

**Board of Trustee Public Hearings
July 12, 2011**

The Board of Trustees of the Village of Cold Spring held a public hearing on Tuesday, July 12, 2011 at 6:45 p.m. at Village Hall, 85 Main Street, Cold Spring, NY to hear public comment on a proposed Local Law to Amend Section 126-24 of the Village Code Chapter 126, "Vehicle and Traffic" Article IV, "Enforcement and Penalties" by adding a new provision for enforcement of Penalties on delinquent parking tickets.

Attending: Mayor Seth Gallagher and Trustees Bruce Campbell, Charles Hustis, and J. Ralph Falloon

Absent: Trustee Airinhos Serradas

Also: Stephen Gaba, Village Attorney; William Bujarski, Building Inspector; Michael Armstrong, Chairman of the Special Board for the Comprehensive Plan/LWRP

Members of the Public: Catharine Square, Karen Dunn, Sandra Falloon, Stephen Etta Liz Armstrong and Lois Powers

Mayor Gallagher read the text of the proposed local law and opened the meeting for public comment.

Catharine Square asked if individuals could make partial payments on delinquent parking tickets and avoid having a boot placed on their vehicle.

Karen Dunn asked if an individual owes up to the \$200 limit and then pays on one ticket could they escape the boot until they get another ticket.

Stephen Gaba clarified procedures for enforcement.

Catharine Square asked how long a boot could be left on a vehicle.

Michael Armstrong asked if immediately after adoption would an individual with delinquent parking tickets be subject to the boot law. Mike supported this local law as it makes the law have bite and gives the village some ability to enforce the regulations.

Liz Armstrong asked if once the list comes out and people are notified of their accumulation of tickets can they come in and pay, for example 1/10 of what they owe, and avoid a boot.

With no further comment from the public, Trustee Falloon moved to close the public hearing which was seconded by Trustee Hustis and unanimously approved.

PUBLIC HEARING ON AMENDMENT TO VILLAGE CODE CHAPTER 134 ZONING, BY AMENDING SECTION 134-2, WORD USAGE AND DEFINITIONS BY REPEALING THE DEFINITION OF STORY, HALF AS SET FORTH THEREIN AND ENACTING IN ITS PLACE AND STEAD A NEW DEFINITION FOR THE TERM STORY, HALF”.

In addition to those individuals attending the previous public hearing, resident Thomas Rolston attended this public hearing.

The Board then proceeded to the second public hearing related to the definition of half story. Mayor Gallagher read the text of the local law and then opened the floor to public comment.

Catharine Square asked if the law referred to commercial or residential properties. She added that it states supplemental regulations applying to all residential districts. S. Gaba explained that the business districts are included by reference.

Karen Dunn requested clarification of the half story definition and Attorney Gaba provided this information.

William Bujarski, Building Inspector also asked for clarification. He felt that the definition was not actually defining a physical half story but defining it as use.

Michael Armstrong stated that his 1865 home is non-conforming with the third floor space equal to the second floor. If the house burned down, could it be rebuilt as it was or would it need to conform to current regulations? Mr. Bujarski offered that it would depend upon the amount of damage. If the building was not usable, it would need to conform to current code. Mayor Gallagher thought that one might need to apply for a variance in this circumstance.

Mr. Bujarski offered that anything currently in place is pre-existing non-conforming and if one wants to increase, it would open up to all provisions of the code, including sprinkling.

Liz Armstrong asked if this isn't saying you can't have a three or four story building. It was pointed out that the current code restricts three story buildings.

K. Dunn asked if this was the wording the Zoning Board suggested and it was confirmed that it was.

Catharine Square asked to hear the proposed definition of half story.

With no further comment, Trustee Falloon moved to close the public hearing on the half story definition, motion seconded by Trustee Hustis and unanimously approved.

PUBLIC HEARING ON PROPOSED LOCAL LAW TO AMEND THE VILLAGE CODE CHAPTER 134 ZONING BY AMENDING SECTION 134-2, WORD USAGE AND DEFINITIONS TO ADD DEFINITIONS FOR THE TERMS FENCE AND FENCE HEIGHT AND BY AMENDING SUBSECTION (D)(1) OF SECTION 134-17, "SUPPLEMENTARY REGULATIONS APPLYING TO ALL RESIDENCE DISTRICTS, TO REVISE THE PROVISIONS THEREOF REGARDING PERMITTED OBSTRUCTIONS.

In addition to all who attended the previous public hearing, residents Nina Pidala and Donna Steltz attended this public hearing.

Mayor Gallagher read the text of the proposed local law on fence height requirements and opened the meeting for public comment.

Thomas Rolston commented that he is vehemently against this. He takes the Joseph Etta approach, who was on the Historic District Review Board for years, and anyone who said that they wanted a 43" fence, he objected to immediately and his objections were upheld. He doesn't want this village to look like Orange and Rockland County where they have six foot fences. If you want to block your neighbors then plant foliage as we have done on Grove Court. There is no need to have this village start looking like a prison with six foot fences all over the place. He asked what propagated this law as six foot fences have always been turned down in this village for the past thirty years.

Karen Dunn asked if we were discussing residential districts and pointed out that the business districts have different regulations.

Tom Rolston stated that white pines and other trees are beautiful and give as much privacy as a six foot fence. Fence height should be no more than provided by the state, as there are a number of swimming pools in the Village. Mayor Gallagher commented that the Zoning Board of Appeals wanted to address issues of residents but found their hands tied and residents pointed out all the six foot fences around town.

An unidentified woman stated that she had no problems with her neighbors but she gardens and would like to keep deer out of yard. She sees this as somewhat of an economic concern and wants to keep deer out of her yard as she is growing food there.

Catharine Square asked if it matter which side of the yard could have the six foot high fence and expressed concern that a yard could be surrounded by six feet fences.

Donna Steltz asked if the limit for the front yard is still four feet. Stephen Gaba clarified. Ms. Steltz commented that on Garden, Church and High Street there could be a problem with a property having six foot fences all around them. She asked if the ZBA had a large number of people asking for six foot fences.

Mayor Gallagher added that the Zoning Board of Appeals did a diagram and recommended this method.

Catharine Square asked how many have requested six foot fences.

Tom Rolston asked if the law had anything to say about style.

With no further public comment, Trustee Falloon moved to close the public hearing and seconded by Trustee Hustis and unanimously approved.

Public Hearing closed.