

**Board of Trustee Public Hearing
March 1, 2011**

The Board of Trustees of the Village of Cold Spring held a public hearing on Tuesday, March 1, 2011 beginning at 7:30 pm at St. Mary's Episcopal Church meeting room, One Chestnut Street, Cold Spring, NY. The purpose of this meeting was to receive comment on the draft Comprehensive Plan dated 1-27-2011.

Attending: Mayor Seth Gallagher and Trustees Bruce Campbell, John Ralph Falloon Charles Hustis, III and Airinhos Serradas

Also attending: Stephen Gaba, Village Attorney and Ted Fink, President of GreenPlan
Special Board members: Michael Armstrong, Anne Impellizzeri, Marie Early, Marshall Mermell, Catharine Square and Karen Doyle

Al Zgolinski, Chairman of the Historic District Review Board
Members of the Public as per **attached** list

Mayor Gallagher opened the public hearing followed by the Pledge of Allegiance. Mayor Gallagher read the **attached** memo from the Village Clerk regarding the removal of a phrase in the summary of the draft plan pertaining to the Lunn Terrace extension. Attorney Gaba spoke about the purpose of the Comprehensive Plan, the history of its development and the purpose of the public hearing itself. He stated that the change to the language in the summary of the draft plan would necessitate another public hearing.

Mayor Gallagher acknowledged the receipt of written correspondence submitted by Cheryl Allen.

Mark Patinella, speaking as Commodore of the Cold Spring Boat Club, submitted possible revisions to objective 2.2 prepared with the Board of Governors as presented in the **attached**. He pointed out that the club's continued goal is to encourage and foster a sense of community and to be an asset. Going forward, the club wants to continue community functions. He encouraged residents to become members and described the club as a working club with a lot of maintenance, money and improvements which falls onto the membership. The main purpose is to promote boating. The boat club offers free dockage for visitors and would like to continue to do so. Mr. Patinella doesn't foresee the club becoming a charge for dock club. This is helping out our businesses.

Speaking as a village resident, Mr. Patinella presented a proposal for use of the dockside property, modeled after the Plum Point facility in New Windsor as per **attached**.

Peter Henderson, resident of 11 Marion Avenue discussed problems he sees with the draft plan in four specific areas: format, completeness, consensus and benefits versus risks as per **attached**. He urged the board not to adopt the plan in its current form and recommended accepting the plan and "to put it on the shelf" while work on the LWRP proceeds.

Jan Thacher, resident of 62 Chestnut Street, objected to Special Board procedures for accepting public comment as outlined in the **attached**. He doesn't want a defective document that would leave the village open to law suits.

Al Zgolinski, Chairman of the Special Board and resident of 23 Market Street presented specific comments as follows:

1.1.5 There is no uniform lot configuration as far as the village goes and he doesn't know if there is one standard you can apply to everywhere.

1.1.8 Consider regulations to prohibit outright teardowns. We have that in the historic district which involves 80% of the village. Do you want to also extend this to the other parts of the village?

1.1.9 While emphasizing the historic Village character, avoid rigidity in regulations and encourage innovation especially with regard to alternative materials within the traditional context.

This is something that the HDRB struggles with all the time and the essence of historic preservation is the use of historic materials. He recommends being careful with whatever you feel is necessary because there are national standards as far as historic preservation and our district should comply with them.

1.2 Regarding maintaining historic neighborhood characteristics outside the historic districts....

How would this be enforced?

1.3.1 Ensure that all subdivision, special use permit and/or site plan regulations relating to landscaping, etc. conform with the Zoning Law as recommended in this Comprehensive Plan, to the greatest extent practicable.

Isn't that in the law right now? Is the intent that the zoning laws should be updated to reflect what's in the comprehensive plan? If that is the case, then it is stated awkwardly and is not very clear because obviously any subdivision needs to comply with zoning.

1.4.2 Mr. Zgolinski asked if this refers to the state code. If it does, he doesn't know if we can have our own special definition of live-able or habitable. He believes that the state code rules. He is unsure of the intent of this regulation.

1.5 This talks about encouraging adaptive reuse of historic structures and amending the zoning law. Mr. Zgolinski is not aware of any impediments to adaptive reuse that have to be changed.

1.5.3 Consider amending the Village land use law, including the Historic District Review Board regulations to ensure that existing architectural elements with historic value such as stone walls and other cultural features are incorporated into any proposed site development plan as assets to be preserved.

Everything that is mentioned here, the review board already does. So what is the point of making it a recommendation?

(1.6) Improving the procedures of the Historic District Review Board. He has a problem with this. Of all the boards, they are the easiest to deal with. The application is one page. He reviewed the **attached** summary of applications processed by the HDRB from 10/2007 to 9/2010. This information was gathered for a Certified Local Government report.

There is one recommendation that talks about review and update of the design standards and he highly recommends it. However, he suggests that it be done on a regular basis,

such as every ten years. Perhaps the village law could be updated on a regular basis and perhaps you can do that with the other boards.

1.7.9 (re-designing the area in front of the small mall from Drug World...) Isn't this private property? Is that allowed and can the village do anything about that?

Phyllis Pustilnik of 5 Constitution Drive pointed out that the plan talks about fishing and sidewalks, a working village and residents but what the plan is not talking about is the village business, the tourism, historic part of it or the environmental part of it. She also spoke of the history of the Special Board/LWRP and the skills of previous members as per **attached**. The LWRP would protect the village and it's not a dead village. Mrs. Pustilnik objected to any recommendation for three story buildings on Main Street. She commented that we must keep going but not in haste to protect for future generations what we enjoy today, the character of our working village, the real value of our village. We need to take time to do the LWRP right. The Local Waterfront Revitalization Plan is revitalizing; it is not a dead thing; it will talk about keeping the village as a working village, not to hinder it but to keep the village historic as well.

Robert Leonard, living at 1 Constitution Drive since 1982, would like to keep Cold Spring the small town it is. The advent of more hiking trails, tourism, traffic, and commuters is not what he wants. He recognizes the need to improve, revitalize Main Street and bring in more business but not at the expense of residents that are not in the business district. He wants to keep the residential area the way it is.

Seymour W. Pustilnik, 5 Constitution Drive, presented general remarks. The Comprehensive Plan is not ready to be acted upon by the Village Board. He is not criticizing the people, it's just that the plan is not understandable and needs more work and time. It should be returned to the Special Board for further consideration by that board and by residents prior to the Village Board. In this historic Cold Spring Village, we need to think in terms of sharing power so that the voters and officials can meet their responsibilities constructively. Residents must have sufficient time to make comments and suggestions with regard to important documents. To ensure that elected officials are responsive to one another and to residents, should set term limits on elected officials. Appointed officers should not be subject to term limits since their continued experience on the job benefits the village. Also, an appointee will be re-appointed if he/she does a good job.

Scott Francis of 109 East Mountain Road South, represents Building Bridges Building Boats and thanks all that put in tremendous hours. He is proud and enthusiastic about their small role in the plan, in development of the dockside parcel. This will give a shot in the arm for their organization and will provide more access to the river in all its glory.

Jan Thacher recommended leaving the public hearing open.

Dar Williams lives at 25 High Street. She asked about the timeline, procedure and next steps in the adoption of the plan. Steve Gaba responded and described the procedures and next steps. Ms. Williams commented that in terms of getting to the spirit of the village

and harmonizing business interests, getting money and the tourists into the village while retaining the character, she appreciates all the references that relate to getting to the village without cars. This is the way you bring people in on our terms so that they walk lightly on the surfaces of our town and see the history and take it all in. It is the cars that cause that overwhelming sense of congestion and the overwhelming -ness of the visitors.

Susan Peehl worked on one of the initial working groups for the Comprehensive Plan and prepared an energy report which never made it to Comprehensive Plan overseeing body. One issue that was brought up was the idea of natural gas. She spoke about the movie Gas Lamp and hydro- fracking. (Materials distributed) She described the process as unsafe because of explosions and the affects on drinking water. In energy report, she tried to link what our choices are to the whole outlook of what that represents, all the consequences involved. She has not read the plan but believes there is a push for natural gas in our community. She talked with Central Hudson and the closest place to get natural gas is five miles from here and the cost to drill and get it to Cold Spring was estimated at a million dollars per mile. From what she is gathering, Central Hudson isn't interested in doing it. One of the larger areas where hydro-fracking is attempting to take place is around Catskill State Park. New York City drinking water is housed there and when fracking takes place chemicals can and have gotten into drinking water. The village tapped into NYC drinking water during the drought last year. Increased demand will bring in more and more drilling and fracking. When village looks at the cost of natural gas for our energy supply, we should look at the entire costs. The Hudson River is less than five miles away, shouldn't we look into tidal production of power. We need to think of what's best for this little environment here. She spoke of two photos following the 2003 black-out with the entire northeast blacked out. She pointed out that by going along with the program, we end up being vulnerable. We should think of other options for our energy needs. She offered to submit her report, that didn't get to the Comprehensive Plan. Having been involved with the Comprehensive Plan, she realizes the incredible amount of work and dedication.

Thomas Ambrose, 40 Paulding Avenue, commented that the plan itself is challenging as a document as it is concerned with going forward and it may be seen as without strong structure but that variability will enhance the ability to make good choices in the future with an overall broad guide. The economic link is the Lunn Terrace Bridge and there is no addressing how to deal with that bridge. It connects the town to the waterfront and the train station and those are the two things that drive many different facets of the economic vitality of this town. If people can't get to work via the train; they can't pay their taxes and if visitors can't visit waterfront and they can't spend money downtown. Walking under and near the bridge recently, he realizes the great state of disrepair. There should be some language and guidance on how to address the inevitable need to repair or replace the Lunn Terrace Bridge for the future vitality of the town.

Al Zgolinski asked to clarify if this was the end of public comment. S. Gaba spoke of the options open to the board with regards to public comment.

Trustee Hustis moved to close the public hearing and accept written comments for a period of three weeks, motion seconded by Mayor Gallagher. After brief discussion, Trustee Campbell moved to amend the motion to change the period to accept comments to thirty days and seconded by Trustee Hustis and unanimously approved. Motion is now to close the public hearing and to allow thirty days for written comments. The board unanimously approved of this motion.

Respectfully submitted,

Mary Saari, Village Clerk