

Village of Cold Spring

Board of Trustees Workshop

September 24, 2013

The Board of Trustees for the Village of Cold Spring held an executive session on Tuesday, September 24, 2013 from 6:30 pm to 7:30 pm for an introductory meeting with recently hired Village Attorney, Michael Liguori. The workshop began at 7:30 pm. Both meetings were held at the Village Hall, 85 Main Street, Cold Spring, NY.

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

Also in attendance were ZBA members Donald MacDonald and Marie Early, HDRB member Carolyn Bachan and Village Attorney Mike Liguori.

The first order of business was a Public Hearing on a proposed local law to amend the Village Code Section 134-25D "Procedure", to change the minimum required number of days for publication of notices of public hearings by the **Zoning Board of Appeals from ten days to five days**. Marie Early read the following document which explained why the ZBA was working to change the public hearing notification.

Currently, an applicant can experience what may be considered a lengthy delay from the time a request for variance is submitted until the matter is approved or rejected. The change to the current local law is being requested to address this period of time.

The current local law requires a 10 day period for the ZBA from publication of notice until a Public Hearing can be conducted. The notice must appear in the paper of record which is the Putnam County News & Recorder. The PCNR normally closes all public notices on Monday at noon – exceptions occur during weeks when there is a public holiday such as Labor Day. The paper is published on Wednesdays which means that, with a Wednesday publication and the notice period of 10 days, a public hearing can occur at the earliest 10 days after the Wednesday publication date. So, for example, if the ZBA decides on Thursday, Oct. 3 that an application is ready for a Public Hearing, the notice is given to the PCNR by Monday, Oct. 7; the notice is published in the paper on Wednesday, Oct. 9 and the public hearing can occur no earlier than Saturday, Oct. 19. In reality, the hearing would likely be held on Monday, Oct. 21 – 18 days after the ZBA had decided to proceed to a public hearing. The worst case scenario would be a decision by the ZBA on a Monday evening leading to a Public Hearing 3 weeks (or 21 days) after the decision. The 10 day period in the current local law, along with the cutoff date for the weekly publication of the paper of record combine to make a very lengthy delay for applicants to the ZBA.

The ZBA is requesting a change to the current local law to reduce the notice period from 10 days to 5 days. Using the previous example where the ZBA decides on Thursday, Oct. 3 to proceed to a Public Hearing, the notice is given to the PCNR on Monday, Oct. 7 with publication of the notice on Wednesday, Oct. 9, the public hearing could occur now on Monday, Oct. 14 – in 11 days versus in the previous example of Monday, Oct. 21 – an improvement of one week. In the worst case scenario of a decision on a Monday evening to proceed to a Public Hearing, the Public Hearing could occur 2 weeks after the decision versus 3 weeks in the current environment.

Ms. Early also said that they were hopeful to add signage to the property and legal notice for additional notification. They would also like to change the mailings from Certified to Priority because Certified requires a signature and may not be returned in a timely manner whereas Priority has a tracking number that can be traced for delivery notice without having to wait for a return receipt.

Susan Peehl read her explanation of why it should NOT be changed. Her views also reflected those of Andrew Hall's. A copy in full is **attached**.

An email from the Planning Board Chairman, Barney Molloy, stated that they had no formal objections to the ZBA's request that the notice period for their public hearings be shortened from ten days to five days. However, they would encourage all Village Boards to consider a common initial application notice requirements and coordinated review schedule where practical and urges the Village Board of Trustees to schedule a joint board meeting with all Village boards to discuss the potential.

After asking if there were any additional comments regarding the ZBA's intent to change the public notification from ten days to five days with no response, a motion was made by Trustee Hawkins to close the public hearing. The motion was seconded by Trustee Hustis and the public hearing was closed with a unanimous vote.

Correspondence:

A letter of request was received from Janice Hogan and Adam Osterfeld for a stop sign to be put at the exit of the Foodtown parking lot and a crosswalk from Foodtown at the Post Office to the Drug World Plaza by the Deli.

The Village Board is working on getting the stop sign but the crosswalk has to go through DOT. Trustee Campbell will follow up with DOT.

A letter of approval from Janice Hogan and Adam Osterfeld was received regarding the fact that they feel the Cold Spring Village Government and the developer, Paul Guillaro, Butterfield Project, can work through issues of concern that have stalled the project. "My husband and I believe that the current administration is capable of the effective and respectful communication along with critical thinking that can move the proposed Butterfield development forward". Based on this, they support the proposed zoning changes necessary for the development to get started.

A memorandum was received from "Recreate NY Smart Home Buyout Program Office, regarding early notice and public review of a proposed activity in a 100-year floodplain.

A memorandum from Village Clerk Mary Saari was received requesting permission to close the office to the public on Thursday, October 10th to conduct a records management day.

Trustee Hawkins made a motion to approve the Village Clerk's request to close the Village office on October 10th seconded by Trustee Campbell. The motion was approved unanimously.

Carolyn Bachan of the HDRB joined the Board to discuss the draft proposed **RFP for The Grove** (Loretto Rest). The RFP will be amended to add language preventing the demolition of the building. Any bid can be rejected. Site visits will be scheduled for any serious bidders.

Advertising should be posted beyond “local”. It can be put in the NY Times for a fee of \$500. All felt that this is worth the cost because it would be recovered, not only in the sale of the property, but also if the property is put back on the tax rolls. Mike Bowman will be asked to set up a website with interior and exterior photos of The Grove connected to the Village Website for all interested parties to view.

Resolution 39-2013 SEQRA Review for an RFP for The Grove

WHEREAS, the Village of Cold Spring owns a certain 0.86 acre parcel of land within its municipal boundaries located at 12 Grove Court, which property is identified on its Tax Map as Section 49.5; Block 3; Lot 46.1 and also shown as Lot 3 on Putnam County Filed Map 2924; and

WHEREAS, the property is improved by a 4,450+/- square foot structure, which structure is designated on the National Register of Historic Places and is referred to herein as (“The Grove”); and

WHEREAS, the Village of Cold Spring, at present or in the foreseeable future, does not have any practical way to put The Grove to public use. Accordingly, the Village is considering declaring The Grove to be surplus property and offering it for sale or long-term lease; and

WHEREAS, in connection with its potential declaration of The Grove as surplus property, the Village of Cold Spring shall be publishing and accepting requests for proposals for the future ownership and use of The Grove (“RFP”); and

WHEREAS, the Village of Cold Spring desires to comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) as it applies to the RFP process and ultimate sale and/or lease of The Grove (the “Action”) and has prepared and reviewed the attached Short Form Environmental Assessment Form.

NOW, THEREFORE, BE IT RESOLVED:

1. The RFP process, ultimately, the sale and/or lease of The Grove is an Unlisted Action under SEQRA.
2. Based on review criteria in the Short Form EAF and the following reasons, it is hereby determined that the Action will not have the potential for a significant adverse impact on the environment: (i) the RFP process nor the sale and/or lease of The Grove alone impacts the environment; (ii) the RFP process vests the Village of Cold Spring with significant amounts of discretion to determine the future use of The Grove and to insure that its future use will not have the potential for a significant adverse impact on the environment; and (iii) the future reuse of The Grove may be subject to additional environmental review based on the Village of Cold Spring’s zoning code.

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

The vote on the foregoing resolution was as follows:

Matt Francisco, Trustee, voting YES
Bruce D. Campbell, Trustee, voting YES
Charles E. Hustis III, Trustee, voting YES
Stephanie Hawkins, Trustee, voting YES
J. Ralph Falloon, Mayor, voting YES

Resolution # 39-2013 is officially adopted on September 24, 2013 by a vote of 5-0

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 September 24, 2013.

Mary Saari, Village Clerk

Dated September 25, 2013

A **request** came from Haldane Central School for the early evening on October 4th, 2013, for permission to hold the “Home Coming” parade beginning at the foot of Main Street walking east, north on High Street, east on Haldane Street, north on Morris Avenue ending at the field on Morris Avenue culminating with the bonfire.

Trustee Hustis made a motion to approve the request from Haldane for October 4th, seconded by Trustee Francisco. The motion was approved with a unanimous vote.

A letter was received from ProSource Technology requesting Lead Agency Status – Recreate NY Home Buyout Program signed by Jennifer B. Wolff, PG, CPG, Senior Project Manager. ProSource Technologies, LLC (ProSource) was retained by and is submitting this letter on behalf of HCR (Homes and Community Renewal) to inform the Village Board of Cold Spring that HCR proposes to act as lead agency for the SEQRA review of the Recreate NY Home Buyout Program. “If we do not receive your response within thirty days of the date of this letter, September 12, 2013, we will assume that you concur with HCR assuming Lead Agency Status”.

At the advice of Attorney Mike Liguori, the Board has opted to take no action other than acknowledge receipt of the above letter thereby letting ProSource assume that we concur with HCR being lead agency.

The Village workshop will be held next Monday, September 30th at 7:00 pm.

Meeting was adjourned.

Respectfully submitted

Sandra L. Falloon