

**Village of Cold Spring Planning Board
Thursday January 27, 2022
Meeting Minutes**

The Village of Cold Spring Planning Board held a Meeting via videoconference as per Chapter 1 NYS Laws of 2022 on January 27, 2022. Members present: Chairperson Jack Goldstein, Matt Francisco, Yaslyn Daniels, Sue Meyer, and Lara Eldin. The meeting was called to order at 7:06 pm.

1. Chairperson Remarks

Chairperson Jack Goldstein welcomed all to Meeting, and clarified Board protocol for public comment. J. Goldstein set forth the process for review and approval of Board Minutes. J. Goldstein also remarked that, while the Board has the major responsibility for projects approvals, plats and maps, Chapter 21 of the Village Code additionally grants authority for the Planning Board to undertake investigative studies on issues that impact Village development. One such issue that the Board may consider investigating is the increasing impact of tourism on the Village, with a view towards management of same.

2. Approval of Minutes

M. Francisco noted that the 9-23-2021 and 10-28-2021 Meeting Minutes had been previously approved at the 11/11/2021 Meeting.

S. Meyer made a motion to approve the 11/11/2021 Meeting Minutes as amended. L. Elding seconded and the motion passed by a vote of 3-0-2-0 (J. Goldstein and Y. Daniels abstaining).

3. Member Reports - None

4. Correspondence - None

5. Old Business

Butterfield Building 1, 10 Julia Lane, Cold Spring NY 10516 application for change of use the for yet to be built building from previously approved Retail/Commercial space to Mixed Use Retail/Residential Senior Housing Rental Units. Site plan review and approval is required as per §134-11A. Matthew Moran appearing for Applicant.

Yaslyn Daniels commented on her conversation with Village Attorney John Furst, Esq. about issues raised at the 1/13/2022 Meeting. J. Goldstein thanked her for her efforts and thanked Matt Moran for providing updated materials to the Board.

J. Furst advised that, using the parking table formulas, the change of use from retail to residential would net twenty-four (24) spaces minus the twenty (20) percent waiver, resulting in more than enough parking spaces for the proposed six (6) rental units. Absent any prior expressed concerns about visitor or overflow parking raised by condominium owners, the Board could approve the plan for six (6) residential parking spaces that are designated, marked, and located in a safe and easily accessible area (noting M. Francisco's expressed concerns on 1/13/2022 about the "back-in" parking spaces).

Y. Daniels further noted that, if there had been prior concerns raised about the condominium parking, the Board could consider twelve (12) residential spaces. Remaining spaces could be used for retail overflow. Site plan would have to properly mark location of the spaces.

J. Furst advised Y. Daniels that B4A does not treat condominiums and rentals differently.

Board Discussion

The January 8, 2014 EAF Project Description was shared with the participants. M. Francisco commented that the Planning Board did the land use and approvals based on "market rate 'for sale'" condominiums, that could be rented until sold. M. Francisco stated his concern that the Board not make decisions that may lead to unintended consequences. He noted that the original Application was not for an unlisted or Type II application, and required a "hard look" by the Board at that time. Upon a completed study of the site plan, that Board designated the original 55 condominiums a "neg dec" on a finding of no significant impact in the EAF. There was no need for a full EIS. M. Francisco questioned whether the change of use application requires a new EAF and SEQR, notwithstanding a compelling argument that rentals fall under B4A definition of senior housing.

J. Goldstein agreed that the existing EAF should be considered by this Board as the basis for the prior Board's site plan approval. Applicant must also comply with the law. J. Goldstein agreed that the balance to be struck is what best serves the public good, what ensures a fair and quick response to the owners, and what decisions are in keeping with spirit of the existing Approval.

Other Applicant requirements raised by Y. Daniels include: (1) an accounting for the four hundred and fifty (450) square feet required community space for the proposed rentals in the site plan, noting that any expansion of the footprint would require Zoning Board approval; and (2) site plan designation of the square footage of each one (1) or two (2) bedroom rental unit pursuant to §134.15AD (10).

Y. Daniels confirmed that condominiums and rentals would be taxed at the same rate.

Board Members agreed further consult with J. Furst is needed for consideration and clarification of these issues.

Public Comment

Allison Anthione, a resident of Butterfield Condominiums and a member of the Butterfield Board, stated that she and other residents prefer the Building 1 senior housing rental units to retail, to avoid an increase in traffic. She clarified no resident voting has taken place.

Maria Hardman, a resident of Butterfield Condominiums and a member of the Butterfield Board, expressed concern as to increase in traffic that accompanies retail space. She noted the area of Chestnut, Butterfield and Paulding is primarily residential. More retail space would also bring more tourists.

J. Goldstein thanked A. Anthione and M. Hardman for their comments.

HDRB Map Reformat (the "Map")

J. Goldstein has been unable to date to speak to anyone in the SHPO that recalls how the removal of National Historic District came about. J. Goldstein reiterated his concerns expressed at the January 13, 2022 Meeting, regarding exclusion of the National Historic District on the HDRB Map Reformat. J. Goldstein proposed the Board not take a position on the Board of Trustees approval of the Map, but raise the issue of a serious flaw in excluding the National Historic District.

Board Discussion

S. Meyer commented that marking the National sites on the Map would increase public awareness of the historical significance of Cold Spring, for example, the Foundry. L. Eldin asked about the proposed HDRB spreadsheet/property table that would be available to Village residents to locate their properties in Local, State of National Historic Districts. J. Goldstein stated that the need for such a table provides an even more compelling reason to designate District boundaries on the Map.

M. Francisco made a motion for the Chairperson to submit the Board's comments and concerns to the Board of Trustees. Y. Daniels seconded the motion and it passed unanimously.

Update on 40 Main Street (Applicant) (48.12-2-4) Parking Agreement

J. Goldstein advised that there has been ongoing positive correspondence regarding the proposed extension of time to reach a parking agreement. No recent correspondence has been received from Applicant. J. Goldstein will follow up and report at the next meeting.

- 6. New Business - None**
- 7. Public Comment – None**
- 8. Board Business – None**
- 9. Adjournment**

M. Francisco made a motion to adjourn the meeting. S. Meyer seconded and the motion passed unanimously.

Prepared by: Karen Herbert



Jack Goldstein, Chair

03/28/22

Date