

**Village of Cold Spring Planning Board
Thursday March 10, 2022
Meeting Minutes**

The Village of Cold Spring Planning Board held a Meeting via videoconference as per Chapter 1 NYS Laws of 2022 on Thursday March 10, 2022. Members present: Chairperson Jack Goldstein, Matt Francisco, Yaslyn Daniels, Sue Meyer, and Lara Eldin. The meeting was called to order at 7:04 pm.

1. Chairperson Remarks

Chairperson Jack Goldstein reported he is working with Village Attorney John Furst to develop guidelines and steps for the Board to follow regarding applications and hearings. J. Goldstein is preparing a report on the Dockside Project and the deficiencies in its planning.

2. Approval of Minutes

J. Goldstein made a motion to approve the 01/13/2022 Meeting Minutes as amended. S. Meyer seconded the motion and it passed unanimously.

3. Member Reports - None

4. Correspondence - None

5. Old Business

Public Hearing

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. Village Attorney John Furst, Esq. for the Village also present.

J. Goldstein declared the Public Hearing open. By way of background, J. Goldstein noted that the Board voted for the Public Hearing at the 02/10/2022 Meeting. Notice of Public Hearing was sent to all property owners and renters in the B-4 District. The Board declared Butterfield a Type II unlisted action under SEQRA and an EAF will be undertaken. The Application was referred to the Putnam County Department of Planning for comment and was approved by same on February 22, 2022. J. Goldstein read the Notice of Public Hearing into the record.

M. Moran presented the following project details:

- Building 1 is the final site to be constructed;
- Fifteen thousand (15,000) square feet was originally planned and approved;
- There is no intent to change exterior or square footage of building;
- pavement and curb lines remain same;

- ground floor will remain retail;
- upper floors will be six (6) senior rental apartments instead of office;
- last Site Plan that was sent to the County indicated outdoor community space in a recessed courtyard below street level;
- required designated indoor community space will be shown in interior drawing plans.

J. Goldstein opened the Public Hearing.

Public Comment

Marie Early of 16 Grandview Terrace read her questions/comments to the Board for the record:

- 1) Why does the Revised Referral refer to the proposed change of use as "Mixed Use/Residential" instead of "Retail/Residential"?
- 2) Is the correct date of Referral 9/1/21 or 12/1/21?
- 3) Why does the short form EAF dated 1/12/22 not list agency/ies, permits and approvals?
- 4) Revised Referral form should reference Village Code Chapter §134(15)(A), not § (11)(A);
- 5) Did the Board receive the materials for the short EAF from the Applicant?

Alison Anthoine of 25 Butterfield Road believes the change-of-use is better for the owners/residents of Butterfield because there will be less impact on traffic flow.

Bob Flaherty of 25 Butterfield Road of had no objection to the project, as it will result in less traffic than retail, and additional senior housing is necessary.

Celestine Benjamin of 22 Butterfield Road expressed concern that there is no handicapped access to the crosswalk at Rte. 9D.

Joanne Scebolt of 25 Butterfield Road asked what the maximum number of bedrooms for the rental units will be, and will the parking be expanded?

No further Public Comment.

Board Comment

M. Francisco commented that Applicant must provide the following materials:

- Declaration enforcing B4-A Senior Housing requirements to ensure that the requirement therein would fall to the owner of the property Senior apartments (units will not be managed by condominium HOA);
- Site Plan showing change-of-use, egress and access points for rental units and commercial areas;
- Proof of mailing of hearing notice.

J. Goldstein commented that he would like to see a visualization of the interior community space on the site plan. J. Furst stated a sketch on the site plan would be sufficient so that the Board could better understand the egress and access points, and location of five (5) percent community spaces. M. Moran agreed that he could do that in the form of a "block plan", as suggested by M. Francisco.

J. Goldstein proposed keeping the Public Hearing and Comment open until March 24, 2022 to address questions and provide additional information. No objection from Board Members.

No further Board Comment.

40 Main Street LLC (48.12-2-4)

Owner/Applicant Jeff Gary. Timothy Rasic, Architect for Applicant. Village Attorney John Furst, Esq. present for the Village. Application for Partial Site Plan Approval by Board Resolution.

By way of background, J. Goldstein stated that Applicant is seeking Partial Site Plan Approval to begin construction of the retail portion of the project, while the terms of the commercial off-street parking agreement are being finalized with the VBOT.

Resolution 01-2022. Draft Resolution was provided to Board Members prior to the Meeting. J. Goldstein read the Draft Resolution into the record. J. Goldstein moved for the Resolution to be placed on the table for consideration and discussion by the Board. Y. Daniels seconded the motion.

Board Discussion

Y. Daniels questioned the feasibility of partial approval. Will construction of office space interfere with retail? T. Rasic stated that construction of office space can happen independent of the retail spaces. J. Furst noted that the Building Inspector is aware of the proposed plan and does not have any concerns. Design Plan shared with all participants.

(Y. Daniels left the Meeting at 8:15 p.m.)

M. Francisco questioned the partial approval: does it imply that full approval is forthcoming or assumed? J. Furst stated that the Village and the Applicant are in agreement, in principle, on major terms major terms. Addressing the Board's concerns, J. Furst read into the record a proposed, additional condition to the Resolution:

The Applicant acknowledges and understands that it is proceeding at its own risk and that the partial site approval for the retail use in no way guarantees, or even implies, that either (a) the VBOT will enter into a parking agreement or (b) that the Planning Board will approve the office use aspect.

M. Francisco made a motion to adopt the Resolution as amended. S. Meyer seconded the Motion.

Upon roll call vote, **Resolution 01-2022** passed 4-0-0-1 (Y. Daniels absent) and is attached hereto.

6. **New Business** – None.

7. **Board Business** – None.

8. **Public Comment** – None.

9. **Adjournment**

M. Francisco made a motion to adjourn the meeting. L. Eldin seconded and the motion passed 4-0-0-1 (Y. Daniels absent).

Prepared by: Karen Herbert



Jack Goldstein, Chair

06/28/22.

Date