

**Board of Trustee Meeting  
November 16, 2010**

The Board of Trustees for the Village of Cold Spring held a joint meeting between members of the Planning, Zoning, Historic District Review Board, Recreation Commission and the Special Board for the Comprehensive Plan/ LWRP. The purpose of this meeting was to present the draft Comprehensive Plan dated September 29, 2010 to the standing boards and to hear their comments. Meeting was held at the Cold Spring Firehouse, 154 Main Street, Cold Spring, NY beginning at 7:30 pm.

Attending: Mayor Seth Gallagher and Trustees Campbell, Falloon, Hustis and Serradas  
Planning Board: Joseph Barbaro, Chairman, Karen Doyle, Joseph Immorlica, Arne Saari and Parge Sgro

Zoning Board of Appeals: Donald MacDonald, Chairman; Richard Turner and John Martin

Historic District Review Board: Al Zgolinski, Chairman; Kathleen Foley, Carolyn Bachan

Recreation Commission: Stephen Etta, Chairman

Special Board for the Comprehensive Plan/ LWRP: Michael Armstrong, Chair; Anne Impellizzeri, Vice Chair, Marie Early, Catharine Square, Cathryn Fadde, Marshall Mermell, Michael Reisman, Anthony Phillips and Karen Doyle, Planning Board Liaison

Also attending: Amy Zamenick, Esq. from the firm of Drake, Loeb; Theodore Fink, Certified Planner and President GreenPlan

Members of the Public

Mayor Gallagher opened the meeting.

Michael Armstrong provided a power point presentation on the highlights of the draft Comprehensive Plan. He reviewed the history and organization of the plan followed by a review of the goals, objectives, and actions.

Mr. Armstrong stated that the plan is intended to be a policy document not to spell out the law that is required to implement it.

Ted Fink of GreenPlan spoke about the meaning of the plan and the process. He recommended against doing zoning at the same time as the Comprehensive Plan as it increases the time, cost and complexity.

He reviewed the advantages of comprehensive plan including:

- a. consistency between the comprehensive plan and any land use controls provides strengthening of village land use controls
- b. funding availability
- c. all other agencies have to consider the comprehensive plan in their capital project planning

The meeting was opened up for questions and comments from standing board members.  
**(Questions and comments marked in bold type)**

**Why was this format chosen for the Comprehensive Plan and what were the advantages?**

This format helps to organize thinking about the issues and is action-oriented.

**A Board member commented that he liked the frequent use of the word consider in the draft plan.**

It doesn't bind the hand of the village board and provides flexibility.

**Do you want comments from the boards dealing with the future process or on the planning document you are trying to finalize?**

Board wants thoughts on both the document itself and things going forward.

**Initially disappointed that recommendation for expansion of the historic district was not included, particularly Parsonage and Parrott Streets but encouraged by recommendations about form-based zoning and the possibility of capturing the scale that is the character defining feature of those blocks.**

**Doesn't understand purpose of the map described in 1.2.2 regarding identifying common neighborhood characteristics of streetscapes and structures.**

This allows neighborhoods to define themselves and to protect what is special in those neighborhoods and respects the diversity.

**Would regulation be within the zoning code?**

The board didn't want to define lines but rather distinct characteristics and things that are prized -would use the neighborhood to define characteristics to be protected.

**The language should be tightened in this section (1.2.2) to inform the committee how the map would help them. It wasn't really clear where you were going with this.**

**Are the zoning land use regulations being replaced by form-based standards?**

Maybe in some cases.

**Will form-based zoning set design standards for building facades, colors?**

Form-based zoning relates primarily to size, placement and configuration in relation to the street and the streets themselves, but it doesn't get down to the level of color. It basically looks at the site and the way the site is developed.

**How is this different than zoning with setbacks?**

Form-based zoning may be more appropriate for new development. It has great applicability for Greenfield sites but may not be appropriate for all sites. It takes the emphasis away from the use. It shifts from use to impact; looks at the impact of activity in the building and encourages mixed use of buildings. Allows low impact uses such as home occupation

**With limited staff and resources there is a problem with building enforcement in the village.**

Comprehensive Board thinks this would be great item to add to written comments.

**If language in the plan doesn't use the word consider, is this something that the village board will have to act upon?**

The language in the plan is crafted to reflect the boards' certainty and confidence. The village board can change it however they wish. Ted Fink added that because the plan says

do something, it doesn't mean that you have to do it. Also, don't have to do these items tomorrow.

**If board adopts plan and sees the need to amend it, can it be changed including adding new objectives.**

Yes, but will include process involving SEQRA review and public hearing.

Amy Zamenick advised that when the board has concerns they should be considered prior to putting the plan forth at a public hearing.

**There is a ninety-day window by which the Village Board must hold a public hearing. Is there a time frame for adoption after the hearing?**

No.

**Should the waterfront revitalization plan be addressed or incorporated in the Comprehensive Plan?** In past, the state issued a ruling rejecting the village's LWRP and provided items that must be addressed. The village did not take those steps. The village had an approved master plan but there was no conversion into regulations. The value of the LWRP is that it gives protection at the federal level. The comprehensive plan has great value as sets policy for what follows. It is important for the LWRP process to be consistent with Comprehensive Plan but they are two different undertakings and have different ramifications.

**How would you control growth with antiquated infrastructure and the many wishes that are in this plan?**

One must consider the infrastructure in the plan e.g. water, sewer and storm water. That's part of what the plan sets forth.

**When adopted does it (the plan) become law?**

No.

**With regards to special use permits, i.e. for two family residences, if the Comprehensive Board starts to spell out criteria, the board must make sure it encompasses everything. If an applicant comes before the board (ZBA) and meets the criteria, you are required to give to them the permit and perhaps people don't want to see this application approved but you are forced to give it them.**

**There are several references about the Historic District Review Board process and our board needs to respond. However, the statements are general. Can you provide more specific feedback?** Information will be forwarded via email.

**There is no reference as to how religious properties are treated and should receive equal treatment as secular assemblies. The Board was encouraged to be in compliance with federal regulations.**

The board will look into this.

**Assuming that this plan is approved by the Village Board of Trustees and issues come before us, can we rely on the plan as policy in deciding issues or are we bound by village code? He also inquired about the best method to change the zoning code. Should one do it as you move along or overtime?**

Most consistent approach is to chart out a course to overhaul and then move forward. Other communities choose to change over a period of years but it loses momentum and comprehensiveness.

**Will adoption of the plan end up in overlay zones? Will the village go through the same procedure as Philipstown where people are not happy with zoning?**

Areas of special scenic significance might be an overlay, as it would be a way of protecting a certain part of the village but it doesn't change the underlying zoning.

It was pointed out that the update is being done twenty years later and it will be less traumatic, when we come back in five years and changes will be more subtle.

The process of making the plan brings more planning into the village, a lot of detail is calling for more active planning, changing the way of doing business in the Village of Cold Spring.

**On page 66, Section 7.2.6 states, "Work with Marathon/Campbell/ West Point Foundry area property owners and residents of Forge Gate Drive to assess the feasibility of converting the currently private Forge Gate Drive into a public right of way." The taking away of the individuality of a private community hints on eminent domain.**

Broad issue is traffic flow within the village. If you look at development of Marathon, there is a challenge that must be addressed. A possible solution is a link. The intention is to look at everything but the board is not advocating what the village should do.

**Proposed plan states that prior to any development ...both traffic and engineering studies must be completed. An applicant is before the Planning Board at this time. How do you handle current applicants?**

Intent is to be sure traffic issue is addressed. Some of the issues are parking issues. Traffic study could do more professional assessment but tells more about how an approach would be successful.

**What is the impact of the comprehensive plan on a current applicant?** The plan is not code and you must follow village code, as that rules the village. We will clarify this with our attorney. Some communities grandfather applications when there are changes in zoning.

**1.9 Objective: Make signage in the Village effective and reflective of Cold Spring's 19<sup>th</sup> century character. (Page 23) What signage are we referring to? Village signs i.e. street signs. You may want to clarify. We have regulations for signs on private property. It would be helpful to have a single guiding statement on signs.**

A request was made for copies of the letters from residents on the draft plan.

It was pointed out that the written and oral record and all written comments are all on the village website.

It was agreed that copies of the written comments will be made available to all boards. Mayor thanked all for coming and the Special Board for their work.

**Budget Amendment Resolution 2010-53**

Introduced by: Trustee Hustis

Seconded by: Trustee Serradas

1. Resolved that the Board of Trustees of the Village of Cold Spring hereby approves the following Budget Adjustment for the 2010/2011 fiscal year.

To:	F00-8320-400	Source of Supply contractual	\$30,000
To:	F00-2770-000	Miscellaneous Revenue	\$13,000
From:	F00-1990-400	Contingent Account	\$7,000
From:	F00-0909-000	Fund Balance	10,000
	Increase in budget for (1) monies to be received for the Ant-Ant settlement and (2) expenses related to the easement.		

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 November 16, 2010

Trustee Falloon moved to approve payment of the audited bills and seconded by Trustee Campbell and unanimously approved.

With no further business before the board, meeting was adjourned.

Respectfully submitted,

Mary Saari, Village Clerk