

Village of Cold Spring Planning Board
Thursday March 23, 2023
Meeting Minutes

The Village of Cold Spring Planning Board held a Meeting at Village Hall and via videoconference on Thursday, March, 23, 2023. Members present at Village Hall: Chairperson Jack Goldstein, Sue Meyer, Matt Francisco, and Lara Shihab-Eldin. 04Matt Francisco present via videoconference. Yaslyn Daniels was absent. The Meeting was called to order at 7:04 p.m.

1. Chairperson Remarks.

Chairperson J. Goldstein thanked all those present for the meeting.

New ATM lighting at M&T Bank – J. Goldstein received an inquiry regarding the new lighting at the bank and a "bump-out" to accommodate the ATM machine. He has asked the Village Clerk to look into whether or not the bank has a permit for these changes.

- *Meeting with Dan McKay* – J. Goldstein met by telephone with Assistant Commissioner of NYS Historical Preservation. He found the meeting helpful in understanding their role in the environmental review process particularly regarding the Fjord Trail GEIS. With the Board's permission, he will continue to reach out to other potentially affected state agencies, and will circulate a brief statement of strategy going forward in preparation for the DGEIS expected in Fall of 2023.

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

The Chairman called for a Motion

L. Shihab-Eldin made a motion for the opportunity to add/modify Agenda items that may arise during the meeting. S. Meyer seconded the motion and it passed by a vote of 4-0-0-1 (Y. Daniels absent).

3. Approval of Minutes

The Chairman called for a Motion to approve the February 23, 2023 Minutes

M. Francisco made a motion to approve the minutes for February 23, 2023 as submitted. L. Shihab-Eldin seconded the motion and it passed by a vote of 4-0-0-1 (Y. Daniels absent).

4. Member Reports – None.**5. Correspondence - None.****6. Old Business – Hudson Highlands Fjord Trail**

The joint Board public forum scheduled for April 13, 2023 is postponed. Information regarding the new date, attendees, and format will be provided. J. Goldstein stressed the importance of having a reliable schedule to afford opportunity for board and public comment, and further noted the need for the public to be kept informed.

7. New Business – Preliminary Mixed-Use Draft Review. Ted Fink, AICP – Consulting Planner for the Village present.

J. Goldstein introduced Village Planning Consultant, Ted Fink, to present an update on the work of the Ad-Hoc Committee (see attached presentation).

Key points of the presentation included:

- All village land use regulations must be in accordance with a municipality's Comprehensive Plan (CP)
- Zoning Codes define land use
- Local Waterfront Revitalization Strategy (LWRS) adopted by the Village 2011, but not approved by the Department of State, pending Zoning Code update.
 - The Comprehensive Plan and LWRS recommended changes to Zoning Code because existing code "generally followed a suburban car-oriented model"
- From 2012 to 2021, the Village obtained another grant from NYS to update Zoning and implement 2012 Plan recommendations. An Appointed Code Update Committee ("CUC") worked to develop a series of Code amendments to the entire Village Code, including Zoning. Most updates proposed by CUC were adopted by November 2021, however Zoning required additional time to complete
- Goals and Tasks of the Ad-Hoc Group formed in 2022:
 - Introduce user friendly graphic standards to illustrate the community's character
 - Address planned redevelopment of Marathon Battery site so it is "well integrated in the fabric of the community"
 - Develop a process to permit re-development on Marathon using two-step "safeguard" procedure
 - Consider Village Board approval of a special use permit first and then Planning Board site plan approval to ensure Village can continue as residents want it to
 - Protect recreational purposes of Mayor's Park
 - Enhance residential districts with the introduction of Form-Based Code
 - Zoning defines/controls how much you can do
 - Form-Based defines how you can do it
 - Removes obstacles for existing homeowners
- Develop process and standards for Mixed-Use Districts

- Complete and deliver to NYSERDA by established deadlines
 - Draft of PMBR to NYSERDA by 4/30
 - Updates can be submitted up to 5/31
 - Final invoices to be submitted by 6/30

Board Comment

J. Goldstein recognized the contributions of many people who have contributed to this important and complicated work over the years, including Marie Early and Matt Francisco. He thanked Ad Hoc Committee for the opportunity to review the PMU working draft. J. Goldstein asked Board members to note their comments and questions on the draft PMU and forward to him for organization and submission to Ted Fink. T. Fink offered to be available to any Board member with questions on the PMU. J. Goldstein noted that a final PMU will be submitted to the three standing Village boards, with full public disclosure and hearings as required by law.

M. Francisco asked T. Fink about the composition of the Ad Hoc Committee and what informs their work product. T. Fink responded that he was not involved in that process, but understands that the individuals in the work group have experience and knowledge of the Zoning Code, and are familiar with the limitations in the Code that need amendment. T. Fink noted the three-step process that will pertain to the Marathon site:

- Special use permit
- Partial site plan approval
- Final site plan approval for individual sections

S. Meyer asked for clarification of the form-based code to facilitate her comments on the drafts. T. Fink will provide some examples to J. Goldstein for re-distribution to the Board members.

8. Public Comment

Marie Early commented that the Comprehensive Plan was the first step in the zoning update process. The LWRS was then developed and thereafter the LWRP. The Village approved the plan and the State accepted it. As to the LWRS, the State did not need to approve it, so it is in effect. The LWRP was adopted and the DOS reviewed it, and found it unacceptable because the DOS wanted to see more zoning changes. There were twenty-seven items changed in the Code, not just the Zoning chapter. Chapter 134 is the largest chapter in the Code and received the most changes. Three chapters were not adopted by the VBOT: 134, 78 and one more, two chapters of which referred to the I-1 zone. M. Early assumed that the new changes refer to the I-1 zone.

There was no further public comment.

9. Board Business

Discussion ensued regarding the Village budget approval timeline as relates to the NYSERDA grant. J. Goldstein will get more information on that budget item.

10. Adjournment

The Chairman called for a MOTION.

M. Francisco made a motion to adjourn the Meeting. L. Shihab-Eldin seconded the motion and it passed by a vote of 4-0-0-1 (Y. Daniels absent). Meeting adjourned at 8:02 p.m.

Prepared by: Karen Herbert



Jack Goldstein, Chair

04/18/23

Date

Cold Spring Zoning Update

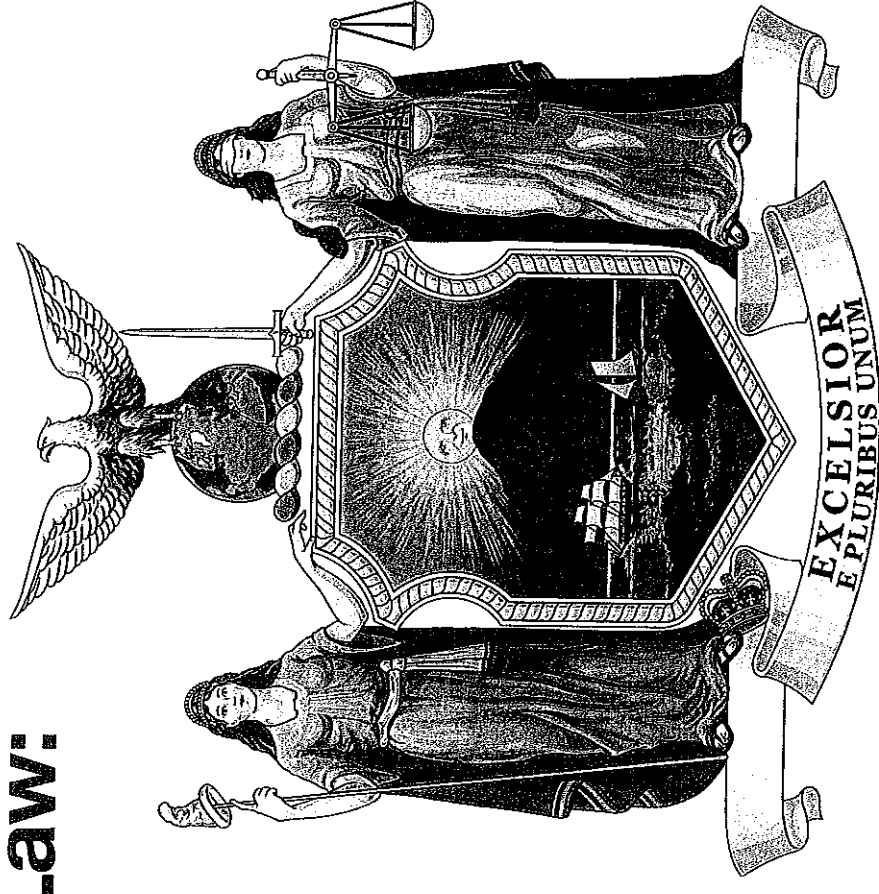
Village Comprehensive Plan/Local Waterfront Revitalization Strategy

January 25, 2023

Ted Fink, AICP

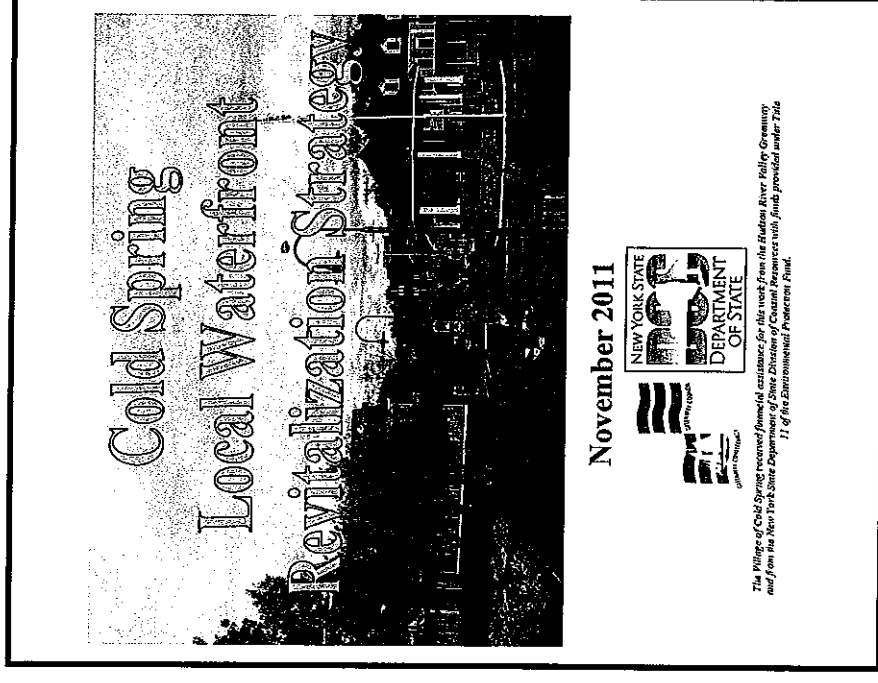
New York State Village Law:

- ▶ “Among the most important powers and duties granted by the legislature to a village government is the authority and responsibility to undertake village comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens.” [NYS Village Law § 7-722.1(b)]
- ▶ “All village land use regulations must be in accordance with a comprehensive plan.” [NYS Village Law § 7-722.11(a)]
- ▶ Villages are authorized by state law to regulate land use by enacting zoning, which defines the uses to which property may be devoted, the siting of development on land, and the density of development on property



Local Waterfront Revitalization:

- ▶ In 2009, Village embarked on preparation of a Local Waterfront Revitalization Strategy (LWRS), using funds awarded from the NY State Coastal Management Program
- ▶ A Special Board composed of Cold Spring citizens worked to develop both an LWRS and an updated Comprehensive Plan (prepared in 1987)
- ▶ The LWRS (adopted 2011) and Comprehensive Plan (adopted 2012) recommended changes to the Village's existing zoning law (adopted 1967) because: "It generally followed a suburban car-oriented model"
- ▶ The LWRS policies are consistent with Village Comprehensive Plan policies

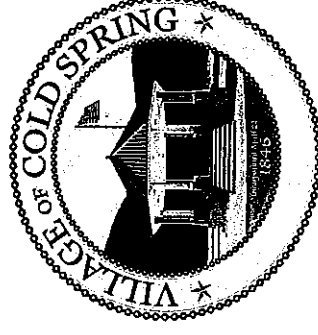


Important Plan Policies Driving Zoning Update:

- ▶ ***“Preserve and enhance the small town, historic, neighborly, diverse and safe character of Village life” (Goal # 1)***
- ▶ ***“Review land use regulations set forth in the Village Code and modify as necessary to ensure clarity and internal consistency” (Policy 5.13.2)***
- ▶ ***“Explore the use of form-based zoning for new development and redevelopment” (Policy 7.1.3)***
- ▶ ***“Amend the Zoning Code to require appropriate scale, setbacks, streetscape and design features consistent with Village character” (Policy 7.2.6)***

Village of Cold Spring Comprehensive Plan

December 7, 2011 Adopted January 10, 2012



Special Board Members:
Michael J. Armstrong, Chair
Anne E. Impellizzeri, Vice Chair
Marie Early, Secretary
Cathryn Fiddle, Treasurer
Karon L. Doyle
Stephanie Hawkins
Anthony Phillips
Michael D. Reisman
Richard Westford

Village Board Members:
Seth Gallagher, Mayor
Bruce D. Campbell, Trustee
J. Ralph Falloon, Trustee
Charles Haskis, III, Trustee
Aldrich Serradas, Trustee

The Village of Cold Spring received financial assistance for this work from the Hudson River Valley Corridor and from the New York State Department of State Division of Coastal Resources with funds provided under Title 11 of the Environmental Protection Fund.

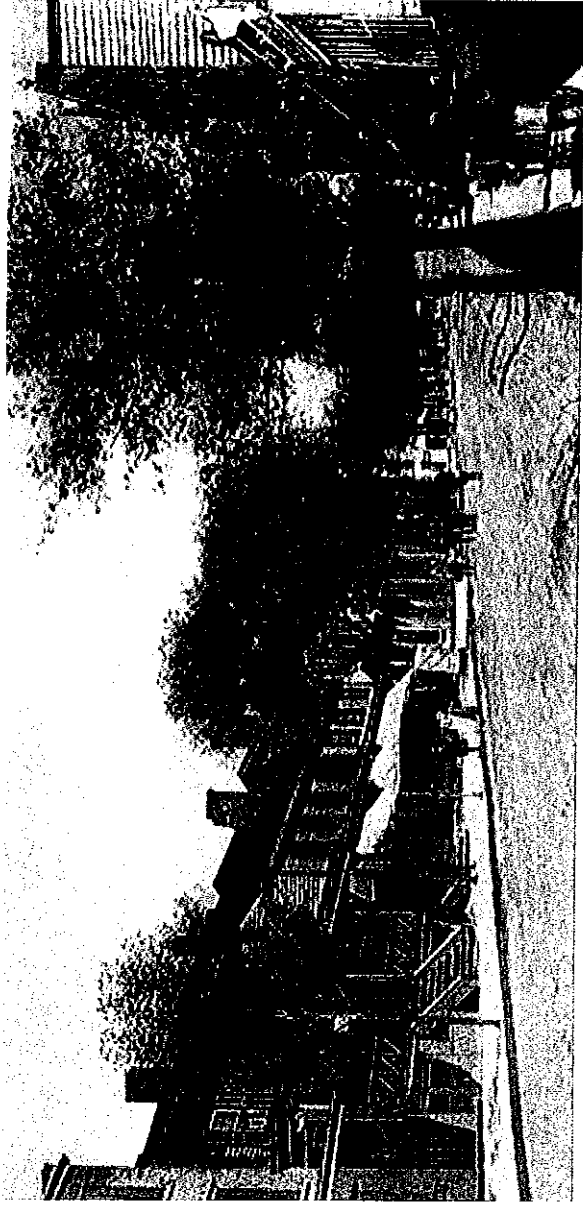


Dated: December 7, 2011 Adopted January 10, 2012

WHAT IS CLEAR

From the LWRS & Comprehensive Plan Processes:

**The historic Village could
not be rebuilt as it is today
under existing zoning**

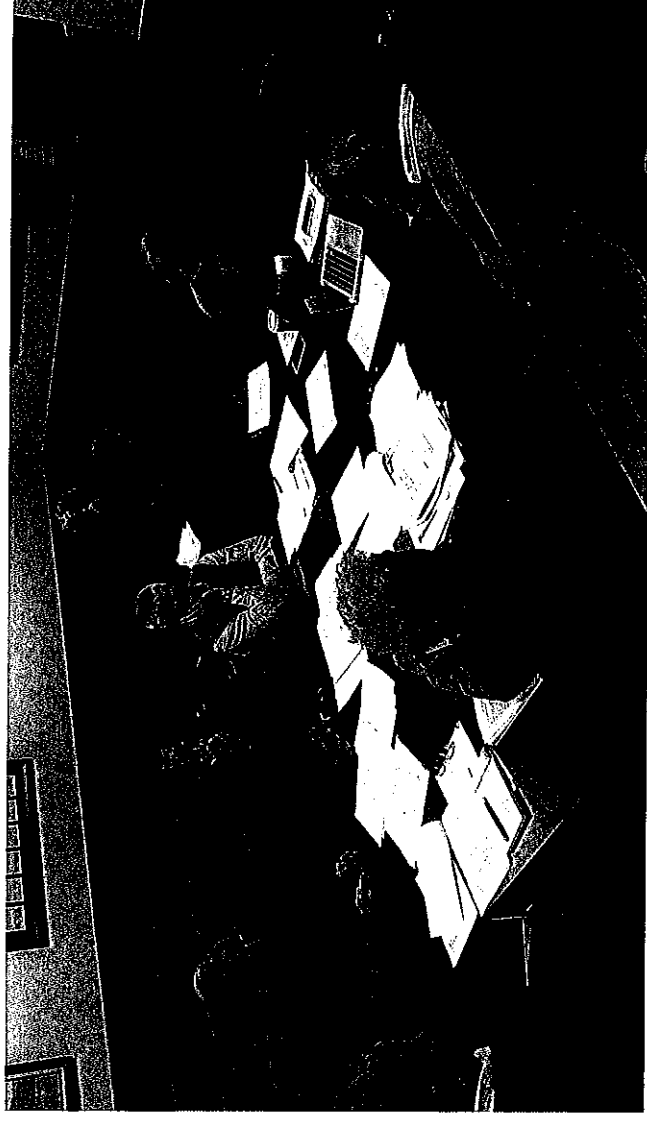


Main Street Early 1900's Before Zoning

Work Toward Code Updates

2012 to 2021:

- ▶ Following LWRs and Plan adoption, the Village obtained another State grant to update Zoning and implement 2012 Plan recommendations
- ▶ An appointed Code Update Committee (CUC) worked to develop a series of amendments to the entire Village Code, including Zoning
- ▶ Most Code Updates proposed by CUC were adopted by November 2021
- ▶ Zoning still needed additional time to complete



Ad Hoc Working Group on Zoning Update

Formed by Mayor in Spring 2022:

Members:

Trustee Laura Bozzi, former ZBA Member

Paul Henderson, former CUC Member

Ted Fink, AICP, Consulting Planner

Mayor Kathleen E. Foley

Donald MacDonald, former ZBA & CUC member

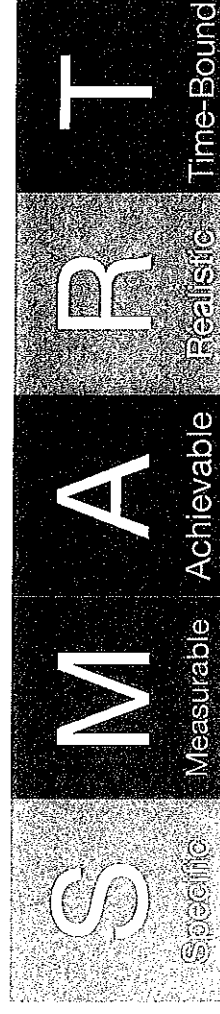
Jessie St. Charles, ZBA Member

Eric Wirth, ZBA Chair



Overall Goals of Ad Hoc Working Group

- ▶ Review and develop recommendations on responsive, state-of-the-art planning techniques
- ▶ Correct mismatch between non-conforming lots and standards
- ▶ Introduce new user-friendly graphic standards
- ▶ Recognize that historic buildings may not meet existing or updated rules

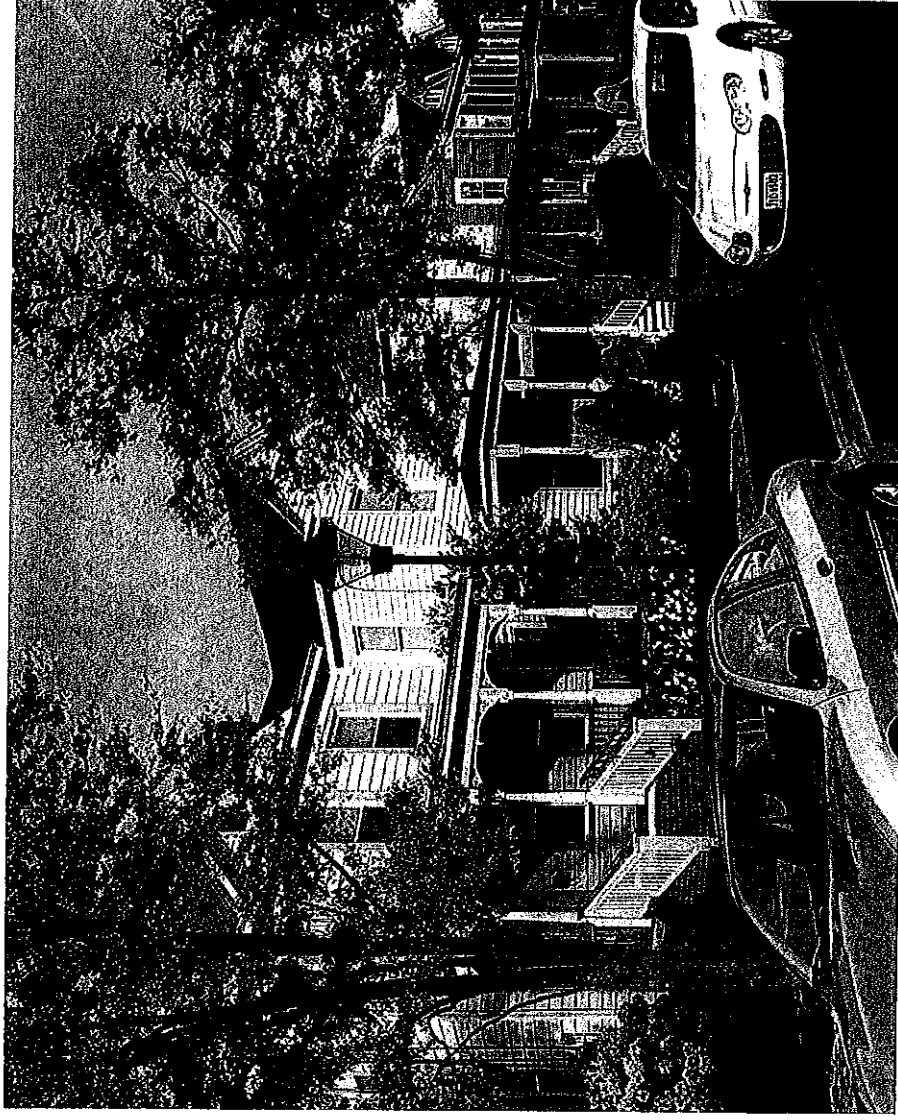


GOALS

Why Change Zoning?

"Over 80 percent of everything ever built in America has been built since about 1950 and a lot of what we have built is just plain ugly. There are still many beautiful places in America, but to get to these places we must often drive through mile after mile of billboards, strip malls, junk yards, used car lots, fire pits and endless clutter that has been termed 'the geography of nowhere.' The problem is not development, per se; rather the problem is the patterns of development. Successful communities pay attention to where they put development, how it is arranged and what it looks like."

Ed McMahon, Author
The Secrets of Successful Communities

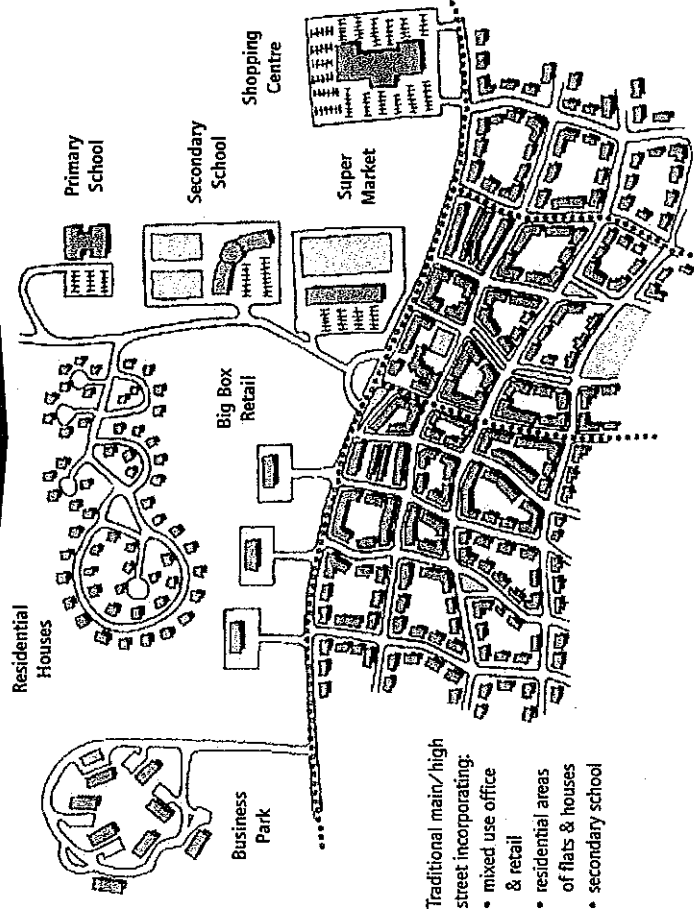


Ad Hoc Working Group Tasks

Forming recommendations to address what exists:

1. Introduce new user-friendly graphic standards to illustrate the community's vision so the character of different neighborhoods can be preserved and enhanced [Comprehensive Plan Policy 7.1.3]
2. Address the potential for carefully planned re-development on the Marathon site (currently zoned industrial) so it is "well integrated in the fabric of the community" [Comprehensive Plan Goal 7.2]
3. Properly protect Mayor's Park for recreational purposes [Comprehensive Plan Goal 7.9 and Policy 7.9.1]

Conventional Suburban Zoning



Traditional Neighborhood Zoning

Task 1: Enhancing Residential Districts Code

Addressing Residential Zoning Obstacles Using Form-Based Code (FBC) Standards in a Hybrid Approach

Current zoning controls how much you can do while FBC standards address how you can do it

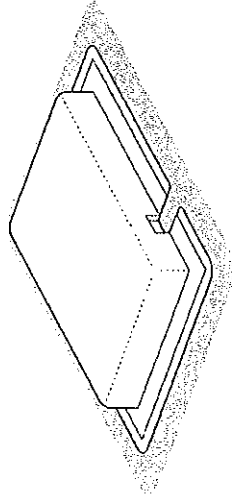
With FBC elements in the existing zoning, the rules will be expanded to describe how to keep changes within the well-established scale, context, and design traditions of the Village

A hybrid FBC is designed to enhance what is in place rather than continue excepting new designs and requiring variances

Beacon, Poughkeepsie, Warwick, Red Hook and other Hudson Valley communities have adopted hybrid FBC standards

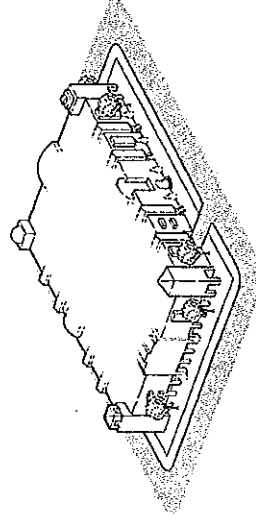
How zoning defines a one-block parcel

Density, use, FAR (floor-area-ratio), setbacks, parking requirements and maximum building height(s) specified.



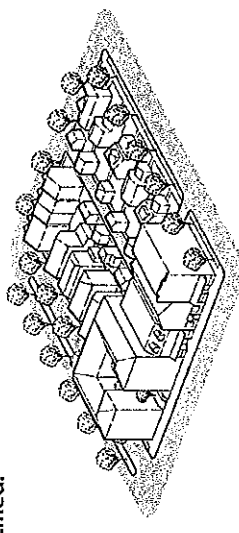
How design guidelines define a one-block parcel

Density, use, FAR (floor-area-ratio), setbacks, parking requirements, maximum building height(s), frequency of openings and surface articulation specified.



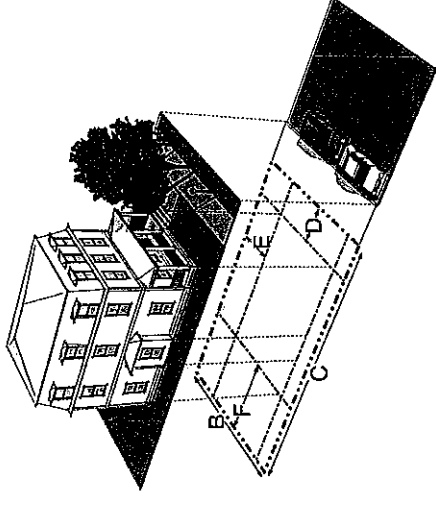
How form-based codes define a one-block parcel

Streets and building types (or mix of types), build-to lines, number of floors and percentage of built site frontage specified.



Task 1 Continued:

- ▶ **Fix mismatch between older non-conforming residential lots (i.e. before Zoning) and the Zoning Law's dimensional standards to remove obstacles for homeowners**
- ▶ **Recognize historic buildings may not meet all existing or updated rules so include provisions to encourage and facilitate their preservation while avoiding new suburban style development**

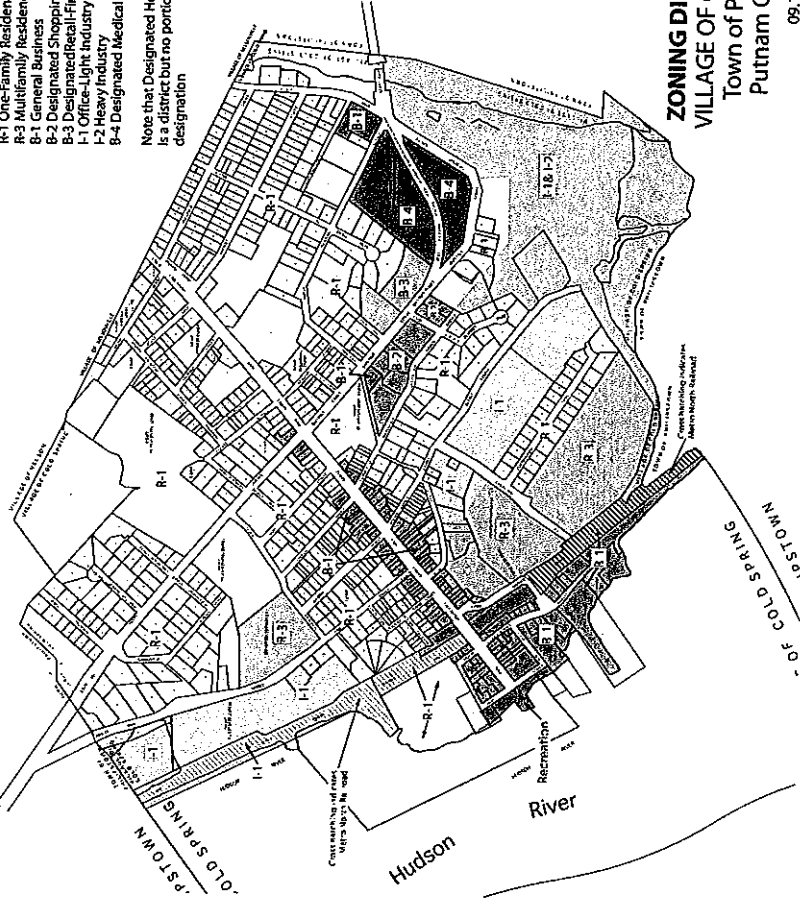


Task 2: Develop Process & Standards for Mixed Use District

- Address the potential for carefully planned re-development on the Marathon site (currently zoned industrial) so it is “well integrated in the fabric of the community” [Comprehensive Plan Goal 7.2]

ZONING DISTRICTS:
R-1 One-Family Residence
R-2 Multifamily Residence
B-1 General Business
B-2 Designated Shopping Center District
B-3 Designated Retail-Financial-Professional
I-1 Office-Light Industry
I-2 Heavy Industry
B-4 Designated Medical and Health Care Facility

Note that Designated Hotel-Historic - Recreational is a district but no portion of the village has this designation

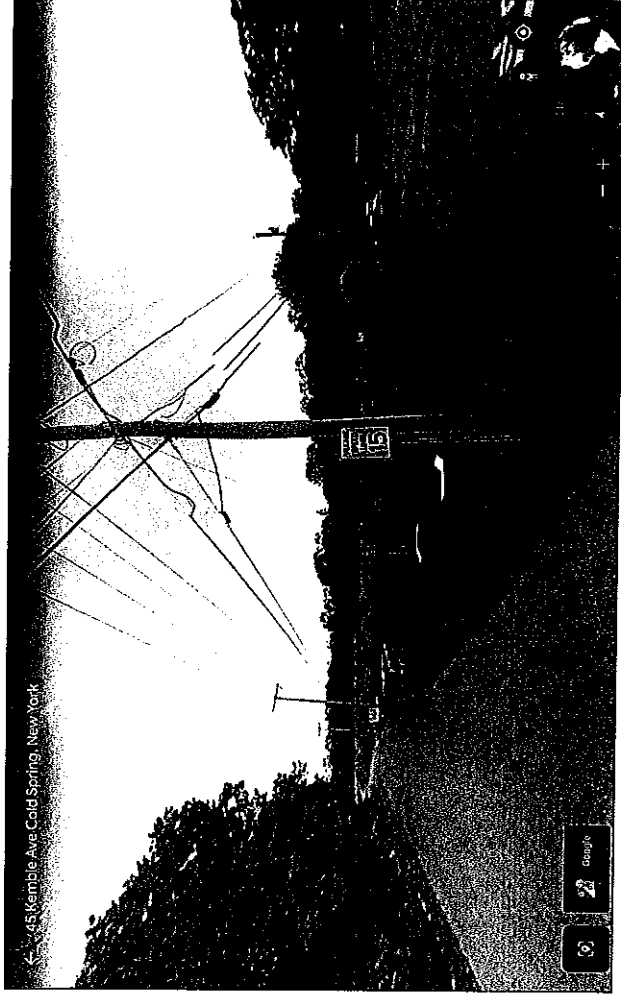


ZONING DISTRICT MAP
VILLAGE OF COLD SPRING
Town of Philipstown
Putnam County, NY
09.10.08

Task 2 Continued:

Village Comprehensive Plan Policies for Marathon:

- ▶ *"Make appropriate access to and from the [Marathon and environs] area a prerequisite for any development there, ensuring that development does not create traffic problems that will unreasonably adversely affect current residents. [Plan Policy 7.2.2]"*
- ▶ *"Consider rezoning the former Marathon site as mixed uses (such district to include residential, recreational, open space, work-live, small retail business and office uses) and require special use permits for any development on the Marathon site." [Plan Policy 7.2.9]"*
- ▶ *"Ensure the environmental integrity and safety of the former Marathon site by making certain that a thorough study and remediation of contaminants at the site are performed before development begins." [Plan Policy 7.2.10]"*
- ▶ *"For commercial development on the Marathon site, encourage businesses that would be tax positive and have low impact on the community in terms of traffic, noise, etc..." [Plan Policy 7.2.11]"*



Task 2 Continued:

- Develop a process to permit redevelopment on Marathon using two-step "safeguard" procedure
- Consider Village Board approval of a special use permit first and then Planning Board site plan approval to ensure Cold Spring can continue to be the place its residents want it to be [Comprehensive Plan Goal # 1]

List of current
permitted uses on
Marathon

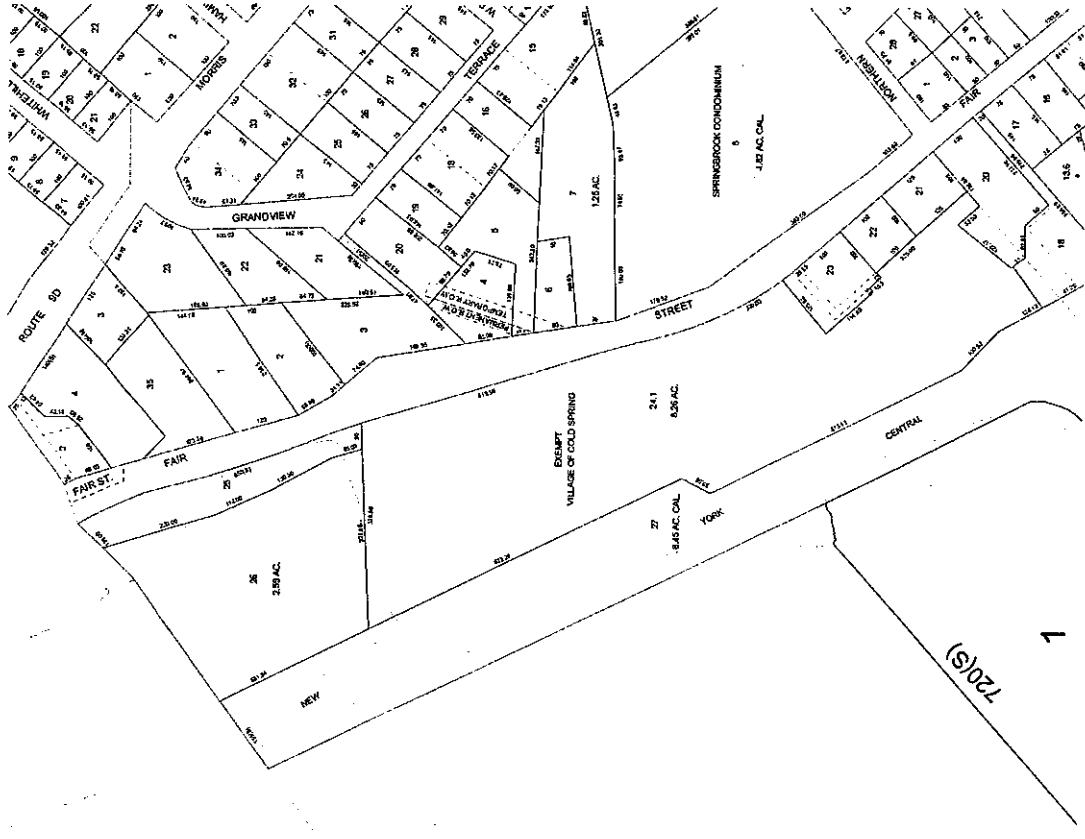
B. Permitted uses.

- (1) Any use permitted in R-1 One-Family Residence District.
- (2) Buildings, structures, municipal parking and uses owned by the Village of Cold Spring. [Amended 2-7-95 by L.L. 95-2]
- (3) Cemeteries and Mausoleums. [Amended 2-7-95 by L.L. 95-2]
- (4) One-story buildings for display and sale of agricultural and nursery products.
- (5) One (1) dwelling unit only, on any lot for the exclusive use of an attendant, watchman or caretaker employed in connection with any permitted use on said lot.
- (6) Office buildings for editorial, business and professional offices, and research, design including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees. [Amended 2-7-95 by L.L. 95-2]
- (7) Manufacturing, assembling, which operation, in the opinion of the Planning Board, will not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of
- (8) Lumber and building materials and equipment sales and storage, provided that any lot containing outdoor storage shall be surrounded by a fence or wall with a height of not less than six (6) feet. [Amended 2-7-95 by L.L. 95-2]
- (9) One (1) sign facing each street from which access to the lot is provided, announcing the name or insignia, or both, of the company or companies housed in the development on the lot. Such sign shall not exceed ten (10) square feet and shall be placed in such a manner as not to be detrimental to safety of traffic. If illuminated at night, such illumination shall be indirect, with all light sources shielded from the view of adjacent lots and streets. One (1) identification sign at each point of access to the lot, with an area of not more than three (3) square feet, and internal direction signs, each with an area of not more than two (2) square feet, shall also be permitted. [Amended 2-7-95 by L.L. 95-2]

Task 3

Ensure Proper Protection for Mayor's Park:

- ▶ Mayor's Park and the Highway Garage parcel, like Marathon, are currently zoned for industrial uses (I-1)
- ▶ Implement the LWRS and Village Comprehensive Plan policies
- ▶ "Preserve Mayor's Park " [Plan Goal 7.9]
- ▶ "Rezone Mayor's Park to Recreation " [Plan Policy 7.9.1]



Cold Spring Zoning Amendments Final Extension Work Plan

Tasks/Month	6/22	7/22	8/22	9/22	10/22	11/22	12/22	1/23	2/23	3/23	4/23	5/23	6/23
Zoning Committee Meetings	6/8/22	7/13/22	8/10/22	9/14/22	10/23/22	11/10/22	12/8/22	1/5/23	2/2/23	3/2/23	4/13/23	5/11/23	6/1/23
Scope Outstanding Zoning Issues													6/15&6/29
Prepare Quarterly Reports													
Collect/Analyze Data													
Prepare/Edit Final Zoning Drafts													
Prepare Draft Zoning Map													
Prepare Final Zoning Draft for Public Review									Task 52				
Conduct/Document Public Meetings										Task 51			
Conduct/Document SEQR for Zoning											Task 53		
Prepare Final Zoning Edits - Responses									Task 52				
Village Board Review													
Public Hearings and Adoption Completed													
Final PBMR & Reports/Documentation											4/15		
NYSERDA Review											Task 13&54		