

**Village of Cold Spring Code Update Committee  
85 Main Street, Cold Spring, NY 10516  
November 7, 2018**

**Meeting**

The Village of Cold Spring Code Update Committee held a meeting on November 7, 2018 at 7pm at the Village office at 85 Main St. Attending were Trustee Marie Early and committee members: Paul Henderson, Anne Impellizzeri and Michael Reisman. Norah Hart and Karen Doyle were absent.

**CALL TO ORDER**

M. Early called the meeting to order at 7pm.

The NYSERDA conference call will be at 3:45pm on 11/8/18.

**MINUTES**

P. Henderson made a motion to adopt the 10-17-18 minutes as amended. A. Impellizzeri seconded and the motion passed 3-0-2.

**FOLLOW-UP ON STEEP SLOPE REVIEW**

CUC has received a response from Badey & Watson saying they believe a code enforcement official should be qualified to address Steep Slope issues.

**WATERFRONT CONSISTENCY REVIEW LAW**

During the discussion it was noted that:

- Such a law should identify specific actions that will not trigger a review (under the consistency law) rather than referencing NYS code
- Each Village board (planning, trustees, ZBA and HDRB) may customize the waterfront consistency law to address the issues under their individual aegis
- Some municipalities have created a dedicated committee (i.e. “environmental advisory council” and “waterfront advisory council”) to advise and make recommendations about conformance with their waterfront consistency law. Members of such a committee would need to be well-versed in SEQRA law and procedures prior to implementation of a specific review.
- It was noted that while Ossining has such an advisory committee, until recently, it hadn’t met in over seven years; it is questionable that the creation of an advisory committee is essential.
- Each Village Board should have training in SEQRA prior to implementation of a Waterfront Consistency Review Law, and periodic retraining sessions, in particular in light of amendments to SEQRA regulations that go into effect on January 1, 2019.
- Committee members were asked to review P. Henderson’s document on Google drive and be prepared to comment at the next meeting.

**EVALUATE/PERMITTING OF CONSERVATION SUBDIVISION**

During the discussion it was noted that:

- Ted Fink (GreenPlan) agrees that, at present, only the Marathon property would qualify for a conservation subdivision. He notes that this would be a “significant” process as it’s a brown site
- The purpose of a conservation subdivision is to create open space
- There are deed restrictions in some areas of Marathon prohibiting building on top of the plume
- A conservation easement might be a better process to protect a ridge-line
- An alternative would be to enter a ridge-line or any area of the Village into the village code as a “protected area” with a specific setback
- Would the ridge-line be an “environmentally critical” area?

#### **EVALUATE/PERMITTING OF OUTRIGHT DEMOLITION OF EXISTING STRUCTURES**

During the discussion it was noted that:

- The process employed in Fishkill was reviewed; however it does not adequately address the replacement structure’s relationship to the character of the neighborhood. Can this be addressed in the code?
- There is concern about possible loss of historically significant buildings
- HDRB has extensive procedures and processes regarding demolition in the historic district
- The current code makes no mention of “demolition” except in Chapter 64 (which provides guidance to the HDRB) and Chapter 76 (Noise)
- There is concern about demolition of any building (historic or not) lest the Village allow demolition of a structure or multiple structures to allow construction of a new structure that is out of character with adjacent areas (i.e. building of a Mc Mansion), which would not be consistent with the Comprehensive Plan/LWRS
- CUC will investigate how other villages address this issue

#### **AMEND SUB-DIVISION REQUIREMENTS**

During the discussion it was noted that:

- M. Reisman has discussed regulating lot line adjustments with Planning Board Chair Matt Francisco and will follow up. The issue is that lot line adjustments currently are not regulated by the Village Code, but may result in unintended consequences.
- Implementation of this topic would amend the existing village code: Chapter 111 – Sub-Division of Land (by defining a lot line adjustment as a subdivision, pursuant to the NY Village Law)

#### **COMMITTEE BUSINESS**

NYSERDA has requested formal minutes of the last public presentation be submitted before reimbursement will be made.

**PUBLIC COMMENT** - None

#### **ADJOURNMENT**

M. Reisman made a motion to adjourn the meeting. P. Henderson seconded and the meeting was adjourned at 8:41pm.

Submitted by:  
Michael Mell

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Trustee Marie Early

Date