

Village of Cold Spring

Special Meeting of the Board of Trustees

September 16, 2013

The Board of Trustees of the Village of Cold Spring held a workshop on Monday, September 16, 2013 at 7:00 pm at the Village Hall, 87 Main Street Cold Spring, NY.

Attending were Mayor J. Ralph Falloon and Trustees Matthew Francisco and Stephanie Hawkins. Trustees Bruce Campbell and Charles Hustis III were absent.

The meeting included a teleconference call with Warren Replansky, Special Counsel to the Village of Cold Spring for certain zoning and planning matters. Mr. Replansky suggested that the Board move forward with the Resolution to accept Part I of the SEQRA Review (State Environmental Quality Review Act) in support of amending Local Law §134 to prohibit the establishment of Formula Businesses in the Village of Cold Spring. Trustee Francisco stated that this is what the residents of Cold Spring want.

Resolution #38-2013 Proposed Local Law Amending Village Code for Formula Businesses

WHEREAS, the Village of Cold Spring Village Board had appointed a Special Board for the Comprehensive Plan and Local Waterfront Revitalization Plan to study the issue of the impact of drive-thrus, drive-ins and formula businesses and the impact of the proliferation of such businesses on the Village of Cold Spring; and

WHEREAS, the Special Board issued a report dated February 28, 2013 which determined, in relevant part, that the proliferation of formula businesses, formula restaurants and drive-ins, drive-thrus and/or drive-in windows will have a negative impact on the Village's unique character and economic vitality and will, among other things, frustrate the Village's comprehensive planning efforts and local waterfront revitalization strategies as well as detract from the overall historic Village experience and threaten its tourist economy; and

WHEREAS, the Village Board has requested its legal counsel to draft a proposed Local Law amending Village Code §134-18 "Supplementary Regulations Applying to all Districts"; §134-2(B) "Definitions" and §§134-9(C)(2), 134-10(B)(1) and 134-11(B)(1) which, in relevant part, provides definitions of the terms "Restaurant", "Retail Business", "Formula Restaurant", "Formula Retail Business" and "Drive-in", "Drive-thru" or "Drive-in Windows" and expressly prohibiting formula retail business, formula restaurants and drive-ins, drive-thrus or drive-in windows as uses in all districts; and

WHEREAS, the Village Board has determined that this action is a Type 1 action under SEQRA and that the Village Board is the only involved agency in this action; and

WHEREAS, the Village Board has received and reviewed a Part 1 of the Full Environmental Assessment Form (EAF) prepared by legal counsel to the Village.

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 Village Code Chapter 134, Entitled ‘Zoning’ by Amending Village Code Section 134-18, ‘Supplementary Regulations Applying to All Districts’, Section 134-2(B), ‘Definitions’, and Sections 134-9(C)(2), 134-10(B)(1) and 134-11(B)(1)’; and
2. That the Village Board hereby designates the Village Board as lead agency for purposes of the SEQRA review of this project and adopts Part 1 of the Full EAF as prepared by the Village’s legal counsel; and
3. That a public hearing on the proposed local law shall be held by the Village Board on the 14th day of October, 2013 at 7:30 o’clock p.m. at Village Hall, 85 Main Street, Cold Spring, New York 10516 and that proper notice of the public hearing shall be given; and
4. That pursuant to General Municipal Law §239-m the proposed local law shall be referred to the Putnam County Planning Department for its review; and
5. That pursuant to the provisions of §134-32 of the Village Code, the said local law shall be referred to the Village Planning Board for its report; and
6. The Village Clerk is hereby directed to publish notice of the public hearing in the Village’s official newspaper and provide such other notice of the said public hearing as may be required by law.

Trustee Hawkins presented the foregoing resolution which was seconded by Trustee Francisco.

The vote on the foregoing Resolution was as follows:

Charles E. Hustis, III Trustee, voting ABSENT

Bruce D. Campbell, Trustee, voting ABSENT

Stephanie Hawkins, Trustee, voting YES

Matthew Francisco, Trustee, voting YES

J. Ralph Falloon, Mayor, voting YES

Resolution 38-2013 was officially adopted by a vote of 3-0-2

I hereby certify that this is a true and exact copy of a resolution adopted by the Village of Cold Spring Board of Trustees at a public meeting held on Monday, September 16, 2013.

Mary Saari, Village Clerk

Dated: September 18, 2013

An **application** was brought before the Board for the use of Dockside property from the Hudson Valley Outfitters on September 18th 6 a.m. to 3 p.m. with a rain date of September 19th. There will be two shifts with approximately 45 persons per shift for Kayaking on the Hudson. Trustee Hawkins made a motion to approve the application pending the approval from the Recreation Committee. Trustee Francisco seconded and the motion was approved with a unanimous vote.

An **application** was received from Joe Virgadamo of Haldane High School for the use of Mayors Park for September 18th with a rain date of September 19th from 10 a.m. to 1 p.m. for a senior class kayaking and hiking trip to include lunch. Trustee Hawkins made a motion to approve the application. Trustee Francisco seconded and the motion was approved with a unanimous vote.

An **application** was received from Lisa Riccardi for a surprise party for the renewal of vows and a family photo op for Bill and Elvira Stephens to celebrate their 40th anniversary at the Bandstand on October 12, 2013 from 12:15 pm to 1:00 pm. Trustee Hawkins made a motion to approve the application. Trustee Francisco seconded and the motion was approved with a unanimous vote.

An email was received from Russ Senzatimore, producer-director of a ten minute short film. He is currently looking for permission for a three day shoot in and around Cold Spring this autumn, the end of September or the first week in October. Mr Senzatimore has already gotten permission from Tim Greco to use The Church on the Hill for interior filming and is requesting permission to film exterior scenes on Parsonage Street and a few adjoining side streets from the Village of Cold Spring.

Trustee Hawkins made a motion for Mayor Falloon to sign the Agreement with **Fearless Films** for Municipal Approval and Cooperation in Filming/Photography. Trustee Francisco seconded and the motion was approved with a unanimous vote.

Correspondence:

Scott Monroe requested payment in lieu of 2 weeks vacation during the next pay period ending 09/11/2013. Trustee Hawkins made a motion to approve Scott Monroe's request. Trustee Francisco seconded the motion and it was approved unanimously.

Terry Gipson, Senator, 41st District, wrote a letter of support for the Butterfield Project to move forward. He also stated that there are state grants and funding opportunities that could help upgrade the sidewalks/crosswalks, parking and traffic flow along Route 9D. In addition, the project may qualify for municipal consolidations grants.

Town of Philipstown Public Hearing Notices:

1. September 25, 2013 at 7:30 pm – Local Law to amend certain chapters of the Code of the Town of Philipstown in order to fully implement changes in Chapter 175, “Zoning” and to implement the re-designation of the Town’s Conservation Advisory Council as a Conservation Board.
2. September 25, 2013 at 7:40 pm – Local Law to amend Chapter 159 of the Code of the Town of Philipstown entitled “Timber Harvesting and Forest Management” in order to implement the Town’s natural resource and open space plan and its re-designation of the Town’s Conservation Advisory Council as a Conservation Board.
3. September 25, 2013 at 7:50 pm – Local Law to amend Chapter 93, “Freshwater Wetlands and Watercourses”, of the Code of the Town of Philipstown in order to fully implement changes in Chapter 175, “Zoning”, to implement the re-designation of the Town’s Conservation Advisory Council as a Conservation Board and to bring Chapter 93 into consistency with the other sections of the Town Code and the Comprehensive Plan.
4. September 25, 2013 at 8:00 pm – Local Law to amend Chapter 112 of the Code of the Town of Philipstown entitled “Land Development” in order to require maintenance agreements for open development area subdivisions accessed by shared rights-of-way.
5. September 25, 2013 at 8:10 pm – Local Law to amend Chapter 175, “Zoning”, of the Code of the Town of Philipstown in order to make clarifications and technical corrections.
6. September 25, 2013 at 8:20 pm – Local Law to amend Chapter 175, “Zoning”, of the Code of the Town of Philipstown in order to ensure that the practice known as Hydraulic Fracturing and its associated impacts are prohibited in the Town of Philipstown.

Meeting Adjourned.

Respectfully,

Sandra L. Falloon