

Code Update Committee Phase III

August 22, 2018

History

- Comprehensive Plan Adopted by Village 2012
- Local Waterfront Revitalization Strategy Completed 2011
- Local Waterfront Revitalization Program completed in 2014. New York State Department of State review (required) did not approve due to lack of Zoning items addressed.
- Village obtained grant from NYSERDA (New York State Energy and Research Development Authority) in 2014 to address 29 Code topics; formed Code Update Committee to perform this work.

Code Update Committee

- Purpose: Review and recommend action(s) on 29 topics defined by NYSERDA in 5 Categories.
- Status: Two public meetings have been held on the categories of “Use” and “Appearances”. All meeting materials are available on Village website (www.coldspringny.gov/pages/ColdSpringNY_CodeUpdate/cuc_public/).
- Tonight’s meeting is to obtain public input on Category 3 (environment). Verbal input will be received at tonight’s meeting. Written input will be accepted until September 22, 2018, and can be sent by email to trustee.early@coldspringny.gov or Cold Spring Village Office, 85 Main Street, Cold Spring, NY 10516, attention: Code Update Committee.

Previous Topics

Phase I – “Use”

- Permitted Use Standards
- Evaluate Restricting Main Street Shop Front Buildings to Commercial Uses
- Home Occupation Standards
- Evaluate Accessory Building Standards
- Evaluate Accessory Apartment Standards
- Detached Garage Standards
- Livable Floor Area Standards
- Evaluate Overnight Accommodation Standards
- Evaluate Waterfront Recreation Standards
- Parking Standards

Previous Topics

Phase II – “Appearances”

- Area and Bulk Regulation Standards
- Maximum Lot Coverage and Setbacks
- Standards for the Preservation and Restoration of Cultural Artifacts
- Sign Standards
- Standards for Three Story Buildings
- Landscaping Within and Around Parking Lot Standards
- Fence Standards

Future Topics

Dates – To Be Determined

Phase IV – “Procedures”

- Evaluate Permitting Conservation Easements/Façade Easement
- Evaluate Outright Demolition of Existing Structure
- Evaluate Permitting Conservation Subdivisions
- Amend Subdivision Regulations
- Evaluate Adopting Waterfront Consistency Review Law

Phase V - “Consistency and Clarity”

- Amend the Village Code for Clarity and Consistency; and
- Revise the Zoning Map to include new zoning districts and revised boundaries for existing zoning districts based on the recommendations of the Village’s existing Comprehensive Plan and the Local Waterfront Revitalization Program

Tonight

Phase III – “Environment”

Topics

- Outdoor Lighting Standards
- Evaluate Steep Slope Standards
- Evaluate Flooding Standards
- Evaluate Adopting a Ridgeline Protection Overlay District
- Green Building Standards

Outdoor Lighting Standards

- The Code Update Committee (CUC) looked at
 1. Comprehensive Plan (CompPlan)
 2. Local Waterfront Revitalization Strategy for recommendations on goals for changes to the current lighting code
 3. To the Village of Cold Spring Code (VoCSC) to discover what is currently regulated
 4. Other municipal codes

The current code is silent on existing street lighting and lamping, light trespass, shielding, and fixture and lamp types, either for the benefit of safety or cost and energy savings.

The CUC addressed these and other issues in a proposed new chapter in VoCSC (perhaps Chapter 72).

Purpose

It is the purpose and intent of this chapter to balance the goals of providing efficient and practical lighting for residents and businesses in the Village of Cold Spring, maintaining the village's character, minimizing light pollution that may interfere with the enjoyment, health, safety, and welfare of citizens and visitors, and reducing energy consumption. It is intended to reduce problems of glare, minimize light trespass into public spaces and private property and protect the nighttime character of the Hudson Highlands sky.

Sections of the new code will address:

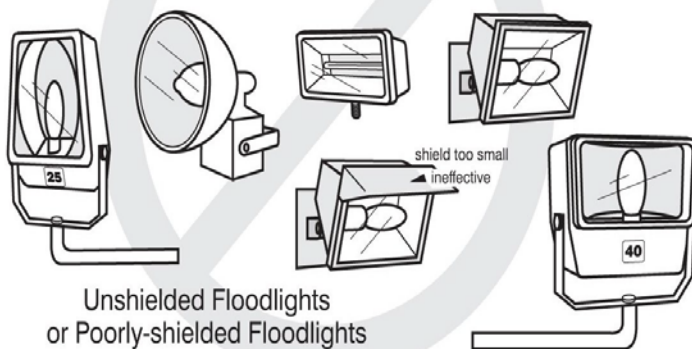
- Conformance
- Applicability including new lighting, existing lighting and public roadways
- General Outdoor Lighting Standards
- Outdoor lighting standards by type
- Prohibited Lighting
- Special Uses
- Exemptions and non-conforming lights
- Plan submittal and evidence of compliance
- Approved materials and methods of construction or installation/operation
- Violations, legal actions and penalties
- Information sheet

Within these standards the topics not currently contained in the code will be addressed. Highlights include:

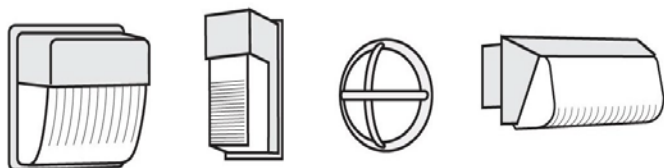
- A requirement to shield light including in residential districts
- Use of energy efficient lighting such as LED (light emitting diodes)
- Limiting lumens and height of lamps and fixtures
- Time restrictions for commercial lighting

Unacceptable / Discouraged

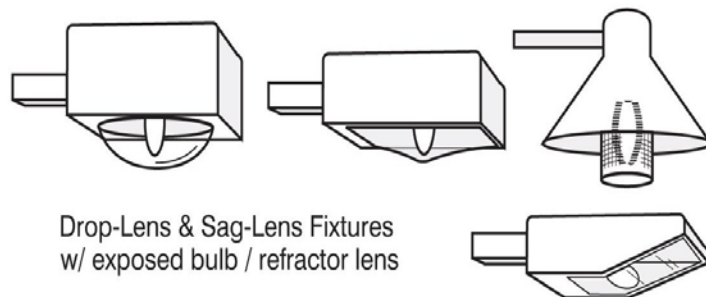
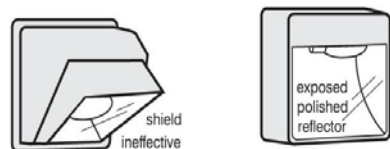
Fixtures that produce glare and light trespass



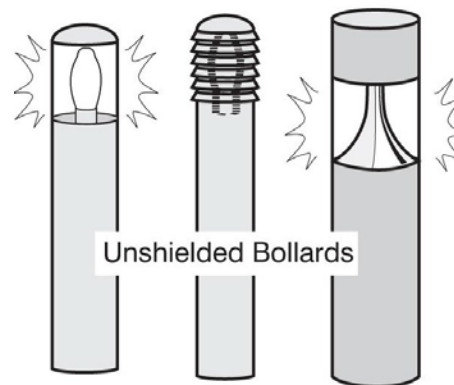
Unshielded Floodlights
or Poorly-shielded Floodlights



Unshielded Wallpacks
& Unshielded or
Poorly-shielded Wall
Mount Fixtures

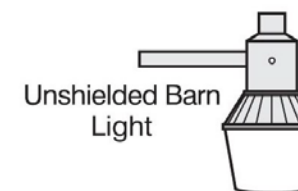


Drop-Lens & Sag-Lens Fixtures
w/ exposed bulb / refractor lens

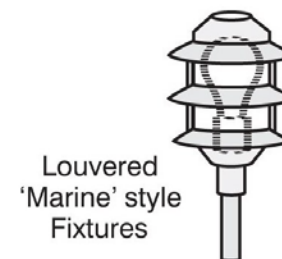


Unshielded Bollards

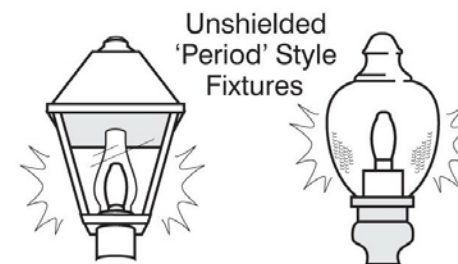
Unshielded Streetlight



Unshielded Barn
Light



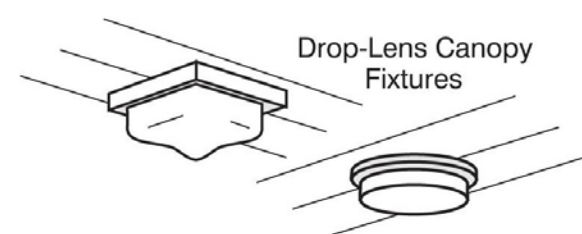
Louvered
'Marine' style
Fixtures



Unshielded
'Period' Style
Fixtures



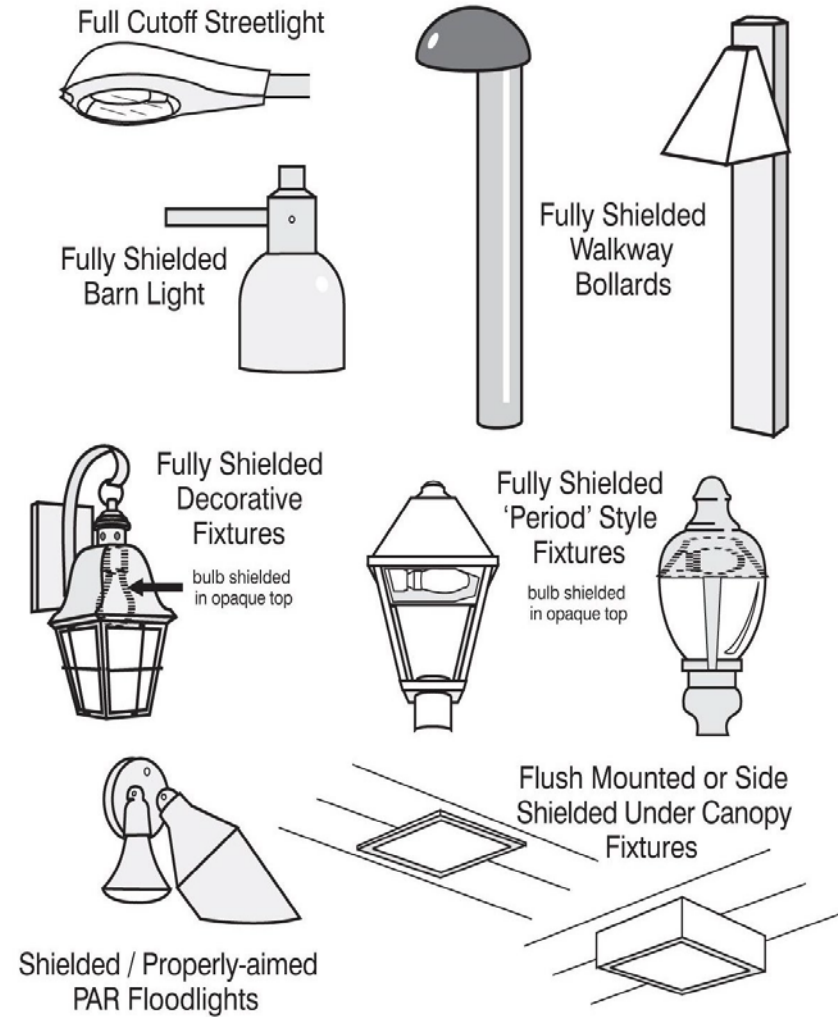
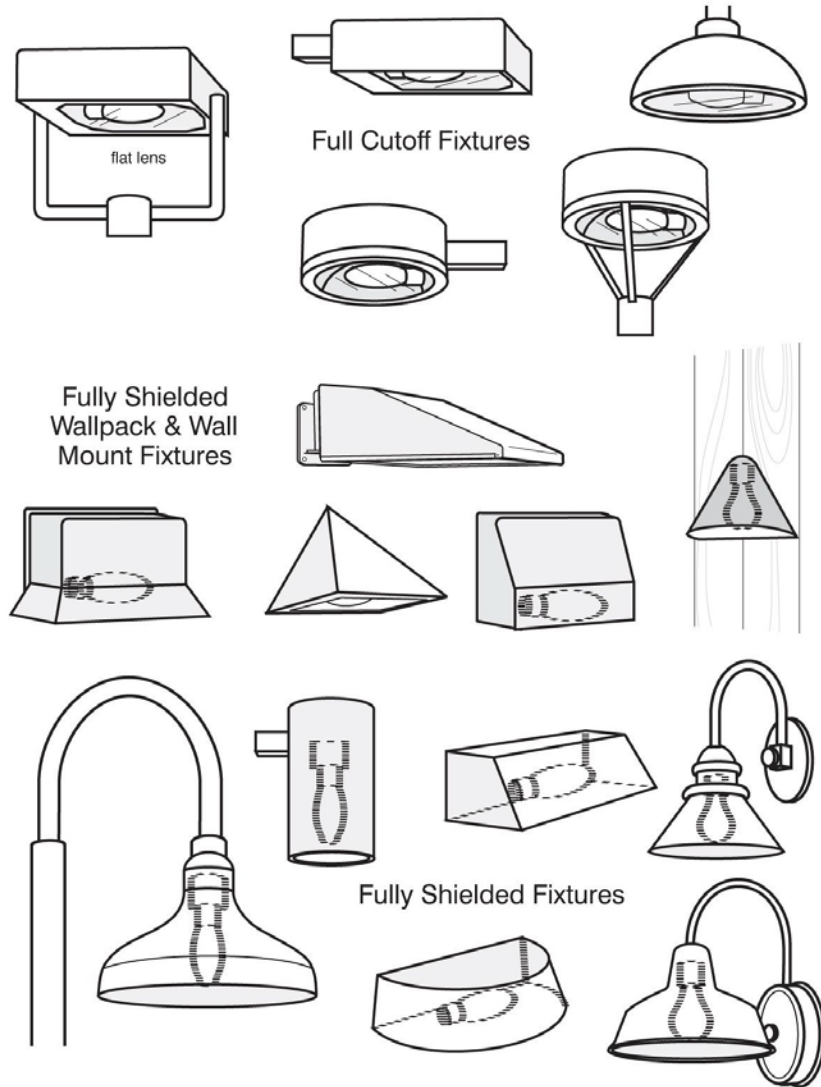
Unshielded PAR
Floodlights



Drop-Lens Canopy
Fixtures

Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Evaluate Steep Slope Standards



Background

The Village of Cold Spring has steep slopes and retaining walls.

There are no local regulations governing disturbance of steep slopes or construction of retaining walls.

Disturbance of steep slopes can cause erosion, slope failure, and destruction of property.

Construction of retaining walls can impact the visual character of the Village (in both positive and negative ways).

Purpose

To protect the environment and avoid erosion, slope failure, destruction of property, and detrimental impact on Village character.

Methodology

Provide guidelines for when oversight is needed relating to steep slopes and retaining walls.

Provide procedure for oversight when appropriate, with standards for review

Approval authority is either Code Enforcement Officer or Planning Board (for projects requiring PB approval)

Provide procedure for variances if appropriate in specific situations

“Customary landscaping” is allowed without a permit

Evaluate Flooding Standards

Purpose

The Comprehensive Plan recommended “3.3.7. Consider floodplain protection measures, and ensure that residents are informed of any changes in the FEMA insurance floodplain map that may affect their properties.”

Considerations

- Methods to secure fuel tanks.
- Allowing three stories in flood zones.
- Deleting references to mobile homes and manufactured homes in the Code.

Anchoring Fuel Tanks

The CUC concluded that the Code's flood provisions, Chapter 52-16.A, should be amended to require properties located in flood zones to anchor fuel tanks. The CUC proposes that the Code refer to FEMA's *Principles and Practices for the Design and Construction of Flood Resistant Building Utility Systems*, available online at fema.gov.

Anchoring Fuel Tanks

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Allowing Three Story in Flood Zones

The CUC considered allowing three story buildings in flood zones in order to allow for a sacrificial first floor. CUC determined that this was not a good idea for the Village because taller buildings in the flood zone on the river would obscure the magnificent views of the river enjoyed by the entire Village.

Mobile and Manufactured Homes

- The CUC recommends deleting references in the Code to mobile homes and manufactured homes since these are not allowed in the Village.

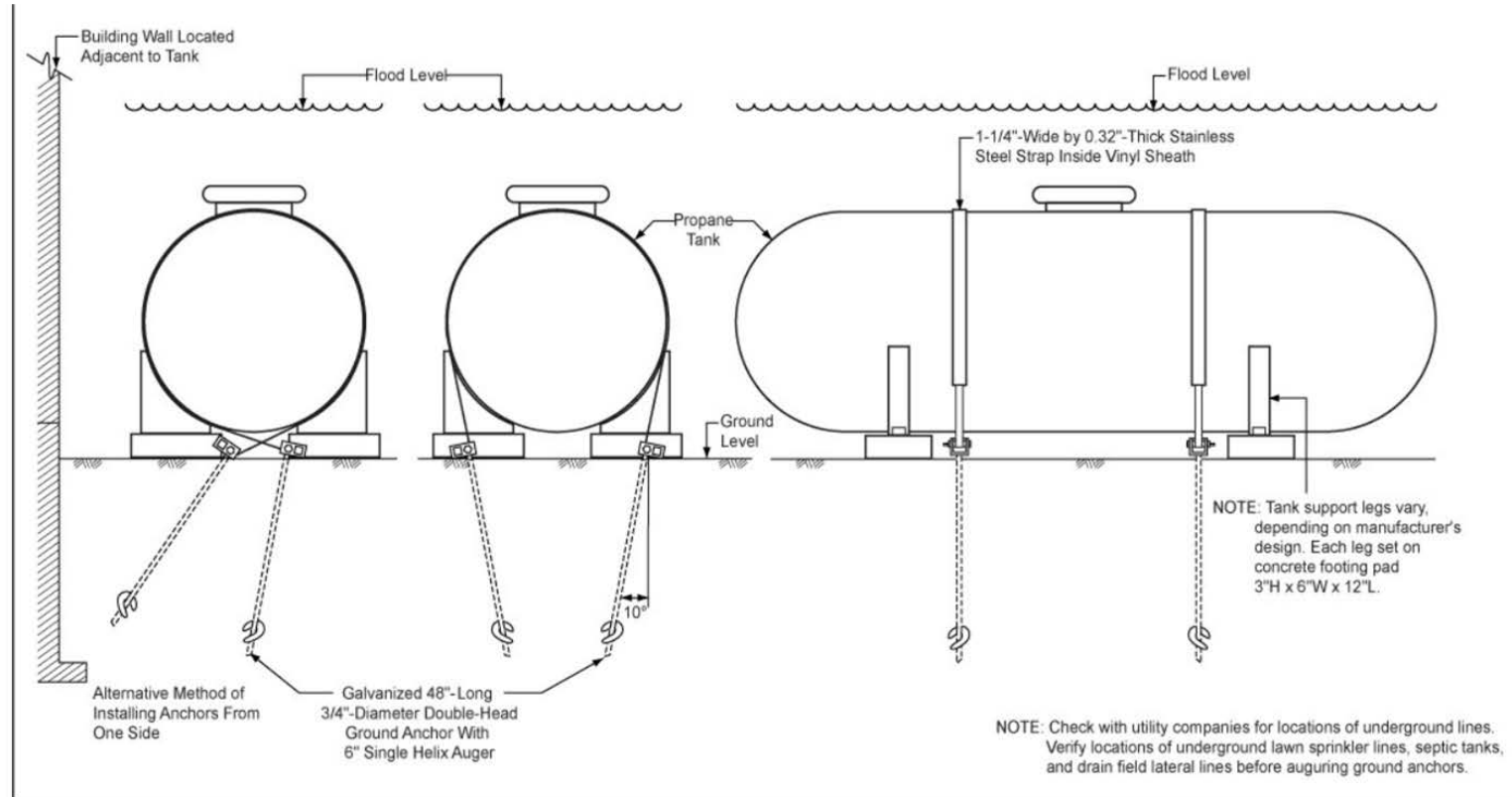
Above ground tank carried off by flood water



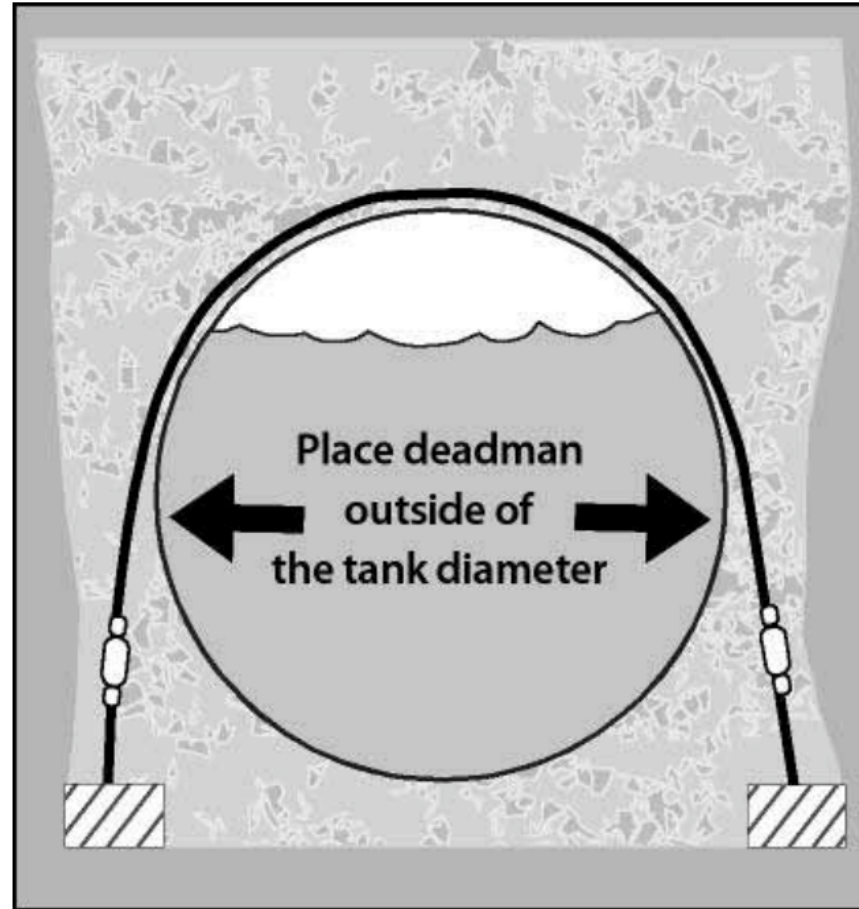
Bouyancy effect on below ground tank



Anchoring an above-ground tank



Deadman anchors and straps used on below-ground tanks



Evaluate Adopting A Ridgeline Overlay District

Topics considered:

- What is a “ridgeline overlay protection district”?
- What is the definition of a “ridgeline”?
- What are the possible ridgelines in the Village of Cold Spring?
- Review of Ridgeline Protections from other Codes
- Review of the Comprehensive Plan and the Local Waterfront Revitalization Strategy documents to identify what, if anything, was stated.
- Discussion and conclusion of the Code Update Committee

What is the definition of “Ridgeline” ?

noun. 1. a line formed along the highest points of a mountain ridge. 2. an area of higher ground separating two adjacent streams or watersheds.

What is a “Ridgeline Protection Overlay District”?

The purpose of a ridgeline protection overlay district is to protect ridgelines from potentially hazardous development (e.g., resulting in landslides, excessive erosion, flooding) or land uses that would negatively impact views of the ridgelines from offsite vantage points.

What does the Comprehensive Plan and LWRS Say About Ridgeline Protection?

The 2011 LWRS states:

7.2.7 Recommendation: Protect views of the ridge from the Foundry Trail and Foundry Cove through conservation easements, local enforcement of SASS (Scenic Areas of Statewide Significance) guidelines, and/or creation of ridgeline protection overlay district.

What Village locations did we look at?

- “Kemble Ridge” (between Marathon property and West Point Foundry Preserve (WPFP) – identified in the Comprehensive Plan. “Kemble Ridge” extends from West Point Foundry Preserve (located on Kemble Avenue) west/north toward the river.
- Lunn Terrace as it rises on either side of the RR tracks
- Rock Street elevated area – rock outcropping
- Dockside Park hill – (West side of tracks)
- Northern Gate Properties – (East side of tracks)
- Highway Garage Property
- Haldane Softball Field/Little League Field drop off
- Grandview Terrace (drops to Fair, and goes to end of Village northern end)
- Haldane Campus – where the bell is located
- Haldane Campus – Parking lot above football field
- Haldane Campus – High School building
- Maple Terrace Area across from Town Hall including area between Paulding Avenue and Parrott Street down to lot fronting Main
- Hill rising between Marion/Benedict/Chestnut and Kemble Avenue, and WPFP
- Properties along Paulding on the west side of Paulding, visible from M&T Bank and on the other points in the village

Ridgeline Protections In Other Codes

- Similar small villages with RPO districts define “ridgelines” as being at least 600’ in elevation
- Williston, VT, Protection Overlay District (recommended as an example by NYSERDA)
- Village of Sloatsburg Code, Chapter 54, Overlay Districts
- Village of Cross Plains, WI (from the Pace Land Use Center Database)

Evaluation

- There are no “ridgelines” in the Village of Cold Spring.
- The highest point in the Village is approximately 260’ above sea level (NW corner of Village above Haldane High School).
- “Kemble Ridge” elevation is 40’ - 70’ over WPFP walking path; with elevations rising to 140’ at Chestnut Street entrance to WPFP at old haul road.



“Kemble Ridge” over WPFP Walking Path



Conclusion of the Code Update Committee

- The CUC concluded that similar regulations are not appropriate for the Village of Cold Spring based upon the size of the Village, the highest elevations in the Village, the fact that the Village is primarily built-out, and the major ridgelines requiring protection are outside of the Village of Cold Spring and subject to Philipstown's scenic ridgeline protection regulations. See §175-35.

Conclusion of the Code Update Committee

- The CUC identified areas within the Village of Cold Spring to consider as “ridgelines”.
- The CUC reviewed the LWRS recommendation 7.2.2.
- Code examples from other communities were reviewed.

Conclusion of the Code Update Committee

- Recommend Village Board consider pursuing conservation easements and/or local enforcement of SASS guidelines as per LWRS recommendation 7.2.2.

Green Building Standards

- Definition: Standards for design and construction that reduce the use of energy and other resources such as water
- A rapidly evolving topic

Comprehensive Plan Recommendations 2012

- More stringent standards than NYS Energy Code
- Encourage green building standards
- Require meeting Energy Star
- Encourage LEED (Leadership in Energy and Environmental Design)

Green Plan Recommendations 2018

- Expand purposes of zoning law – conservation of energy, water
- Become a Climate Smart Community
- Provide incentives
 - fee waivers for solar, etc.
 - expedited review
- Consider model green building code (no similar examples, so do not consider)

Green Plan Recommendations 2018

- Expand purposes of zoning law – conservation of energy, water
- Become a Climate Smart Community
- Provide incentives
 - fee waivers for solar, etc.
 - expedited review
- Comprehensive green building code not appropriate for Cold Spring (no similar examples, so do not consider)





Code Update Recommendations 2018

- Reconsider becoming a Climate Smart Community
- Expand purposes of code: conservation of energy, water
- Adopt incentives for voluntary use of LEED, Passive House, and other standards; also for solar and similar techniques

COMMENTS / QUESTIONS?

THANK YOU!