

## Written Input

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Michael Armstrong

I'd like to thank the Code Update Committee and Trustee Marie Early for preparing these proposed changes and presenting them to the public. I am concerned, however, that public access to the proposed changes was extremely limited prior to the meeting at which public comment was taken.

### Sign Standards

Temporary signs (posted for less than 3 months) should not require a permit (or certificate of appropriateness), since applying for and obtaining a permit would impose an onerous burden on the public in exercising freedom of speech (political signs) and needlessly constrain promotion of public events (concerts, parades, craft sales, etc.). They also create an expensive administrative burden for the Village Clerk. Given the nuisance such permits would pose, it is likely that enforcement would be spotty, and the law inconsistently applied, subjecting the Village to expensive lawsuits that it would be unlikely to win.

Some may argue that sign permits are necessary to ensure standards are being enforced. The same argument might apply to any public activity. We don't require permits to park your car, to walk your dog, or to shovel the snow off your sidewalks, even though all of those activities are subject to meeting standards. Why should we burden the citizens of this village with the requirement that they apply for a permit every time they want to put up a sign, when any offense could simply be handled by neighbors registering a complaint?

### Three Story Buildings

The proposed Code seems to allow three-story buildings only in the B1 District, with restrictions. The Code Update committee seems to have overlooked the fact that many of the residential structures considered to be characteristic of the village's culture, and even iconic, are in fact non-conforming. If destroyed, under this proposed code, they could not be rebuilt without a variance. Some will argue that this is true today: that three-story residences in the village do not conform to the current code, and could not be rebuilt by right if destroyed. This is true, but isn't the whole point of a code update to make clear what should be permitted and encouraged, and what should be discouraged? I suggest that the requirements proposed and enumerated for three-story buildings for B1 districts apply to all districts, and not be restricted to Main Street. I also note the use of an undefined term in the language covering three-story buildings. The term "gross square footage" used in the proposed code is undefined.

I have included in the accompanying montage a photo of the historic Lente House on Grove Street. It is interesting because it was once an elegant Victorian three-story home with a slate mansard roof. The roof was demolished over a decade ago to convert the house to two stories (with a hip roof). While this allowed the house to conform to R-1 height standards (current and proposed), it mutilated a lovely building and destroyed much of its historic and economic value; in the end, the Village was forced to sell the place (new roof and all) for just \$5,000.

Some may ask, "What problems would we solve by increasing the building height to 3-stories, in B1 and, for that matter, throughout the village?" The problems we would solve are the same ones we solve by updating the code itself. We make what we want to keep, or have more of, conform to what we allow. Building housing density in the village makes sense and complies with the village's commitment to Smart Growth: it increases affordable housing, helping keep the village diverse, with a large taxable property

base. Although most of the dozen-odd tall residences are historic, not one could be rebuilt “by right” under the proposed code. Our tall old residences are part of the village’s charm and character, which the Comprehensive Plan says we should protect. Why do we insist on classifying them as non-conforming, when they embody what makes the village a destination and makes it special?

**Response:** Yes, three story buildings do in fact exist in the Village. The majority of these buildings exist in the B-1 district on Main Street. Allowing the construction of three story buildings, or allowing the expansion of current structures to three stories in all districts in the Village would significantly affect the character of the Village. The CUC felt that this could have a negative affect in those neighborhoods where a building would become three stories. The current code allows 2 ½ story buildings; with the use of a mansard roof or other construction techniques, buildings could increase their square footage yielding additional density to the Village.

#### One Story Buildings

The proposed code would limit the height of buildings in the Parks and Recreation District to one story, and just 16 feet. No map has been provided, but I assume that the Boat Club site would be in such a district. Limiting any future building on the Boat Club site to one floor ignores the clear need to account for flooding west of the railroad tracks. The ideal structure would likely have two or even three stories, with the first floor allotted to covered parking, storage, or some other use that could be “sacrificed” to flood water.

By the same token, the maximum height for all buildings west of the railroad tracks, and in the flood zone, should be raised from 35 to 40 feet, to allow for elevating low-lying structures high enough that they would be protected from floods and rising sea levels. The Hudson House hotel was raised decades ago to lift it above flood level, and other structures in the village’s flood plain may need to adopt similar solutions.

**Response:** The point about a maximum height of one story in a flood plain is a valid point. Phase 3 of the CUC will address “Flooding Standards”. Yes, the Boat Club site is in the PR-1 district.

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#### Eliza Starbucks

My main concern is new development in the areas defined as MU-1 where the Marathon Battery Superfund Site is located. I’ve heard that this location is up for development. Because the plot is so large, any development of it would have an outsize effect on the village and therefore must encourage and protect community service, historic character, and natural open space.

What should be prevented is the construction of a cheaply built strip mall or condo complex. Such an addition would increase car traffic and replace an open meadow with an eyesore, while contributing nothing to the community. I would suggest encouraging vertical buildings (perhaps three stories high) with small footprints, as opposed to low, wide buildings, and preserving much of the land as green space. Here are standards that the committee might consider in the new code:

- For large developments (perhaps 10 acres or more), the mixed use should be divided between independent, freestanding homes; storefronts with residential apartments above; open-space parks; and one large-scale business, such as a gym or a grocery store. The use of these large sites could be defined by percentages (say, 1/3 freestanding homes, 1/3 retail and residential apts., 1/3 large retail and park land). Whatever the final percentages, I suggest that no more than 1/3 of the land should be dedicated to any single commercial business (including its parking lot).

**Response:** 10 acres would be very large indeed in the Village of Cold Spring. Currently, the largest lot at the Marathon site (the Marathon site is made up of multiple lots) is less than 10 acres. The CUC proposal is to encourage mixed uses by allowing more lot coverage (50%) for mixed residential / retail / commercial. If the use is purely residential or purely retail or purely commercial, the lot coverage is limited to 30% for each type of use.

- All buildings should have an appropriate amount of parking located behind the buildings (for small retail and apts.), in small 1-2 car garages (for homes), or underground (for large commercial).

**Response:** Rear parking is encouraged in MU-1 through a minimum front yard setback of 5 feet. Minimum parking requirements for residential, commercial and retail are the same as in other districts.

- Freestanding homes: I suggest zoning that requires ecological and small-footprint lifestyles, such as homes under 1,500 square feet (to prevent boxy McMansions) and on lots no smaller than 10,000 sq ft. This will provide more green space between homes. The code could allow freestanding homes to be built vertically up to 3 stories. Require homes to be set back from the street 100 feet or more and garages to be set behind the homes.

**Response:** The minimum lot size in MU-1 is 10,000 square feet. Homes, retail shops and commercial establishment in MU-1 have a minimum front yard set back of 5 feet, but any size front yard set back is permitted. The Comprehensive Plan urges placement of structures closer to the front lot line rather than having very deep front yards to encourage a small village (urban) layout as opposed to a rural layout which has very deep front yard setbacks. Vertical height of structures in MU-1 would be limited to 2 ½ stories, as in the rest of the Village with the exception of Main Street where three story buildings are permitted under certain circumstances. Garages can be placed anywhere on a lot.

- Retail spaces: encourage a "Main St." retail model by limiting the footprint of each retail building to no larger than 1,200 sq. ft and require apartments on the 2nd and 3rd floors to provide new affordable housing and ensure community in the area. Require every retail-residential building to include rear or underground parking for customers, employees, and residents. Front doors should be set close to the street, 10 feet or so.

**Response:** The CUC agrees that MU-1 development would be best served with a Main Street retail and commercial model. Retail, commercial and residential building footprint size is limited by the size of the lot and by whether the lot is a mixed use lot (50%) or a single use lot (30%). A mixed use lot can have a residential second floor of a retail or commercial building, or, the first floor can contain residential use but the front of the structure must be retail or commercial. Rear parking is encouraged with the 5 foot minimum front yard setback.

- Large commercial developments: Limit the building size to up to 15,000 sq ft. Permit only one building of this type in every 10 acres. Require underground parking sufficient for customers and require the ground level to be developed as a natural public park or village green. The underground parking lots could share or connect to underground parking for the smaller retail-residential structures. The large commercial building should be away from immediate residential view — for instance, no closer than 1,000 feet from the nearest freestanding home's front or back door.

**Response:** As mentioned above, 10 acres is very large for the Village of Cold Spring. MU-1 limits commercial-use only buildings to 30% lot coverage therefore a 15,000 square foot footprint commercial building would require a 50,000 square foot lot – a lot over an acre in size.

- Require ALL new buildings to be LEED-certified. New construction should be energy-efficient and generate the least possible pollution in the form of lighting, rain runoff, combustion byproducts, noise, and so on.

**Response:** The CUC is next examining the topics of “Outdoor Lighting Standards” and “Green Building Standards”.

- If possible, discourage or prevent the use of MU-1 residential spaces for temporary rentals like Airbnb. Short-term renters benefit from a healthy community but do nothing to build and support it. Short-term renting weakens a community by turning what should be homes — the bedrock of any community — into vehicles for profiteering. It also may inflate housing prices, driving away potential new residents except the wealthy.

**Response:** The topic of Short Term Rentals was addressed in Phase I. The CUC recommendations on this topic can be found on the Village website, in the Code Update Committee folder, in the Public Meeting subfolder, and in the Phase I subfolder.

Thank you for including my comments on the record and thanks to the Village Code Committee’s dedicated work on these matters.

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Bennett Goldberg

The lot at 30 Wall Street, currently zoned B-2, should be designated R-1 in keeping with the lot’s current existing and historic use as a single family home and its location on the corner of two streets that are designated residential (Wall and Marion).

The 30 Wall lot forms a triangle at the southeast corner of the intersection of Wall, Marion and Furnace (also a residential street). And as discussed during the drafting of the Comprehensive Plan, while the lot does neighbor the business properties on Chestnut, and B-2 uses at 8 Marion, these properties are a house (Chestnut) and professional offices (8 Marion) that are in keeping with the quiet residential nature of the area before it encounters the de facto, unregulated Foodtown loading dock area that occupies Village Property at the south end of Marion near Benedict Rd. It was recorded in public comment during the creation of the Comprehensive Plan that numerous village residents, and others, use the Marion Avenue sidewalk and Marion Avenue to walk to Foodtown before taking a shortcut through Cold Spring Lawnmower property to avoid the hazards at the back of Foodtown to walk to the plaza. In order to preserve the residential and walkable nature of Furnace, Wall and Marion Avenues in keeping with these comments and wishes of the community, please see that the lot at 30 Wall be designated residential in any code update.

**Response:** Your comment is appropriate. The designation of the lot at the corner of Marion and Wall will be re-evaluated, along with the I-1 (and proposed MU-1) designation of the lots on The Boulevard and Rock Street.

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Stephen Rose

1. Require all new construction projects to bury utility wires. I consider visible wiring to be the biggest appearance issue at the moment in the village.

2. Noise issues (the village is overwhelmed with engine noise):

a. Limit leaf blowers to the fall season. Landscape maintenance crews use loud gas-powered blowers year round. They love to use them after mowing yards, to clean streets, sidewalks, and driveways. The noise really travels, is disruptive to anyone in the neighborhood, and is dangerous to hearing. A push broom would do. I've even seen them used for light snow removal in winter. It's bad enough to hear these machines in the fall, but I'm hearing them at any time during the week for most of the year.

b. Require a certain decibel level and limited hours for use of leaf blowers in the fall.

c. Prohibit fueling and launching of jet skis in the village.

d. Set a decibel level for all noise. I'm sure motorcycles are exceeding any reasonable level. Yes, this is difficult to enforce, but summer weekends are often filled with motorcycle and water motorcraft noise. It's like we are a motor playground instead of a peaceful village.

3. Smoke issues:

a. Prohibit yard firepits. Firepits are primitive, inefficient nuisances to the quality of life in a closely settled village. They can destroy a neighborhood air quality quickly in times of high pressure and no wind. Village residents have a right to pure air, especially outside of the heating season. We rarely use air-conditioning and use room fans and a whole house fan for cooling. Frequently this summer, I had to shut off all my fans and close the windows, because my house was filling with smoke from nearby firepits.

b. This may already be the case: All new woodburning devices should meet certain emission standards. As we know, there are lots of older devices that are very inefficient and making winter nights unpleasant.

4. Water runoff - Somehow stipulate a maximum allowable water runoff from one property to another. I suppose this would be part of permitting for new construction.

5. Short term rentals

a. No entire house short term rentals in residential areas. This is already happening. CS residents actually vacate their houses so someone can rent them short term. Partying, noise, and traffic issues result. It's certainly possible that entrepreneurs will buy village houses solely for the purpose of short term rentals, or that residents will permanently leave for cheaper digs and continue to rent out their houses for \$400+ per night. Obviously, this would be detrimental to our sense of community.

b. Any apartment leased for short term rental should be governed by state hotel laws and taxes. The problem with short term use of apartments, of course, is loss of affordable housing units for full time and new residents.

c. Registration, parking, and safety codes for all short term rental situations, such as partial house rental.

Can police be involved in code enforcement?

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Dave Merandy

Dear CUC members:

The overhaul of our existing outdated code is a huge undertaking and I appreciate all the time, effort and thought that has and will go into it. The Village is lucky to have such dedicated residents willing to sacrifice a considerable amount of precious personal time in this endeavor. The time CUC has spent was even more appreciated as I thoroughly reviewed the Phase II recommendations. Thank you all!

One of the main reasons I ran for office was and is my love for this Village, the understanding that change is inevitable and the hope to minimize change that would create a more urban environment. Cold Spring is Cold Spring because it has somehow held onto its character. The surrounding area has been saved by the many active environmental groups and the Village has been saved by determined residents and our geographical confines, which limit sprawl and expansion. To me, this is a good thing. Small pockets of open space along with our larger parks, mountains and river are what give the Village its distinctive character. There are a few changes recommended that could change character, which I am completely opposed to.

Chapter 134-12. The creation of the MU-1 district. This change, if I'm reading the map correctly, affects 3 properties. The M&T Bank, The Nest and the Marathon property. The lawn and landscaping between Chestnut St. and the M&T building adds a sense of space and lack of clutter. I don't see why we would change the current designation which includes restrictive setbacks? This change basically allows more residential homes to be built. I can't imagine the lawn gone or houses built along this stretch, mirroring those immediately to the north. To what end? We have already allowed the southern gateway to be destroyed (if all proposed buildings on the Butterfield site are built) so why destroy what precious little is left by changing the existing code.

**Response:** The MU-1 district includes the Marathon property, the Impellittiere / Rust / Riverview / Village Garage site / Village Wastewater Treatment Plant, and the area including some properties on the north side of The Boulevard northward to some properties on the south side of Rock Street. The Nest and M&T Bank are not proposed to become MU-1. However, a portion of the proposed changes does affect setbacks in B-3.

M&T Bank and The Nest on Chestnut Street are zoned B-3; the Foodtown Plaza and the Yannitelli Plaza are zoned B-2. There is no recommendation to change the zoning district for either of these properties. The Comprehensive Plan recommends changing the front yard setback in B-2 to permit structures to be closer to Chestnut Street (i.e., making the front yard setback smaller) to encourage parking in the rear; the CUC has proposed changing the front yard setback in B-2 from 60 feet minimum to 10 feet minimum. The CUC has also proposed changing the front yard setback in B-3 from the current 60 feet to a proposed 10 feet. Thus, if the owner of the lot decided to do so, the owner could construct buildings along the Chestnut corridor at a minimum of 10 feet from the property line. The CUC proposes buildings within the B-1, B-2 and B-3 districts have businesses (commercial/retail) on the first floor with

residential, retail or commercial on the second floor. Thus, there would not be “residential homes” permitted on the east side of Chestnut in the M&T or The Nest lots. The intention here is to encourage Chestnut Street for pedestrians with commercial and retail opportunities

Has the changing of the Marathon Site to MU-1 been thoroughly thought out? This would be a dramatic change. Using all recommended code changes, what would the maximum allowable build-out of the property look like? By making this change wouldn't the existing ingress and egress problems to the site be exacerbated?

**Response:** Significant thought went into the proposed creation of the MU-1 district. That is not to say that all issues have been addressed. Ingress and egress to The Boulevard and southern Kemble Avenue have not changed with this proposed creation of the Marathon MU-1 district. As with any potential large scale development, a process exists in the Village Code under the Planning Board which requires, among other things, a traffic analysis. Issues of ingress and egress would be identified here, and addressed as appropriate.

As for build-out, currently the Marathon properties (there are multiple lots according to the Putnam County Tax data base) are zoned I-1 which permits light industry buildings on lots of at least 40,000 square feet with 35% lot coverage. One Marathon lot (address 53 Kemble Ave.) is 6.64 acres; remaining lots (8 lots, again according to the Putnam County tax database) are located on Clark Rd (a currently non-existent road) and on Constitution Drive where, again according to the Putnam County Tax database, Constitution Drive makes a right turn to the east (as you are aware, currently Construction Drive is a dead end). These 8 lots range in size from 60' x 100' (too small to be developed under either I-1 or MU-1) to 80' x 151' (too small to be developed under I-1 but large enough to be developed under MU-1). Under current I-1, for the single 6.64 acre lot, a single industrial building or office building could be constructed of roughly 369,600 square feet. Or, again on this single lot, roughly 26 single family houses could be constructed ignoring requirements for streets, roadways, etc. Of course, the owner of all these properties has multiple available options including lot line adjustments, lot mergers, etc.

Chapter 104. Signs.

A (j) How would the exposed Palen's Drug Store be affected?

**Response:** Palen's Drug Store sign is not affected by any of the proposals from the CUC.

B (1) Where would an example of this be? This is extremely small.

**Response:** Yes, one square foot is small. The intention is to keep home occupation signs in residential neighborhoods as unobtrusive as possible.

C (a) & (c) These standards seem to allow for a very large sign?

**Response:** One square foot for every linear foot of shop frontage seemed reasonable, with a maximum of 32 square feet (C (a)) for buildings which have 32 feet or greater frontage. Theoretically, these signs would be placed somewhere above the entrance to the shop and need to be reasonably visible from the sidewalk. The thinking was that the height of the sign would typically be between one foot and two feet yielding a maximum length of 32 feet (only if the shop frontage was 32 feet or longer, and the height of the sign were one foot) to a maximum length of 16 feet (only if the shop frontage was 32 feet or longer) and the height of the sign were two feet.

C (f-3) Whistling Willies has initials on awning, are they grandfathered?

**Updated Response:** Yes, initials on signs are permitted - on the plain vertical areas, not on slope and not on side triangles. Existing awning signage is grandfathered.

C (d) and D (d) I suggest adding a line that requires owners to take these types of signs in and off the permitted areas nightly. Also, that these type signs must not block or impede easy ingress and/or egress to any entry doors (in some locations there are entries for apartments as well as shops). These type signs could be regarded as temporary. Should there be a line distinguishing them from the ones in D (e)?

**Response:** Thank you for the suggestion about removing the signs nightly, and having a requirement that these signs (in both C(d) and D(d)) cannot impede ingress or egress to any entry doors to a building. The distinguishing element between both C(d) and D(d) and D(e) is that D(e) refers to permanent signs; C(d) and D(d) refer to temporary signs.

D (e-1) I suggest a height restriction (not to exceed 4 feet off grade?) Unless I'm misreading, someone can place a sign 2'w x 10H under this section.

**Response:** Yes, someone can place a permanent sign 2 feet wide by 10 feet tall between the front lot line and the front façade of the building when the building is set back at least 25 feet from the lot line. This might be something like signs that lists all the businesses within the structure. Such a sign is NOT permitted in the B-1 district.

D (e-2) 60 days seems long??? If there is an event such as the Garrison Craft Fair, wouldn't 30 days be adequate?

**Response:** Temporary, non-exempt signs (that is, signs posted for less than a total of 60 days in a calendar year) in R-1 and R-3 districts will not require a permit. Temporary, non-exempt signs (that is, signs posted for less than a total of 60 days in a calendar year) in B-1, B-2, B-3, B-4, B-4A, MU-1 and PR-1 districts will require a permit. During discussions, 60 days seemed reasonable. The committee will reconsider the time period.

Chapter 134-2. Word usage and definitions.

Accessory Apartment – Second Sentence, "A special permit is required and must be renewed annually". What does the permit include? If a person receives a permit complying with all requirements set forth for an Accessory Apartment, why would they need a permit annually?

**Response:** The intent was to limit the number of accessory apartments to 50. Annual renewal was a method to monitor the number; some accessory apartments might no longer be in use thus permitting a new accessory apartment.

Chapter 134-7 Regulations for R-1 One –family Residence District

B (3) Second sentence, "All such uses shall have toilet facilities connected to the municipal sewer system". I don't believe the Boat Club has connected facilities, would they be grandfathered?

**Response:** The Boat Club had connected facilities.

Chapter 134-9 Regulations for B-1 General Business District.

C (7) If a building can accommodate both business (using the existing store front) and a residential apartment (in the rear of the building), why wouldn't this be permitted? Not suggesting it should, just curious.

**Response:** C (7) is not meant to preclude a ground floor apartment, as long as the front portion of the ground floor is used as commercial or retail.

D (2) Should you add "annual" to the second sentence or would an "annually renewed Special Permit" cover the fire inspection?

**Response:** Good suggestion.



F (1a) As with Code 134-12, I am completely opposed to allowing existing buildings the ability to expand/extend to a 3<sup>rd</sup> floor. (1) This would severely alter the existing character of Main Street. (2) There is already an obvious parking shortage and (3) IT would put further strain on our already taxed infrastructure.

**Response:** Thank you for your comment. Given the number of Main Street structures for which a new third story would be permitted, the CUC did not feel that this would severely alter the existing character of Main Street. Yes, there is a parking shortage on Main Street. It is not clear what infrastructure new third stories would tax.

Chapter 134-12 Regulations for MU-1 Mixed Use District.

D (1,2,3,4,5 and 6) These are severe reductions to the existing Lot area requirements. This allows for cluster housing, something I am completely opposed to along Chestnut Street and possibly on the Marathon Site.

**Response:** MU-1 does not apply to Chestnut Street. Wikipedia defines “cluster housing” as “A **Residential Cluster Development**, or [open space development](#), is the grouping of residential properties on a development site in order to use the extra land as open space, recreation or agriculture. It is increasingly becoming popular in [subdivision development](#) because it allows the developer to spend much less on land and obtain much the same price per unit as for detached houses. The shared garden areas can be a source of conflict however. Claimed advantages include more green /[public space](#), closer community, and an optimal storm water management. Cluster development often encounters planning objections.”. The advantages of cluster housing, resulting in more open space and optimal storm water management, seem to be quite advantageous.

Chapter 134-16. Permitted special uses.

C Why would this expire annually?

**Response:** This is a good question. The CUC will investigate. It is possible that the annual permit is for implementation of the special use; if the special use is not implemented within one year, the permit expires and a new permit must be applied for. It should be pointed out that this is the current Village code; the CUC had no proposed changes to this.

F (4) With legal services hourly rates averaging \$200, is this amount adequate?

**Response:** Good point. This should be re-evaluated to be a renewable escrow.

Chapter 134-17 Supplementary regulations apply to all resident districts.

A (4) An accessory building may be used as a residence..... This seems problematic. Is this any outbuilding? Not sure of the thinking behind this??? As an Accessory for residence would it have to have plumbing and electric?

**Response:** This permits any secondary structure on the premises to be used as housing. The normal requirements for housing would apply. Yes, the structure must have plumbing, electricity, heating, bathroom(s), a kitchen, a minimum amount of square footage. The intent here is to increase the number of residential units. Accessory apartments would not be permitted to be short-term rentals.

Chapter 134-18 Supplementary regulations applying to all districts.

C (b) There are at least 2 examples I could give where a contractor with a small business has a 5'x 10' to 12' dump trailer, needed for business, setting in their yard (residence) year round. The 1 week time restriction would prevent this.

**Response:** This regulation, which is the current Village code and for which the CUC did not propose any changes, applies to trailers. Chapter 134 defines “trailer” as a “house trailer”, therefore, the time limit would not apply to a dump trailer.

Use (parking space per)

Overnight Accommodation 1 for each guest room. Recently Silver Spoon added, I believe, 5 guest suites as a B&B and has no parking. How does this work with the new code?

**Response:** The Silver Spoon had 2 apartments grandfathered, equivalent to 2 parking spaces. The Silver Spoon now has 5 hotel rooms. Each hotel room requires .5 parking spaces as per the code. In the Planning Board review of Silver Spoon, the action was to permit one parking waiver for Silver Spoon.

Do we stop this type of change of use since very few properties have parking or do we go to the waiver system? I think we need to seriously address the parking requirements, especially the absurd parking waivers given.

**Response:** Any change of use such as conversion to a hotel in the B-1 district must be evaluated and approved by the Planning Board. The Planning Board takes into account the parking requirements for the new use.

Not sure this 134-18? Pages are confusing. The number is (7) [added 7-13-2010 by L.L. 2010-01]

Again, the problem here is with the waivers. If a business has customers who do not need overnight or long term accommodations then why do they need waivers? The Apothecary is case in point. They depend on pedestrian shoppers coming in off the streets. The shoppers are already there, there is no added strain on parking. Why should they pay for a waiver? Same with Barber & Brew. The bar section causes no additional strain, at least it would be very difficult to prove. Both Apothecary and Barber & Brew have hair cutting services on the same floor of the building, which you could argue have longer parking needs. These may need to be addressed differently???? Again, if we are just going to issue waivers, why not change this section of code completely? Businesses that actually affect parking need to meet parking requirements. Silver Spoon needs parking for the 5 new B&B rooms. There were 2 existing legal apartments (I’m not sure what the parking requirements were for that?) so subtract a max of 4 spaces required for parking. They still need at least 1 space. Because of the change they are adding to our parking problems, so what good are waivers to the Village. We need to establish a more sensible code and eliminate the waivers. In the case of the Silver Spoon, they should not have been allowed to add any apartments without added parking. Sorry if I’m rambling. The waivers are a major cause of disputes during the permit process.

**Response:** 134-18 is unchanged by the CUC. Silver Spoon’s 2 existing apartments had a total of 2 spaces grandfathered. The question of parking waivers was not evaluated by the CUC.

Many of the above are simply questions that I have not had time to call or as for a better understanding of. Some I may have completely misinterpreted. So if they are in the form of a question, if anyone has time, please send an email, give a call or simply stop by the office.

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## Verbal Input

Comments and Questions from Public Meeting on Nov. 28, 2017.

What districts does Landscaping in and around parking lots apply to?

**Response:** any parking lot with 7 or more cars, so any district.

“Must” or “can” the 35% be within the parking area?

Michael Armstrong – how many buildings can become 3 story buildings on Main Street?

**Response:** 7, without doing the math.

Michael Armstrong – Why not extend 3 story to all of the Village?

**Response:** Building codes must be addressed; but will reconsider this.

Donald MacDonald – 2.5 story permits residential on 3<sup>rd</sup> floor.

Donald MacDonald – Will you get more windows on Main Street?

Stephanie Hawkins - What is problem being solved by 3 story?

**Response:** Comprehensive Plan identifies need for more housing and denser housing.

Stephanie Hawkins – how will the parking problem be addressed on Main Street with more housing on Main?

Eliza Starbucks – Signage – there are already constraints, and the issue of enforcement.

**Response:** – enforcement must still be addressed.

Aaron Wolfe – 3 story will encourage more hotels, not more apartments. What can be done to encourage more apartments.

**Response:** Short Term Rental was addressed in Phase 1.

Aaron Wolfe – but how do you encourage more apartments.

**Response:** we’re still looking into this.

Donald MacDonald – B-1 setback.

**Response:** This change would only apply to B-1 properties on Main Street.

Donald – 50x50 is there to require some bulk to a lot, prohibit an odd shaped lot. Also, lot width could permit a parallelogram or an irregularly shaped lot.

Dave Merandy – B-3 – why would we want to permit the loss of open space, we want more green space. Don’t think we should do that.

Dave Merandy – Fences should be higher, wants 6 foot fence. Gives me privacy. Backyards, side yards should be permitted.

Dave Merandy – Enforcement is a problem. Building Inspector might help here. So be as specific as possible.

Dave Merandy – plastic sandwich boards should not be permitted. What about stoops?

**Response:** proposal says from the façade of the building. Safety is key. Signs should not block entrances.

Frances Murphy – Landscaping – don't see any need for it.

**Response:** owner must include it on their lot.

Judith Rose – define permeable versus impervious. Be very specific about what types of surfaces. Also state how much can run off from a parking lot, and also into the Back Brook.

Ethan Timm – 1% in PR-1, does Admin bldg. cover more than 1%?

Ethan Timm – Cultural Artifacts – how does the HDRB deal with this?

Ethan Timm – runoff, new development should not increase runoff. It has nothing to do with aesthetics. Consider what environment (next phase) will do – they should be handed together. Runoff affects more than just parking lots.

Stephen Rose – Wires – all wires should be put underground.

**Response:** subdivision regulations might address this.

Michael Armstrong – 1% seems reasonable. But PR-1 restriction to 1 floor – this would be impossible in a flood zone – the Boat Club would be a prime example.

Michael Armstrong – 35 feet height in a flood zone needs to be reconsidered throughout the Village since sacrificial first floors are recommended for flood zones.

Aaron Wolfe - Bike parking should be considered on larger parcels, for example Foodtown.

Aaron Wolfe – Wooded area between Spring Brook and ball fields should that be PR-1?

Dave Merandy – Signs – permits are they annual?

**Response:** it's up to legislative body to determine.

Jane Timm – does the code address Tear downs?

Michael Armstrong – temporary signs in residential area at election time requires a permit? How to enforce?

Dave Merandy – 60 days seems like a long time for a temporary sign.

Ethan Timm – confused by math for 3 story buildings.

**Response:** Examples were provided.