

Village of Cold Spring Planning Board
Thursday September 22, 2022
Meeting Minutes

The Village of Cold Spring Planning Board held a Meeting at Village Hall and via videoconference as per Chapter 56 NYS Laws of 2022 on Thursday September 22, 2022. Members present: Chairperson Jack Goldstein, Sue Meyer, Yaslyn Daniels, and Lara Shihab-Eldin (joined meeting in person at approximately 7:05 p.m.). Matt Francisco was absent. Village Clerk Jeff Vidakovich also present. The Meeting was called to order at 7:03 p.m.

1. Chairperson Remarks.

Chairperson J. Goldstein welcomed all attendees to the Meeting. J. Goldstein noted that the Governor did not extend the Order permitting meetings to be held completely by videoconference. As such, Meeting was being conducted by quorum present in the Village Hall, with public joining either in person or via videoconference. J. Goldstein deferred further remarks until other business concluded, but noted that the Planning Board and the VBOT are continuing their discussions on the upcoming joint meeting on September 28, 2022 for Fjord Trail. J. Goldstein also reported that the Board Members must participate in training before the end of 2022. Village Clerk advised Village Attorney may possibly provide the training.

2. Opportunity to Request Vote to Add/Modify Agenda Items

The Chairman called for a Motion

S. Meyer made a motion to modify the Agenda as needed. Y. Daniels seconded the motion and it passed 4-0-0-1 (M. Francisco absent). J. Goldstein noted the Board discussion on HHFT (Old Business) would take place after both 40 Main Street matters were concluded.

3. Approval of Minutes

The Chairman called a Motion on July 14, 2022 Minutes

L. Elden made a motion to approve the minutes for July 14, 2022. Y. Daniels seconded the motion and it passed 3-0-1-1 (Y. Daniels abstained; M. Francisco absent).

The Chairman called a Motion on July 28, 2022 Minutes

S. Meyer made a motion to approve the minutes for July 28, 2022. Y. Daniels seconded the motion and it passed 3-0-1-1 (L. Shihab-Eldin abstained; M. Francisco absent).

The Chairman called a Motion on August 25, 2022 Minutes

L. Shihab-Eldin made a motion to approve the minutes for August 25, 2022. S. Meyer seconded the motion and it passed 3-0-1-1 (Y. Daniels abstained; M. Francisco absent).

4. Member Reports

S. Meyer reported that work appears completed at Dockside Park and looks beautiful. Gravel paths have been placed. Trees and grass have been planted, and topsoil placed along the shoreline. The boat ramp appears completed. S. Meyer noted an earth berm that may be intended as the beginning to the trail, and further noted the close proximity of the path to the train tracks (approximately 15 feet). All construction machinery is gone. J. Goldstein noted that the mayor and other officials were at Dockside Park on 9/21/2022 for inspection. The mayor had also taken note of the proximity of the path to the train tracks. Boulders were placed today to separate the path and tracks. J. Goldstein and S. Meyer noted that there was a turnaround where boulders have now been placed around the area of the earth berm. S. Meyer noted there is no signage or stop signs at the entrance to the area and a car did drive through. J. Vidakovich stated that the mayor met with Parks on 9/21/2002 and signage was discussed.

5. Correspondence – None.

6. Old Business

Public Hearing

40 Main Street, 48.12-1-72, Locally designated area of the Historic District. Janko Rasic Architects, Applicant; Owner 40 Main Street CS LLC by James Gary. Revision of previously approved site plan. Stacey Dugliss, tenant (CS Apothecary), was also present.

By way of introduction, J. Goldstein noted the Board had entertained an application for a change to previously approved site plan to decrease the overall office space and increase the overall retail space. J. Goldstein noted there is no SEQR required, nor any referral to the Historic District Review Board has been made. The Application involves solely a reconfiguration of interior spaces and some entrances to the building. Board Secretary noted proof of mailings was received by the Village Hall. No comments on the proposed Application have been received by the Clerk. J. Goldstein read the Notice of Public Hearing into the record.

Public Comment.

Ethan Timm and Jane Timm, Owners of 50 Main Street were present. J. Timm noted that their deed gives them access to the alleyway between their building and 40 Main. E. Timm asked for confirmation that the office space for 40 Main will have access from Depot Square. J. Goldstein noted that the office space ingress/egress

of the office space on the previously approved site plan was from Main Street. The proposed change to the site plan designates the office ingress/egress to be from the Depot Square lot purchased by J. Gary, and does not involve the alleyway between 40 Main and 50 Main. J. Timm asked about the safety of large propane tanks at 40 Main. J. Gary replied the tanks are there by permit and are subject to all required inspections. J. Timm commented that fire inspection is coming up and will determine if the tanks are sufficiently far from windows and doors.

E. Timm noted that 40 Main Street was previously a garage, thus there was no parking in front of the garage doors because of a still extant curb cut. E. Timm requested that the curb cut be replaced with a fifteen (15) minute parking space. J. Vidakovich noted that the request would have to be addressed by the VBOT. J. Goldstein stated he would follow up on that issue as well.

Board Comment

Y, Daniels asked for confirmation that no food service will be part of the increased retail space. J. Gary confirmed there will be no food service.

The Chairman called for a Motion

L. Shihab-Eldin made a motion to close the Public Hearing and Comment period. Y. Daniels seconded the motion and it passed 4-0-0-1 (M. Francisco absent).

The Chairman called for a Motion

Y. Daniels made a motion to approve the change to previously approved site plan and for Chairman J. Goldstein to sign the Resolution. L. Shihab-Eldin seconded the motion and it passed 4-0-0-1 (M. Francisco absent).

HHFT

J. Goldstein reported that on September 13, 2022, he and Yaslyn Daniels met with Mayor Foley, Trustee Laura Bozzi, Village Attorney John Furst, Esq., Village Clerk and Board Secretary. They discussed the structure and content of the September 28, 2022 joint meeting:

- Meeting will be an open discussion between the two Boards, to be led by the VBOT.
- Meeting will likely be held at Village Hall to give the public the opportunity to attend in person or by videoconference.

- Zoning Board of Appeals and Historic District Review Board have been invited to participate.
- Mayor will summarize where the Village finds itself in terms of its discussions and the likelihood of its participation in the EIS process, and the time frame of that participation.

J. Goldstein reported that the mayor has invited Parks Department to attend the 9/28 Joint Meeting but no response to date. The mayor has been advised there is a delay in the DGEIS due to Parks Department staffing shortages but it should be ready by late Fall. Discussion surrounding the Traffic Study is ongoing with HHFT.

Y. Daniels reported that M.J. Martin of HHFT continues working on the time frame/overlay document suggested by Y. Daniels at the Board's 8/11/22 meeting and will forward it to her once completed.

Reference was made by J. Goldstein to the five (5) areas of concern previously identified by Y. Daniels in preparation for the 8/11/2022 HHFT Meeting. He noted that HHFT did not respond adequately to those questions. Board Members agreed to focus on one area of concern each in preparation for the joint meeting and further isolate each concern and develop questions.

J. Goldstein provided the following historical background:

- A GEIS was prepared in 2015;
- In 2017 there was a substantial pause in the process.
- HHFT and Parks are working on and updating the 2015 document on a project that has been significantly changed and re-conceptualized over time.

J. Goldstein made reference to significant areas of concern noted in the mayor's notes for the upcoming joint session:

1. Scoping Document identifies the VCS as an "informed party", but It has no permitting authority for the project; according to the Scoping Document VCS only option is a "Resolution of Support" endorsing the Final Plan and Final GEIS. This designation severely limits the ability of the Village to influence the outcome;

2. Town of Fishkill issued a Negative Declaration on Breakneck Connector meaning no further environmental review is required for that critical element of the trail.
3. When the GEIS is released, there will be only a 30-day window for comment by the public and the Village Board.
4. The Board's comments must be well considered to provide the most positive outcome for the Village.

J. Goldstein noted that the mayor's notes set forth the challenges faced. Y. Daniels commented that the lack of information available to frame issues presents a difficult challenge to address SEQR.

J. Goldstein stated response needs to come from the Board as a body and as individual concerned citizens. He stated the Board's responsibility is to provide a sounding board for Village residents and help to keep the need for serious change, if required, in a prominent position. J. Goldstein does not find any evidence of consideration of impact on the Village in the history of the project or the presentations so far. While there may be a willingness to mitigate impact, there appears to be no serious consideration that the Village is a valuable resource in need of protection.

S. Meyer stated that since the presentation at the Chalet Restaurant seven or eight years ago, she had not heard anything else about the project until the most recent presentations. At that time, VCS did not seem to be a major part of that project. S. Meyer questioned the level of real public awareness of the project as now designed. She further noted that requests for concrete information on the administrative structure of the Trail are met with statements of how long a time it takes to get it together. Both S. Meyer and J. Goldstein observed the recent grid lock in the Village with large buses, the trolley and growing crowds.

L. Shihab-Eldin commented that the discussions between the VBOT and Board must establish the framework to ask questions. She further noted that that the Board could assess how to use the same parameters of the Code to address Fjord Trail, in the same manner that it addresses other applications – what falls within the Board purview?

Y Daniels commented that proper process has been used to date, and suggested the following:

- The VBOT should discuss with Parks and FT that the Village status be, at a minimum, an “interested agency” with respect to Dockside Park, and for the General EIS, and not just an “informed agency”;
- The Board should be working with other Planning Boards and other VCS Boards to jointly come up with ideas;
- Schedule more public hearings on the project;
- Postpone our final POV until the end of the 30-day period of review and comment;
- Leverage processes as to review; and
- Highlight each area of concern.

J. Goldstein agreed with Y. Daniels and stated the Village should request an independent consultant be provided and paid for by Parks or HHFT, to assess traffic study, and address sustainability issues, and effects of over-tourism.

7. New Business

40 Main Street, 48.12-1-72, Locally-designated area of the Historic District. Janko Rasic Architects, Applicant; Owner 40 Main Street CS LLC by James Gary. Application for change-of-use from Retail/Office to Retail/Office/Personal Service. Stacey Dugliss, tenant (CS Apothecary), also present.

J. Gary stated the Application is for change-of-use to permit CS Apothecary to include a three-station partitioned salon area in the retail space.

Board Comment - None.

The Chairman called for a MOTION

Y. Daniels made a motion for a public hearing on October 13, 2022, with the agreed upon notification area. L. Shihab-Eldin seconded the motion and it passed 4-0-0-1 (M. Francisco absent).

8. Public Comment – None.

9. Board Business – None.

10. Adjournment

The Chairman called for a MOTION.

S. Meyer made a motion to adjourn the Meeting. L. Shihab-Eldin seconded the motion and it passed 4-0-0-0 (M. Francisco absent). Meeting adjourned at 8:24 p.m.

Prepared by: Karen Herbert

Jack Goldstein, Chair

Date