

**Board of Trustees and Planning Board Joint Meeting  
February 28, 2012 at 7:30 pm**

Attending: Mayor Seth Gallagher and Trustees: Campbell, Falloon, Hustis and Serradas  
Planning Board: Chairman Barbaro and Members: Immorlica, Saari, Sgro and Weissbrod  
Consultants: Robert Cameron, Putnam Engineering and Ted Fink, GreenPlan  
Also: Stephen Gaba, Village Attorney; Carolyn Bachan, HDRB liaison; Donald MacDonald, Chairman of the Zoning Board of Appeals and William Bujarski, Building Inspector  
Vinny Tamagna, Putnam County Legislator  
Present for the applicant: Paul Guillaro, Butterfield Realty, Richard O'Rourke, Esq. of Keane and Beane and Tim Miller of Tim Miller Associates Inc.,  
Members of the Public

Mayor Gallagher opened the meeting.

The Mayor and Board of Trustees invited Planning Board members to this joint meeting to discuss the Planned Unit Development for the Butterfield Realty project.

S. Gaba reviewed the current proposal from Butterfield Realty. Senior housing, medical and municipal services are permitted in this B4 district. The real change, as far as uses, is concerned pertains to the retail/ commercial element. With regards to bulk requirements, there are a lot of elements that don't conform to B4 zoning. S. Gaba recommended that the two boards focus on the differences between what is permitted under the existing zoning to the proposed change in zoning and whether these items are acceptable or not. The framework is the Gateway Planned Zoning District law submitted by the applicant which is a floating zone.

S. Gaba discussed the differences between a Floating and a PUD zoning district as follows:

- The floating district involves setting guidelines and if the project meets the criteria then the applicant requests that the floating zone be applied to their property. The problem is that the board contemplates change before the project is before you.
- An alternative that Mr. Gaba recommends is to have a PUD zoning district created specifically for the property at issue. The Board reviews a set of plans and would adopt a local law creating a new zoning district specifically for that property.

S. Gaba distributed copies of a Philipstown PUD to board members as an example of what can be done. In addition, Mr. Gaba used the proposed specifications for the Butterfield project and changed them from a floating zone into a specific PUD district.

S. Gaba recommended that the creation of the Gateway PUD district would be conditional upon a four lot subdivision. He distributed draft PUD legislation including uses and bulk requirements that would apply to individual lots; all of which are subject to site plan approval.

He reviewed aspects of the proposed legislation as follows:

Uses:

- Age restricted housing including multiple dwellings
- Public parks and playgrounds
- Off street parking

Bulk requirements:

- The existing zoning code was used but should be changed to something that is more appropriate
- Recommends tailoring requirements for each lot.
- The Planning Board will review maximum and minimum requirements and come up with a determination as to what is appropriate along with signage
- Work with the HDRB to discuss items within their purview including design, streetscape, and community character.
- Waiver provisions give the Planning Board the authority to waive requirements up to 20% of whatever they are set at, including bulk requirements.
- Applicant's proposal provides for a 25% parking waiver and allows parking within setbacks with certain conditions.
- All amendments would have to go through the Planning Board.

Mayor Gallagher recommended changing item (h) in the draft legislation to indicate that the HDRB (not the Planning Board) will conduct an architectural review.....

In discussing a proposed time table for the Planning Board to provide a report to the Village Board, Robert Cameron pointed out that there could be a significant impact with regards to the items presented in the Special Board report and how the PUD conforms to the Master Plan.

Planning Consultant, Ted Fink stressed the need to focus on the big picture so it integrates into one unified plan that works together and is consistent with the Comprehensive Plan. Mr. Fink commented that the Special Board recommended a form-based approach be considered and added that the current plan would not fit into form-based regulations.

Trustee Serradas arrived at 8:10 pm.

Mr. O'Rourke expressed concern over the time period that has elapsed since the application was filed on Dec. 1, 2011. The Village Board has not received a report/recommendation from the Planning Board. He suggested following Village Law and Village Code and respectfully requested that the project move forward.

Mr. Guillaro noted that he has all intentions of working with both boards. However, he will not be able to comply with the Comprehensive Plan regarding placing parking for the municipal building at the rear of the building. Furthermore, the Post office will not agree with it. No other buildings on the Route 9D corridor are placed near the road.

Mayor Gallagher commented that the Village Board and the Planning Board are trying to move the project forward without duplication of efforts.

Vinny Tamagna spoke about the importance of the Board's work. From a county perspective, the work really needs to be expedited in a cautious way with a time table established. He doesn't want to lose a project that could be good for us in the future.

The planning board members put forth the following concerns and comments:

- Need to receive traffic analysis and storm water reports from the applicant
- Need to have time to review the Special Board's report
- Concern about the limited square footage of the proposed apartments

- Concern about the mass of the senior housing building
- Concern about being rushed
- Natural gas line into the village should be pursued

Ted Fink stressed the need for the development to integrate into the neighborhood and to conform with an urban rather than suburban model.

Chairman Barbaro asked consultants Cameron and Fink for an estimated time frame to prepare a report for the Planning Board and to point out items that should be changed.

Campbell noted the size of the senior housing building seems to be the biggest concern from residents.

A. Saari stated that the Planning Board will have a site visit Saturday, March 3, 2012 at 10:00 am and asked if the applicant could mark the perimeter of all the buildings to provide a visual perspective.

In an effort to improve communications, the Planning Board will provide copies of all reports from their consultants to the Board of Trustees.

In summary, Stephen Gaba stated that the Planning Board will work on the reports that are needed for SEQRA and simultaneously work on the local law that was circulated this evening. The Village Board is dependent upon the Planning Board to work on the local law as they need information about bulk requirements.

Tim Miller pointed out that a traffic study and fiscal analysis has been done. A preliminary storm water report, building cross sections and a letter regarding utilities will be ready shortly. He asked if any additional reports would be requested. Immorlica suggested the sewer analysis should consider future needs.

Ted Fink circulated a draft Part I and II Environmental Assessment Form. He pointed out that the classification of the type of action was not mentioned in the resolution declaring the Village Board as lead agency. He pointed out that this is a Type 1 action. The EAF will be reviewed between Mr. Fink and the Planning board prior to going to the Village board.

J. Barbaro commented that the Planning Board will work with the Village Board to help this project go forward.

Mayor Gallagher ended the joint meeting and announced that Joseph Immorlica will not seek reappointment to the Planning Board. Mayor Gallagher noted that J. Immorlica has served on the Planning Board for 35 years and acknowledged his excellent service to the Village, applicants and the next generation.

Mayor Gallagher announced that Jimmy Zeuhl will be considered for an alternate member of the Planning Board.

Rob Cameron asked the applicant if a site plan showing elevations could be received before Saturday's site visit.

The Village Board then addressed items on their workshop agenda.

- 1) Building Bridges Building Boats asked for permission to place two cargo containers at the Village Garage site to provide storage for their boats and equipment. After discussion it was decided that Mayor Gallagher would discuss this request with Ed Trimble and Greg Phillips and come back to the board.
- 2) Reintroduce fence height legislation. Building Inspector Bujarski described the issues he has encountered with enforcement and the existence of numerous illegal six foot fences. After discussion, the board voted on a resolution to reintroduce the fence height zoning regulations.

**RESOLUTION 09-2012**

WHEREAS, the Village Board of the Village of Cold Spring has before it a local law before it entitled: "A Local Law To Amend Village Code Chapter 134, 'ZONING,' By Amending Subsection (D) (1) of Section 134-17, "Supplementary Regulations Applying To All Residence Districts, " To Revise The Provisions Thereof Regarding "Permitted Obstructions," " and

WHEREAS, the proceedings upon the proposed local law require that it be introduced and that the Village Board hold a public hearing upon it,

NOW THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the proposed local law entitled: "A local law to amend Chapter 134 of the Code of the Village of Cold Spring", and
2. That a public hearing on the proposed local law is set for March 27<sup>th</sup>, 2012 at 7:30 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

Trustee Serradas presented the foregoing resolution which was seconded by Trustee Falloon.

The vote on the foregoing resolution was as follows:

Charles E. Hustis III, Trustee, voting	YES
Bruce D. Campbell, Trustee voting	YES
Airinhos Serradas, Trustee voting	YES
J. Ralph Falloon, Trustee, voting	YES
Seth J. Gallagher, Mayor voting	YES

Resolution officially adopted by a vote of 5-0.

- 3) Mayor Gallagher asked board members to review the RFP for The Grove property and to consider approving its issuance at the monthly meeting.
- 4) The Cold Spring Film Society asked if the Village would consider co-sponsoring the summer film series at Dockside. An agreement will be prepared for consideration at the next meeting.

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

Respectfully submitted,

Mary Saari, Village Clerk