac Donald explained that grandfathering is a term that implies when something was enacted and walkers do not require parking. Spoke about lack of parking during summer concerts that take place on Sundays during the summer he suggested people can park further away regarding difficulty for customers to get to the location. Mr. Hughes responded that he might set up a pop up stand during concerts but nothing has been decided.

Craig Muraszewski from Cold Spring General store - Noted that 90-95 percent of his business are walking customers. Asked if spaces down the river can have a posting of a certain amount of hours so more people would be able to park. Mr. Muraszewski suggested on weekends putting a free parking sign up pointing to the Metro North parking lot. Trustee Marie Early responded by noting that due to legal reasons the Metro North parking lot cannot be advertised. There is a parking committee he can make comments and suggestions to.

Tim Greco from the Putnam County News and Recorder– noted he has a parking lot located at 245 Main St. where the applicants employees can park and he will sign a paper if need be.

Return Request receipts were not sent out and the Applicant did not know he had received them due to flooding problems. It was noted that a new public hearing will have to be done.

This meeting could not be considered a public hearing. A new public hearing was scheduled for September 16, 2015 at 7:00 P.M.

4. Old Business:

Fred Santivener, 36, Teller Ave. Beacon the property is located at 26 Rock St

Chairman D. Mac Donald read the following draft analysis regarding the status of the 26 Rock St. property:

The Applicant Fred Santivener, 36 Teller Ave. Beacon New York regarding 24 and 26 Rock St. in the Village of Cold Spring. In 1975 the applicant's father and brother were bequeathed one lot on Rock St. occupied by two buildings. Each one bequeathed one of the buildings. To remedy the fact that both buildings occupied the same lot, the brothers attorney, William Bratz, recommended "a surveyor be hired to survey the land on Rock St. divide the same and layout a proposed easement for the back house". The back house being 26 was only accessed Rock St. at the time was via the adjacent property to the south west.

In March 1977 a map was produced depicting all that was recommended in number 2 above. Apparently since the attorney did not recommend it, the March 1977 map was never submitted to the Village Building Inspector in any form much less a subdivision application.

Since March 1977 two events have occurred.

1. The owner to the south west has denied further access to number 26. That matter is being contested and is in litigation.

2. Number 24 has been sold.

In June 2015, the applicant made an application to the Village Building Inspector requesting a driveway permit for the easement as shown on the map in the March 1977 map.

On June 19th the building inspector denied the application due to the fact that its point of minimum with of 7.2 ft. was less of the Village required minimum 10 ft. lane width.

The Applicant is requesting a sub-division, but it seems one has occurred though not with the approval of the Village Planning Board. How the Board should proceed in a matter such as this is a determination the Village attorney should be advised upon. It seems that the applicant is asking the Board to override the building inspector's denial for a driveway permit. I see no reason why the Board would or should do that. Since number 26 Rock St. could gain an alternate access to rock St. has been sold into we'll call "uncooperative hands" there exists no viable way for the easement to be widened to meet the minimum village requirements. The issue of access via the adjacent lot to the southwest is a private matter of litigation the Village has no reason to comment on or be a part of. Attorney Bratz should have added to the recommendation that the 1977 map be submitted to the Village Building

Inspector referral to the Village Planning Board for a subdivision this did not happen and I see no reason for the Planning Board is obligated to continue with a matter not of its own making and what seems to be a matter of private litigation.

Building Inspectors response is as follows:

The sub-division Application is solely by Santivener, for lot 43 the owner of lot 42 is not an applicant. The Planning Board cannot entertain the subdivision without both owners being an applicant. Additionally records do not indicate that the lots were ever legally split. This is a legal matter for owners of lots 43 and 42. Accurate documentation is absent of any action taken when the lots were sold separately.

This statement, the history of the proposal, a memo from Badey and Watson, a tax bill and any other information will be turned over to the Village Attorney for his review. The Applicant will be copied on all items being sent to the Village Attorney.

5. New Business:

Pre-application of Scenic Hudson Land Trust, 20 The Boulevard

Present for this discussion was Glennon Watson from Badey & Watson, Matthew Shipkey and Rita Shaheen from Scenic Hudson.

The Proposal will be for a sub-division of a property which is on the Boulevard that is currently 12.7 acres. When the Application comes before the planning Board it will be for a sub-division to sell off 5 acres for a private residence that will come with restrictions through a conservation easement. The remaining property will be for park use. An Access road for easements, maintenance and for a view of the river will be made. There is on site water. Billing is done through meter readers. Scenic Hudson is requesting a fence on one side of the property where it is divided to keep people visiting the park out of the private property section. A discussion ensued between the Board members to include restrictions regarding the private property section at the time of the sub-division.

The Board members requested a site visit. Flags will be put out marking certain points of interest to the Board members and a map will be supplied to board members before they visit the property. The board members will go on their own time.

An application will be submitted for the first meeting in October

J. Pergamo moved to adjourn the meeting and B.M. Molloy seconded the motion. The meeting adjourned at 8:45 P.M.

Donald Mac Donald, Village of Cold Spring Planning Board Chair

8/19/15