

**Village of Cold Spring Planning Board  
Thursday November 11, 2021  
Meeting Minutes**

The Village of Cold Spring Planning Board held a Public Hearing and Meeting via videoconference as per Chapter 417 NYS Laws of 2021 on November 11, 2021. Members present: Chairperson Matt Francisco, Stephanie Hawkins, Sue Meyers and Lara Eldin. The meeting was called to order at 7:06 pm.

- 1. Chairperson Remarks**
- 2. No Member Reports**
- 3. No Correspondence**

**Board Business**

**Approval of 9-23-2021 Minutes.** S Hawkins made a motion to accept the minutes as amended. L. Eldin seconded and the motion passed by a vote of 4-0.

**Approval of 10-28-2021 Minutes.** S Hawkins made a motion to accept the minutes as amended. L. Eldin seconded and the motion passed by a vote of 4-0.

**Old Business**

**Continuation of Public Hearing**

**40 Main Street LLC (48.12-2-4) (Applicant) Retail to Retail/Office.** J. Gary, Principal Owner; T.Rasic, Architect for the Applicant. John Furst, Esq., Attorney for the Village of Cold Spring present; Jonathan DeJoy, Esq., Associate Attorney from CMR, LLC present.

**Public Comment**

No Public Comment.

J. Furst recommended that the Board declare the Application as a Type II unlisted action under SEQRA, given that there is no expansion of the footprint and thus no environmental assessment and review is required. M. Francisco commented that the 2018 amendments to SEQRA gives the Board the ability to take such action.

J. Furst advised the Board that it could grant conditional approval of the Application subject to obtaining parking waivers, or alternatively hold off on approval pending discussion and /or agreement from the Board of Trustees as to how to handle the parking issue, with the caveat to Applicant that the Type II unlisted action under SEQRA could change if the Board of Trustees required substantial changes to the parking requirements.

T. Rasic, architect for Applicant, confirmed that the short form EAS was already submitted with this Application.

**Motion to Close Public Hearing and Comment**

A motion was made by S. Meyers to close the Public Hearing and Comment. S. Hawkins seconded the motion and the motion passed by a vote of 4-0.

**Motion to Designate 40 Main Street as a Type II unlisted action under SEQRA**

A motion was made by S. Hawkins to designate 40 Main Street as a Type II unlisted action under SEQRA. S. Meyer seconded the motion and the motion passed by a vote of 4-0.

## Board Comments

M. Francisco commented on the legislative history of Payment in Lieu of Parking Waivers, which provided a meaningful and documented process for “change of use” of Village commercial use properties, but did not anticipate a full day parking use, such as is exists in the present Application. M. Francisco noted that the proposed parking table included seven (7) retail parking spaces [six (6) parking waivers and one (1) space “grandfathered” in] which are consistent with Main Street applications. The Board is unable to recommend the thirty-seven (37) parking waivers due to the number and the four (4) hour parking restrictions on Main Street.

L. Eldin agreed that the payment in lieu of parking waivers is inapplicable to the 40 Main Street project, and that the Applicant must find different solutions.

J. Gary stated he had visited the Fair Street Municipal Area, as well as the MTA property with the Mayor.

S. Hawkins commented that the Applicant could make a contractual agreement with the Village that would be consistent with the Code. J. Furst commented that the use of the Fair Street Municipal Parking as proposed by the Applicant could be a favorable solution, but the terms must be set forth in a contractual agreement between Applicant and the Village.

M. Francisco commented that any agreement for the proposed use would apply only to this use and this Application, and the Board could consider it a “special use” which could be periodically reviewed.

S.Hawkins inquired whether the approval would be only for the twenty-nine (29) spaces instead of the formula for payment in lieu of parking waivers of one (1) space per one hundred and fifty (150) square feet, which would permit thirty-seven (37) spaces in the event of business expansion in the future.

M. Francisco agreed there would be more leeway with approval of the thirty-seven (37) spaces, however, the Board must be able to support its action either way, demonstrating logic and Code compliance.

J.Furst commented the ultimate approval would be with Village Board either way. J. Furst stated he would draft a letter to the Village Board of Trustees setting forth the Planning Board’s comments. The draft letter would be circulated amongst the Board’s members for any further comment or concerns before submission to the Board of Trustees at their next meeting on November 23, 2021.

## **Adjournment**

S. Hawkins made a motion to adjourn the meeting. L. Eldin seconded and the motion passed unanimously. Meeting adjourned at 8:03 pm.

Prepared by: Karen Herbert

*Matthew Francisco*

1/27/2021