

Village of Cold Spring Planning Board**Thursday July 28, 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 July 28, 2022. Members present: Chairperson Jack Goldstein, Sue Meyer, Matt Francisco, and Yaslyn Daniels present (Lara Eldin absent). The Meeting was called to order at 7:01 p.m.

1. Chairperson Remarks.

Chairperson J. Goldstein welcomed all attendees to the Meeting. J. Goldstein acknowledged attendance of M.J. Martin, Director of Development and Community Engagement for the Hudson Highland Fjord Trail ("HHFT").

J. Goldstein reported that the VBOT has requested that the joint meeting with the Board to discuss the HHFT be moved from the end of August to the beginning of September, as the VBOT is focusing its last August Meeting on Village Community Day.

2. Approval of Minutes - July 14, 2022 Meeting

Approval of the July 14, 2022 Minutes was tabled until August 11, 2022.

3. Member Reports

S. Meyer noted the Highlands Current had an article on the Editorial page about the Philipstown Trail.

4. Correspondence

J. Goldstein reported that he received an e-mail from the VBOT late this afternoon but did not have time to read it in detail before the Meeting.

5. Old Business

37 Chestnut Street, 49.5-3-65; Louis and Joanne Grasso, Landlords; Katherine MacInnes, Applicant. Change from retail (print shop) to mixed-use gym/retail (exercise and dance studio) requiring site plan approval as per §134-10(B)(1) and (B)5 of the Village Code.

J. Goldstein advised the Board that Applicant submitted a site plan on July 15, 2022, which did not conform to the site plan approved by the Board after the Public Hearing

on July 14, 2022. Specifically, the ten (10) designated parking spaces per Applicant's lease were now identified in front of the building (2 spaces) and along the portion of the property along Chestnut Street (8 spaces). J. Goldstein stated that he was not aware, nor were other Board members, of this recent change. The site plan approved by the Board at the July 15 meeting was for ten (10) "nose-in" spots along the wall of Foodtown, which were to be identified as Applicant's by marking the pavement.

M. Francisco asked what change had actually taken place? He stated that the Applicant had been in front of the Board, and represented to the Board, in a lease she had already executed, that the ten (10) designated spaces were to be located along the Foodtown wall.

J. Goldstein responded that Applicant represented that her lease provided her with ten (10) designated spaces, but the lease did not specify the location of those spaces. J. Goldstein stated that after speaking with other tenants and the owner, it would appear that the communication between the Applicant and the owner has been less than perfect.

M. Francisco noted he had watched the video again, and listened to the evolution of Applicant's discussion about this and it was a little all over the place. She clearly said that her designated spaces were along the Foodtown wall. M. Francisco noted that during that discussion, he stated that there must have been a discussion about the tractor because the tractor, the bike rack and everything else are right in the middle of the designated spaces. M. Francisco recalled Applicant went on to say that the tractor is needed for site safety and was unsafe without it. M. Francisco stated to the Applicant that it did not follow then that her spaces would be located in that that area. Regardless, that is what the Applicant represented to the Board for approval and on which the Board took final action; it is already done. M. Francisco asked if anyone remembered anything different?

J. Goldstein said he would have to go back and view the video in detail, but agreed with M. Francisco that the that the Board's final approval called for ten (10) dedicated spaces along the wall.

M. Francisco commented that when the Applicant did say where the spaces would be, he believed that location was a great place for long trip parking, that it would force the owner into compliance and additionally have a calming effect on the parking.

Discussion ensued as to Applicant's request to amend the Application. M. Francisco stated there is no Application before the Board. The Board had taken public input, approved the Application thus it was closed. Applicant either has to conform with the Board approved site plan, or file an Application to amend the site plan.

J. Goldstein stated that, in his conversations with Village Attorney John Furst, the approval could be amended with this new site – there are no other changes other than the location of the ten (10) dedicated spaces. M. Francisco asked by what mechanism that would happen? Discussion ensued and it was ultimately decided that the Applicant would have to file a new application and a public hearing would have to take place.

M. Francisco stated that it was made clear that at the 7/14/22, that the Applicant would need ten (10) dedicated spots and ten (10) flex spots for a total of twenty (20).

J. Goldstein commented that the total number of parking spaces was a separate issue as far as he was concerned.

M. Francisco replied that it is [an issue] if you have to answer the question, where do the other ten (10) spaces go? If Applicant business is at full occupancy, there is nowhere for the cars to go. The rear of the lot is full, the Board cannot suggest accessing the spaces in the alley along Foodtown by driving the wrong way on a one-way alley. J. Goldstein agreed but stated that according to the applicant there are twenty (20) spaces in the front of the lot. M. Francisco commented that he was not sure how that number is possible if the spaces along the side are not available.

M. Francisco added that he is familiar with that lot and what is also challenging is the painted lines delineating individual parking spaces are worn away. Moreover, the spaces in the front of the current interior design tenant are not on the original site plan and therefore not in compliance – the Board can only go by what is on the approved site plan unless the Landlord wants to come in and modify the site plan. The whole site plan is woefully out of compliance – you cannot use approximately half of the parking spaces.

The site plan was screen-shared. M. Francisco counted thirteen (13) spaces in the front, noted the placement of the bike track, the barrels, and the tractor prevents the Applicant from achieving twenty (20) spaces.

J. Goldstein remarked that he visited the site and there are five (5) “nose-in” spaces before you get to the tractor. He further noted that (referring to the photo of site plan from above) that the barrels had been removed. He located the approximate location of the tractor on the site plan. There are eight (8) spaces along the Chestnut Street portion of the lot and apparently six or eight in front of the building.

M. Francisco stated there would be one or two spaces taken up because of the bike rack, and in any event, all the Board has to work with right now is the approved site plan. All of these issues could be discussed at the next public hearing. M. Francisco reiterated you can’t count the five illegal spots established by the owner in front of the space now occupied by the interior design firm. People will end up parking in Foodtown lot, and it is impossible to park there. If the Landlord does not bring the site into compliance there will nowhere for people to park.

J. Goldstein remarked that using this Application to bring this entire site into conformance after so many years is not practical. Moreover, there are five (5) nose-in spaces along the side. M. Francisco clarified that he was suggesting it is the Planning Boards job, when they become aware of something, to take it to Code Enforcement. It is Code Enforcement’s job to bring it in, but it is also the Board’s job to rectify mistakes. The Planning Board is not only allowed to do so but required by law. The burden is not on the Applicant, but the challenge will be hers if the Owner does not bring the site into compliance.

S. Meyer asked if Applicant was counting spaces in the rear of the building back, and stated if she remembered correctly, Applicant said people could park in the back, spaces 25, 26, and so on. Her impression is that those spaces were not usable. M. Francisco agreed that none of those are open – the whole rear of the site along Marion Avenue is filled up. J. Goldstein noted there is one space reserved there for a realtor tenant.

S. Meyer further noted that the site plan that the Board approved had the location of the dedicated spots as along the Foodtown alley wall – if the location of those spots has changed then the total available parking in that lot has now been reduced because the spaces in the alley will still be blocked. You cannot say there are that many spaces in the front even if the tractor is not moved.

J. Goldstein noted that the change to the approved site plan involves only the location of the dedicated spaces but not the number. There should still be twenty (20) spaces in total. In regard to non-compliant changes to the site plan. The Owner apparently made decisions over time for what he felt were public safety issues, i.e., preventing wrong-way drivers and (2) speeding. M. Francisco questioned Landlord's authority to do so in this way.

M. Francisco asked where Main Course customers will people park if Applicant fills up the entire front of the lot? J. Goldstein noted that those types of speculations do not fall within the Board's purview. Moreover, at the prior public hearing, there was no objection from Main Course as to the use of the short trip spaces in front of the building or the Foodtown wall.

Y. Daniels noted that the lack of objection from Main Course was because the Board approved a different site plan. Y. Daniels commented that the Board cannot waste time speculating what the new site plan is going to be – the Board needs to see the site plan and determine if it conforms to the rules. The Board has two choices: Applicant can go back and reapply and go through the process all over again or Applicant can amend the site plan and then the Board just vote on it.

Y. Daniels asked for clarification – did Applicant submit a new site plan? J. Goldstein replied that the Applicant had submitted a site plan which showed the ten designated spots in a different location from that which the Board previously approved.

Y. Daniels and M. Francisco commented that the Board should not set a precedent that applicants need not conform with a previously approved site plan.

M. Francisco stated to be clear, that the Board was not really approving the dedicated spaces. Applicant told the Board where the spaces were going to be located, and the Board approved the site plan. Because the approved spaces are adjacent to an adjoining building not belonging to the landlord, the marking of the Applicants business name should be on pavement. J. Goldstein asked, based upon M. Francisco statements, if the location of the designated spots is or is not relevant to the application? M. Francisco clarified that the Board is approving the site plan that shows where the designated spaces are.

M. Francisco noted that the Board calculation of required parking spaces was a total of twenty (20) – ten (10) designated spaces to be marked on the pavement for tenant's business, and ten (10) "flex" spaces. He commented that dedicated spaces provide some assurance that the site plan will work – not showing those dedicated spaces on the plan makes it less likely the site plan will work.

M. Francisco recalled discussion at the July 14, 2022 Meeting that having the dedicated spaces along the Foodtown wall might calm the traffic activity in that area, and would accomplish removal of the tractor and bike rack, thus bringing the Landlord into compliance with his approved site plan, as well as providing spaces for Applicant's studio space.

Discussion ensued as to a solution to the problem. S. Meyer noted that the soonest the Applicant could have a public hearing would be August 25, as August 11 is the HHFT Presentation. S. Meyer stated the Applicant had to submit a new application. Y. Daniels stated the Applicant had to file a simple site plan adjustment, not a whole new application. M. Francisco stated it is a one-page simple process.

M. Francisco stated this is a minor site plan adjustment with no additional SEQRA required, and should not prevent Applicant from obtaining a permit and continuing work on the space. M. Francisco also stated the Resolution should come back to the Board for review, given the circumstances.

The Chairman called for a Motion

Y. Daniels made a motion for a Public Hearing on August 25, 2022. M. Francisco seconded the motion and it passed 4-0-0-1 (L.Eldin absent).

Hudson Highlands Fjord Trail Presentation

J. Goldstein thanked M.J. Martin for her patience while the Board conducted other business. Reference was made to the agreed upon HHFT presentation to the Board at the Meeting scheduled for August 11, 2022. J. Goldstein asked Y. Daniels to summarize: she stated that the Board's questions for the HHFT fall under five (5) specific topics. A draft of those questions was circulated amongst the Board Members for further comments, with a view towards reaching the final version tonight. If approved by the Board, Village Attorney John Furst, Esq. will review the document on July 29, 2022, after which the final document it will be forwarded to Fjord Trail and the VBOT.

J. Goldstein reported that the VBOT had a very thorough discussion at its July 27th meeting about issues raised in the preliminary scoping document of a Traffic Study commissioned by the Fjord Trail. M.J. Martin noted that designated VBOT members have been invited to be part of a larger working group that includes representatives of the State DOT, Parks Department, the County and of each of the other affected municipalities.

J. Goldstein acknowledged receipt an extensive the e-mail sent by Mayor Foley late this afternoon, summarizing issues discussed at the July 27th VBOT meeting and a short description of the administrative process and proposed time frame for the Traffic Study. The Mayor's e-mail expressed the VBOT's concerns and a referred the matter to the Planning Board for advice and comment. J. Goldstein noted that some questions reflecting the Board's perspective of the Traffic Study are already included in the Board's pending letter to the HHFT and that its concerns are not inconsistent with the concerns expressed by the VBOT.

No further questions or comments were offered by the Board regarding the document. J. Goldstein and Y. Daniels encouraged M.J. Martin to contact the Board for any questions or clarifications regarding the Presentation on August 11, 2022.

6. New Business

11 Main Street, 48.12-1-72, Locally-listed area of the Historic District and Nationally-Listed Historic District. Angela Laikin, Owner. Change-of-Use from commercial to retail. Application materials were shared with participants, including drawings showing square footage of usable space for all three (3) floors.

A. Laikin provided information regarding the property:

- Prior owner re-did interior of house;
- First floor (29'x 17'3") with kitchen equipped with sink, refrigerator and half-bath (no stove and tenants will not need a stove);
- Second floor (29'8"x 16'9') with full bath;
- Third floor (16'7' x 16' 4") with half-bath;
- Backyard;
- 2500 sq. ft. driveway entrance from New Street with a short dog-leg to back of house

A. Laikin stated the two partners and their part-time employee will use three (3) of the six (6) parking spaces in the lot. Discussion ensued as to preparing the parking table pursuant to the Code.

A. Laikin was advised a public hearing would be needed for approval of the application for the proposed change-of use. A. Laikin to complete the following tasks:

- Parking table;
- Short Form EAF;
- Provide the Public Hearing Notice to neighboring properties;
- Set up an escrow account;
- Post Notice of Public Hearing sign on premises.

J. Goldstein noted the SEQR review will be done on August 25, 2022.

The Chairman called for a Motion

M. Francisco made a motion for a public hearing for August 25, 2022. Y. Daniels seconded the motion and it passed 4-0-0-1 (L. Eldin absent).

7. Public Comment - None

8. Board Business - None

9. Adjournment

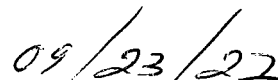
The Chairman called for a MOTION.

M. Francisco made a motion to adjourn the Meeting. S. Meyer seconded the motion and it passed 4-0-0-1 (L. Eldin absent). Meeting adjourned at 9:02 p.m.

Prepared by: Karen Herbert



Jack Goldstein, Chair



Date