

**Village of Cold Spring Planning Board****Thursday May 5, 2022****Meeting Minutes**

The Village of Cold Spring Planning Board held a Meeting via videoconference as per Chapter 1 NYS Laws of 2022 on May 5, 2022. Members present: Chairperson Jack Goldstein, Sue Meyer and Yaslyn Daniels, Matt Francisco, Lara Eldin. Village Attorney John Furst, Esq. present. The Meeting was called to order at 7:02 p.m.

**1. Chairperson Remarks.**

Chairperson Jack Goldstein noted a quorum present. J. Goldstein stated Butterfield Building 1 has been added to the agenda. J. Goldstein reported he interviewed with the Highlands Current regarding the Fjord Trail. During the interview, he spoke as Planning Board Chair, and as an individual citizen. During the interview, he referenced the authority of the Planning Board to conduct investigations as per Village Code §21.8. He encouraged Board Members to read the interview.

J. Goldstein acknowledged the presence of Village Attorney, John Furst, Esq. at the Meeting.

**2. Approval of Minutes – April 14, 2022 Meeting**

*The Chairman called for a MOTION*

S. Meyers made a motion to approve the April 14, 2022 Meeting Minutes as amended. Yaslyn Daniels seconded the motion and it passed unanimously.

**3. Member Reports**

Sue Meyers reported that she has observed a huge steel piling for the boat launcher in Dockside Park, and ongoing trench digging for the second steel piling.

**4. Correspondence – None.****5. Old Business*****40 Main Street LLC***

Reference was made to the Parking Easement Agreement dated May 2, 2022 between the VBOT and 40 Main Street LLC (the "Parking Easement Agreement").

Discussion ensued during which Board Members discussed the process by which the Parking Easement Agreement came into effect without Planning Board review. While acknowledging the authority of the VBOT to negotiate and enter into contracts, M. Francisco stated that the Planning Board advised the Village Board not to enter into/execute an agreement with the applicant until the Planning Board had accepted the agreement as a solution to the parking issues for office use on Main St.

While J. Goldstein noted that the Parking Easement Agreement may not meet the Board's expectations, it is now a signed Agreement. He suggested that the Code be revised to set forth a clear process for parking waiver agreements that includes review from a planning perspective.

J. Goldstein commented that he asked John Furst, Esq. to include in the proposed Resolution Granting Site Plan Approval language that sets forth the following:

- 1) The Board had no actual part in the negotiations of terms of the Parking Easement Agreement; and.
- 2) Although this application will be approved, future such applications may not be approved depending on the planning impacts at the time.

J. Goldstein expressed concern that the Board not be accused of arbitrary and capricious action should future applicants be denied similar parking waivers.

Discussion ensued regarding specific the terms of the Parking Easement Agreement.

M. Francisco commented that changing the number of parking spots would only be triggered by a change-of-use or change in square footage of the building and thus, a planning issue. He expressed the following concerns:

- The agreed-upon rate is far less than what the applicant had originally proposed, which was the full meter rate x 20 cars x work days per year;
- Parking Easement Agreement runs in perpetuity with a sixty-six percent (66%) percent discount with only a three percent (3%) escalation;
- Parking Easement Agreement provides that the employees can park on the street if the lot is full;
- The terms of such an agreement should be subject to review by the Board from a planning perspective before it is entered into.
  - How does the Village ensure that employees of 40 Main are using the specified lots?
  - If, in the future, the lots are no longer under-utilized on Mondays through Thursdays, how will the terms of the parking Easement Agreement affect the already limited street parking in the Village?

J. Furst noted that the Parking Easement Agreement requires the property owner to pay for the parking spaces whether or not it is used.

L. Eldin expressed concern over the perpetuity of the Parking Easement Agreement as well. Could the Board make recommendations at the time of the annual review of the Parking Easement Agreement? L. Eldin asked if there comes a time where Village parking becomes more congested will there be an opportunity to adjust the rates? She agreed that monitoring the employee parking is an issue. L. Eldin commented that the proposed Resolution Granting Site Plan Approval (the "Resolution") be amended to specifically reflect Board concerns.

S. Meyer expressed concern about the agreed-upon price. She asked if there was anything in the Parking Easement Agreement to prevent any financial losses or conflicts in the parking interests. S. Meyers further asked if there would be signage designating the 40 Main Street employee spots?

J. Furst clarified 40 Main employees must display placards in their cars when parking in the respective lots during the specified business hours.

S. Meyers agreed that adding language to the Resolution that expresses the Board's concerns is better than trying to force a change at this point, and would provide the opportunity in the future for the Board to participate in the annual review.

Y. Daniels suggested that the Board's concerns about the Parking Easement Agreement be set forth in the final Resolution Granting Site Plan Approval, as well as a recommendation that the Board be consulted when the VBOT conducts its annual review. The Board can analyze data at that time, and come back to the VBOT with informed recommendations, and alternate suggestions for usage and planning.

J. Goldstein agreed that the Resolution must reflect the Board's disappointment with terms of the Parking Easement Agreement and suggestion that it participate in annual reviews.

Board Members discussed language amending the proposed Resolution to reflect Board concerns about the outcome of the terms and details of the Parking Easement Agreement, as follows:

- Perpetuity of the rate terms of the Parking Easement Agreement;
- Enforcement of parking;
- Participation of the Board at annual review.

*The Chairman called for a MOTION*

Y. Daniels moved to put the Resolution, as amended, on the table for a vote. M. Francisco seconded the motion.

Upon roll call vote, the Resolution passed by a vote of 4-1-0-0 (M. Francisco voting no).

### **Hudson Highlands Fjord Trail**

J. Goldstein asked for Member comments on the proposed letter to the VBOT regarding concerns about the Hudson Highlands Fjord Trail (the "Project"). J. Goldstein noted the public presentation on the Fjord Trail on May 25, 2022.

Discussion ensued regarding the Board's ongoing concerns.

S. Meyers commented she has observed trash and floating garbage at the Dockside Park launch site and asked who will be responsible for clean-up? Where will toilets be placed?

M. Francisco commented the Village, as licensee, is responsible for maintenance of Dockside Park, and insuring it; this increases cost, risk and liability to the Village. M. Francisco noted the HHFT website itself acknowledges that the Project is not the same as originally proposed. M. Francisco commented that the Village does not have much more undeveloped land, and the Project as it stands is not serviceable. The Village is charged with getting and understanding the majority

opinion which has not happened.

Y. Daniels commented that the Board must take a stronger position. She raised the possibility of consulting with a City Planner to lay out the issues and draft solutions.

J. Goldstein expressed appreciation for the Board Members comments and will circulate an amended letter.

### **Butterfield Building 1**

J. Furst advised that property owner objected to the language in the Declaration of Covenants wherein the Village can revoke the CO if the use is not consistent with use/zoning. J. Furst noted that that the same language was utilized in the in the original Declaration which has already been recorded, and the CO is only lost if someone under 55 is living in the unit. Property owner was advised that provision must be a part of the Declaration.

J. Furst advised property owner is in the process of completing the required conditions including the amended plans indicating two (2) assigned parking spaces for each unit. Once the conditional Resolution is signed by the Board Chair the owner can go to the Building Department and get their permit.

### **6. New Business – None**

### **7. Public Comment - None**

### **8. Board Business - There will be no Meeting on May 12, 2022**

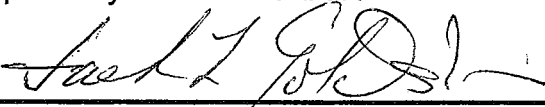
### **9. Adjournment**

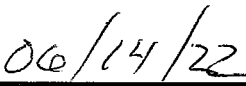
*The Chairman called for a MOTION.*

M. Francisco made a motion to adjourn the Meeting. L. Eldin seconded the motion and it passed unanimously.

Meeting adjourned at 8:28 p.m.

Prepared by: Karen Herbert

  
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Jack Goldstein, Chair

  
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Date