

**Village of Cold Spring
Board of Trustees Public Hearing
July 27, 2021**

The Village of Cold Spring Board of Trustees held a Public Hearing at Village Hall on Tuesday July 27, 2021 at 6:30 pm. Present were Mayor Dave Merandy, Trustees Marie Early, Kathleen E. Foley, Frances Murphy and Tweeps Phillips Woods.

Mayor Merandy made a motion to open the Public Hearing for adding Chapter 100 – Short Term Rentals and amending Chapter 134 - Zoning. Trustee Early seconded the motion and it passed by a vote of 5-0-0.

Mayor Merandy provided a brief overview of the development of local law for Short Term Rentals (STR's) and then read into the record the written comments received prior to the public hearing from the following:

- Joseph Curto, 59 Chestnut Street (see attached)
- James and Frances Pergamo, 4 Northern Gate Lane (see attached)
- Evan Hudson, 19 High Street (see attached)
- John Lane, 5 Mountain Avenue (see attached)
- Marianne Remy, 5 Cedar Street (see attached)

Mayor Merandy opened the floor to public comment. Following are the people that spoke and summary of their comments:

Kathy Bogardus, 46 Parrott Street: Does not support allowing STR's in the R-1 district. She questions:

- how the new code will be enforced if the existing rules and regulations aren't enforced
- what resources will be required, administrative and enforcement and what will the impact be to the budget

Lillian Moser, 133-135 Main Street: the increase in the number of STR's in the village has negatively impacted the number of available long-term rental units. She pointed out that long term renters, such as herself, contribute to the community (volunteer firefighter, community events) in ways that short term renters don't. With fewer options, long term renters will have to look outside of the community.

John Lane, 5 Mountain Avenue: Many of the original issues have been addressed (security, limits on number of nights, background checks, etc.) so he is not sure what the issues continue to be. Asks the Board to codify hardship exceptions. He also believes the timeline is too aggressive.

Denise Friedly, 9 Church Street: Feels strongly that an advisory board should be formed to identify and address the issues STR's create. The advisory board should be made up of a cross-section of the community.

Phil Heffernan, 9 Church Street: Feels the new law is equivalent to restraint of trade and if enacted will result in a law suit against the Village.

Eliza Starbuck, 173 Main Street (home) and 82 Main Street (business): She brought up a number of points including:

- Believes the rules are too arbitrary
- Permit fees are too low
- Is in favor of an advisory committee
- Compromise is needed

Dave Marzollo, 189 Lane Gate Road and 75 Main Street: Thanked the board for their efforts and dedication to the Village. He believes the proposed law unfairly impacts Hosted properties and that the law should allow for LLC's, especially in the B-1 District. He added that revenue generated by STR's could be used to offset tourism related expenses.

Mayor Merandy made a motion to close the Public Hearing. Trustee Murphy seconded the motion and it passed by a vote of 5-0-0-0

Board Business

Resolution 38-2021 (see attached) setting the date and time for a public hearing to consider amending the following chapters of the Village Code: 36 – Brush and Weeds, 48 – Dumpsters and Roll Off Containers, 52 – Floodplain Management, 59 – Littering, 87 – Peace and Good Order, 93 – Recycling, 97 – Sewers, 122 – Trees, 130 – Water; and adding the following chapters: 42 – Fences and Walls, 81 – Outdoor Lighting Standards and 106 – Steep Slope Protection was offered by Mayor Merandy for adoption and seconded by Trustee Early. Upon roll call vote, the resolution passed by a vote of 5-0-0-0

Resolution 39-2021 (see attached) classifying updates to Chapters 36, 42, 48, 59, 87, 93, 97, 122 and 130 of the Village Code as Type II Actions under SEQRA was offered by Mayor Merandy for adoption and seconded by Trustee Early. Upon roll call vote, the resolution passed by a vote of 5-0-0-0

Resolution 40 - 2021 (see attached) classifying amendment to Chapter 52 and addition of Chapters 81 and 106 as Unlisted Actions under SEQRA was offered by Mayor Merandy for adoption and seconded by Trustee Early. Upon roll call vote, the resolution passed by a vote of 5-0-0-0

Resolution 41-2021 (see attached) Issuing a Negative Declaration for amendment to Chapter 52 and addition of Chapters 81 and 106 was offered by Mayor Merandy for adoption and seconded by Trustee Early. Upon roll call vote, the resolution passed by a vote of 5-0-0-0

Resolution 42-2021 (see attached) establishing a mandatory referendum to opt-out of state licensed establishments that permit on-site cannabis consumption was offered by Mayor Merandy for adoption and seconded by Trustee Murphy. Upon roll call vote, the resolution passed by a vote of 5-0-0-0

Resolution 43-2021 (see attached) establishing a mandatory referendum to opt-out of state licensed retail cannabis dispensaries was offered by Mayor Merandy for adoption and seconded by Trustee Foley. Upon roll call vote, the resolution passed by a vote of 5-0-0-0

Board Discussion - Short Term Rentals

The Board decided to continue discussions on Short Term Rentals. During the ensuing discussion, the following points were brought up:

- Trustee Early noted that the first discussions regarding “overnight accommodations” began with the development of the Comprehensive Plan in 2006
- Trustees Murphy and Foley agreed with public comment that the current fee (\$250/permit) is too low and higher fees should be considered
- One Time Permits could be used for up to 14 consecutive days or two separate 7 day periods
- Trustee Foley stated that the issue of LLC’s should be addressed to include on-site occupancy by an LLC member. Trustee Early will follow up with the Village Attorney for wording and acceptable terms

Village Clerk will prepare a resolution adopting the Local Laws for Short Term Rentals for the July 29, 2021 meeting.

Adjournment

Mayor Merandy made a motion to adjourn. Trustee Early seconded the motion and it passed by a vote of 5-0-0-0. The meeting adjourned at 8:35 pm.

Submitted by: J. Vidakovich

Mayor Merandy

Date



VILLAGE OF COLD SPRING

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CHARLOTTE MOUNTAIN, CODE ENFORCEMENT OFFICER

RESOLUTION #38-2021

Setting a Date and Time for a Public Hearing on Proposed Local Laws Amending the Following Chapters of the Village Code: 36 – Brush and Weeds, 48 – Dumpsters and Roll Off Containers, 52 – Floodplain Management, 59 – Littering, 87 – Peace and Good Order, 93 – Recycling, 97 – Sewers, 122 – Trees, 130 – Water; and Adding the Following Chapters: 42 – Fences and Walls, 81 – Outdoor Lighting Standards and 106 – Steep Slope Protection

The following resolution was offered by Mayor Merandy for adoption and seconded by Trustee Early, to wit:

WHEREAS, the Board of Trustees of the Village of Cold Spring seeks to update the Village Code by amending Chapters 36, 48, 52, 59, 87, 93, 97, 122, 130; and adding Chapters 42, 81, 106.

WHEREAS, the Village Board wishes to set a time and place for a public hearing to consider amending the following Chapters of the Village Code: 36 – Brush and Weeds, 48 – Dumpsters and Roll Off Containers, 52 – Floodplain Management, 59 – Littering, 87 – Peace and Good Order, 93 – Recycling, 97 – Sewers, 122 – Trees, 130 – Water; and adding the Following Chapters: 42 – Fences and Walls, 81 – Outdoor Lighting Standards and 106 – Steep Slope Protection.

NOW, THEREFORE, it is hereby:

RESOLVED, that the Village Board hereby determines that it will be the lead agency with respect to the review of the proposed local law (the “project”) in accord with New York State Environmental Quality Review Act (“SEQRA”) and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the project; and let it be further

RESOLVED, that a public hearing be held by the Village Board in order to receive comments and suggestions regarding the proposed amendment to the above listed Chapters and to receive any comments concerning the potential adverse environmental impacts of the proposed legislation in accord with SEQRA, on Thursday August 12, 2021 at 6:30pm at Village Hall, 85 Main Street, Cold Spring, NY; and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause said public notice of said hearing to be given as provided by law.

On roll call vote:

Trustee Marie Early voted:	Yes
Trustee Kathleen E. Foley voted:	Yes
Trustee Fran Murphy voted:	Yes
Trustee Tweeps Phillips Woods voted:	Yes
Mayor Dave Merandy voted:	Yes

Resolution officially adopted on July 27, 2021 by a vote of 5-0-0-0

Jeffrey Vidakovich-Village Clerk/Treasurer

Date



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RESOLUTION #39-2021

Classifying Amendments to Chapters 36, 42, 48, 59, 87, 93, 97, 122, and 130 of the Village Code as Type II Actions under SEQRA

The following resolution was offered by Mayor Merandy for adoption and seconded by Trustee Early, to wit:

Whereas, the Village of Cold Spring Board of Trustees is considering adoption of amendments to nine chapters of the Village Code including chapters 36, 42, 48, 59, 87, 93, 97, 122, and 130 within the Village of Cold Spring, Putnam County, New York, and

Whereas, none of the proposed nine-chapter amendments involve the creation of new programs in the Village or constitute a major reordering of priorities, and

Whereas, each proposed amendment is designed to update the respective chapter to comply with State Law or other identified issues related to continuing agency administration and management, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Village Board has determined that the proposed adoption of the above cited amendments to each of the nine chapters is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(26).

Now Therefore Be It Resolved, that the Village Board hereby declares that no further review under SEQRA, of the amendments proposed to chapters 36, 42, 48, 59, 87, 93, 97, 122, and 130 of the Village Code, is required.

On roll call vote:

Trustee Marie Early voted:	Yes
Trustee Kathleen E. Foley voted:	Yes
Trustee Fran Murphy voted:	Yes
Trustee Tweets Phillips Woods voted:	Yes
Mayor Dave Merandy voted:	Yes

Resolution officially adopted on July 27, 2021 by a vote of 5-0-0-0.

Jeffrey Vidakovich-Village Clerk/Treasurer

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RESOLUTION #40-2021

Classifying Amendment to Chapter 52 and Addition of Chapters 81 and 106 to the Village Code as Unlisted Actions under SEQRA

The following resolution was offered by Mayor Merandy for adoption and seconded by Trustee Early, to wit:

Whereas, the Village of Cold Spring Board of Trustees is considering the amendment of Chapter 52 – Floodplain Management and the addition of Chapters 81 – Outdoor Lighting Standards and Chapter 106 – Steep Slope Protection to the Village Code within the Village of Cold Spring, Putnam County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated 7/22/21 was prepared to comply with the requirements of SEQRA and address the potential environmental impacts of the amendment's adoption, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Village Board has determined that the proposed action is an Unlisted Action because it does not meet any of the Type 1 thresholds found in 6 NYCRR 617.4, and

Whereas, after examining the EAF, the Village Board has determined that there are no other local and/or federal agencies involved in this matter.

Now Therefore Be It Resolved, that the Village Board hereby declares itself Lead Agency for the review of this action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all information has been received by the Village Board to enable it to determine whether the action will or will not have a significant effect on the environment.

On roll call vote:

Trustee Marie Early voted:	Yes
Trustee Kathleen E. Foley voted:	Yes
Trustee Fran Murphy voted:	Yes
Trustee Tweepers Phillips Woods voted:	Yes
Mayor Dave Merandy voted:	Yes

Resolution officially adopted on July 27, 2021 by a vote of 5-0-0-0

Jeffrey Vidakovich-Village Clerk/Treasurer

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RESOLUTION #41-2021

Issuing a Negative Declaration for Amendment to Chapter 52 and Addition of Chapters 81 and 106 to the Village Code

The following resolution was offered by Mayor Merandy for adoption and seconded by Trustee Early, to wit:

Whereas, the Village of Cold Spring Board of Trustees is the SEQRA Lead Agency for conducting the environmental review for the amendment of one chapter and addition of two chapters to the Village Code including Floodplain Management, Outdoor Lighting, and Steep Slopes Protection within the Village of Cold Spring, Putnam County, New York, and

Whereas, there are no other involved local or federal agencies pursuant to SEQRA, and

Whereas, the Village Board has reviewed the Environmental Assessment Form (EAF) for the action, including the Part 1, Part 2, and Part 3 dated 7/22/21, the probable environmental effects of the action against the Criteria for Determining Significance, and has considered such impacts as disclosed in the EAF.

Now Therefore Be It Resolved, that the Village Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Mayor to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

Be It Further Resolved, that the Village Board authorizes the Mayor to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

On roll call vote:

Trustee Marie Early voted:	Yes
Trustee Kathleen E. Foley voted:	Yes
Trustee Fran Murphy voted:	Yes
Trustee Tweeps Phillips Woods voted:	Yes
Mayor Dave Merandy voted:	Yes

Resolution officially adopted on July 27, 2021 by a vote of 5-0-0-0

Jeffrey Vidakovich-Village Clerk/Treasurer

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RESOLUTION #42-2021

Establishing a Mandatory Referendum to Opt-Out of State Licensed Establishments that Permit On-Site Cannabis Consumption

The following resolution was offered by Mayor Dave Merandy for adoption and seconded by Trustee Frances Murphy, to wit:

WHEREAS, the Village of Cold Spring Board of Trustees on July 20, 2021 adopted Local Law 03-2021 adding to the Village Code Chapter 73 – Opting Out of Licensing On-Site Cannabis Consumption Establishments in the Village of Cold Spring; and

WHEREAS, that pursuant to Cannabis Law § 131, Local Law 03-2021 is subject to permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law; and

WHEREAS, pursuant to Village Law Section 9-908, the Village Board of Trustees will hold a mandatory referendum on this proposition at the next regular general election to be held on November 2, 2021 and therefore, eliminating the need for the submission of a petition to hold the referendum; and

WHEREAS, an Environmental Assessment Form (EAF) dated July 20, 2021 was prepared to comply with the requirements of SEQRA and address the potential environmental impacts of the Chapter's adoption, and

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4, the Village Board determined that the proposed action is an Unlisted Action because it does not meet any of the Type 1 thresholds found in 6 NYCRR 617.4, and

NOW, THEREFORE, it is hereby:

RESOLVED, that the Village Board of Trustees hereby confirms that it will be the lead agency in accordance with SEQRA with respect to the review of the proposed action opting out of

licensing on-site cannabis consumption establishments in the Village of Cold Spring; and let it be further

RESOLVED, that the Village Board of Trustees hereby confirms its issuance of a Negative Declaration for this proposed action under SEQRA as it will not result in any significant adverse environmental impacts and an environmental impact statement is NOT required; and let it be further

RESOLVED, that on November 2, 2021 the general election will also include a public referendum on the proposition to opt out of licensing on-site cannabis consumption establishments; and let it be further

RESOLVED, the Village Clerk is hereby authorized to immediately forward the following proposition language to the Putnam County Board of Elections so that it is included on the November 2, 2021 ballot:

“Should the Village of Cold Spring prohibit state licensed establishments that permit the on-site consumption of cannabis?”

On roll call vote:

Trustee Marie Early voted:	Yes
Trustee Kathleen E. Foley voted:	Yes
Trustee Fran Murphy voted:	Yes
Trustee Tweeps Phillips Woods voted:	Yes
Mayor Dave Merandy voted:	Yes

Resolution officially adopted on July 27, 2021 by a vote of 5-0-0-0.

I hereby certify that this is a true and exact copy of a resolution adopted by the Village of Cold Spring Board of Trustees at a public meeting held on July 27, 2021

Jeffrey Vidakovich, Village Clerk-Treasurer

Date



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CHARLOTTE MOUNTAIN, CODE ENFORCEMENT OFFICER

RESOLUTION 43-2021

Establishing a Mandatory Referendum to Opt-Out of State Licensed Retail Cannabis Dispensaries

The following resolution was offered by Mayor Dave Merandy for adoption and seconded by Trustee Kathleen E. Foley, to wit:

WHEREAS, the Village of Cold Spring Board of Trustees on July 20, 2021 adopted Local Law 04-2021 adding to the Village Code Chapter 74 – Opting Out of Licensing Retail Cannabis Dispensaries in the Village of Cold Spring; and

WHEREAS, that pursuant to Cannabis Law § 131, Local Law 04-2021 is subject to permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law; and

WHEREAS, pursuant to Village Law Section 9-908, the Village Board of Trustees will hold a mandatory referendum for this proposition at the next regular general election to be held on November 2, 2021 and therefore eliminating the need for the submission of a petition to hold the referendum; and

WHEREAS, an Environmental Assessment Form (EAF) dated July 20, 2021 was prepared to comply with the requirements of SEQRA and address the potential environmental impacts of the Chapter's adoption, and

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4, the Village Board has determined that the proposed action is an Unlisted Action because it does not meet any of the Type 1 thresholds found in 6 NYCRR 617.4, and

NOW, THEREFORE, it is hereby:

RESOLVED, that the Village Board of Trustees hereby confirms that it will be the lead agency in accordance with SEQRA with respect to the review of the proposed action opting out of licensing retail cannabis dispensaries in the Village of Cold Spring; and let it be further

RESOLVED, that the Village Board of Trustees hereby confirms its issuance of a Negative Declaration for this proposed action under SEQRA as it will not result in any significant adverse environmental impacts and an environmental impact statement is NOT required; and let it be further

RESOLVED, that on November 2, 2021, the general election will also include a public referendum on the proposition to opt out of licensing retail cannabis dispensaries; and let it be further

RESOLVED, the Village Clerk is hereby authorized to immediately forward the following proposition language to the Putnam County Board of Elections so that it is included on the November 2, 2021 ballot:

“Should the Village of Cold Spring prohibit state licensed retail cannabis dispensaries?”

On roll call vote:

Trustee Marie Early voted:	Yes
Trustee Kathleen E. Foley voted:	Yes
Trustee Fran Murphy voted:	Yes
Trustee Tweeps Phillips Woods voted:	Yes
Mayor Dave Merandy voted:	Yes

Resolution officially adopted on July 27, 2021 by a vote of 5-0-0-0.

I hereby certify that this is a true and exact copy of a resolution adopted by the Village of Cold Spring Board of Trustees at a public meeting held on July 27, 2021

Jeffrey Vidakovich, Village Clerk-Treasurer

Date