

Village of Cold Spring Planning Board**Thursday August 25, 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 August 25, 2022. Members present: Chairperson Jack Goldstein, Sue Meyer, Matt Francisco, and Lara Eldin present (Yaslyn Daniels absent). Jonathan DeJoy, Esq. of Catania, Mahon, and Rider, LLC present for the Village. M.J. Martin from the HHFT also present. The Meeting was called to order at 7:02 p.m.

1. Chairperson Remarks.

Chairperson J. Goldstein deferred his comments until the Board follow-up of the Hudson Highland Fjord Trail ("HHFT") project from the August 11, 2022 Meeting. J. Goldstein welcomed all attendees to the Meeting. J. Goldstein acknowledged attendance of M.J. Martin, Director of Community Development for the HHFT.

2. Approval of Minutes - July 14, 2022 Meeting and July 28, 2022 Meeting

The Chairman asked for a MOTION

M. Francisco made a motion to amend the Agenda to postpone approval of the Minutes for the July 14, 2022 and the July 28, 2022 Board Meetings, until the next Board meeting. L. Eldin seconded the motion and it passed 4-0-0-1 (Y. Daniels absent).

J. Goldstein commented he had asked the Secretary to review respective videos to clarify minutes.

3. Member Reports

S. Meyer went to Dockside Park recently and reports 1) the launchpad is finished; 2) the big steel piling has been removed; and 3) cement pad is in the water, 4) work is continuing along to the end of the shoreline.

4. Correspondence

None.

5. Old Business***Public Hearing***

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.

J. Goldstein read the Notice of Public Hearing into the record, and noted that the Board had

determined that the “blast zone” for mailings should be within a 300-foot radius of the property. J. Goldstein acknowledged the presence of Jonathan DeJoy, Esq., of Catania, Mahon & Rider, PLLC, representing the Village.

Board Secretary noted that A. Laikin has provided all mail receipts for neighboring properties. No comment, written or otherwise, has been received by the Village Clerk’s Office regarding the Application.

A. Laikin provided an overview of the Application:

- Building purchased on July 1, 2022;
- Prior owner renovated the entire interior of building;
- No other changes needed for the interior;
- Retail tenants will be moving into the building;
- Tenants’ current lease expires end of August;
- Attached parking lot backs up to New Street;
- Parking lot has six (6) spots measuring thirteen feet (13’) by twenty feet (20’) - larger than Code Minimum requirement of nine feet (9’) by eighteen feet (18’).

J. Goldstein commented that he confirmed with the HDRB that no review was necessary as there are no changes to the exterior of the building in this Application, however any exterior changes, *e.g.*, signage, proposed by the Tenants must go before the HDRB for approval.

A. Laikin confirmed there is no public parking in the lot, nor any entrance to the store from the attached lot. Retail tenants and the Owner will park in that lot. Parking lot has six (6) spots measuring thirteen feet (13’) by twenty feet (20’) - larger than Code Minimum requirement of nine feet (9’) by eighteen feet (18’). A Laikin stated she had provided the Board with the Parking Table as required, which showed the Code requires six (6) spaces of off-street parking and confirmed the parking lot is not for public parking.

J. Goldstein opened the Meeting for Public Comment.

Public Comment – None.

Board Comment –

M. Francisco commented he had no questions, that the Board had gone over the Application in depth. He remarked the Parking Table is as he had calculated:

- Required Parking is six (6) spaces
- Credit for three (3) spaces - two (2) for tenants

and one (1) part-time worker;

- One (1) space “grandfathered-in” as per Code;
- Applicant to purchase two (2) waivers. approved by the VBOT.

M. Francisco advised A. Laikin that the Parking Waivers need to be approved by the VBOT and further clarified the necessary steps of the process.

The Chairman called for a Motion

S. Meyer made a motion to close the public hearing and comment. M. Francisco seconded the motion and it passed 4-0-0-1 (Y. Daniels absent).

J. Goldstein read the Resolution Granting Site Plan Approval for 11 Main Street into the record.

The Chairman called for a Motion

Resolution Granting Site Plan Approval for 11 Main Street (attached) M. Francisco made a motion to approve the Resolution and Application and authorize signing by the Chair. The motion was seconded by L. Eldin. Upon roll call vote the resolution passed by a vote of 4-0-0-1 (Y. Daniels absent).

J. Goldstein stated the Board would do everything possible to expedite the process.

Public Hearing

37 Chestnut Street, 49.5-3-65; Louis and Joanne Grasso, Landlords; Katherine MacInnes, Applicant. Revision to a previously approved site plan under Code §134-10.A and §134-27.A of the Village Code [(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)].

J. Goldstein read the Notice of Public Hearing into the record.

K. MacInnes provided an overview of the Application:

- Move Cold Spring will be an adult performance art and dance Space with afternoon programs for High School and Middle School students;
- Approximate space of one thousand (1,000) square feet;
- Space is located within walking distance of the Village;
- Change-of-use application was previously approved on July 14, 2022;

- Applicant seeking revision to the previously approved site plan to change the location of the ten (10) designated spots in the shopping center.

K. MacInnes commented on the revised site plan Application. K. MacInnes stated that she misunderstood that the previous approval of the site plan was contingent on the ten (10) designated spaces running along the alley. K. MacInnes stated that the one-way pass through the shopping center prevented her from going forward with the prior plan with the Owner. As such, the Owner gave her ten (10) spaces in the front of the lot – eight (8) along the front (9D) and two (2) along the side.

J. Goldstein opened up the Meeting for Public Comment, to be followed by Board Comment.

Public Comment

Judith Rose of 7 Marion Avenue asked if the access to the business will be from Chestnut Street only, and not Marion Avenue. J. Goldstein confirmed that is correct.

Board Comment

J. Goldstein commented that the Board was dealing with questions about the parking situation on this site:

1) Application for Revised Site Plan

J. Goldstein commented that the original Resolution called for twenty (20) spaces in the front of the lot, ten (10) of which would be designated. J. Goldstein noted that the delineations of spaces on the macadam have worn away over time. At its last Meeting, the Board determined that in fact only eighteen (18) spaces are available rather than twenty (20) that the Board had approved. K. MacInnes has now provided a revised site plan that shows the ten (10) spaces dedicated to Move Cold Spring - eight (8) along the front and two (2) along the side.

J. Goldstein further noted that there is no requirement in the Code for the number of spaces for this particular use (other than retail and office space which are the smaller portions of the use). J. Goldstein has now had an extensive conversation with the Owner, who has agreed to remove the bike rack, and move the tractor further down the alley toward Marion Avenue, thus bringing the number of available spaces up to the twenty (20) spaces required by the Board.

J. Goldstein stated that the Board must now act on MacInnes's new Application to change the location of the dedicated spaces, which is now in compliance with the original approved site plan. A Resolution has been prepared for the Board to vote on.

2) *General Compliance throughout the site with original site plan.*

J. Goldstein noted several changes that have accrued over time that have caused the site to be out of compliance with the governing site plan. Owner is amenable to:

- filing an application with Code Enforcement to take the necessary steps to bring the entire site into compliance;
- moving the tractors covering the spaces in the rear of the site; and
- examining the four non-conforming (4) spaces in front of the current interior design tenant.

J. Goldstein noted that the forthcoming application may include changes to the original site plan. J. Goldstein remarked that there are ongoing safety and traffic control issues in the alleyway along Foodtown, and concerns have been expressed by other tenants and employees. The Owner/Landlord is open to solutions.

J. Goldstein concluded that as a result of these conversations, there has been real movement in the removal of the moveable offending objects which has now made the Application consistent with the terms of the Board's approval, and progress has been made in effecting change to the entire site.

M. Francisco expressed concerns about the process that pertains to this Application:

1. Having the Board Chair work with the Owner to move the tractor to another location is a tacit and direct involvement with the site non-compliance,
2. The matter should have been handed off to the CEO where it belongs;
3. Had the Tenant not been pleased with the end result, such action by the Board Chair could expose the Village to potential tortious interference for inserting the Village into Tenant's lease negotiations;
4. The Chair took this action to accommodate an application;
5. The solution at hand came about by "holding hands" with the Owner;
6. In any event, the site non-conformance remains.

M. Francisco stated that none of the non-conformances in this site are the tenant's responsibility, and do not affect her change-of-use. He asked if a landlord gives a tenant a parking table, but does not conform with it, can the tenant be found in violation of their

approved site plan, even though it is not their responsibility? J. DeJoy replied that if the site plan approval is conditioned upon having a certain number of spaces in a certain location, and the tenant cannot comply with at condition due to the landlord's non-conformance, technically, the tenant could be in violation of their approved site plan.

J. DeJoy further opined that since the tractor is a vehicle, and not a permanent structure or landscaping, asking the property owner to move it to a different location is not necessarily a site plan violation. However, if it is determined that it was a mistake to ask the property owner to take such action, and the moving of the tractor results in a site violation, the Village or the Planning Board is not estopped from correcting that mistake.

K. MacInnes expressed concern about her designated spaces and flex spaces – what difference does it make what the Landlord does with the rest of the parking on his property? J. Goldstein explained that the present discussion revolves around how this Application was handled, and what the Board does going forward.

J. Goldstein read the Resolution Granting Site Plan Approval for 37 Chestnut Street into the record.

Additional Public Comment Subsequent to Recitation of Resolution

J. Rose thanked the Board for allowing the Public Comment to remain open. She remarked that residents of Marion Avenue do not want to see cars driving through the buildings, nor want to see a repeat of past safety issues. She asked the Board to keep in mind that the space behind the building is the Owner's business, and he is a valuable and critical member of the community, a good friend to all, and should be treated fairly. She suggested that any conversations/discussions with Owner be conducted in a Workshop mode with public present.

Rebecca Ramirez commented that keeping the bike rack somewhere in the lot would encourage residents to use bicycles instead of driving. She asked would the ten (10) dedicated spots be accessible by others if the business was closed? J. Goldstein replied it likely a matter of enforcement, and the tenant can restrict their designated spots. J. DeJoy commented that this particular business would likely be open beyond what is considered normal business hours for special events. J. Goldstein recognized R. Ramirez' concern. J. Goldstein noted that there is parallel parking along both sides of Chestnut Street. In response to R. Ramirez comments about the number of spaces dedicated in this case, L. Eldin explained that the Applicant's ten (10) spaces were granted in accordance with the Village Code, using the statutory formula based on use and square footage of the space. R. Ramirez expressed thanks for the clarifications provided by the Board.

The Chairman called for a Motion

S. Meyer made a motion to close the public hearing and comment. L. Eldin seconded the motion and it passed 4-0-0-1 (Y. Daniels absent).

The Chairman called for a Motion

Resolution Granting Site Plan Approval for 37 Chestnut Street (attached) M. Francisco made a motion to approve the Application, and Resolution as modified by the Board comments to be incorporated therein, and authorize signing by the Chair. The motion was seconded by L. Eldin. Upon roll call vote the resolution passed by a vote of 4-0-0-1 (Y. Daniels absent).

Hudson Highlands Fjord Trail Presentation

J. Goldstein commented that the August 11, 2022 Presentation answered some of the Board's questions, but not others. J. Goldstein has asked for a meeting with Mayor and the Village Attorney to discuss scheduling of the joint meeting. J. Goldstein is seeking Board input regarding prioritization of questions that were not answered. M.J. Martin asked for confirmation that the Board was asking the HHFT to prepare a summary document of the specific project elements of interest of the Planning Board and the VBOT, and an overlay of the project components from Dockside to Little Stoney Point, highlighting a process and timeframe of community collaboration. J. Goldstein agreed that such a document was essential to the joint meeting, and that he would touch base with Yaslyn to discuss her idea further. Mr. Goldstein thanked M.J. Martin for attending the Meeting.

6. New Business

40 Main Street LLC

No representatives present at Meeting. J. Goldstein commented no public hearing would be scheduled in the absence of the applicants.

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. L. Eldin seconded the motion and it passed 4-0-0-1 (Y. Daniels absent). Meeting adjourned at 8:31 p.m.

Prepared by: Karen Herbert



Jack Goldstein, Chair

09/23/22

Date

Resolution No.: 4 of 2022

**THE VILLAGE OF COLD SPRING
PLANNING BOARD**

Roll Call Vote

Names	Ayes	Noes	Abstain	Absent
<i>Chairman</i> Jack Goldstein	X			
<i>Member</i> Yaslyn Daniels				X
<i>Member</i> Lara Eldin	X			
<i>Member</i> Sue Meyer	X			
<i>Member</i> Matt Francisco	X			
TOTAL	4			1

The following was presented
By: Member Francisco
Seconded by: Member Meyer

Date of Adoption: August 25, 2022

**RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF
COLD SPRING GRANTING AN AMENDED SITE PLAN APPROVAL
TO KATHERINE MACINNES
FOR THE PARCEL OF REAL PROPERTY LOCATED AT
SECTION 49.5, BLOCK 3, LOT 65,
SAID PROPERTY ALSO KNOWN AS 37 CHESTNUT STREET**

WHEREAS, the Planning Board of the Village of Cold Spring has received an application from Katherine Macinnes (the "Applicant") for a change of use from Retail (print shop) to Retail/Gym (dance studio) (the "Proposal") at the property located at Section 49.5, Block 3, Lot 65, in the Village of Cold Spring, said lot also being known as 37 Chestnut Street (the "Property"); and

WHEREAS, the Property lies within the Village's B-2 Zoning District as well as the Village's locally designated Historic District; and

WHEREAS, in accordance with Section 134-10, site plan from the Planning Board is required for a change of use; and

WHEREAS, the Applicant previously obtained a conditional site plan approval from the Planning Board on July 14, 2022 (the "Conditional Approval"), and the Planning Board determined that the Proposal required a total of twenty (20) off-street parking spaces, with ten (10)

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Village of Cold Spring

off-street parking spaces specifically dedicated to the Proposal, pursuant to Section 134-18 of the Village Zoning Code; and

WHEREAS, the Applicant now wishes to amend the Conditional Approval with respect to the location of the required off-street parking spaces, as shown on the site plan; and

WHEREAS, this is a Type II Action pursuant to the State Environmental Quality Review Act and no further environmental review is required; and

WHEREAS, the matter was referred the County Planning Department under General Municipal Law Section 239-m and it was determined to be a matter of local concern; and

WHEREAS, A public hearing was opened on August 25, 2022, and closed the same day. One member of the public offered comments on the Proposal.

WHEREAS, the Planning Board has reviewed the aforesaid application materials submitted by the Applicant; and

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Planning Board hereby determines that the amended site plan application and plans meet all general site plan objectives set forth in Section 134-27.A of the Village Zoning Code; and it is further,

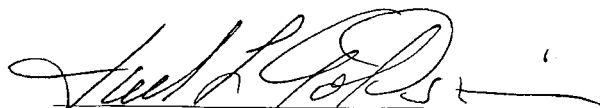
RESOLVED, that the Planning Board hereby determines that the twenty (20) off-street parking spaces, with ten (10) specifically dedicated to the Proposal, as shown on the above referenced plans,

RESOLVED, that the application of Katherine Macinnes for an amended site plan for the real property situated at Section 49.5, Block 3, Lot 65, in the Village of Cold Spring, said lot also being known as 37 Chestnut Street, Cold Spring, is hereby granted, subject to the following conditions:

- (1) The Applicant shall provide the Planning Board with a site plan that delineates the location of the ten (10) required off-street parking spaces; and
- (2) Subject to payment of all outstanding escrow consultant fees to the Village of Cold Spring as may be required in connection with the project.

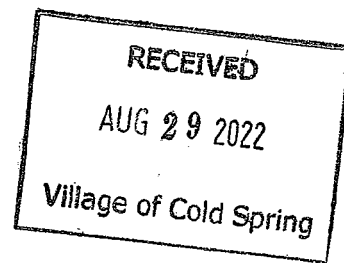
**BY ORDER OF THE PLANNING BOARD OF THE
VILLAGE OF COLD SPRING, NEW YORK**

Dated: August 25, 2022


Jack Goldstein, Chairman

Resolution No.: 5 of 2022

**THE VILLAGE OF COLD SPRING
PLANNING BOARD**



Roll Call Vote

Names	Ayes	Noes	Abstain	Absent
<i>Chairman</i> Jack Goldstein	X			
<i>Member</i> Yaslyn Daniels				X
<i>Member</i> Lara Eldin	X			
<i>Member</i> Sue Meyer	X			
<i>Member</i> Matt Francisco	X			
TOTAL	4			1

The following was presented
By: Member Francisco
Seconded by: Member Meyer

Date of Adoption: August 25, 2022

**RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF
COLD SPRING GRANTING SITE PLAN APPROVAL:
TO ANGELA LAIKIN
FOR THE PARCEL OF REAL PROPERTY LOCATED AT
SECTION 48.12, BLOCK 1, LOT 72,
SAID PROPERTY ALSO KNOWN AS 11 MAIN STREET**

WHEREAS, the Planning Board of the Village of Cold Spring has received an application from Angela Laikin (the "Applicant") for a change of use from Office to Retail (the "Proposal") at the property located at Section 48.12, Block 1, Lot 72, in the Village of Cold Spring, said lot also being known as 11 Main Street (the "Property"); and

WHEREAS, the Property lies within the Village's B-1 Zoning District, as well as the Village's locally designated Historic District and the nationally designated Historic District; and

WHEREAS, in accordance with Section 134-9, site plan approval by the Planning Board is required for a change of use; and

WHEREAS, this is a Type II Action pursuant to the State Environmental Quality Review Act and no further environmental review is required; and

WHEREAS, a referral to the County Planning Department was not required; and

WHEREAS, a public hearing was opened on August 25, 2022, and closed the same night. There were no comments from the public.

WHEREAS, the Planning Board has reviewed the aforesaid application materials submitted by the Applicant; and

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Planning Board hereby determines that the site plan application and plans, dated March 27, 2006, prepared by Badey & Watson meet all general site plan objectives set forth in Section 134—27.A of the Village Zoning Code; and it is further,

RESOLVED, that the application of Angela Laikin for site plan approval for the real property situated at Section 48.12, Block 1, Lot 12, in the Village of Cold Spring, said lot also being known as 11 Main Street, Cold Spring, is hereby granted, subject to the following conditions:

- (1) The applicant must obtain two (2) off-street parking waivers from the Village Board of Trustees; and
- (2) Subject to payment of all outstanding escrow consultant fees to the Village of Cold Spring as may be required in connection with the project.

**BY ORDER OF THE PLANNING BOARD OF THE
VILLAGE OF COLD SPRING, NEW YORK**

Dated: August 25, 2022


Jack Goldstein, Chairman