

VILLAGE COMPREHENSIVE PLAN

COLD SPRING PLANNING
ANALYSIS



Prepared for:
Cold Spring Special Board

Prepared by:
GREENPLAN Inc.
November 2010

This Planning Analysis was prepared for the New York State Department of State with funds provided under Title 11 of the Environmental Protection Fund.



COLD SPRING PLANNING ANALYSIS

Rating the Effectiveness of the Village's Comprehensive Plan, Zoning Law and
Subdivision Regulations Using Smart Growth Audit Techniques

INTRODUCTION

The purpose of this report is to present the results of an analysis of the Village of Cold Spring's Comprehensive Plan, Zoning Law and Subdivision Regulations and to recommend priorities for modification to help Cold Spring achieve its goals. The analysis is based upon the American Planning Association's "Smart Growth Audit" procedures as a guideline. The analysis has also been guided by the extensive public outreach process undertaken by the Comprehensive Plan/Local Waterfront Revitalization Plan (LWRP) Special Board, since its inception in 2006. The report presents the results of the analysis in a question and answer format so that Village officials and residents can readily focus on existing deficiencies of their planning and zoning documents. In this way, key decisions can be made, moving Cold Spring towards a smart growth strategy, as recommended by the planning profession and others.

The recommendations provided herein, have been formulated by GREENPLAN Inc., based upon our experience in many other small towns and villages through out the Hudson Valley. While the analysis is based upon guidelines established by the American Planning Association, the recommendations that follow are responsive to the public outreach process conducted by the volunteer Special Board. The Board's insights and its extensive planning work completed to date provided the overall framework for completion of this analysis and report. The report begins with a discussion of what is meant by smart growth, followed by a point by point analysis of the three documents. Appendix A contains a Zoning report completed by the Village of Cold Spring Zoning Board of Appeals Chairman, Donald McDonald together with a discussion of his recommendations and GREENPLAN's thoughts on his recommendations.

WHAT IS SMART GROWTH?

Smart growth has emerged over the last decade and a half as a comprehensive response to the impacts of the highly dispersed development patterns characteristic of the past 50 years. Since the end of World War II, sprawl has been the dominant form of development in America. Defined as low or very low-density development on previously undeveloped and developed lands, sprawl includes both residential and non-residential development. Sprawl has become a nationwide concern because of its many hidden costs such as loss of a "sense of place," complete dependence on cars for transportation needs, higher costs to build and

maintain infrastructure, loss of important open spaces, greater use of non-renewable resources, and traffic congestion, to name just a few of the problems it causes.

Smart growth, on the other hand, is development that serves the economy, community and the environment. Smart growth makes it possible for communities to grow in ways that support economic development and jobs; create strong neighborhoods with a range of housing, commercial, and transportation options; and achieve healthy communities that provide everyone with a clean environment.

Cold Spring is a model traditional Hudson Valley settlement, created at a time when the car was not available to drive the development decisions of Village officials. When the Zoning Law was created in 1967, the Subdivision Regulations in 1971/72, and even when the Master Plan was adopted in 1987, there was a distinct inclination towards development decisions being made with the needs of cars coming first. While this affected Cold Spring's planning and zoning framework in sometimes subtle ways, it also led to decisions, and could continue to lead to decisions, that put Village residents at a disadvantage.

In communities throughout the Hudson Valley and across the nation, there is a growing concern that development patterns dominated by sprawl are no longer in the long-term interests of our communities. While municipalities are generally supportive of new development, many are questioning the economic costs of pursuing a development pattern that results in spending increasing time in cars, often locked in traffic, and being forced to use our cars to make every trip from our homes. According to an article published by the U.S. Department of Energy's Center of Excellence for Sustainable Development,¹ *"Sprawl has been a dominant growth practice partly because it appears to be cheap. Land outside of city centers is less expensive than land in downtown areas. And yet infrastructure costs, the costs of new facilities, and the cost of public services are often higher for sprawl. A major problem is that homebuyers or developers do not pay all of these costs."*

While smart growth is a relatively new term, it has its roots in orthodox land use planning and has now officially entered the contemporary lexicon as a noun defined in the Microsoft Encarta World English Dictionary (North American Edition) as *"sensible growth: economic growth that consciously seeks to avoid wastefulness and damage to the environment and communities."* An organization called "Smart Growth America" defines smart growth as *"well-planned development that protects open space and farmland, revitalizes communities, keeps housing affordable and provides more transportation choices."* The American Planning Association's policy guide on smart growth defines it as follows:

Smart Growth means using comprehensive planning to guide, design, develop, revitalize and build communities for all that:

- *Have a unique sense of community and place*

¹ *Paying the Costs of Sprawl: Using Fair-Share Costing to Control Sprawl*, Ken Snyder and Lori Bird, December 1998.

- *Preserve and enhance valuable natural and cultural resources*
- *Equitably distribute the costs and benefits of development*
- *Expand the range of transportation, employment and housing choices in a fiscally responsible manner*
- *Value long-range, regional considerations of sustainability over short term incremental geographically isolated actions*
- *Promotes public health and healthy communities*

Compact, transit accessible, pedestrian-oriented, mixed-use development patterns and land reuse epitomize the application of the principles of Smart Growth. In contrast to prevalent development practices, Smart Growth refocuses a larger share of regional growth within central cities, urbanized areas, inner suburbs, and areas that are already served by infrastructure. Smart Growth reduces the share of growth that occurs on newly urbanizing land, existing farmlands, and in environmentally sensitive areas. In areas with intense growth pressure, development in newly urbanizing areas should be planned and developed according to Smart Growth principles.

A Hudson Valley Smart Growth Alliance has been formed in an attempt to educate citizens, municipal boards, and developers of the many benefits of smart growth. The Alliance has developed several Smart Growth Principles as follows:

- Thinking Regionally, Acting Locally
- Protecting Our Landscape Legacy
- Building Close-Knit, Interconnected Communities
- Respecting the Past, Building for the Future
- Making Connections More Convenient
- Giving Growth Back its Good Name
- Streamlining Without Sacrificing Quality

Many other organizations have attempted to define smart growth and there seems to be an emerging consensus of what it means. To gain a complete understanding of smart growth and what it means to a community, it is important to analyze existing land use practices, as articulated through a comprehensive plan and implementing regulations. In this way, a determination can be made of whether smart growth principles are currently being applied.

WHY CONDUCT A SMART GROWTH AUDIT?

The American Planning Association defines a smart growth audit as follows:

A smart growth audit is similar to a financial audit, except the subject matter investigated and the principles applied are different. . . Where the financial auditor focuses on accounts and finances, the smart growth auditor focuses first on plans and policies, and second on the programs, regulations, and budgets that relate to development and community building. Where the financial auditor uses generally accepted accounting principles as benchmarks for evaluation, the smart growth auditor uses generally (or locally) accepted principles of smart growth. Both types of auditors produce a final report with findings and recommendations on how existing practices equate with, or depart from, the accepted principles.

The ultimate goal of a smart growth audit is to provide a basis for change to a community's existing plans and regulations so that they promote accepted principles of smart growth. Through the extensive community outreach process conducted by the Special Board, an emerging consensus has developed on what constitutes "smart growth" for Cold Spring. The following represents goals for Cold Spring that have strong community consensus:

1. Preserve and enhance the small town charm and historic character of this riverfront village.
2. Encourage Cold Spring to be a diverse, neighborly community whose citizens are caring people, with a strong sense of volunteerism and community service.
3. Take full advantage of our location on the river.
4. Maintain open spaces and preserve and protect the natural environment, including views of the surrounding landscape.
5. Enhance the economic vitality of the village.
6. Make the village more attractive, accessible and convenient for visitors and residents.
7. Promote energy efficiency and other ways of protecting the environment.
8. Address the issue of the continuing rise in taxes and its effect on the village.

It is with these goals in mind, and using the American Planning Association's recommended smart growth audit procedures,² that the Village's existing Master Plan, Subdivision Regulations and Zoning Law, including Site Plan regulations, were examined.

² *Smart Growth Audits*, American Planning Association Planning Advisory Service Report Number 512, Jerry Weitz and Lenora Susan Waldner.

Other chapters of the Village Code were also considered when relevant. The recommendations in the following Tables reflect the interests of the Cold Spring community as determined by the Special Board during the extensive public participation process that occurred as part of preparing the *Comprehensive Plan*. For example, a top priority of the community, as expressed in the 2007 Resident Survey, is to control the speed of traffic; thus, this report makes recommendations for narrower street widths and planting street trees between the sidewalk and the curb, two of the most effective traffic calming techniques.

The recommendations included in this report are specific to smart growth goals and should be read in conjunction with the recommendations of other committees and boards, such as the ZBA Chairman's analysis of the Zoning Law (4/22/09, see Appendix A). Finally, these recommendations are specific to the Village Code; the *Comprehensive Plan* can (and should) include many other types of recommendations. For example, to increase the number of shade trees in Cold Spring, the Village might consider becoming a "Tree City, USA."

THE MASTER PLAN

The Village of Cold Spring Master Plan was adopted on March 3, 1987 by the Village of Cold Spring Planning Board, under § 7-720 of New York State Village Law, which was repealed in 1992. However, until replaced by a *Comprehensive Plan* (Village Law no longer refers to "master plans") prepared pursuant to § 7-722 of New York State Village Law, the existing Master Plan continues to be a valid expression of the community's expressed wishes for its immediate and long-range protection, enhancement, growth and development.

The 1987 Master Plan was prepared by the Village to serve three purposes: 1) as a Master Plan, as that term was defined by New York State Village Law in 1987; 2) as a State Environmental Quality Review Act (SEQR) Draft Generic Environmental Impact Statement (DGEIS); and 3) as a Local Waterfront Revitalization Program (LWRP) document. The LWRP document was intended to serve as Cold Spring's local adaptation of the Federal-State Coastal Zone Management program. This Federal-State program requires both State and Federal government decisions in the coastal zone area to adhere to a set of policies unique to such coastal areas. In the absence of a LWRP, State policies govern State and Federal decision-making in the coastal area.

Each state with a coastline and which participates in the Federal program, administers its own unique coastal program, under Federal guidance, using a set of policies unique to that state. However, in New York State, once a locally prepared version of the State's coastal policies has been adopted by a municipality, incorporated into the New York Department

of State’s Coastal Management Program, and been given concurrence of this incorporation by the federal Office of Ocean and Coastal Resource Management (OCRM), then all Federal and State decisions must adhere to the policies established in the LWRP. This may include policies that each municipality has determined, through a LWRP planning process, are unique to that municipality. Due to a number of shortcomings identified by the New York Department of State’s Coastal Program staff in 1987, the Cold Spring LWRP document was never approved by the State or Federal governments. No further work was undertaken to remedy the shortcomings of the LWRP until the Village Board of Trustees revived the effort with appointment of the Comprehensive Plan/Local Waterfront Revitalization Plan (LWRP) Special Board in 2006. An interruption in the State funding of the LWRP effort in January 2010 resulted in Cold Spring pursuing an update and replacement of the 1987 Master Plan with a new Comprehensive Plan.

The 1987 Master Plan Local Waterfront Revitalization Program document is a lengthy document that provides a comprehensive overview of the Village, its existing conditions and planning regulations in effect in 1987, a description of public consensus on important issues, and a set of planning goals and policies as general guidelines for development. While the document was comprehensive in its diagnosis of the Village, it was less than explicit on what specific actions needed to be taken to accomplish the planning goals and policies. For example, only three pages of general “goals and policies” are provided in a 170 page document. On the other hand, there are 37 pages of recommendations on how the Village would comply with the State’s coastal policies.

There were two major recommendations, that appeared in the Master Plan LWRP document calling for the creation of a R-2 Conservation Residential Zoning District and adoption of new Site Plan regulations. While there exists a site plan review section of the Zoning Law, which applies to non-residential development in the Village (see Zoning analysis below for recommendations), the R-2 Zoning District was never established. It is not known if any of the other Plan recommendations were implemented. The Master Plan has been analyzed as follows:

| 1987 VILLAGE OF COLD SPRING MASTER PLAN | | | |
|--|-----|----|---|
| Topic | Yes | No | Analysis |
| Land Use | | | |
| Is the land-use plan efficient in terms of the amount of undeveloped land devoted to residential uses when compared with the projections of residential land needed? | | × | The Planning Issues Map identifies “Likely Development Sites” but does not attempt to project need against the availability of such sites. The Plan relies on population projections developed for 1990 and 2000 by the Putnam County Division of Planning and Development. |

1987 VILLAGE OF COLD SPRING MASTER PLAN

| Topic | Yes | No | Analysis |
|---|-----|----|--|
| Does the land-use analysis identify in quantitative terms (i.e. number of acres and preferably buildout potential in numbers of units) what the potential is for residential infill development and commercial redevelopment? | | ✗ | |
| Does the land use element contain an analysis of developed residential densities and how they relate to planned densities permitted by zoning districts? | | ✗ | |
| Does the plan propose a phased pattern of future development in areas contiguous to developed areas so that a compact village-like form can be obtained? | | ✗ | |
| Does the plan favor an inward “direction of growth” toward existing developed areas, instead of promoting or favoring new development in “greenfield” areas of the Village? | | ✗ | |
| Does the plan make allowance for small-scale neighborhood commercial uses (e.g. corner stores) adjacent to or in residential neighborhoods? | | ✗ | The Plan recommends that the Village should “exercise particular care in any extension of commercial activities with regard to maintenance of the historic and small-town character. However, the Plan also acknowledges “there is strong local interest in encouraging mixed uses such as home businesses.” |
| Does the plan designate areas, where appropriate, for mixed-use development? | | ✗ | The Plan recommends allowing “home businesses” (within certain defined zones). However, such zones are not identified. |
| Housing | | | |
| Does the housing element of the comprehensive plan contain a housing needs assessment? | | ✗ | |
| Does the Plan consider the appropriateness of balancing jobs and housing, both qualitatively and quantitatively? | | ✗ | |

1987 VILLAGE OF COLD SPRING MASTER PLAN

| Topic | Yes | No | Analysis |
|--|-----|----|--|
| Does the plan establish a policy of providing for a wide range of housing types (detached single-family, duplex, manufactured home, apartment, etc.)? | ✓ | | The Plan does not explicitly state that there should be a wide range of housing types but recommends providing a “large stock of affordable housing in the Village”, to “allow the conversion of parts of existing residences to accessory apartment use” and to “meet increasing housing needs/demands but limit high density developments.” The Plan also establishes a policy to “Insure that a variety of housing types and adequate community services are included in planning efforts.” |
| Transportation | | | |
| Does the Plan include a transportation element that addresses long-range needs for roads, sidewalks, bicycle paths, transit, and water-based travel? | | ✗ | The Plan does contain a recommendation to prepare “A plan for a pedestrian network which would facilitate easy, safe and pleasant connections through the Village for residents, shoppers and visitors.” |
| Does the plan include a policy for protecting scenic road features, such as stonewalls, large trees, and narrow pavement widths? | ✓ | | The Plan recommends the Village should “pursue scenic designation legislation to help protect important vistas and natural resources.” The Plan recommends the Village “Establish an overall streetscape and landscape plan for the Village’s publicly-owned property.” The Plan recommends adoption of “a local scenic designation law to help protect important natural vistas as natural features.” |
| Does the plan provide for an analysis of local street standards and recommendations for reducing excessive right-of-way and pavement widths? | | ✗ | |
| Does the Plan provide a policy for traffic calming on residential roads, (e.g., to foster shared use by bicyclists and pedestrians) whether existing or proposed? | | ✗ | |
| Do transportation policies and the future transportation system provide for local street networks (as opposed to the conventional hierarchical system of arterials, collectors and local streets)? | | ✗ | |
| Environment | | | |

1987 VILLAGE OF COLD SPRING MASTER PLAN

| Topic | Yes | No | Analysis |
|---|-----|----|--|
| Are open spaces accessible to all or most residents of the Village? | ✓ | | The Plan discusses open space and recreation areas within the Village. It sets a goal to “Insure public access to the waterfront at as many points as possible.” It also recommends upgrading “publicly-owned open space and recreation areas to provide appropriate public use by both village residents and tourists...” |
| Does the Plan consider funding measures, such as a special local option tax or a general obligation bond referendum for acquisition of open space or development rights? | ✓ | ✗ | The Plan recommends encouraging “public access to the waterfront through establishment of an easement/land acquisition/land donation program.” |
| Does the plan address the importance of maintaining or encouraging economic use of open space resources, such as agriculture (such as community gardens) and recreation? | | ✗ | |
| Does the Plan identify energy conservation as a goal, and do policies exist to promote energy conservation? | | ✗ | |
| Does the Plan discuss air quality and identify policies and implementation measures to protect it? | | ✗ | |
| Does the Plan address the potential for transfer of development rights from greenfield areas to those areas where infrastructure exists or could be expanded? | | ✗ | |
| Does the plan establish a goal, policies, and implementation measures to set aside a certain percentage of total land area in the community as open space or green space? | | ✗ | |
| Does the Plan acknowledge the intrinsic economic value of open space for the natural functions it performs, such as the values of wetlands and floodplains for stormwater quality and quantity control? | | ✗ | |

| 1987 VILLAGE OF COLD SPRING MASTER PLAN | | | |
|---|-----|----|--|
| Topic | Yes | No | Analysis |
| Infrastructure | | | |
| Does the plan provide clear discussions of how water and sewer infrastructure policies are tied to the goals and objectives of the land use plan? Transportation Plan? | | × | The Plan recommends permitting “only those new developments which can be served adequately by local water and sewage facilities without adverse environmental effects. |
| Do water and sewer facility master plans provide for the phasing of future trunk water and sewer extensions into areas designated for development in the short-term, versus allowing such lines to be extended without restraint anywhere in the community? | | × | |
| Intermunicipal Concerns | | | |
| Does the Plan place the community within the context of the region in which it is located? | ✓ | × | The Plan discusses Cold Spring’s place within the context of the New York Metropolitan Region but does not address its place within the greater Hudson Valley Region. |
| Does the Plan recommend Intermunicipal agreements where needed to foster cooperation aimed at attaining mutual goals of community building? | | × | |
| Do the Plan’s policies reflect notions of social equity and environmental justice? | | × | |

THE ZONING LAW

The Village of Cold Spring Zoning Law was adopted on March 7, 1967 as Local Law No. 1 of 1967. The Law has been amended numerous times since 1967. The original Law and all amendments to date have been analyzed as follows:

| 1967 VILLAGE OF COLD SPRING ZONING LAW (AS AMENDED) | | | |
|--|-----|----|--|
| Topic | Yes | No | Analysis |
| Land Use | | | |
| Do minimum lot sizes allow for traditional neighborhood size lots? | ✓ | | The R-1 (One Family Residential) District permits 5 to 6 dwellings per acre. Consider adopting maximum lot widths to prevent wide suburban-scaled lots that discourage walking. |
| Is at least some of the residential land in the Village planned and zoned for densities between eight and 15 dwelling units per acre? | ✓ | | The B-3 (Multifamily Residential) District permits 10 one-bedroom apartments per acre. |
| Is fringe land zoned as exclusively land conservation (i.e. a holding category), or does the Zoning Law include a substantial minimum lot size that discourages single-family tract housing and preserves large sites for viable open space use (for uses such as recreation)? | | | Not applicable. |
| Does the Law establish minimum densities to promote efficient use of lands designated for higher densities? | | ✗ | Establishment of minimum densities is a means to ensure that new development is consistent with the traditional compact, walkable character of the village's historic neighborhoods. |
| Does the Law provide for traditional neighborhood development? | | ✗ | Including some form-based requirements for streetscape design, building siting and scale, parking location, etc. would ensure that new development retains and enhances the "small town character" of Cold Spring that so many residents cherish. Narrow streets with short setbacks and framed by buildings creates the street as an outdoor room, with the buildings forming the walls of the room and the canopy of trees as the "roof;" these are characteristic features of Village streets that could be preserved and enhanced with form-based requirements. Similarly, size limits would prevent "tear-downs" with new out-of-scale homes replacing smaller village-scale dwellings in residential neighborhoods, and would similarly prevent "big-box" establishments from detracting from Main Street. |

1967 VILLAGE OF COLD SPRING ZONING LAW (AS AMENDED)

| Topic | Yes | No | Analysis |
|--|----------|----------|---|
| <p>Are there clear and unambiguous standards in the Law for lighting, signage, and landscaping? If yes, do such regulations include examples to illustrate the standards?</p> | | <p>✗</p> | <p>There are only minimal standards for lighting in non-residential districts (consisting solely of a requirement that floodlighting be prevented for emitting glare towards a residential district). However, the Village’s Design Standards include requirements for full cutoff fixtures and low lighting levels in the Historic District. Consider including these and other requirements for all districts to minimize impacts of light pollution. The sign regulations are sometimes inconsistent regarding location and size of signs (see for example §§ 134-10B(4) and 134-10F(5)). And the sign standards cited in the Design Standards (definitions, exempt and prohibited signs, etc.) are not consistent with the Village’s current Zoning Law. Consider including enhanced sign standards for all districts in a single section of the Zoning Law. No examples or illustrations are included in the Zoning Law, although some illustrations of signs appear in the Design Standards. The Village has no landscaping standards; consider developing landscaping standards or guidelines, and specify that native species or native-hybrids are required.</p> |
| <p>Are home occupation regulations flexible enough to allow a wide variety of work at home activities, while maintaining the peace and quiet of the neighborhoods in which they are located?</p> | | <p>✗</p> | <p>Home occupation is a permitted accessory use in the R1 District, but the definition limits it to service and professional uses. Consider amending to regulate impacts rather than uses, and to permit home occupations in all residential districts. There are no standards for home occupations, and the parking requirement is excessive; these factors may result in home occupations impacting the character of the neighborhood.</p> |
| <p>Does the Law make allowance for small-scale neighborhood commercial uses (e.g. corner stores) adjacent to or in residential neighborhoods?</p> | | <p>✗</p> | <p>Corner stores are not permitted within residential neighborhoods. However, most residential neighborhoods are within walking distance of the Main Street and Chestnut Street commercial districts (B-1 and B-2).</p> |
| <p>Does the Zoning law provide for at least one or more zoning districts that allow mixes of residential and commercial uses?</p> | <p>✓</p> | | <p>The B-1, B-4, I-1, and I-2 Districts permit both residential and commercial uses.. The Designated Hotel-Historic-Recreation District also permits residential and commercial uses, but this District does not appear to have been mapped. Consider limiting residential uses to upper floors of buildings in the B-1 District that fronts on Main Street.</p> |

| 1967 VILLAGE OF COLD SPRING ZONING LAW (AS AMENDED) | | | |
|--|-----|----|---|
| Topic | Yes | No | Analysis |
| Has a Generic Environmental Impact Statement (GEIS) been prepared that encourages desirable development while discouraging undesirable development? | | × | Preparing a GEIS streamlines the environmental review process, and thereby encourages desirable development. |
| Housing | | | |
| Does the Law provide flexibility for house sizes (e.g., does it allow small units versus establishing large minimum floor areas for all dwelling units)? | ✓ | | Minimum floor area per dwelling unit in the R-1 and R-3 Districts is 600 sq. ft. For conversion of a one- or two-family to a two- or three-family, 1,000 sq. ft. for the original unit is required and 700 sq. ft. for each new unit. (Additional discussion of accessory units appears below.) Minimum floor area for senior citizen housing in the R-4 District is inconsistently cited as 500 sq. ft. for an efficiency unit, 600 sq. ft. for a one-bedroom unit (§ 134-16G(3)(a)[5]), and 600 sq. ft. for all units (§ 134-16G(3)e)[9]). The Zoning should clarify what is meant by “livable floor area.” This term is not defined; if it refers to “habitable space,” as used in the NYS Building Code, the minimum floor areas cited above could be significantly larger, resulting in units that may not be small enough to accommodate all incomes and preferences. Consider deleting the word “livable.” |
| Does the Zoning Law allow for accessory apartments within single-family residential zoning districts? | ✓ | × | Conversion of a structure existing as of 1967 from a one- or two-family dwelling to a two- or three-family dwelling is a special permitted use in the R-1 District. Consider allowing such conversions for all existing structures, allowing accessory apartments in accessory buildings, and specifying maximum sizes for the accessory apartments. In addition, consider relaxing the required minimum lot area to permit accessory apartments on smaller lots; currently, a minimum lot area of 15,000 sq. ft. is required for the original unit and 5,000 sq. ft. for each additional unit. Thus a minimum of approximately ½ acre of land is required for a two-family dwelling. |
| Are minimum lot sizes set low enough in at least one residential zoning district to provide for homeownership for all income levels? | ✓ | | Minimum lot sizes are low enough in the R-3 District. |

1967 VILLAGE OF COLD SPRING ZONING LAW (AS AMENDED)

| Topic | Yes | No | Analysis |
|---|-----|----|---|
| Are affordable housing units required in each new subdivision of land either outright or through an incentive to developers? | | ✗ | Although the Village includes different housing types (such as multi-family apartments), this does not guarantee affordability, even for moderate income households. Consider requiring a percentage of affordable units in new residential developments, or using incentive zoning to encourage construction of affordable housing. |
| Are incentives offered for two family or multi-family dwellings where appropriate? | | ✗ | Consider using incentive zoning to encourage construction of two-family or multi-family dwellings in new residential developments. A mix of housing types (one-family, duplex, multi-family etc.) is a characteristic feature of traditional village neighborhoods. |
| Does the Zoning Law require a mix of housing types and sizes in new residential developments? | | ✗ | Requiring a variety of housing types and sizes creates more affordable housing options and creates neighborhoods with a mix of different households. This allows residents to stay in the same neighborhood throughout different stages of their lives, living in a small house or duplex when they are starting out, moving into a larger home when they have a family, and retiring into a smaller home, townhouse, or apartment later in life. |
| Transportation | | | |
| Do land use regulations include maximum parking ratios (i.e., a cap on the number of parking spaces that can be built) in addition to minimum parking requirements? | | ✗ | No maximum is required, and the minimum parking requirements exceed the current recommendations of the National Parking Association, the SmartCode, and others. The parking standards do not include a shared parking factor. Consider relaxing the parking standards and including a shared parking factor, along with permitting shared use of parking lots for uses with different hours of operation. |

1967 VILLAGE OF COLD SPRING ZONING LAW (AS AMENDED)

| Topic | Yes | No | Analysis |
|---|-----|----|--|
| Does the Law require parking to be located where it does not visually dominate the development from the street and allows easy and safe pedestrian access to buildings? | | ✗ | The site plan review requirements (§ 134-27A) state that parking areas should be reasonably screened at all seasons of the year from adjacent residential properties and streets. However, there are no locational requirements for parking lots, such as requiring them to be located to the rear or side of buildings to minimize their visual effect. The standards for garages in residence districts (§ 134-17A) permit detached garages to be located on the same plane as the front facade of the principal building, and there are no standards for attached garages. Consider requiring detached garages to be set toward the back of the property, whenever possible, to reinforce the pedestrian orientation of the Village, and requiring attached garages to be set back a minimum of 20' from the front facade of the house so that cars in the driveway are not parked in the front yard; this requirement would also prevent “snout houses” where the garage dominates the front of the building, detracting from the pedestrian orientation of village streets. |
| Does the law require development projects to contribute to the public streetscape with pedestrian and bicycle friendly amenities such as benches, lighting, street trees, trash cans, windows at street level, and bicycle racks? | | ✗ | These features are not required by the Zoning Law. Street trees and street lighting can be required by the Planning Board for a subdivision application (see Subdivision Regulations), but there is no similar requirement for a site plan. Amending the site plan requirements to include these features would enhance the pedestrian and bicycle environment of the Village. |
| Do the land use regulations encourage or require the provision of bike paths in accordance with a bicycle plan? | | ✗ | Consider preparing a Trails Plan showing the location of existing and potential trail linkages for biking and hiking trails. This would assist applicants and the Planning Board in creating a network of trails throughout the Village as development projects are reviewed. Include the proposed River Walk in the plan. |

1967 VILLAGE OF COLD SPRING ZONING LAW (AS AMENDED)

| Topic | Yes | No | Analysis |
|--|-----|----|--|
| Do policies or standards exist that prevent unnecessary widening of existing Village roads? | | ✗ | Chapter 108 of the Village Code has a minimum standard for street width but not a maximum. The requirement that streets have a minimum 30' wide paved area exceeds the recommendations of the ITE, CNU (the SmartCode) and others for traditional neighborhood streets. Consider amending the Village's street standards for consistency with the recommendations for traditional neighborhood streets. Narrower streets slow traffic, which makes the neighborhood safer for pedestrians. And narrower streets with tighter corner radii shorten crosswalks, use less land, reduce stormwater runoff, and cut construction and maintenance costs. |
| Are land use regulations transit friendly or transit supportive? | | ✗ | Not specifically. However, the Village is served by rail. |
| Environment | | | |
| Do land use regulations prohibit development within, and the filling of, floodways and floodplains? | ✓ | ✗ | Chapter 52 prohibits development within and filling of the floodway (i.e., the stream channel), but development within the floodplain is permitted as long as structures are floodproofed, as specified in the requirements for development permits. |
| Do engineering construction specifications for parking lots allow for porous pavements where appropriate? | | ✗ | The increased rate and volume of stormwater runoff resulting from additional impervious surfaces associated with new development has the potential to adversely effect water quality. Consider amending the specifications to permit and encourage porous pavement to minimize impacts of stormwater runoff. |
| Does the Law require erosion and sediment control plans for all new development activities? | | ✗ | Erosion and sediment control plans are required by the NYS DEC under certain circumstances. Consider adopting a local threshold for requirement of plans. |
| Have the Zoning requirements been revamped recently to encourage or require best management practices (BMPs) for water quality? | | ✗ | BMPs minimize the impact of stormwater runoff rates and volumes, prevent erosion, and prevent or reduce the discharge of pollutants into surface waters. |
| Does the Law encourage or require waster use reduction measures (e.g., low consumption fixtures, grey water systems, stormwater irrigation)? | | ✗ | These cost-effective ways to conserve water could be included in the green building standards discussed later in this report. |

1967 VILLAGE OF COLD SPRING ZONING LAW (AS AMENDED)

| Topic | Yes | No | Analysis |
|--|-----|----|---|
| Does the Law require the planting of trees, shrubs and generous landscaping within and surrounding parking lots? | | ✗ | Trees surrounding parking lots and planted on islands within parking lots provide shade that reduces the “heat island” effect (developed areas that are hotter than nearby greenspaces) of large expanses of pavement. (One study estimates that the heat island effect is responsible for 5-10% of peak electricity demand for cooling buildings in cities.) Landscaped islands with gaps in the curbs allow natural drainage of stormwater. Landscaping the exterior of parking lots with trees, low hedges, stone walls or attractive fencing integrates parking into the site so it complements the building and street rather than visually dominating the site. Consider amending the Zoning Law to include landscaping standards for parking lots. |
| Does the Law require developers to consider connecting open spaces and greenways to existing destinations and open space reservations? | | ✗ | In the case of the Village, this could be accomplished through the development of a Trails Plan (discussed above), which would identify areas where potential trail linkages could be created during site plan and subdivision review to connect destinations and preserved open spaces. |
| Do all (or most) zoning districts require a minimum open space ratio (i.e., percentage of land area for each development that must be open space)? | | ✗ | Maximum building coverage is specified, but there is no minimum open space requirement or maximum lot coverage for impervious surfaces. |
| Does the Law encourage the redevelopment of brownfield sites by including area plans showing desired development layouts to streamline the review process? | | ✗ | Brownfield sites can be costly to develop. Identifying the uses, layout and design of development desired by the community, and illustrating this on an area plan, streamlines the review process for developers and ensures the community gets quality development. Once an area plan has been developed, the Zoning Law can be amended to reflect the plan. Preparing a GEIS for the site can further streamline the review process. |

1967 VILLAGE OF COLD SPRING ZONING LAW (AS AMENDED)

| Topic | Yes | No | Analysis |
|---|-----|----|---|
| Are there special regulations that govern/encourage adaptive reuse of historic structures? | | ✗ | Allowing adaptive reuse of historic structures would encourage their preservation and restoration. A range of uses, such as multi-family housing, bed and breakfasts or tourist guesthouse operations, business and professional offices, artisans shops and galleries, and antique shops, might be permitted, subject to performance standards as part of special use permit requirements (including protection of the historic structure). The provisions might apply only to historic structures that have been designated by the Federal and/or State governments as contributing historic structures listed on the National and/or State Registers of Historic Places, or by local designation by the Village Board. |
| Are there special regulations that govern/encourage adaptive reuse of non-residential structures? | | ✗ | See comment above. |
| Does the Law include energy efficiency standards for new and substantially renovated buildings, such as the Energy STAR standards or the LEED Green Building Rating System? | | ✗ | Encouraging “green” building standards is a top priority for Cold Spring, as can be seen in the 2007 Resident Survey. Consider requiring compliance with Energy STAR or LEED green building standards in the Village Code, or preparing a list of recommended practices for new construction. |
| Are design standards or guidelines for the types of desired development in the Village adopted and in use by appropriate boards? | ✓ | | The Village has Design Standards for development within the Historic District. Consider adopting design standards for new commercial, mixed-use, and multi-family development in other districts. |
| Do regulations exist for protection of existing or potential water supplies? | | | |
| Can the Village be a recipient of conservation easements or is this left entirely to the private sector? | | ✗ | This may be a useful tool, particularly for facade easements in the Historic District. |
| Do regulations exist to protect scenic areas including ridgelines? | | ✗ | Consider adopting a ridgeline protection overlay district, particularly for ridgelines in proximity to the Hudson River. |
| Infrastructure | | | |

| 1967 VILLAGE OF COLD SPRING ZONING LAW (AS AMENDED) | | | |
|---|-----|----|---|
| Topic | Yes | No | Analysis |
| Do water and sewer facility master plans provide for the phasing of future trunk water and sewer extensions into areas designated for development in the short-term, versus allowing such lines to be extended without restraint anywhere in the community? | | | Not applicable. |
| Are incentives available to developers who provide desired community benefits and amenities? | | × | Incentive zoning grants a developer a benefit (such as increased density or relaxed area standards) in exchange for the developer providing community amenities. In the case of Cold Spring, such amenities might include a greater percentage of preserved open space on large undeveloped parcels, affordable housing, infrastructure improvements (such as sidewalks), or funds that can be used to provide community amenities. |

THE LAND SUBDIVISION REGULATIONS

The Village of Cold Spring Land Subdivision Regulations were adopted by the Village Planning Board on December 13, 1971 and approved by the Village Board on January 25, 1972. Several amendments have been made to the Regulations since they were adopted. The Land Subdivision Regulations, as amended, have been analyzed as follows:

| 1971 VILLAGE OF COLD SPRING LAND SUBDIVISION REGULATIONS | | | |
|--|-----|----|---|
| Topic | Yes | No | Analysis |
| Transportation | | | |
| Are sidewalks required in new residential subdivisions? | ✓ | | Sidewalks are required, although the Planning Board may waive this requirement if it will not jeopardize public health, safety and welfare. |
| Do the regulations require the installation of a sidewalk along existing public streets abutting the development where such sidewalk does not already exist? | ✓ | | See discussion above. |

1971 VILLAGE OF COLD SPRING LAND SUBDIVISION REGULATIONS

| Topic | Yes | No | Analysis |
|--|-----|----|--|
| Do the regulations require connecting new and existing streets where physically feasible while discouraging or prohibiting cul-de-sacs? | ✓ | ✗ | Inter-parcel connections are encouraged, however so are cul-de-sacs (see § 111-14F). Consider permitting cul-de-sacs only when connecting streets is physically not possible due to the presence of wetlands, waterbodies, steep slopes, etc. |
| Does the Law require consideration of new local streets at designated intervals (e.g., every 1,500 feet)? | ✓ | | Section 111-14G specifies minimum and maximum block lengths of 400' and 1,200' respectively. In blocks exceeding 800', the Planning Board may require reservation of a 25' wide easement through the block to provide for pedestrian traffic, and may specify that a 4' wide paved footpath be provided. |
| Environment | | | |
| Do the regulations provide for conservation subdivisions or cluster subdivisions as a matter of right? | | ✗ | These zoning tools can be used to preserve large tracts of contiguous open space and environmentally sensitive lands. They could be helpful to preserve environmentally sensitive areas of the Village on the few remaining large undeveloped parcels of land, particularly if used in conjunction with other zoning tools such as Traditional Neighborhood Development design which would ensure that new development is in keeping with the traditional walkable character of existing Village neighborhoods. Consider amending the Subdivision Regulations and Zoning Law to permit conservation subdivision, with the 4-step design process that identifies unbuildable lands and special features of the site around which development is designed. |
| Do the Regulations require the planting of street trees along new subdivision streets? | ✓ | | Street trees are required, although the Planning Board may waive this requirement if it will not jeopardize public health, safety and welfare. Consider specifying that street trees should be planted between the sidewalk and the road to provide protection for pedestrians on the sidewalk. |
| Do the documentation requirements of the regulations provide for applicants to show all natural and cultural resources on a site and surrounding areas before a subdivision plan is presented? | | ✗ | These features are required to be shown during the sketch plan phase. Consider requiring submission of a resource analysis map for the site and surrounding area prior to the sketch plan phase. This assists applicants and the Planning Board to design a subdivision around a site's natural and cultural features. |
| Infrastructure | | | |

1971 VILLAGE OF COLD SPRING LAND SUBDIVISION REGULATIONS

| Topic | Yes | No | Analysis |
|---|-----|----|---|
| Are the street standards for minimum right-of-way and pavement widths reasonable? | | X | Consider amending the Village's street standards for consistency with the recommendations for traditional neighborhood streets found in ITE, CNU and other sources as discussed previously. |

Appendix A: Analysis of Problem Areas in the Zoning Law
by: Donald MacDonald
Discussion by GREENPLAN Inc.

| PROBLEM AREAS IN THE COLD SPRING VILLAGE ZONING CODE | | | |
|--|--|---|---|
| VILLAGE OF COLD SPRING ZONING BOARD OF APPEALS : Last revised date | | | 04.22.09 |
| WORK IN PROGRESS | | | |
| Section | Issue | Problem | Proposal |
| 134-17 (B) | Corner lots | Only applies to residential districts. Is this what was intended?. Not to apply in nonresidential districts? | Remove from 134-17 and place in 134-18, Supplementary regulations applying to all districts |
| 134-18 (E) | Parking for multi family/ apartments | Multiple family, apartment requirements not covered in parking section. They are in R-3 section. Should also be in Parking. | Add Apartments, multiple dwellings to the use category and define their requirements.. |
| 134-18(E) | Parking for professional offices | Number of parking spaces required tied to how many chairs in the waiting room. This number is to easily manipulated. | Redefine away from number of chairs in waiting room as a standard. |
| 134-16 (C) | Permitted special uses, Expiration yearly | Have to get yearly renewal for something already built. Area variances should not have yearly renewals. (This was done to apply to Bed and Breakfasts where it would make sense.) | Remove area variances, such as front yard setbacks from having to be renewed on a yearly basis. |
| 134-9 (D)4 | B-1 zone, existing front yard setbacks. | Making this subject to special permit under 134-16 creates situation where area variance has to be reapproved on a yearly basis. | Remove area variances, such as front yard setbacks from having to be renewed on a yearly basis. |
| 134-7 (B)2 | R-1 zone,existing front yard setbacks. | Making this subject to special permit under 134-16 creates situation where area variance has to be reapproved on a yearly basis. | Remove area variances, such as front yard setbacks from having to be renewed on a yearly basis. |
| 134-8(B1) | R-3 zone,existing front yard setbacks. | Making this subject to special permit under 134-16 creates situation where area variance has to be reapproved on a yearly basis. | Remove area variances, such as front yard setbacks from having to be renewed on a yearly basis. |
| 134-12(B) 1 and 134-122 (C) (1) | R-1 permitted use, but no residential special permits allowed? | Is this intended? | |
| 134-17 D (1) | Permitted obstructions in set backs | Language is confusing. Also, does not cover stairs to portico. | Reword (other than such as needed for access to the building) |

| | | | |
|--------------------|---|---|---|
| Setbacks | Arbitrary | Seem to have little relation to the dimensions of our village. | Study what the actual dimensions of our village are and then propose setbacks derived from that |
| 134-9 | B-1 Zone Regulations | No density standard for multifamily uses. | Add some lot area per dwelling unit standard. |
| 134-2 | Lot Lines | No definition for front, side, rear lot lines. Applicants can argue what would commonly be a side yard is a front yard. | Front lot line is that abutting the street. Then rear would be lot line opposite front. The all lot lines not front or rear are side lot lines. |
| 134-2, Definitions | Cellar definition | By altering grades, raising 1st floor level way above grade its possible to get extra story of living space and still be within 35' height req.. | If basement used as habitable space as defined by Building Code it counts as a story. All other zoning codes I use have this. |
| 134-2, Definitions | Half story definition | Possible to insert shed dormers on both sides of gable extending within a foot of each gable end and effectively have a full 3rd story and still meet existing half story definition. | Limit half story area ceiling height 7'-6" and above to 50% of floor area of the story directly below. This language is in other zoning codes. |
| 134-2, Definitions | Home occupation definition. | Definition does not address what home occupation is in todays world. It should be updated. | Redefine closer to todays typical home occupation uses/activities. Be clear as to number of employees allowed. |
| 134-9 (G) 2 | Screening | See typo at "not less than five(5'78) feet..." | Change to "not less than five (5) feet..." |
| 134-2 | Accessory Building and Private Garage definitions | Height limited only by 1/2 story limits. | Give fixed maximum height, as measured from average grade to highest most point of roof. Some communities put this at 20'-0" |
| 134-18(E) 4 | Parking | Does not specifically say you cannot use side walk/ and or public right of way as back out space. | Most codes i've seen specifically say this |
| 134-5 | Interpretation of Distirct Boundaries | No language for guidance what to do if zone line goes through a lot. Guidance given does not help at all in real world situations. | Most codes i've seen have specific language that addresses this problem. |

| | | | |
|----------------------|--|---|--|
| 134-9 (G) 2 | Screening | Typo at "five (5'78) | |
| 134-8 (C) 10 A | Parking. | Clarify what that section means. now its meaningless. | |
| 134-7 thru 134-15 | Maximum Impervious Surface Coverage | Typically there would be some maximum stated in the code | |
| 134-2 | Terrace, Deck, Porch | Define. also more closely define that the top of the terrace in 134-17(D)(1) is level w/ the grade plane. | |
| 134- 17(D)(1) | Fences | if fence is setback more than 10' it can be argued should be treated like an accessory bldg per 134-17A | Do we want this? |
| 134-17 (D) | Fences | Can we change code so that higher than 4' along property line is allowable from front of residence to back and in no event less than 20' from the front PL... | This would help people live beside the neighbor from hell while keeping higher fences from the street scapes |

Analysis of Donald McDonald's "Problem Areas in the Cold Spring Zoning Law"

| Section | Issue | Discussion |
|-----------------------------|--|---|
| 134-17(B) | Corner lots | Agree, as long as this would not make existing buildings, especially on Main Street, non-conforming |
| 134-18(E) | parking for multi-family | Agree, need to amend parking standards |
| 134-18(E) | parking for professional offices | See above. |
| 134-16(C) | Expiration of special use permit | Unclear; applies to uses, not area variances |
| 134-9(D)4 | B-1 Zone, existing front yard setbacks | As an alternative to the proposal, consider deleting the requirement for a SUP and grant the Planning Board the authority to waive setbacks in such cases to allow for consistency with existing setbacks. |
| 134-7(B)2 | R-1 Zone, existing front yard setbacks | See above |
| 134-8(B1) | R-3 Zone, existing front yard setbacks | See above |
| 134-12(B)1 and 134-12(C)(1) | R-1 permitted use, but no residential special permits allowed? | To the question, "is this intended," it appears so from the Zoning; without doing research into the minutes of Board meetings etc. it's hard to determine the intent. SUP in R-1 includes some uses that may not be appropriate or feasible in the I-1 District, such as marinas, hospitals, etc. |
| 134-17D(1) | Permitted obstructions in set backs | Recommend a separate subsection to address fences. Stairs to porticos would be addressed in "steps. . . shall not project within 15' of street line or 4' of a property line" in subsection D(1). |
| Setbacks | Arbitrary | Agree with suggestion to study actual dimensions of traditional neighborhoods in the Village and amend area and bulk standards as appropriate. Could also be done for building size. Tivoli is an example of a community that recently did this. |
| 134-9 | B-1 Zone regulations | Agree |
| 134-2 | Lot Lines | Recommend addressing this issue by amending definition of "yard, front" to include reference to front yard extending across the principal street side, (and similar revisions to rear/side yard definitions). Exception of corner lots. |

Analysis of Donald McDonald's "Problem Areas in the Cold Spring Zoning Law"

| Section | Issue | Discussion |
|---|---------------------------------------|--|
| 134-2 | Cellar definition | Perhaps distinguish between "basements" (habitable space that is defined as a story) and "cellars." Currently there is no definition of "basement" and this term is used interchangeably with "cellar" throughout the Zoning Law. |
| 134-2 | Half-story definition | Agree, if they feel this is a problem in the Village |
| 134-2 | Home occupation definition | Revise home occupation definition based on impacts vs. uses, and add standards for HO in SUP section. |
| 134-9(G)2 | Screening | Agree |
| 134-2 | Accessory building and private garage | Couldn't find where height is limited only by ½ story limits, but agree with need to establish maximum height; could use SmartCode as a guide for height, or measure existing accessory buildings in the Village. |
| 134-18(E)4 | Parking | Recommend using form-based code to identify appropriate parking locations to avoid the problem of cars parking in front yard, on sidewalks, and using sidewalk and r-o-w as back out space. Requiring attached garages to be set back 20' from front facade of principal building would also help to address this. |
| 134-5 | Interpretation of District boundaries | Agree |
| 134-9(G)2 | Screening | Agree |
| 134-8(C)10A | Parking | Agree |
| 134-7 thru 134-15 | Maximum impervious surface coverage | Agree |
| 134-2 | Terrace, Deck, Porch | Agree |
| 134-17(D)(1) | Fences | No, see definition of "building;" a "fence" by definition cannot be a "building." |
| 134-17(D)(1) | Fences | Recommend higher fences (max. 6' high) be permitted behind front facade of residence (20' fence is extremely high) |
| A Few Additional Recommendations | | |
| <i>passim</i> | Gender neutrality | Revise zoning to make text gender neutral, e.g. see reference to "the office of a professional man" in definition of "accessory use" |

Analysis of Donald McDonald's "Problem Areas in the Cold Spring Zoning Law"

| Section | Issue | Discussion |
|-------------------------------------|--------------------------------------|---|
| 134-7B(3) | double negative | Second sentence, delete "not." |
| 134-10B(4) | incorrect reference | It appears the reference to "§ 134-9E(1)" is incorrect and the correct reference should be "§ 134-9G(1)" |
| 134-10F(5) | inconsistency re: sign requirements | This section appears to be inconsistent with § 134-10B(4). |
| 134-16(3)(a)[5] and 134-16(3)(e)[9] | inconsistency re: livable floor area | The first section states that the minimum floor area for efficiencies is 500 sq. ft. (and 600 sq. ft. for one-bedroom units), while the second section states the minimum for all dwelling units is 600 sq. ft. |