

**MINUTES BOARD OF TRUSTEES PUBLIC HEARING
FEBRUARY 18, 2014**

The Village of Cold Spring Board of Trustees held a public hearing on Tuesday, February 18, 2014 at Village Hall, 85 Main Street, Cold Spring, NY beginning at 7:30 pm for the purpose of hearing comment on a revised local law entitled, “A Local Law to Amend Village Code Chapter 134 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).

Attending: Deputy Mayor Bruce Campbell, Trustees: Francisco, Hawkins and Hustis

Also: Michael Liguori, Village Attorney

Absent: Mayor J. Ralph Falloon

Deputy Mayor Campbell opened the meeting. Trustee Hawkins reviewed recent changes to this legislation which were made in response to public feedback. These changes include allowing local business groups and adding a definition for convenience store. Trustee Francisco pointed out that changes have been made in response to the Planning Board’s recommendation to allow local business groups. The proposed legislation defines formula businesses as businesses with ten or more other businesses. He also spoke about the public support for this legislation. The meeting was then opened for public comment.

Anne Impellizzeri, resident of 15 High Street, and vice chair of the Special Board, stated that the proposal was originally developed by the Special Board with encouragement from the Village Board. The character of the Village is precious and formula business will quickly affect Cold Spring’s character, the character that we love and that preserves the value of our property. We have both an emotional and economic interest in the character of our village. She trusts that the board will adopt this legislation.

Donald MacDonald, 10 B Street, is a member of the Zoning Board of Appeals but is speaking as a resident. Formula businesses don’t fit in with the character of our small village and thanks the Special Board and congratulates the Village Board for acting quickly. He urged the board to pass this law.

Frank Haggerty, 12 Main Street, hopes this legislation works and wonders if the town will look at this law and see if it makes sense for them.

Michael Bowman pointed out a typographical error in Section 3 of this law.

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

BOARD OF TRUSTEES WORKSHOP

The board held a workshop following the close of the public hearing.

CORRESPONDENCE

Phillip Heffernan asked the board to address the lack of drainage and “wall of ice” coming from the roof of the Cold Spring Firehouse which threatens the adjacent parking area at 7-9 Church Street. Trustee Francisco will follow up and meet with Mr. Heffernan.

Daniel Rayner and Angela Devine, 3 Forge Gate Drive, requested a vendor’s permit to sell tie-dyed clothing on Main Street. Their business would operate on weekends of Memorial Day, Independence Day, Labor Day and Columbus Day. The board asked for the attorney’s review of this request and to seek Chamber of Commerce input.

2014 PARKING SUBCOMMITTEE

Trustee Hawkins moved to establish a subcommittee consisting of nine village residents to take up parking discussion and put out a call for letters of interest. Motion seconded by Trustee Francisco and unanimously approved.

HOLIDAY LIGHTING SUBCOMMITTEE

Trustee Hawkins moved to establish a subcommittee for holiday lighting (as per the parking subcommittee) and seconded by Trustee Francisco and unanimously approved.

FIREMAN’S SERVICE AWARD

Trustee Hawkins moved to authorize forwarding the 2013 Fireman’s Service Award Point listing to Penflex and seconded by Trustee Hustis and unanimously approved.

Trustee Campbell moved to add to the agenda the receipt of one proposal in response to the RFP for The Grove and seconded by Trustee Francisco and unanimously approved.

RESOLUTION ADOPTING FORMULA BUSINESS LOCAL LAW #06- 2014

WHEREAS, the Village of Cold Spring Board of Trustees 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-up 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 Board of Trustees has requested its legal counsel to draft a proposed Local Law amending Village Code Section 143-18 “Supplemental Regulations Applying to All Districts”; Section 134-2(B) “Definitions” and Section 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”, “Drive-in Windows” and “Convenience Store” 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 received and reviewed a Part 1 of the Full Environmental Assessment Form (EAF) prepared by legal counsel to the Village; and designated itself as lead agency and a negative declaration was adopted; and

WHEREAS, said Local Law was referred to the Putnam County Planning Department pursuant to the General Municipal Law Section 239-M for its review and comment; and

WHEREAS, said Local Law was referred to the Village Planning Board pursuant to provisions of Section 134-32 for its review and report; and

WHEREAS, said Local Law was published along with the requisite notice of Public Hearing and a Public Hearing was held on October 14, 2013 in order for the Board of Trustees to obtain the comments of the public on the proposed Local Law and said Public Hearing was closed on October 22, 2013; and

WHEREAS, said Local Law was revised to incorporate the comments of the County, Village Planning Board and public and a second Public Hearing was held on February 18, 2014 on the revised Local Law; and

WHEREAS, said Local Law, subject to minor edits for typos/grammatical errors, is in its final review and has been on the desks of the Board of Trustees for the required amount of time set forth under the provisions of the Municipal Home Rule Law.

NOW, THEREFORE, be it resolved that Board of Trustees hereby adopts the proposed local law entitled, “A Local Law to Amend Village Code Chapter 134, entitled ‘Zoning’ by amending Village Code Section 134-18. “Supplemental Regulation Applying to All Districts,” Section 134-2 (B), “Definitions,” and Section 134-9 (c)(2), 134-10B(1) and 134-11 B(1).

Attorney Liguori read the text of this resolution.

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

On roll call vote:

Trustee Francisco voted	YES
Trustee Campbell voted	YES
Trustee Hustis voted	YES
Trustee Hawkins voted	YES
Mayor J. Ralph Falloon voted	ABSENT

Resolution officially adopted on February 18, 2014 by a vote of 4-0-1.

The passage of this resolution was met with applause from the audience.

PUBLIC COMMENT

Michael Bowman spoke about issues related to the open meetings law with regards to an item on tonight's agenda, listed under Executive Session, as a personnel matter. Mr. Bowman read the text of the OML regarding executive session as it relates to the criteria for holding an Executive Session.

Cathryn Fadde spoke about a tree committee meeting that was not announced.

After discussion, Trustee Hawkins moved to enter Executive Session to discuss the employment of a particular person and seconded by Trustee Francisco and unanimously approved.

Barney Molloy spoke about the Open Meetings Law that calls for posting items related to an agenda on the village website which would facilitate communication between the public and board.

Attorney Liguori proposed consideration of changes in board meeting procedures, such as adoption of resolutions at the monthly meetings and establishing a ten day period for submission of agenda items, which would allow for postings without increasing the workload for staff.

After this discussion, the board entered into executive session.

Trustee Francisco moved to exit Executive Session and seconded by Trustee Hawkins and unanimously approved.

9:15 pm Trustee Francisco moved to adjourn and seconded by Trustee Hawkins and unanimously approved.

Respectfully submitted,

Mary Saari, Village Clerk