

**Village of Cold Spring Planning Board
Thursday March 24, 2022
Meeting Minutes**

The Village of Cold Spring Planning Board held a Meeting via videoconference as per Chapter 1 NYS Laws of 2022 on March 24, 2022. Members present: Chairperson Jack Goldstein, Matt Francisco, Sue Meyer, Yaslyn Daniels and Lara Eldin. The meeting was called to order at 7:03 p.m.

1. Chairperson Remarks

Chairperson Jack Goldstein stated he spoke with Village Attorney John Furst, Esq. about posting Board Meeting Agendas and application materials on the website by the Monday prior to the meeting. The public and the Board Members would have sufficient time to review same. Agenda can always be revised and re-published if need be.

J. Goldstein stated he attended the Philipstown Town Board Workshop Meeting on 3/23/2022 regarding the progress of the Fjord Trail and reported the following to the Board:

- The NYS Department of Parks has conducted three (3) environmental Assessments;
- There has been a general EAF regarding the seven (7) mile linear park stretching from Dockside to Long Park in Beacon;
- EAF Phase II (Sec.2) pertains to Breakneck Ridge, approximate one thousand (1,000) parking spaces spaced along the linear park, and a proposed bridge to run along the Hudson River parallel to the Fjord Trail;
- Another EAF pertains to other capital improvements, Sec. 1 is Dockside Park, and building out into the Hudson River to Little Stony Point and connecting to Breakneck Ridge;
- Dockside Park in the Village is the gateway project for the Fjord Trail pursuant to agreements among Metro-North, NYS Department of Parks, and Scenic Hudson;
- NYS Department of Parks did not conduct an EAF on Dockside Park.

J. Goldstein noted there was considerable pushback from the residents attending the Meeting, while the Philipstown Trustees were complimentary to the project. J. Goldstein noted the level of consultation with the Board has been subpar, and encouraged the Board to look into this project and its considerable effects on the Village and the environment. M. Francisco agreed that the Project is very different from what was initially presented but questioned the authority of the Village to request changes.

J. Goldstein stated that the elected officials of Cold Spring and Philipstown have an obligation to ask more questions and shine a spotlight on the issues resulting from the Project on the respective communities.

2. Approval of Minutes

The Chairman called for a MOTION.

L. Eldin made a motion to adopt the Meeting Minutes for 02/10/2022 as submitted. S. Meyer seconded the motion and it passed 4-0-1-0 (Y. Daniels abstained).

M. Francisco made a motion to adopt the Meeting Minutes for 02/24/2022 as submitted. L. Eldin seconded the motion and it passed 4-0-1-0 (Y. Daniels abstained).

3. Member Reports - None

4. Correspondence – No comments or correspondence to the Village Clerk's Office re: Butterfield Building 1.

5. Old Business

Continuation of Public Hearing and Comment

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. Michael Frascarelli, Esq., appearing for the Village. Amended Site Plan, Bldg.1 Perspective, Declaration of Covenants, proposed SEQRA Negative Declaration, and proposed Resolution Granting Amended Site Plan Approval shared among the participants.

M. Moran described the Amended Site Plan as follows:

- Blue dots indicate entrance doors to senior rental units;
- Entrances only lead to upper floors where rentals are located, and not to retail space;
- Red box indicates approximate location of required interior five (5) percent community space;
- Six (6) yellow dots indicate reserved parking spaces for senior rental units (1 per Unit);
- Six (6) red dots indicate signage reserving those parking spots for senior rentals;
- Entrances to individual retail space(s) at front of building from Rte. 9D indicated by blue dots.

M. Moran noted he had provided John Furst, Esq. with the existing Declaration of Covenants, and proof of mailings for the Public Hearing as requested by the Board.

J. Goldstein asked if there were any questions from the Board. Y. Daniels asked if the blue dots on the Amended Site Plan represent the sole entrance and exit for seniors, and did the Building Department have any issues with this? M. Moran stated that Building Department did not have an issue with the entrance and exit as designed. M. Francisco commented that the Building Department would absolutely want two methods of ingress and egress. M. Moran confirmed there were no changes to management of garbage/debris.

M. Francisco also asked if there were fire stairwells to which M. Moran replied there were.

Public Comment

Regina Schuster of 19 Butterfield commented that during a recent power outage in her building the elevator stopped with residents on board. R. Schuster asked how the renters would evacuate in the event of an emergency.

M. Moran stated that while Buildings 4, 5, and 6 have a back-up generator, and Building 3 is looking to install one, there is no plan for a generator for Building 1.

M. Moran noted that the design is Code driven and does not require an elevator.

Board Comment/Discussion

M. Francisco asked for clarification of the two and one-half floor construction. M. Moran confirmed the elevations of Building 1 have not changed since project approval. M. Moran confirmed there was a full floor difference between the front retail and the rear rental units. The entrance to the first four (4) senior rental units is *via* ADA ramp, and the other two (2) units are accessed by interior stairs.

Discussion ensued regarding the existing and recorded Declaration of Covenants ("Declaration"), which charges the HOA as the enforcer of covenants. J. Goldstein commented he had spoken with Village Attorney John Furst, Esq., regarding the need for a new Declaration to be drafted and recorded which solely applies to the senior rental units. M. Frascarelli stated that the new Declaration would reference the existing 2015 Declaration of Covenants and Restrictions, but charge Applicant with enforcer of covenants, with the Village as secondary enforcement if the Applicant fails to abide by covenants.

The Chairman called for a MOTION.

M. Francisco made a motion to close the Public Hearing and Comment on the Application. L. Eldin seconded the motion and it passed unanimously.

The Chairman called for a MOTION.

M. Francisco made a motion to approve the SEQR Negative Declaration Notice of Determination of Non-Significance. L. Eldin seconded the motion and it passed unanimously.

Discussion ensued regarding an increase from one (1) parking space per rental unit to two (2) spaces. M. Francisco commented that the parking table indicates sufficient surplus parking to do so. The Board agreed that Applicant could amend the parking table to reflect twelve (12) spaces for renters as a condition of Board approval. M. Francisco noted the additional six (6) spaces need not be marked by signage, but the Approval and the Amended Site Plan should both reflect two (2) spaces per unit.

Resolution No. 2 of 2022

Draft Resolution Granting Approval for Amended Site Plan was shared among Board Members for review and comment. Upon roll call vote, Resolution No. 2 of 2022 was approved unanimously, subject to the following conditions, and is attached hereto:

- New Declaration of Covenants in substantially the same form and substance as 2015 Declaration of Covenants and Restrictions, to cover six (6) senior housing units and designate Applicant the primary enforcer, but also enforceable by the Village in the event Applicant fails to do so;
- Further amendment to parking table of the site plan to assign two (2) parking spaces to each senior housing unit;
- Payment of all outstanding escrow consulting fees to the Village in connection with the application.

6. New Business – None

7. Public Comment – None

8. Board Business

40 Main Street LLC (48.12-2-4)

J. Goldstein commented that despite extensive negotiations that led to the Board's Partial Site Plan Approval pursuant to **Resolution 01-2022**, the Applicant opted not to go forward with construction of the retail portion of the project, claiming the difficulties of trying to sever the retail systems from the commercial systems and the costs associated therewith.


9. Adjournment

M. Francisco made a motion to adjourn the meeting. L. Eldin seconded and the motion passed unanimously. Meeting adjourned at 8:12 p.m.

Prepared by: Karen Herbert



Jack Goldstein, Chair



Date