

Planning Board Recommendations on Proposed Local Law Amending Village Code Chapter 134 (B-4A- Medical and Health Care Facility Mixed Use District)

I. Highlights

After working with the Butterfield project for over five months, we now have a clearer understanding of what the proposed zoning amendment B-4A would mean for Cold Spring. The following are some concerns and recommendations that we believe would improve the amendment to better serve our Village.

1. Massive scale. A great concern to many is that the two senior residential buildings are almost twice as big as the senior housing on the other side of 9D. They are approximately 80' x 300' and 80' x 160', while each of the existing Chestnut Ridge senior housing buildings is approximately 45' x 150'.

2. Lack of Flexibility. The existing zoning gives discretion to the Planning Board on such matters as location, orientation, and dimensions of structures. As unforeseen problems and improvements arise during the Site Plan Review process, the proposed B-4A imposes strict restrictions on changes. Another situation is that parking spaces are shown as 20' x 10' on the Concept Plan, whereas the current zoning would permit 18' x 9'. (The 18' might be helpful in reducing the massive scale, while 9' would probably be unwise.) Desirable flexibility could replace those restrictions.

3. Apparent Zero (0) Setback on 9D. Flexibility could resolve this problem, too.

4. Support for Tax Benefit. The proposed B-4A would restrict the commercial and retail space "not to exceed" the square footage shown on the Concept Plan. In order to assure that the project is tax positive it would be desirable to have the flexibility to increase the commercial and retail space since they are known generally to be tax positive

5. Assuring Public Access to Gateway Park. The developer has generously offered to enter into an access agreement with the Village.

6. Easy Opportunity to Implement two more provisions of the Comprehensive Plan. A. Trees. The Comp Plan at 3.4.2 calls for making use of "non-invasive, non-allergenic, urban-tolerant species". B. "Green" technologies. The Comp Plan at 3.5.1 and 3.5.2 says the Village should "encourage" such technologies. They could be beneficial in the design, construction, and landscaping for Butterfield. Both such provisions would be desirable in B-4A.

In general and as reflected in this memorandum, the Planning Board recommends that the Village Board approve an amendment to the Village's zoning to allow creation of a special B-4A zoning district to foster redevelopment of the Butterfield Hospital site. The Board recognizes that the proposed redevelopment of the Butterfield site, as reflected in the proposed Local Law/Concept Site Plan, resulted from the participation of Village officials, residents and consultants in a lengthy review process that considered various development schemes at

numerous public meetings and a community charette. Acknowledging that process and against that backdrop, the Planning Board hopes these recommendations will prompt the Board of Trustees to reexamine priorities for the Butterfield Redevelopment, including the following: (i) the preference for underground parking, (ii) whether open space preservation should be prioritized (iii) whether commercial and residential aspects of the project are properly balanced and should there be an opportunity for the project to include increased and/or more varied commercial/retail uses, and (iv) the importance of a tax positive project and how to best achieve that goal. To the extent that the Village Board chooses to enable the Planning Board to modify elements of the concept plan during site plan review, the Planning Board and the Applicant both agree that the standards for the exercise of such discretion must be clearly stated so that there is no confusion about the Planning Board's role and authority.

The following material gives additional specifics.

II. General Comments

- References to the Formula Business Law now adopted should be included as appropriate.
- Where special site conditions exist and under appropriate conditions, the Planning Board should have greater discretion to waive or modify building location requirements, individual building orientation requirements, building dimensional requirements and lot coverage as part of site plan review as is the case in the current B4 Zoning District.
- The Planning Board recognizes the need to balance various elements of the plan, either in the zoning amendment or in site plan review. There will need to be trade-offs. Guidance from the Village Board on issues and priorities will be necessary.

III. Specific Comments

- Section 2 (4)(b) – The Planning Board is in agreement that the size of any non-single family building on the Butterfield Redevelopment site shall not be allowed to increase. The Board is concerned that the size and scale of certain proposed Butterfield Redevelopment buildings could potentially be out of character with adjacent uses.
- Section 2 (4)(c) – In an effort to allow the Planning Board maximum discretion in the application of its Site Plan Review authority, and to allow the Planning Board the ability and flexibility to alter any proposed site plan application for the Butterfield site to address specific and perhaps yet unknown conditions, the Board has expressed an interest in having this section of the proposed B4A code revised. Instead of prescribing a specific numerical value that a building's location can be altered, the Board would like greater discretion in being able to shift buildings on the site to accommodate site conditions should the need arise and to enhance site aesthetics and offer greater conformity with neighborhood/Village character, which may potentially create better, safer or more practical site design options and/or conditions. Accordingly, the Board would like to see this section of the proposed law modified such that perhaps a greater range is offered that a building's location and dimensions, including parking space dimensions, can be altered

as is currently available in the existing B4 zoning. A revision authorizing the Planning Board to waive or modify these requirements should be considered.

- Section 2 (4)(d) – Same comment as noted above. The Board feels that potential site conditions may necessitate their ability to shift buildings on the site. A good example is where a proposed new building may be in too close proximity to the Copper Beech tree, and to avoid any impacts to the Beech tree, a building may need to be moved or shifted by more than 10 degrees. A revision authorizing the Planning Board to waive or modify these requirements should be considered.
- Section 2 (4)(f) – This item should be addressed as follows to better identify and clarify the cross reference for the uses allowed:
 - Current: *(f) the uses on the property shall not deviate from those listed on the concept plan.*
 - Proposed: *(f) the uses on the property shall not deviate from those listed in Section 5B “Permitted Uses” of the B4A zoning code.*
- Section 2 (5)A “Site Plan Review and Approval”– Clarification language should be added to this section so that it is clearly understood that a separate site plan review application is not needed for each individual building or use proposed in this district for the Butterfield Redevelopment project because the entire Butterfield Redevelopment project, along with all of its proposed buildings and uses, is to be considered as one single project and included within one site plan review application. It is somewhat unclear, as this section of the proposed law is currently written.
- The Planning Board has requested that the Village Board consider adding small scale restaurant uses (coffee shops, luncheonettes, eat-in bakeries, etc.) as permitted uses in Section 5B. Such uses would primarily serve and benefit residents, their guests and Village shoppers and would be appropriately limited in scale to meet their needs. The Planning Board envisions smaller scale food sales and/or limited seating and limited menu-style restaurant uses.
- The Planning Board has requested that the Village Board consider adding overnight accommodation uses as permitted uses in Section 5B, since there has been expressed need for such use.
- Section 2 (5)(A)-Clarify the intent of the following provision: “Planning Board shall determine that all the requirements of this chapter have been met...” Is it the intent of the term “chapter” to refer to the Zoning Code Chapter 134 or another subsection of the Zoning Code? Also it is suggested that §134-16G(3) (additional standards) be specifically referenced in this subsection.

- Section 2 (5)(B)(4)- The Planning Board suggests that the proposed law reflect additionally that as part of site plan review, the Planning Board has the discretion to increase resident community space requirements or to modify these requirements to conform to any applicable state and/or federal requirements for community space. The Planning Board has concerns that the provision as drafted may not be applied in a way consistent with the 10% resident community space requirement that currently exists. The Planning Board also would like clarification on the percentages of resident community space that can be indoors and/or outdoors, or if a combination of the two in any percentage would be acceptable.
- Section 2 (5)(D)(4) “Front Yard” – The Planning Board has expressed concern with requiring a zero (0) front yard setback on NYS Route 9D. As expressed previously, the Board feels that it is important to have discretion through the site plan review process to be able to adjust the location of some buildings on the site in response to site conditions not currently known. In this instance, it may not be advantageous, safe or prudent to site a new building right on the front property line for sight line and aesthetic issues or other unknown concerns. So it is suggested that this language be revised such that a zero front yard setback is not construed as purely prescriptive (as currently drafted) but rather that the Planning Board has discretion to establish front yard setbacks, perhaps “as it deems necessary and appropriate to implement the purposes of this subsection”.
- Section 2 (5)(E)(1) “Building Height” - The Planning Board recognizes that many commercial and residential buildings in the Village of Cold Spring are greater than two and one half stories in height. In order to further conform to the existing aesthetic nature and dense urban scale of the Village, consideration should be given to increasing the maximum building height of the B4A zoning district to three (3) stories, if that results in a building footprint reduction. This was also a recommendation of the Special Board as a way of further reducing larger building footprints. Accordingly this section of the B4A code should be reworded as follows:

- Current: *Building Height. Stories: two and one-half (2.5); Feet: thirty-five (35).*

- Proposed: *Building Height. Stories: three (3); Feet: forty-five (45).*

The Planning Board notes that the above recommendation was not requested by the applicant.

- The Butterfield Redevelopment also represents a unique opportunity to promote “green building” technologies and energy efficient building construction as reflected in goals of the Village’s Comprehensive Plan. The Planning Board therefore recommends that such “green building” and energy efficient elements be incorporated into project design for the Butterfield Redevelopment to the greatest extent practicable during the site plan review process.