

The Village of Cold Spring Planning Board (PB) held a workshop meeting on June 10, 2016 at 6 pm at the Village Hall, 85 Main Street.

Attending were board members: Matt Francisco, Ezra Clementson, Dave Marion, Judith Rose and Arne Saari. Also in attendance was village attorney John Furst. The meeting was called to order at 6pm.

**1. Chair's Remarks**

None

**2. Approval of Minutes**

None.

**3. Reports of Members**

None.

**4. Correspondence**

May 25, 2016 letter from Margaret Whelan was read into the minutes.

**5. Unfinished Business**

Butterfield Realty has filed an application for an amended site plan for the change of use of the existing Lahey Pavilion. The subject property, within the Butterfield redevelopment site is known as Tax map Section 49.5, Block 3, Lot 45. The property is located within the B-4A zoning district as well as the local historic district.

**6. Discussion of Parking Issues**

- a. The Village of Cold Spring solicited a second opinion from the law firm Rodenhausen Chale regarding the opposing code interpretation between village attorney John Furst and applicant's attorney Steven Barshov about whether the proposed swapping of building uses between Building no. 2 and the Lahey is a change of use requiring a review of parking requirements. Rodenhausen Chale confirmed Furst's interpretation that a review is required for an amended site plan.
- b. Furst suggested that rather than rehashing elements of the TK's opinion that the board focus on a review of the relevant plans and other documents.
- c. D. Marion commented that site plan doesn't indicate seating in all areas of the senior center and that parking requirements should be based upon square footage. Barshov reiterated his claim that the building swap is not a change of use and suggested that

- the applicant (Paul Guillaro) may pursue legal recourse to resolve this matter. He further suggested the board make a decision so that the developer could proceed.
- d. M. Francisco confirmed the board's intention to follow the advice of the village attorney and Rodenhausen Chale and stated that they would proceed with their review. He noted that upon advice of village attorney and building inspector's memo, the senior center is a Place of Public Assembly for Code purposes.
  - e. A. Saari reviewed the required number of parking spaces coming up with a shortfall of 36 spaces. Barshov asked where the board wished to put them. Furst noted that vehicular circulation issues may ameliorate this.
  - f. Putnam County Deputy Executive Bruce Walker stated that the county currently provides bus transportation to its other three senior centers and plans to do so in Cold Spring. He suggested this may ease the parking issue.
  - g. M. Francisco noted that the Code doesn't address modes of transportation to a venue. Furst said that this factor could be a condition for the board to allow and additional waiver. Furst confirmed that the board may authorize up a 20% waiver without Village Board of Trustees approval.
  - h. J. Rose remains concerned about pedestrian circulation and asked whether certain parking spaces could be dedicated to certain building uses.
  - i. Walker acknowledged that pedestrian circulation from Chestnut Ridge is a major issue, that the county plans a shuttle between the two, and that this was a primary motivation for the county to locate the senior center at the Butterfield property.
  - j. Furst opined whether Guillaro could provide some five non-compliant parking spaces to make up the difference.
  - k. E. Clementson asked how methods of transportation used could be determined. Walker doesn't know but told board that other senior centers are more remote, so very little, if any, walking is used to get to them and that a majority use the bus. He added that the county legislature is discussing funding for increased bus service to its senior centers including Cold Spring.
  - l. Limiting parking in the shared parking spaces for "over 55" housing to gain parking spaces was discussed, but determined not to be a viable solution.
  - m. Guillaro asked the board to provide a number of required parking spaces "to see what he could do."
  - n. Barshov suggested reducing the size of individual parking spaces to effectively increase the number of available spaces. Current Code calls for each space to be 18' x 9' minimum. Guillaro confirmed spaces at development met Code minimum.
  - o. Barshov noted that under prior approval that the development contained 18 non-conforming spaces that might be applied to the parking deficiency. Furst told the board that this could be supportive of consideration for an increased waiver.

- p. D. Marion said that based upon his understanding of non-conforming spaces; there would be a shortfall of nine spaces. He expressed confidence that this could be made up if the size of conforming spaces were reduced. Furst added that the board is at its limit for the number of conforming spaces, leaving use of non-conforming spaces and reduction of landscaping as a means to get to a number the board is comfortable with.
- q. Furst said that with a 20% waiver there would be 211 conforming spaces.
- r. Guillaro offered to provide four additional conforming spaces and to identify dedicated parking in front of medical building. This would bring the parking space totals to: 211 conforming spaces + 21 non-conforming spaces = 232 spaces total, which is acceptable to the board.

## 7. Discussion of Roads Within Development

- a. D. Marion noted that Code requires two-way streets when parking for 20 or more cars is present. He asked Guillaro whether required drainage for a two-way street was an issue for him. He answered "no."

## 8. Discussion of Vehicular Circulation

- a. M. Francisco asked Guillaro for copy of the US Post Office maneuverability study. Guillaro responded that they had met with the Post Office and Village Building Inspector. Memo from building inspector states that building swap actually improves both vehicular and pedestrian circulation. He also noted that the Post Office and county agree with this assessment.
- b. Board members expressed some apprehension in spite of building inspector's memo. Guillaro suggested that the board make its decision contingent upon review of the study.
- c. Guillaro said that, "he wants a decision to work something out tonight. This is the last meeting I'm coming to. Tell me what we need to do to make it through here."
- d. Barshov indicated they would do whatever the board asks so that, "we can get to 'yes' tonight."
- e. D. Marion noted that earlier plans called for two-way roads but that the current plan has one-way roads and asked Guillaro how he will proceed. Guillaro replied that the approved site plan indicates one-way roads.
- f. D. Marion asked Guillaro if he would be willing to install signage to clearly indicate the one-way roads. Guillaro said he would.
- g. D. Marion explained his concern that should an accident occur, any litigation not find fault with the board's decision. Barshov said that, in general, one-way streets

are safer.

**9. Executive Session**

- a. E. Clementson proposed moving to an Advice of Counsel session. A. Saari seconded and the board moved into executive session at 8:27pm.

**10. Return to Workshop Session**

- a. The board returned to the workshop session at 8:50pm.
- b. M. Francisco told Guillaro that the board was prepared to rule favorably if the following conditions are met:
  - i. The four added conforming parking spaces are added to the site plan.
  - ii. No non-conforming spaces will be eliminated.
  - iii. Signage is put in place in front of medical center indicating 11 dedicated spaces for patients.
  - iv. Provision to board of a copy of the lease between Guillaro and county indicating the county will be providing bus services for all programs and participants.
  - v. Signage and color coding for compact car spaces.
  - vi. Extra signage to indicate the one-way roads and dead end roads.
  - vii. Provision of updated parking table reflecting parking spaces agreed upon. Table to be included on site plan.

**11. Public Hearing**

- a. J. Rose made a motion to waive a public hearing on the application. A. Saari seconded and the motion unanimously passed.

**12. Approval of Application**

- a. Furst told Guillaro that if the board's conditions are met and the revised site plan is submitted one week prior to the June 23 meeting, then the application can be scheduled for approval at that meeting.
- b. M. Francisco stated that the board is committed to approval of the application once all its conditions are met.

**13. Public Comment**

- a. J. Rose proposed removal of public comment from the agenda. E. Clementson seconded and the motion was unanimously passed.

**14. Adjournment**

- a. A. Saari made a motion to adjourn the meeting. J. Rose seconded and the meeting was adjourned at 9pm.

Submitted by:

*Matthew Francisco*

8/11/2016

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Matt Francisco, Chair

Date