

## Cold Spring Village Board of Trustees Workshop

September 6, 2011

The Village of Cold Spring Board of Trustees held a workshop meeting on Tuesday, September 6, 2011, that began at 7:30 pm at the Village Hall, 85 Main Street, Cold Spring, NY.

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

Also in attendance were Ted Fink, President of GreenPlan, Mike Armstrong, Marie Early, Anne Impellizzeri, Catharine Square, Tom Rolston, Mike Bowman, and John Landolfi.

Trustee Falloon made a motion to add the Draft Resolution received from the Cold Spring Fire Company to the agenda. There were no objections from the Board.

Ted Fink addressed the public comments resulting from the Comprehensive Plan public hearings with clarifications from the Comprehensive Board members, Mike Armstrong, Marie Early and Anne Impellizzeri.

Comments acknowledged were from Al Zgolinski, Mark Patinella, Charles Merando, Seymour W. Pustilnik, Phyllis L. Pustilnik, Jane T. D'Emic, Cheryl Allen, Jan Thacher, Peter Henderson, Susan Peehl, David Divico, Gordon Robertson, Robert Leonard, Scott Francis, Dar Williams, Michael Turton and Thomas Ambrose.

The following are comments from Al Zgolinski.

### **Goal 1 Village Character**

**1.1.5** Adopt minimum and maximum standards for setbacks and lot width that support narrow lots, thereby continuing the small town character for new development and that reflect more closely existing Village setbacks and lot widths

AZ: The existing lot widths and setbacks vary throughout the Village – along parts of Main Street, many are narrow and the buildings have no setbacks. In other parts, like along 9D, the lots are wide and the buildings are setback. A simple fiat as stated above may be confusing to implement. Perhaps the way it should be stated is that the setbacks and lot width should follow the precedents established on the block.

RESPONSE: I think it does that already. To clarify this you **could put in “should reflect more closely existing Village setbacks and lot widths including the prevailing setback of existing buildings.”**

**1.1.8** Consider enacting regulations to prohibit outright teardowns of existing structures by instituting a demolition delay requirement to provide time to examine alternatives for a threatened structure.

AZ: This already exists in the Historic District where any demolition needs to be approved by the HDRB. The Historic District is about 70% of the Village. Does the Village want to impose this requirement in the remainder? Who will examine the alternatives? What will happen if the owner does not want to pursue the alternative?

RESPONSE: I would leave this for now. This is a policy question but doesn't need to be answered now as it wouldn't be effective until a local law was developed.

**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.

AZ: This is a very difficult issue that the HDRB struggles with all of the time. The use of traditional materials is the essence of historic preservation. There is a long history and well established precedent dealing with this issue in the national historic preservation community. The allowance for non-traditional materials, as presently stated in the Village Design Standards, already exceeds that which is normally allowed in other historic districts.

RESPONSE: It is possible to craft regulation at the time that it is translated that may have a statement that certain materials are restricted but other materials may be substituted for a traditional material. Concept is to encourage innovation. Anything that would be done here would go to the HDRB for comment.

**1.2** Maintain historic neighborhood characteristics outside the Historic Districts by treating these areas separately from the Historic District and with their own standards separate from the Historic District Design Standards and review process.

AZ: While a laudable effort to preserve neighborhoods characteristics, several questions arise. If the neighborhood is “historic”, why was it not added to the Historic District? If it is not “historic”, what is the basis for adding restrictions on property rights? How are the standards to be enforced and compliance assured?

RESPONSE: This can be looked at more closely when you develop regulations. You can add buildings that are “locally” important but there needs to be some basis for doing that. The standards are enforced the way any zoning regulations are enforced. Any changes to zoning would be subject to a public hearing.

**1.3** In order to respect Cold Spring’s small town character and heritage, modify the zoning laws where appropriate to be consistent with the objectives of this Comprehensive Plan.

AZ: All of the recommendations are things which I understand would happen as a normal course of action in implementing the Comprehensive Plan. I think that these should be in Objective 8 – Implementation

RESPONSE: There is no problem repeating a recommendation.

**1.4.1** Amend the Zoning Law to require a variety of housing types and sizes in major projects.....

AZ: I’m not sure that it is legal to “require a variety”. The Village may “encourage” a variety by giving a developer incentives.

RESPONSE: It is in black leather law, in fact, it is in NYS enabling legislation for village comprehensive plans that affordable housing be one issue that is addressed and one way that is addressed is by not looking at a uniformity of particular housing type but to put in place having a diversity of housing choices to meet the needs of the village.

**1.4.2** Consider deleting the term “livable” in reference to “floor area” in the Zoning law in order to avoid confusion with the definition of “habitable” spaces in the state that would require larger minimum area than appropriate for Cold Spring.

AZ: I don’t think that this recommendation will accomplish the apparent intention. The Village Building Inspector still has to ensure compliance with the state code irrespective of what the zoning laws say. Changing the definition of terms, which have a long history of interpretation and use in the state, is a dangerous precedent.

RESPONSE: This is really a Building Inspector question. The Board may want to confer with the Building Inspector.

**1.5 Encourage preservation and adaptive reuse of historic structures.**

AZ: I don't see where any of the recommendations stated for this objective are not already in place now. If they are already in place or a normal practice by the Village Boards, then what's the point of the recommendations? I support the intent of this objective but I don't think the recommendations do anything to advance it.

RESPONSE: It is to reinforce the concept. There is no reason why it can't be in the Comprehensive Plan.

**1.6 Improve the Historic District Review Board process by increasing public understanding and making the process more user-friendly.**

AZ: The HDRB will welcome all suggestions on how to improve the process. I would like to point out that our application form is a simple one page form. We have the Design Standards which describe our process in detail and identify what documentation we need and what we look for in our reviews.

**Attached** is a summary of the actions of the Review Board in the last 3 years. Typically, over 75% of the applicants have their applications acted on in their first meeting with the Review Board. Over 90% receive approvals. I do not feel that the recommendations were written with an understanding on how our process works.

RESPONSE: This is really one of those issues that you just acknowledge.

**1.7.7 Work with DOT to prohibit right turn on red in all directions at the intersection of Route 301 and 9D.**

AZ: Is this really a problem? If there are times when it is (e.g. when kids are walking to school) then perhaps at certain posted times. The whole point of right turn on red is to eliminate the gas burned and air pollution emitted by cars sitting at red lights waiting to turn. I think at most times, this intersection benefits from the ability to turn on red.

RESPONSE: This was directed to try to make crossing more pedestrian friendly. This is a busy intersection and to have the ability to feel safe crossing would be enhanced by no right turn on red.

**1.7.9 Investigate re-designing the area in front of the small mall from Drug World to the Deli on Chestnut Street.....**

AZ: This parking area is private property. How is the Village going to "re-design" the parking area?

RESPONSE: Area plans are a well founded part of comprehensive planning and also integrated into zoning laws as a concept plan to be followed.

**1.7.10 Establish guidelines for landscaping along streets, for utility strips between street and sidewalks and for traffic calming bump-outs for both appearance and safety.**

AZ: I recommend caution in this. Along Main Street and the blocks perpendicular, the sidewalks are narrow and the utility strips would take away walking surfaces. Any such guidelines need to take into careful consideration the existing conditions. This would also apply to **1.10.3**.

RESPONSE: Complete streets legislation was recently enacted in NYS. The idea behind this is that cars are only one aspect of streets and pedestrians, bikes, handicapped etc. all need to be taken into consideration, so you will see traffic calming more frequently in NYS.

**1.7.13 Continue efforts to reduce traffic within neighborhoods during special events.**

AZ: I'm not sure what this means. Most people come to the Village by car and as a result car traffic greatly increases during these special events. Does the Village do something now to mitigate this? Is the intent of this recommendation to investigate ways in which the Village can mitigate the traffic?

RESPONSE: This reinforces other recommendations. Question if this is superfluous. After discussion, it was decided that it should be left in the plan and should be looked at again.

**1.7.15** Work with the NYS DOT to install a curb along the entire length of the service station located on Morris Avenue at Main Street...

AZ: Is this a real priority?

RESPONSE: If DOT does any work in this area, the village can point out this from the Comprehensive Plan to install curbs at this location. One advantage of the plan is that any capital plans of other agencies have to take into consideration the Comprehensive Plan.

**1.14.1** Assess the implications of moving functions as the Village Hall, Fire Company and Police Department away from Main Street.

AZ: I think moving the Village Hall and the Police Department off Main Street would be a mistake and a detriment to the activity on Main Street. Even though I would hate to see it go, perhaps it would make sense for the Fire Company because of the need for parking for the responders' vehicles and the maneuvering requirements of the fire apparatus.

RESPONSE: I think he agreed with the recommendation.

## **Goal 2 Riverfront**

**2.4.1** In preparing a site and use for Dockside Park, consider including a path along the river, benches, restrooms, a trail up Dockside Hill with a lookout, a small pavilion shelter, picnic tables and a small parking area and keeping the area "natural" to the fullest extent possible.

AZ: The list of features and the concept of keeping the area "natural" to the fullest extent possible seems like a contradiction. This is especially true with 2.4.4 where construction of a 900 sf building is recommended.

RESPONSE: The plans that Ray Curran has been working on for the LWRP are trying to keep that balance.

**2.4.4** Permit Building Bridges Building Boats (BBBB) to build a structure on site for program needs....

AZ: Why the BBBB organization? I think to single them out should be explained. Who will own the building when constructed? Who controls use of the floating dock and moorings?

RESPONSE: Could change to permit **a group or groups such as** Building Bridges Building Boats... However, the BBBB fits in with the site.

## **Goal 3 Natural Environment and Energy**

AZ: **3.1.1** and **3.1.11** are recommendations which are repeated in Goal 5 – 5.5 and 5.62. One of these should be deleted.

RESPONSE: It may have application in more than one topical area. No problem in repeating. It was suggested that we should use **cross references**.

**3.1.13** Clarify ownership of lands adjacent to Back Brook and Foundry Brook.

AZ: Why? What is the purpose of this and why should this be included in the Village's Comprehensive Plan

RESPONSE: **Add reasons for doing this: flooding; maintaining adequate storm water flow through back brook and Foundry Brook and clarify ownership and Village access of lands adjacent to them.**

**3.2.2** Amend the Village Zoning Law to implement New York State Coastal Management Program policies (Scenic Areas of Statewide Significance (SASS) regulation, 19 NYCRR Part 602, Policy 24).....

Consider adoption of CEA designation for scenic resources as well.

AZ: What does this mean to the Village? What is the implication as far as enforcement and Village procedures? I don't necessarily object to this, but the Village should thoroughly understand what these steps would mean.

RESPONSE: It means that Scenic Resources are considered in the development review process. This is where CEA (Critical Environmental Area) designation comes in and is something that is considered in the SEQRA review process. It is not regulation or prohibition.

### **3.2.3 and 3.2.4**

AZ: These two recommendations describe design tools and not regulatory measures. I'm not sure that they should or can be made part of the Zoning Laws. I'm not sure that our plans should state anything about having the Planning Board designing subdivisions.

RESPONSE: That's how it is done in all other communities. This is a standard operating procedure for things like scenic resources and new subdivisions.

**3.3.6** Encourage use of rain barrels....., planting of street trees and rain gardens, and a reduction of impervious surfaces throughout the Village to reduce storm runoff and sewer inflow and infiltration.

AZ: It should be made clear that it is "storm sewer inflow". The Village does not have a combined sanitary and storm sewer system.

RESPONSE: The Village is aware of this.

### **3.1.12, 3.1.13, and 3.1.14**

Move to a position after **3.3.6** and re-number accordingly. To place under the section related to upgrading stormwater management in the village.

**3.3.8** Regulate the use of pesticides in the Village.

AZ: This is a very vague recommendation. Doesn't the Village now enforce NYS pesticide regulations? What should we be doing more?

RESPONSE: This is a state regulation that preempts local regulation. This is done on a county basis. Generally it is a state function and not sure how far the Village can go. **Remove 3.3.8 from the plan.**

**3.5.12** Encourage residents and property owners to participate in caring for the environment.

AZ: This is another vague, feel good recommendation. I think we can commit the Village to considering the environment in all Village practices and policies. If we want, we can develop measures to encourage residents and property owners to comply with these policies. As stated, I'm not sure what the recommendation proposes.

RESPONSE: It is just that – a feel good recommendation. It doesn't hurt.

## **Goal 4 Economic Vitality**

**4.1.7** Consider encouraging the establishment of a laundromat within the Village.

AZ: Why is this one type of business identified? Are there other types of businesses which we should encourage? Perhaps part of the implementation should be to make a study of what types of businesses should be encouraged. I would suggest that the recommendation should say that such a study should be made rather than just laundromats.

RESPONSE: Change **4.1.7** to read "Consider encouraging the establishment of **businesses that satisfy residents' needs such as a laundromat** within the Village.

**4.3.4** Investigate ways of improving telecommunications in the Village, to facilitate access to voice and data communications networks, to make it easier and less costly for residents to telecommute from home.

AZ: Telecommunications is a private utility. Is it proper for the Village to get involved in this area?

RESPONSE: Would not be translated into zoning but the Village should get involved with the services that are the newest and most updated.

**4.4.4** Modify the regulations to permit 3-story buildings on Main Street from.....Such changes in the regulations give building owners an incentive to maintain and improve their property.

AZ: All of the zones in the Village set the building heights to 2 ½ stories. I have never seen any evidence nor does it seem reasonable that by changing the height from 2 ½ stories to 3 stories would somehow change the minds of property owners so that they take steps to maintain their property that they ordinarily wouldn't have taken.

RESPONSE: **4.4.4** as written by AZ should be **4.4.5**. "If you allow it they will come". Al is questioning this.

**4.4.8** Consider the Main Street approach as advocated by the Main Street program, National Trust for Historic Preservation.

AZ: OK...what does this mean to the Village?

RESPONSE: It's a revitalization strategy. A whole approach to help identify ways to revitalize its Main Street in a way that is sensitive to historic resources but also that could encourage greater tourism and greater investment in the village. It is not a regulatory approach but basically a planning approach that has been used successfully in other villages.

**4.5.4** Define a pedestrian route from Grove Court through shopping to Marion Avenue, Furnace Street and Main Street.

AZ: After the pedestrian route is defined then what? What does this mean?

RESPONSE: It is to identify and to get a definition and to make it safer for pedestrian traffic.

## **Goal 5 Community Facilities and Services**

**5.10.2** Consider a prohibition on blocking sidewalks when making deliveries.

AZ: Is this realistic on Main Street?

RESPONSE: **Remove 5.10.2.**

## **Goal 6 Property Taxes**

**Background – p 59** – last sentence: "Generally, residential development creates a negative fiscal impact because families typically send children to public schools, and school costs exceed property tax revenues".

AZ: This statement says that each year the Haldane School operates with a deficit budget. Given what we pay in school taxes, I find that hard to believe. If that were the case, how is the deficit made up? Is Haldane just running up debt?

RESPONSE: Think there is a misunderstanding here. There is a basic fiscal imbalance. Some of this is made up by State funding and other from non-residential development. **Will try to re-word this one.**

**6.1.4** Consider the Village sharing in mooring fees.

AZ: What mooring fees? Share with whom?

RESPONSE: No specifics. It would depend on where the mooring is. This does not necessarily

have a specific answer, it is an idea.

**6.1.5** Consider seeking additional payments in lieu of taxes (PILOTs).

AZ: From whom?

RESPONSE: No specific answer as you are referring to non-profits and this is usually a negotiating item but you can't force them to do it.

**6.4.1** Consider encouraging commercial, "clean" light industries and mixed use development, which generate more in tax revenues than they require in services.

AZ: I think this recommendation which springs from some false assumptions. The first is as stated above in the Background text. The school's budget has nothing to do with the Village budget. Whether they go up or down does not bear on the Villages finances. Most of the Village budget comes from Village property taxes and fees for the various services provided by the Village (e.g. water/sewer). Are not these services the same irrespective of the land use? The recommendation doesn't make sense.

RESPONSE: He is questioning the school district budget and not sure he is understanding and is looking at just the Village.

**6.4.2** Consider restricting or prohibiting residential developments in which the properties will be held in a condominium form of ownership or any other form of ownership that reduces tax revenue.

AZ: Are such restrictions legal?

RESPONSE: New construction is a **question for Attorney Stephen Gaba.**

**Goal 7 Areas with Potential**

**Background p.62** –“...(1) development should be “tax positive”, in other words, property tax revenues from new development/redevelopment should be greater than the total cost of services required by those properties, including the school costs;”

AZ: What school costs does the Village bear?

RESPONSE: The Village bears no costs from the school but the residents would bear those costs regardless of the taxing.

**7.1.1** Ensure that Village Zoning Law provides for public review of proposed plans affecting all significant properties.

AZ: Do not the Village Ordinances presently call for site plan review by the Village Planning Board on all of these properties? The only question is whether the site plan review also extends to municipally owned parcels.

RESPONSE: There are recommendations in other parts of the comprehensive plan to update and expand the Village's site plan regulations to get them to conform with state law which has been amended substantially within the last twenty years.

**7.1.6** When such property is being developed:

- Consider amending the Subdivision Regulations and Zoning Law to permit conservation subdivision, with the 4 step design process that identifies unbuildable lands, and special features of the site around which development is designed.
- Prohibit gated communities, cul-de-sacs, dead ends and private roads, except in the case of private roads where public access is not denied, and where water and sewer are provided in compliance with Village standards.

AZ: Doesn't the Village already have some cul-de-sacs and dead ends? Have they proven to be a problem? The Board should note that the Village Ordinances presently require everyone in the

Village to be connected to the Village water and sewer.

RESPONSE: The four step design process allows the Planning Board to work with the applicant cooperatively. The conservation subdivision design process engages the Planning Board in a more proactive way with the design to make sure that it conforms with the comprehensive plan and to natural resources. This is a new way to look at the design process and has been successful throughout the state.

It is not a good goal to create a cul-de-sac particularly in a village where you want to create more connections and generally discourage dead-ends. With regards to private roads, the residents forget that they are private and then later want services that other people receive.

**7.2.3** Reaffirm and update performance standards to minimize traffic and noise disturbance, noxious fumes and other nuisances.

AZ: Does the village have such “performance standards”? How are they enforced?

RESPONSE: The old performance standards were difficult to enforce and this is something that is ripe for review. The Code Enforcement Officer is the enforcer of these nuisances.

**7.2.6** Amend the Zoning Code (and if required the Historic District regulations) to require appropriate scale, setbacks, streetscape and design features consistent with Village character.

AZ: The HDRB Design Standards has a whole chapter specific to this – see Chapter B.

RESPONSE: This was not specific for the historic district but was broader. After discussion, it was recommended to **consider rewording**.

**7.2.7** Promote energy-efficient design, technologies and materials in any new development in the MCWPF area.

AZ: Why are we stating this about this development only? Shouldn't we encourage this in the entire Village?

RESPONSE: Move **7.2.7** to section **3.5** and re-number it **3.5.13**.

**7.2.10** Consider rezoning the former Marathon site as mixed uses (such a district to include residential, recreational, open space, work-live, small retail business and office uses) and require special use permits for any development on the Marathon site. Restrict or prohibit residential developments in which properties will be held in a condominium form of ownership or other form of ownership that reduces tax revenue.

AZ: There are so many things here which appear to be illegal. Is not the Village exposing itself to a lawsuit if it looks like we are rezoning a specific parcel prior to a proposed development? Can the Village place restrictions on the form of ownership? Are we saying that special use permits would be required for any development of the site?

RESPONSE: This is the purpose of the Comprehensive Planning process. It's looking at the community at large and not enriching a particular land owner.

**7.4.2** Consider allowing use of part of the Butterfield building for private offices, research or other revenue-generating uses. AND

**7.4.4** Promote preservation of the Butterfield lawn as a “Village Green”.

AZ: This is private property. These recommendations sound as if the Village owned it.

RESPONSE: After discussion, it was decided to change **7.4.4** to read **Work with the landowner to promote preservation.....**

The following comments are from Mark Patinella.

Mark suggests that the Village mirror Plum Point, a waterfront facility in New Windsor for Dockside

development. His complete remarks are **attached**.

## 2.2 Work with the Boat Club for its members.

- Protect and enhance the benefit of the Boat Club for its members
- Increase the benefit of this riverfront site for Village residents suggested, “by encouraging membership and continuing our community function.”- Response: Add: **including by encouraging membership and continuing our community functions.**
- Continue to offer free docking to support the local businesses while promoting boating on the Hudson. RESPONSE: After discussion, it was decided to add: **Explore methods of revenue generation while maintaining access to visiting boaters .**

### 2.2.3 It can't hurt to re-emphasize rebuilding the Boat Club structure.

2.2.4 If the structure remains in place, consider improving or redesigning and rebuild the structure, including restrooms for the Boat Club and public restrooms accessible directly from the street with fee for use.

RESPONSE: This is based on if the Village rebuilds the structure, it would have separate bathrooms for the public. **Remove: with fee for use.**

The following comments are from Charles Merando, a member of the Boat Club but he adds “The above comments are my own presentation and do not represent the club’s”. His remarks are **attached** in their entirety.

### 2.2.1 Work together to develop a plan for long-term use of the site.

CM: ...This is a small portion of the waterfront that has been devoted to boating and brings revenue to our local vendors.

RESPONSE: He disagrees with the fee for use of the restrooms.

2.2.4 If the structure remains in place, consider improving or redesigning and rebuilding the structure, including restrooms for the Boat Club and public restrooms accessible directly from the street with fee for use.

CM: The present design uses the complete street side for 2 restrooms and kitchen. Public access would deprive the boat club of needed facilities. In the event of restructure, which includes restrooms, I strongly disagree with a fee for use considering that the other restrooms at the foot of Main Street have no fee for use. This would be an unfriendly gesture to the public considering the object is a more friendly use of the property.

RESPONSE: A redesigned structure is based on the demolition of the present building by DEC.

**The wording needs to be more “user-friendly”.** The Board will consider this in the future.

2.2.5 Consider making the structure available for both the boat club members and Village residents with opportunities for private use and use by outside organizations on a fee basis.

CM: Outside local organizations enjoy the complete cooperation of the Boat Club. Several local clubs are now presently enjoying the site.....

RESPONSE: Could say continue to make the structure...The Special Board is trying to make provisions for the possibility of removal of the building in the plan, as there is real potential. **The wording needs to be more “user-friendly”.**

**2.2.6** Share the cost of improvements to the facility and docks when both the Village and Boat Club benefit.

CM: The Boat Club solely handles the cost of maintenance and improvements....

RESPONSE: This could possibly apply if public bathrooms were installed on the site.

**2.2.7** Investigate ways to generate revenue for the Village from Boat Club site.

CM: I feel that the services provided to our civic organizations, vendors and public safety more than compensate for any revenue that could be generated.

RESPONSE: With 4,000 visitors per year, is there a way to generate revenue either directly or indirectly for the Village?

**2.2.8** Work with the boat club to make the entrance signage more welcoming to residents.

CM: The residents should understand the relationship the Boat Club has with the Village. This is a private boat club under lease.....

RESPONSE: Perhaps the sign could state how to join the club etc.

**2.2.9** Require the Boat Club to pay, or to continue to pay for water/sewer and for supplemental trash collection, if any, as specified in the lease.

CM: The Club pays for all water and a double sewer bill to the Village.

RESPONSE: No changes were proposed.

Regarding the comments from Charles Merando – There are lots of similarities here between recommendations as it was meant to be used as a template for the Village.

The following are comments from and responses to Seymour W. Pustilnik. His complete comments are **attached**.

RESPONSE: He makes no specific references. The term limits for officers have been removed from the plan.

We acknowledge the comments from Jane T, D’Emic and state that the section is no longer in the plan. Her full correspondence is **attached**.

The following are comments from and responses to Cheryl Allen. Her complete comments are **attached**.

**4.3.1** Amend the home occupation regulations to regulate impacts rather than uses, to retain or strengthen environmental and other performance standards.

CA: Does this mean that anyone can run a business from their home without a permit?

RESPONSE: If it is a quiet use, yes; if it is small industrial use, no.

**7.2.1** Ensure that the existing infrastructure (water/sewer) is adequate, or that covering the cost of any new infrastructure necessitated by new development or redevelopment is paid for by the developer.

CA: Prior to 1965, it would appear that Marathon discharged their waste into the Cold Spring sewer system. We should be concentrating on that system that could be seriously damaged and contaminated, especially on Main Street. I doubt very much if our existing infrastructure (water/sewer) is adequate for additional residents, businesses, or any new development.

RESPONSE: This is the purpose of the SEQRA review process to ensure, before any approvals are made, that there is an assessment of infrastructure water, sewer and traffic. This is already in place with the Planning Board to ensure that these things get properly addressed at the time of an application.

**7.2.10** Consider rezoning the former Marathon site as mixed uses (such district to include residential,

recreational, open space, work-live, small retail business and office uses) and require special use permits for any development on the Marathon site. Restrict or prohibit residential developments in which the properties will be held in a condominium form of ownership or any other form of ownership that reduces tax revenue.

CA: I urge you to use caution for any development on the Marathon site. If you allow residential use, will our school system be able to handle additional students? Will this require a new school?

RESPONSE: Again, these are the kinds of issues that are addressed by the SEQRA review and by the Planning Board at the time an application is made. If there is a zoning change, you may want to do a build-out analysis as the Village Board's own SEQRA review process.

**7.2.11** Ensure the environmental integrity and safety of the former Marathon site by making certain that a thorough study and remediation of contaminants at the site are performed before development begins.

CA: It has been almost 40 years since the onset. Who is going to do this thorough study? Who will pay for the study? Contamination does exist on this site. Post clean-up blue prints were given to the mayor in regard to Cadmium levels on the site. The EPA feels that 20 mg/kg levels are acceptable. Does anyone know that for sure?

RESPONSE: It is the property owner's responsibility. The EPA will continue to be involved with the ground water contamination.

Comments from Jan Thacher are **attached**.

RESPONSE: He seems to have concern about the process. There has been plenty of opportunity for participation. The important thing is that the hearing was held. Once all of the above concerns and changes are put into place, the plan will once again be put out for another public hearing.

Comments from Peter Henderson are **attached**.

RESPONSE: Mr. Henderson does not present specific point by point but an overall criticism of the plan itself. He is questioning if the format was proper? What is missing? What are the benefits versus the risks? There is no correct format for a plan; it is an art as much as science. It must be in accordance with the guidelines of the state and even then there is a great deal of flexibility. The words/content are more important than the format. The need for the plan to have a balance between residents and tourists was also mentioned. The best we can do is to obtain as much consensus as possible. There will also be a timetable for future review of the plan.

Comments from Susan Peehl are **attached**.

RESPONSE: With regards to Susan's comments regarding **3.5.3**, it was the consensus of the Board to leave the recommendation in regarding the gas supply line.

Comments from Robert Leonard are **attached**.

Robert Leonard ... would like to keep Cold Spring the small town it is. ....

At the end of the discussion, it was determined that the comments and changes will be put together for the Village Board to review. Mr. Fink then left the meeting.

After a short break, the board resumed their regular business.

The Board received a draft Fee Schedule from Code Enforcement Officer, Bill Bujarski. Trustee Falloon felt that under the fees for Fire Inspection: \$150 for Building Compliance (Commercial/Multi Family) and \$100 for Premises (Commercial) were too high considering there were no fees prior. There was agreement among the Board members that \$75 for Building Compliance (Commercial/Multi Family) and

\$75 for Premise (Commercial) was sufficient at this time. Trustee Falloon recommended that there be no charge for the fee for Public Assembly (per NYS Code greater than 99 persons, annual) as the facilities that can handle that number of persons was either church halls or Haldane School.

Also it was agreed that the fee for dumpster/storage pod remain at \$25 incurring an additional fee of \$10 per day after the 4<sup>th</sup> day.

Trustee Hustis made a motion to accept the fee schedule for the Code Enforcement officers as amended, seconded by Trustee Falloon. The vote was carried unanimously. The new fee schedule is in effect immediately.

There was a letter from Congresswoman Nan Hayworth regarding the Disaster Centers Storm Damage declaring the properties by the river possibly becoming eligible for assistance.

There was another letter from a resident asking if they could keep a “cone” in front of their home to secure a parking space.

A motion was made to approve the bills submitted for payment by Trustee Serradas seconded by Trustee Falloon. The motion was carried unanimously.

A motion was made by Trustee Hustis to accept the request of an employee for payment in lieu of vacation time. The motion was seconded by Trustee Serradas and carried unanimously.

Trustee Falloon presented the Resolution from the Cold Spring Fire Company along with questions presented by Attorney Stephen Gaba via email and a verbal conversation Trustee Falloon had with NYCOM. Attorney Gaba feels that this should not be accepted as it stands because there are too many questions unanswered. Mayor Gallagher said it was contradictory to both Attorney Gaba and Village Accountant Ellen Mageean and that all resolutions should be created by the Village Board. Trustee Campbell felt that the process did not go as it was initially intended when he and Trustee Falloon met with the Fire Company several weeks ago. As he understood it, nothing was to be done until hearing from the Comptroller. He would be more comfortable voting “yes” if all the information Trustee Falloon submitted by NYCOM was in writing.

The Resolution reads as follows:

*Draft Resolution re: Relationship between the Cold Spring Fire Company & Village of Cold Spring Board of Trustees*

**WHEREAS**, the Village of Cold Spring and Cold Spring Fire Company Number One wish to clarify their relationship;

**WHEREAS**, under Village Law, the Board of Fire Commissioners governs the activities of the fire department; and

**WHEREAS**, the Cold Spring Fire Company Number One has operated as an independent not-for-profit corporation since 1900; and

**WHEREAS**, the Village Board of Trustees, during the past 115 years, has delegated the authority of the Board of Fire Commissioners to the Council of the Cold Spring Fire Company Number One by

declining to appoint fire commissioners; and

**WHEREAS**, when there are no fire commissioners, the Village Law states the fire company comes under the control of its own Fire Council; and

**WHEREAS**, the Fire Council has the powers similar to the Village Board for the care, custody and control of the property of the fire company; and

**WHEREAS**, it may and has purchased equipment necessary to provide fire protection to the Village; and

**WHEREAS**, it may erect and maintain suitable and necessary buildings for the fire company; and

**WHEREAS**, it may adopt rules for members of the fire company; and

**WHEREAS**, it may adopt rules and regulations governing the fire company;

**WHEREAS**, the Fire Council shall protect and preserve the Village property and fire apparatus and prevent danger from fire and protect property exposed to destruction or injury by fire among other powers; and

**WHEREAS**, in exchange for fire protection, the Village of Cold Spring provides suitable quarters for the Fire Company, detailed terms of which are laid out in a separate, mutually agreed lease agreement; and

**WHEREAS**, the Fire Council of the Cold Spring Fire Company Number One is its Board of Governors; and

**WHEREAS**, the Village Board of Trustees, hereby delegates to the Fire Council (in this instance the Cold Spring Fire Company Board of Governors) its full authority to operate preserve and protect the fire company and its equipment as it has heretofore done; and

**WHEREAS**, the Cold Spring Fire Company Number One agrees that it will not undertake any activity which will incur an expense to the Village without Village Board of Trustees' prior approval; and

**WHEREAS**, the Cold Spring Board of Trustees wishes to clarify its relationship with the Cold Spring Fire Company Number One, as it relates to fire protection services rendered by the fire company to and for the residents of the Village, by establishing a fixed sum to be paid by the Village at such intervals as shall be mutually agreeable; and

**WHEREAS**, the Fire Company currently provides fire protection services to two (2) other municipalities and the parties agree that the Fire Company will negotiate in good faith for renewal of those fire protection services, including in the negotiations and contracts, the pro rata costs to the Village for fire related retirement programs and worker's compensation costs, if any.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Cold Spring, opts not to appoint a Board of Fire Commissioners. The Village Board agrees to enter into a contract with the Cold Spring Fire Company Number One to provide fire protection for the Residents of

the Village of Cold Spring. The Village Board agrees that the Cold Spring Fire Company Number One will continue to operate independently from village municipal operations, having delegated power to the Cold Spring Fire Company No. 1 Board of Governors, to oversee the general operations of the Fire Department. In matters where there is uncertainty, both the Board of Trustees and the Board of Governors of the Cold Spring Fire Company No. 1 agree to meet and negotiate a resolution to the uncertainty consistent with the principles and independent intentions set forth in this resolution.

Trustee Serradas made a motion to accept the draft Resolution from the Cold Spring Fire Company No 1 as written, seconded by Trustee Falloon.

The vote on the foregoing resolution was as follows:

Trustee Hustis, voting YES;  
Trustee Campbell, voting NO;  
Trustee Falloon, voting YES;  
Trustee Serradas, voting YES;  
Mayor Gallagher, voting NO.

The motion was carried with a 3 – 2 vote.

The resolution will be brought back to the table after getting written information from the Comptroller at which time the resolution may be accepted, amended or rescinded.

Trustee Hustis made a motion to go into Executive Session regarding Justice Court Prosecution, seconded by Trustee Serradas. The motion was carried by a unanimous vote.

Upon returning from Executive Session, the workshop for the Village Board of Trustees of Cold Spring on September 6, 2011 was adjourned.

Respectfully submitted,

Sandra L. Falloon