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**TO: Chairman Molloy and Members of the Planning Board**  
**CC: Charles A. Voss, AICP**  
**FROM: Anna L. Georgiou, Esq.**   
**RE: Butterfield Hospital Redevelopment/Subdivision Review Procedures**  
**DATE: December 3, 2014**

## **MEMORANDUM**

As requested by the Planning Board at its last meeting, this memorandum provides a summary of principal steps associated with subdivision review for the Butterfield Redevelopment. Procedures for subdivision review set forth both in New York State enabling legislation (Village Law §§7-728, 7-730) and the Village of Cold Spring subdivision regulations (Village Code Chapter 111) apply to review of this four-lot subdivision application which is defined as a “major subdivision” under Village Code Section 111-2. However, these procedures are applied against the backdrop of the Butterfield Concept Plan, adopted as part of the B-4A Zoning Amendments, now codified in the Village Code.

### Preliminary Plat Approval

Preliminary plat review is commenced after submission of a sketch plan and preliminary plat application. A public hearing is to be held on the preliminary plat within 62 days after the receipt of the complete preliminary plat. See Village Law §7-728(5). Prior to taking any action to approve or disapprove the preliminary plat, a referral to the Village Board of Trustees for advice is required pursuant to Village’s subdivision regulations. See Village Code §111-6(G). Assuming that a county planning agency referral pursuant to General Municipal Law Section 239-n is required, that referral should be submitted to such agency at least 30 days prior to decision making. The Planning Board is to make its decision to approve, with or without modification, or disapprove the preliminary plat within 62 days after the close of the public hearing. If these time periods are exceeded a default approval will result, unless such periods are extended by mutual consent of the Planning Board and applicant. See Village Law §7-728(8).

Notably, the Village Law's process is inconsistent with the Village's subdivision regulations that do not contemplate a public hearing for the preliminary plat and limit the time period for Planning Board decision making to within 45 days of submission of a complete preliminary plat, with a default "conditional approval" if the Planning Board fails to act within that time frame.

#### Final Plat Approval

No more than six months after approval of the preliminary plat, a final subdivision plat is to be filed with the Planning Board. See Village Code §111-7. Official submission of the final plat requires approval of/endorsement by state and county agencies. See Village Code §111-7(D). The Planning Board also is to meet with and seek the advice of the Village Board of Trustees on the final subdivision plat. See Village Code §111-7(E).

The Village's subdivision regulations require a public hearing on the final subdivision plat. The public hearing on the final plat is to be held within 20 days of the last submission of the subdivision plat for approval. Village Code §111-7(F). Within 45 days of the time of last submission of the subdivision plat, the Planning Board is required to approve, modify, approve or disapprove the subdivision plat. See Village Code §111-7(G).

Although state enabling legislation does not require a second hearing when a final plat is determined to be in substantial agreement with an approved preliminary plat [Village Law §7-728(6)], the Planning Board must make its decision within 62 days of receipt of the final plat to avoid a default approval. See Village Law §7-728(8).

As the Planning Board moves forward with its review process certain of these procedural steps can be coordinated with those required for site plan review. Also the Village's subdivision regulations contain a waiver provision that can be applied under specific circumstances and upon a finding that "extraordinary problems or difficulty may result from strict compliance" with the regulations. See Village Code §§111-24,111-25.

#### Other Requirements

The Village's subdivision regulations also provide for security and bond requirements as set forth in Village Code Section 111-8. See also Village Law §7-730(9). General requirements and design standards are contained in Article IV of the regulations. Although these standards are deemed minimal requirements, they may be waived by the Planning Board in accordance with criteria set forth in Sections 111-12, 111-24 and 111-25 of the Village Code.

It is recommended that procedures and requirements governing subdivision review be discussed in greater detail at the Planning Board's December 3, 2014 meeting.