

**Agenda Board of Trustee Meeting  
May 4, 2010 at 7:30 PM**

Full Board Present, Special Board for the Comprehensive Plan/LWRP Chair Michael Armstrong, and Special Board Member Catharine Square also attended.

1. Trustee Serradas moved to **amend Resolution 2010-27** and was seconded by Trustee Hustis to read as follows:

The Village of Cold Spring Board of Trustees supports the submission of a GreenWay Communities matching grant application in the amount of \$10,000 provided by the Hudson River Greenway and an equivalent match provided by the Village of Cold Spring for the purpose of implementing the Village Comprehensive Plan. If this grant application is approved, the village will rescind its claim on the final 10% match payment on the original \$7,500 Greenway grant for completion of the Village Comprehensive Plan.

The board unanimously approved the amended resolution.

2. The following schedule for future meetings was announced.

No meeting will be held on Tuesday, May 18, 2010

6-8-2010 7:00 PM site visit to retaining wall on Main Street

6-8-2010 Ron Gainer to present update on 1992 Water Distribution Study

3. Discussion Parking Waiver

Mayor Gallagher read the following memorandum:

**MEMORANDUM**

**To: The Village of Cold Spring Board of Trustees**

**From: Mayor Seth Gallagher**

**Date: May 3, 2010**

**Re: Update on Proposed Off-Street Parking Waiver**

In November of 2009 the Village Board began work on developing an off-street parking waiver in an effort to address some of the problems arising from off-street parking requirements within the Village Business District, especially that part that extends along Main Street. Since the layout and development of Main Street predates the zoning code and is extremely limited in the amount of off-street parking that any given parcel can provide, and yet at the same time there is a general desire to allow new businesses to open and existing businesses to adjust to new circumstances, it is clear that a mechanism is needed to address the off-street parking Code requirement in a way that is equitable and conscious of the historic limitations of our commercial district.

The proposed waiver, to be created by the local law presented to the Board in January 2010, would allow waivers of off-street parking requirements upon a property owner making a payment in lieu of off-street parking, and would thereby create a mechanism to allow businesses to develop and thrive in the Village.

In January of 2010 I requested input from both the Planning Board and the Zoning Board of Appeals on this proposed law. I have also met with both boards to review the proposed law and answer questions their

members might have. The ZBA is in favor of the law as presented in the draft. Some members of the Planning Board brought up two main areas of concern, the first being charging for the waiver and the second being “why not just throw out the whole provision of the Code requiring off-street parking”. Below is a synopsis of my response to the Planning Board, as well information gathered from them on the current policy of waiving off-street.

### **A. Current Off-street Parking Waiver Policy**

The Planning Board already has a policy for waiving or otherwise allowing alternatives to the minimum off-street parking requirements of the Village Code.

This waiver policy is not based on the Village Code, but is implemented on an ad-hoc basis. It was created after Mayor Phillips requested a waiver policy for applicants to the Planning Board in a letter to that Board. I don't have the original letter, and the policy was otherwise never written down, but is implemented as follows:

In the schedule of requirements for off-street parking in all districts listed in the Village Code, 134-18 E (1), off-street parking spaces are required to be “located on same lot, unless otherwise specified” (*meaning “specified” in the referred to code schedule, as in the case of Joint Facilities 134-18 E (6)*). The Planning Board developed and instituted a policy to waive this off-street parking requirement in certain circumstances. Some applicants are allowed to rent parking spaces off-site to increase the number of spaces that count towards the satisfaction of this code requirement. Proof of a lease for the space is required (in one recent case the lease was for five year), but there appears to be no method of knowing whether anyone uses the spaces. The public is not allowed to use these spaces, even in cases where the parking requirement is tied to the presence of customers (one space per table for a café or restaurant). The cost to the business owner is not insubstantial, and is in the neighborhood of \$60 to \$100/ space/ month for one property that is currently providing spaces for several Main Street businesses. This cost is expected to be paid for the life of the business, with no sunset to the lease requirement.

#### Problems with the current Waiver Policy

1. The current policy is not based on Village Code or written down. Applicants are informed of the option when the issue of on-site parking comes up in the planning process.
2. The cost to the applicant is fairly high, \$700 to \$1200 per space per year. The cost for the waiver envisioned by the Village Board would be much lower for a business than these amounts, and would be a onetime fee for that business.
3. The current policy is limited to those who can find available space near enough to their business. These spaces are currently generally limited to one particular provider and the Village and Planning Board does not document whether the lessor of the space has satisfied their own parking requirements, whether a particular parking space is in practice actually set aside exclusively for the use of the leasee, or whether a leasee actually uses the leased space.
4. There is little evidence that the current policy actually helps the on-street parking problem. The voluntary policy of business employees and owners parking away from Main Street must still be relied on to keep Main Street parking available for customers.

### **B. Charging for Parking: Businesses already are charged, and at a substantial rate.**

Cost is not actually included in the proposed law and it could be set at any rate from \$0 on up. A fee would be assigned to the cost of the waiver just as a fee is assigned to a building permit, or a Planning Board application, or a vending permit. The Village Board does not wish to impose an extreme fee, and would aim to set that fee at a level that would be easily affordable by a business or resident. In an effort to clarify how the proposed waiver would work in practice the Village Board should consider setting the fee amount before the date of the public hearing on the law.

The current cost to comply with the regulations is much higher than any envisioned waiver fee, and is often not an option at all, at any price, thereby preventing a business from having the ability to open under any circumstances.

### **C. How would it work?**

The off-street parking waiver in lieu of payment would be set at a reasonable amount, and the fees generated would be used for parking enforcement, maintenance of Village Parking lot(s) and parking related expenses. It would be a tool for the Planning Board to recommend for those situations in which the Planning Board sees the need to provide a reasonable solution for satisfying off-street parking requirements. The recommendation would be made to the Village Board for their approval.

The proposed waiver would be option for all applicants, but its approval would be at the discretion the Village Board after recommendation by the Planning Board. The Village Board can be expected to weight the recommendation of the Planning Board very heavily. The proposed waiver would apply to all districts, but would likely only be an option in certain locations. Applicants who can provide parking would likely not be granted a waiver, whereas businesses and residential applicants, such as those on Main Street, or a small residential lot, would have the waiver as a viable option.

The proposed waiver would not eliminate the right of the applicant to apply for and be granted a zoning variance of its off-street parking requirements.

### **D. Throwing out the whole provision?**

Without substantial safeguards, eliminating all requirements for off-street parking will likely create more problems than it solves. There are properties and uses for which the Village does want to have parking provided. A site that *can* provide spaces, even one located on Main Street, *should* provide them. Recently redeveloped buildings in the commercial center of the Village were required to have parking for tenants. Those spaces now provide useful off-street parking for the tenants while preserving on-street parking for others. Proposed developments, such as a new Post Office, may not be able to provide all the off-street spaces they are required to have, but they can likely provide quite a few. As a result parking problems generated by development can be mitigated.

One area where it is possible to eliminate most of the off-street parking regulations is the Main Street Business District. Changing these regulations on Main Street is generally considered desirable but will require the documentation of the current parking available for every property in that area, since currently available off-street parking should be maintained. This type of Code change is more involved than the proposed parking waiver and only covers one part of the Village, but it should be considered as part of the solution to overall problems with the Village Code's off-street parking requirements. Another part of the solution, and one that can work along side a reworking of Main Street requirements, as well as the right to ask for a zoning variance, is the proposed waiver of off-street parking requirements.

The Mayor stated that the topic would be further discussed at the May 11th Monthly Meeting of the Board.

4. A proposed update to the ethics code was distributed. The Mayor stated that it would be discussed at the May 11<sup>th</sup> Monthly Meeting.

### **5. Resolution #:2010-28**

Moved by: Trustee Hustis

Seconded by: Trustee Campbell

*Resolved that (1)* The Board of Trustees of The Village of Cold Spring hereby approves the following Budget Adjustment(s) for the 2009/2010 fiscal year:

(1)	To:	A00-1010-400	Board of Trustees: Contractual	\$1,800.00
	From:	A00-9060-800	Medical Insurance	\$1,800.00
			<b>For training for board members and computer for board room</b>	
(2)	To:	A00-1110-486	Justice: Courtroom repair furniture	\$562.35
	To:	A00-3401-000	State Aid: Justice Court	\$562.35
			<b>To record grant received for justice court furniture.</b>	
(3)	To:	A00-1310-100	Finance Comm Chair: Personal Service	\$133.00
	From:	A00-9060-800	Medical Insurance	\$133.00
			<b>To increase budget to pay board member chairing the finance committee.</b>	
(4)	To:	A00-1325-400	Accountant: Contractual	\$200.00
	From:	A00-9060-800	Medical Insurance	\$200.00
			<b>For additional expenses incurred including toner for computer and A/P checks</b>	
(5)	To:	A00-1410-450	Village Clerk: Master Plan	\$300.00
	From:	A00-1620-400	Shared Services: Contractual	\$300.00
			<b>To increase budget for mailing sent out to inform residents of Comprehensive Board meeting</b>	
(6)	To:	A00-1440-401	Engineer: New Street	\$64.86
	From:	A00-1440-400	Engineer/Architect: Contractual	\$64.86
			<b>To adjust budget based on actual amount spent for New Street.</b>	
(7)	To:	A00-1620-420	Shared Services: Telephone	\$500.00
	From:	A00-1620-440	Shared Services: Copy Machine	\$500.00
			<b>To increase budget for shared services telephone.</b>	
(8)	To:	A00-3120-400	Police Equipment	\$5,400.00
	From:	A00-3120-420	Police: Telephone and Radio	\$2,500.00
	From:	A00-3120-100	Police: Personal Services	\$1,000.00
	From:	A00-3120-410	Police: Services & Materials	\$500.00
	From:	A00-3120-411	Police: Gasoline	\$500.00
	From:	A00-9060-800	Medical Insurance	\$900.00
			<b>To increase police equipment budget for purchase of radios and new laptops.</b>	
(9)	To:	A00-3310-400	Traffic Control: Street Signs Contractual	\$100.00
	From:	A00-3310-200	Traffic Control: Street Signs Equipment	\$100.00
			<b>To increase contractual account for additional expenditures</b>	

(10)	To:	A00-5142-100	Snow Removal: Personal Service	\$978.00
	To:	A00-8160-100	Garbage: Personal Service	\$3,900.00
	To:	A00-8160-110	Recycling: Personal Service	\$2,600.00
	From:	A00-5110-100	Hwy Street Maint: Personal Service	\$7,478.00
			<b>To allocate the highway salaries to the appropriate lines</b>	
(11)	To:	A00-5110-200	Hwy Street Maint: Equipment	\$2,000.00
	From:	A00-8160-400	Garbage: Contractual	\$2,000.00
			<b>To increase equipment budget for items already purchase and to allow \$780 for additional expenditures</b>	
(12)	To:	A00-5110-400	Hwy Street Maint: Resurface	\$600.00
	From:	A00-8160-400	Garbage: Contractual	\$600.00
			<b>To increase resurface budget for black top purchase to repair roads</b>	
(13)	To:	A00-5110-410	Hwy Street Maint: Supplies & Materials	\$1,200.00
	From:	A00-8160-410	Refuse & Garbage: Truck Repair	\$1,200.00
			<b>To increase supplies and materials budget for items already purchased and to allow \$540 for additional expenditures</b>	
(14)	To:	A00-5142-200	Snow Removal: Equipment	\$119.00
	From:	A00-8160-400	Garbage: Contractual	\$119.00
			<b>To increase equipment line for additional items already purchased.</b>	
(15)	To:	A00-5182-410	Street Lights: Haldane/Butterfield	\$130.00
	To:	A00-5182-420	Street Lights: Gazebo	\$150.00
	From:	A00-8160-400	Garbage: Contractual	\$280.00
			<b>To increase the budget for the Haldane/Butterfield lights and the gazebo lights.</b>	
(16)	To:	A00-7140-400	Parks and Rec – Repairs & Improvements	\$35.00
	From:	A00-7140-460	Recreation: Christmas Decorations	\$35.00
			<b>To increase budget for additional repairs already performed.</b>	
(17)	To:	A00-7140-210	Recreation: Equipment Maintenance	\$150.00
	From:	A00-7140-200	Recreation: Equipment	\$150.00
			<b>To increase equipment maintenance budget for items already purchased and to allow \$100 for additional expenditures.</b>	
(18)	To:	A00-7140-420	Recreation: Sewer Usage	\$200.00
	From:	A00-8160-410	Refuse & Garbage: Truck Repair	\$200.00
			<b>To adjust the sewer usage line for budget money moved twice.</b>	
(19)	To:	A00-8540-410	Storm Drain: Supplies	\$200.00
	From:	A00-8560-410	Refuse & Garbage: Truck Repair	\$200.00

			<b>To adjust budget for additional storm drain supplies purchased.</b>	
(20)	To:	A00-8710-100	Energy Consvr & Environmental Comm Chair	\$174.00
	From:	A00-1430-100	Personnel Comm Chair: Personal Services	\$174.00
			<b>To transfer budget money to new board chair position.</b>	

*And (2)* The accountant is hereby authorized to transfer such funds immediately.

On roll call vote:

- Trustee Ralph Falloon voted: yes
- Trustee Bruce Campbell voted: yes
- Trustee Charles Hustis voted: yes
- Trustee Airinhos Serradas voted: yes
- Mayor Seth Gallagher voted: yes
- Resolution officially adopted on: 5/4/2010

Mary Saari-Village Clerk/Treasurer

Mike Armstrong asked the Board if they would support allocating an additional \$500 to the Special Board for the purpose of mailing information to residents about upcoming Special Board Meetings. The Village Board was unanimously in favor of such an expenditure and stated it would advise the Village Accountant to draft a transfer resolution for that purpose.

6. The following correspondence was acknowledged:

- a. Assistance to Firefighter's Grant Program from John Hall
- b. Grant Action News
- c. Donald MacDonald, ZBA Chair regarding 239M Referrals-  
The board was in favor of this request and will draft a letter to Putnam County Planning.
- d. Pattern for Progress Conference 6-14-2010 Housing in the Hudson Valley
- e. Cold Spring Fire Company regarding meeting room floor. The board will investigate this situation and develop a plan and inform the Fire Company of this by letter.

7. The board unanimously approved the request from Michele Hanna to sell flowers on May 8<sup>th</sup> and 9, 2010.

8. Trustee Hustis moved to approve payment of the audited bills and seconded by Trustee Serradas and unanimously approved.

9. Trustee Campbell alerted the Board to recent vandalism at Mayor's Park Pavilion. Cold Spring Police will be notified by Trustee Campbell and follow up on what can be done to stop this in the future.

10. Trustee Campbell gave a Community Day update- A meeting was scheduled for Wednesday, May 12, 2010 for additional discussion. The Mayor will look into whether the Village can raise money by a 50/50 raffle. Trustee Falloon will oversee and develop the emergency plan for the event. Mayor Gallagher and Trustee Campbell will organize the parade and Mayor Gallagher will organize the music portion of the event.

11. Trustee Serradas spoke about several topics including: Resolution 30-2008 specifically, the need for a Secretary for the Special Board. He asked why are village resources used to clean up private property. Mayor Gallagher responded that the Butterfield property is under lease to the village for use of the Farmer's Market. Also, adding items to agendas after they have been e-mailed.

Notes taken by Mayor Seth Gallagher