

Village of Cold Spring Planning Board
Thursday June 8, 2023
Meeting Minutes

The Village of Cold Spring Planning Board held a Meeting at Village Hall and via videoconference on Thursday June 8, 2023. Members present at Village Hall: Acting Chairperson Yaslyn Daniels, Lara Shihab-Eldin. Sue Meyer. Matt Francisco appearing via videoconference. Jonathan DeJoy, Esq., standing in for Village Attorney John Furst, Esq, appearing via videoconference. The Meeting was called to order at 7:31 p.m.

- 1. Acting Chairperson Remarks – None**
- 2. Opportunity to Request Vote to Add/Modify Agenda Items**

Y. Daniels made a motion to move the Public Hearing for 49 Main Street (Item #7) to be heard before any other business. L. Shihab-Eldin seconded the motion and it passed by a vote of 4-0-0-0.
- 3. Approval of Minutes – No minutes to be approved.**
- 4. Member Reports – None.**
- 5. Correspondence – None.**
- 6. Old Business**

37 Fair Street

J. DeJoy confirmed that a public hearing for this application was discretionary under the Code. For record accuracy, M. Francisco made a motion to waive a public hearing. S. Meyer seconded the motion and it passed by a vote of 4-0-0-0. The application was declared an unlisted action under SEQR.

- **Resolution Granting Sketch Plan Approval for Boundary Line Change for 37 Fair Street** read into the record by Y. Daniels. M. Francisco made a motion to approve the Resolution. S. Meyer seconded the motion. Upon roll call vote, the Resolution was approved by a vote of 3-0-1-0 (Y. Daniels abstain).

Foodtown Expansion Change-of-Use Resolution

Y. Daniels made a motion to declare 49 Chestnut Street application a TYPE II action under SEQRA requiring no further environmental review (amending prior finding of the Board as unlisted action). S. Meyer seconded the motion and it passed 3-0-1-0 (L. Shihab-Eldin abstained).

M. Francisco raised the issue of whether or not a parking requirement applied in this application (the prior discussion of the Board on at the Public Hearing was that it may not be required because (1) there was no increase in demand for parking connected with this application; and (2) it is likely that the entire existing parking lot on the site was treated as a single unit. M. Francisco made a motion to conditionally approve the Resolution upon inclusion of a "Whereas" clause setting forth the Board's determination regarding lack of a parking space requirement on the site. S. Meyer seconded the motion and it passed by a vote of 3-0-1-0 (L. Shihab-Eldin abstained).

- **Resolution Granting Site Plan Approval for a Change-of-Use for 49 Chestnut Street (Foodtown)** read into the record by Y. Daniels. Y. Daniels made a motion approve the Resolution. S. Meyer seconded the motion. Upon roll call vote, the Resolution was approved by a vote of 3-0-1-0 (L. Shihab-Eldin abstained).

81 Main Street Resolution

Y Daniels made a motion to declare 81 Main Street application to be a TYPE II action under SEQRA requiring no further no environmental review. L. Shihab-Eldin seconded the motion and it passed by a vote of 3-0-1-0 (M. Francisco abstained).

- **Resolution Granting Site Plan Approval for a Change-of-Use for 81 Main Street** read into the record by Y. Daniels. Y. Daniels made a motion approve the Resolution. L. Shihab-Eldin seconded the motion. Upon roll call vote, the Resolution was approved by a vote of 3-0-1-0 (M. Francisco abstained).

Proposed revisions to §134 of the Zoning Code including Marathon Site

S. Meyer asked if there were any new drafts of the Code revisions forthcoming. J. DeJoy replied that the public hearing will remain open, and confirmed there are updated documents were on the Village website. Y. Daniels will follow up with the VBOT regarding a response to the Planning Board submission of Comments and Questions regarding the proposed revisions to §134 including the Marathon site.

HHFT – Discussion tabled until issuance of the Environmental Assessment.

7. Public Hearing

49 Main Street, 48.121-32. Operating Permit requiring Site Plan review for Change of Use (Retail to Office) and Parking Table by Planning Board as required as per §134-9(B). Kathryn Tomann for Applicant Houlihan Lawrence. Matthew Holloway for Holloway Family LLC, Owner. Application materials provided to all participants.

Y. Daniels noted that proof of mailing was provided by Applicant, Notice of Hearing was published, and a parking table submitted. K. Tomann described project as a move across the street to smaller office space of approximately eight hundred and fifty (850) square feet. J. DeJoy advised that the application was a TYPE II action needing no further environmental review.

Public Comment – None.

Board Comment – None.

The Acting Chairperson called for a MOTION

L. Eldin made a motion to close the public hearing and comment. S. Meyer seconded the motion and it passed by a vote of 4-0-0-0.

The Acting Chairperson called for a MOTION

Y. Daniels made a motion to declare the application a TYPE II action. L. Shihab-Eldin seconded the motion and it passed by a vote of 4-0-0-0.

The Acting Chairperson called for a MOTION

Y. Daniels made a motion to approve the application. S. Meyer seconded the motion and it passed by a vote of 4-0-0-0.

Resolution Granting Site Plan Approval for a Change-of-Use for 49 Main Street read into the record by Y. Daniels. Y. Daniels made a motion approve the Resolution. L. Shihab-Eldin seconded the motion. Upon roll call vote, the Resolution was approved by a vote of 4-0-0-0.

8. New Business – None

9. Public Comment - None

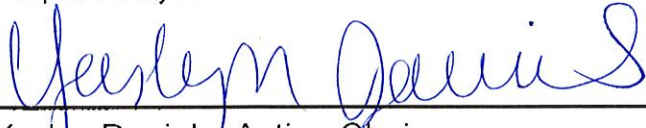
10. Board Business - None.

11. Adjournment

The Acting Chairperson called for a MOTION.

L. Shihab-Eldin made a motion to adjourn the Meeting. S. Meyer seconded the motion and it passed by a vote of 4-0-0-0. Meeting adjourned at 8: 16 p.m.

Prepared by: Karen Herbert


Yaslyn Daniels, Acting Chair

7/13/23
Date

Resolution No.: 1 of 2023
**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 Shihab-Eldin	X			
<i>Member</i> Matt Francisco	X			
<i>Member</i> Sue Meyer	X			
TOTAL	4			1

The following was presented

By: Member Jack Goldstein

Seconded by: Lara Shihab-Eldin

Date of Adoption: March 9, 2023

**RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF
COLD SPRING GRANTING SKETCH PLAN APPROVAL FOR A BOUNDARY LINE
CHANGE**

WHEREAS, Nina's Studio, LLC currently owns the property located at 37 Fair Street, Cold Spring, New York identified as Section 48.8, Block 1, Lot 21 on the Putnam County Tax Maps ("Nina's Property"), and said property is utilized as an art assembling studio/caretaker dwelling;

WHEREAS, the Village of Cold Spring owns an adjoining property located to the rear of Nina's Property with an address of 61 Fair Street, Cold Spring, New York, identified as Section 48.8, Block 1, Lot 24.1 on the Putnam County Tax Maps ("Village Property"), and said property is utilized for municipal purposes;

WHEREAS, Nina Studios, LLC asked the Village Board of Trustees ("VBOT") if it can purchase a very small portion of the Village Property that is not utilized for municipal purposes so that Nina Studios, LLC can expand its backyard area;

WHEREAS, the VBOT agreed to sell approximately 4,480 square feet of the Village Property so it can be included as part of Nina's Property;

WHEREAS, in order to implement the sale between these two contiguous owners, Nina's Studio, LLC needs to prepare a map reflecting the boundary line change between the Village Property and Nina's Property;

WHEREAS, pursuant to Section 111-4 of the Village's subdivision regulations, boundary line changes can be approved as part of a Sketch Plan review process, and no public hearing is required;

WHEREAS, Nina's Studio, LLC has submitted the application for a boundary line change along with the proposed sketch and other supporting materials, as well as a Short Environmental Assessment Form pursuant to SEQRA;

WHEREAS, the Planning Board has reviewed the aforesaid application materials and discussed the application at its February 23, 2023, and March 9, 2023, public meetings; and

WHEREAS, the Planning Board classifies this as an "Unlisted Action" under SEQRA, which requires the Planning Board to make some type of environmental determination under SEQRA; and

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Planning Board hereby issues a Negative Declaration under SEQRA for the proposed boundary line change, with a copy of such Negative Declaration attached hereto; and it is further

RESOLVED, that the proposed application to change approximately 4,480 square feet between two adjacent property owners (where no new lot is created) constitutes a Boundary Line Change as defined in the Village's Subdivision Regulations, and this Boundary Line Change is only subject to the Sketch Plan review procedures in Section 111-4 of the Village's Subdivision Regulations; and it is further,

RESOLVED, that the Sketch Plan submitted by Clear Point Surveying, DPC, and titled Outbound Survey Prepared for 37 Fair Street, last revised March 9, 2023 contains the necessary information set forth Section 111-19 of the Subdivision Regulations, except for topographical contours and the proposed patterns of lots, but in accordance with Section 111-23 the Planning Board hereby waives these two requirements since there is no proposed construction or improvements, nor the creation of any new lots, for this boundary line change; and it is further,

RESOLVED, the boundary line change application meets all sketch plan purposes and requirements set forth in Section 111-4 of the Village's Subdivision Regulations; and it is further

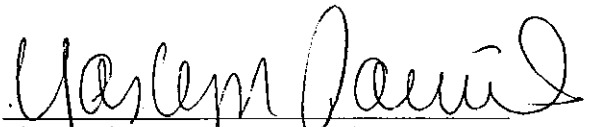
RESOLVED, that the Planning Board hereby grants final approval of the Sketch Plan for this boundary line change as reflected in the maps prepared by Clear Point Surveying, DPC, and

titled Outbound Survey Prepared for 37 Fair Street, last revised on March 9, 2023, subject to the following conditions, which upon completion to these conditions, the Chairperson of the Planning Board is authorized to sign the final map:

- (1) Applicant paying all outstanding escrow consultant fees to the Village of Cold Spring as may be required in connection with the application.

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

DATED: June 8, 2023


Yaslyn Daniels, Acting Chairperson

Resolution No.: 2 of 2023
**THE VILLAGE OF COLD SPRING
PLANNING BOARD**

Roll Call Vote				
Names	Ayes	Noes	Abstain	Absent
<i>Acting Chair</i> Yaslyn Daniels	X			
<i>Member</i> Lara Shihab-Eldin	X			
<i>Member</i> Matt Francisco	X			
<i>Member</i> Sue Meyer	X			
TOTAL	4			

The following was presented

By: Member Matt Francisco

Seconded by: Lara Shihab-Eldin

Date of Adoption: June 8, 2023

**RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF
COLD SPRING GRANTING SITE PLAN APPROVAL FOR A CHANGE OF USE**

WHEREAS, Georgia Serroukas currently owns the property located at 49 Chestnut Street, Cold Spring, New York identified as Section 49.9, Block 1, Lot 14 on the Putnam County Tax Maps (the “Property”), and said property is utilized as a plaza for several businesses, including grocery store (“Foodtown”), operated by CQM of Cold Spring, LLC (the “Applicant”); and

WHEREAS, the Property contains vacant building space, previously occupied by a hair salon, into which, Foodtown wishes to expand; and

WHEREAS, the Property lies within the Village’s B-2 Designated Shopping Center Zoning District as well as the Village’s Local Historic District; and

WHEREAS, the Applicant submitted an application, dated April 11, 2023 for amended site plan approval, to allow for a change of use, from personal service to retail;

WHEREAS, a retail use, like Foodtown, is a permitted use under § 134-10(B)(1) of the Villages Zoning Code, subject to site plan approval from the Planning Board; and

WHEREAS, the Applicant is not proposing any exterior modifications to the building; and

WHEREAS, on April 18, 2023, the Planning Board determined that the Applicant's proposal constituted a TYPE II Action under SEQRA; and

WHEREAS, a public hearing was held on May 11, 2023, comments from the public were heard, and the public hearing was closed the same night; and

WHEREAS, pursuant to General Municipal Law 239-m, the application was referred to the Putnam County Department of Planning, Development, and Public Transportation, which determined on May 1, 2023, that the application may be approved as submitted; and

WHEREAS, the Planning Board has reviewed the application materials for the proposed site plan amendment, including the Environmental Assessment Form ("EAF");

NOW, THEREFORE, IT IS HEREBY

RESOLVED, pursuant to SEQRA, the Planning Board hereby declares this proposal to be a TYPE II action requiring no further environmental review; and it is further

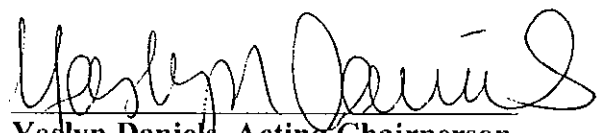
RESOLVED, that the Planning Board hereby determines that the proposed site plan, meets all general site plan objectives set forth in Section 134-27.A of the Village Zoning Code; and it is further

RESOLVED, that the application of CQM of Cold Spring, LLC to permit a retail use within the previously approved commercial space which is shown on the plan prepared by Pinner Architecture, PLLC, last revised July 5, 2022, is hereby granted and said amended site plan may be signed by the Chair, after the completion of the following conditions:

- (1) Applicant paying all outstanding escrow consultant fees to the Village of Cold Spring as may be required in connection with the application.
- (2) The Applicant shall revise the site plan to correctly note a change of use.

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

DATED: June 8, 2023


Yaslyn Daniels, Acting Chairperson

Resolution No.: 3 of 2023
**THE VILLAGE OF COLD SPRING
PLANNING BOARD**



Roll Call Vote				
Names	Ayes	Noes	Abstain	Absent
<i>Acting Chairperson</i> Yaslyn Daniels	X			
<i>Member</i> Lara Shihab-Eldin	X			
<i>Member</i> Matt Francisco			X	
<i>Member</i> Sue Meyer	X			
<i>Member</i> 				
TOTAL	3			

The following was presented

By: Member Sue Meyer

Seconded by: Lara Shihab-Eldin

Date of Adoption: June 8, 2023

**RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF
COLD SPRING GRANTING SITE PLAN APPROVAL FOR A CHANGE OF USE**

WHEREAS, Five Hundred Thirty-Six Club, Inc. currently owns the property located at 81 Main Street, Cold Spring, New York identified as Section 48.12, Block 2, Lot 35 on the Putnam County Tax Maps (the "Property"), and said property is utilized as retail; and

WHEREAS, the Property lies within the Village's B-1 General Business Zoning District as well as the Village's National and Local Historic Districts; and

WHEREAS, Katherine Koon (the "Applicant") submitted an application, dated April 20, 2023, for amended site plan approval, to allow for a change of use, from retail to food service;

WHEREAS, a restaurant or food service use, like the tea shop proposed by the applicant, is a permitted use under § 134-9(C)(5) of the Village's Zoning Code, subject to site plan approval from the Planning Board; and

WHEREAS, the Applicant is not proposing any exterior modifications to the building; and

WHEREAS, on May 25, 2023, the Planning Board determined that the Applicant's proposal constituted a Type II Action under SEQRA; and

WHEREAS, a public hearing was held on May 25, 2023, comments from the public were heard, and the public hearing was closed the same night; and

WHEREAS, the Planning Board has reviewed the application materials for the proposed site plan amendment, and considered public testimony;

NOW, THEREFORE, IT IS HEREBY


RESOLVED, that the Planning Board hereby determines that the proposed site plan, meets all general site plan objectives set forth in §134-27.A of the Village Zoning Code; and it is further

RESOLVED, that the application of Katherine Koon to permit a food service use within the previously approved retail space which is shown on the plan prepared by the Applicant last revised the involving Property, is hereby granted and said amended site plan may be signed by the Chair, after the completion of the following conditions:

- (1) The Applicant paying all outstanding escrow consultant fees to the Village of Cold Spring as may be required in connection with the application.
- (2) The Applicant obtaining parking waivers from the Village Board for nine (9) off-street parking spaces.

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

DATED: June 8, 2023


Yaslyn Daniels, Acting Chairperson

Yaslyn Resolution No.: 4 of 2023
**THE VILLAGE OF COLD SPRING
PLANNING BOARD**



Roll Call Vote				
Names	Ayes	Noes	Abstain	Absent
<i>Acting Chairperson</i> Yaslyn Daniels	X			
<i>Member</i> Lara Shihab-Eldin	X			
<i>Member</i> Matt Francisco	X			
<i>Member</i> Sue Meyer	X			
<i>Member</i> 				
TOTAL	4			

The following was presented

By: Member Yaslyn Daniels

Seconded by: Lara Shihab-Eldin

Date of Adoption: June 8, 2023

**RESOLUTION OF THE PLANNING BOARD OF THE VILLAGE OF
COLD SPRING GRANTING SITE PLAN APPROVAL FOR A CHANGE OF USE**

WHEREAS, Holloway Family, LLC. currently owns the property located at 49 Main Street, Cold Spring, New York identified as Section 48.12, Block 1, Lot 32 on the Putnam County Tax Maps (the "Property"), and said property is utilized as retail; and

WHEREAS, the Property lies within the Village's B-1 General Business Zoning District as well as the Village's National and Local Historic Districts; and

WHEREAS, Houlihan Lawrence (the "Applicant") submitted an application, dated May 5, 2023, for amended site plan approval, to allow for a change of use, from retail to office;

WHEREAS, an office use, like the real estate office proposed by the Applicant, is a permitted use under § 134-9(C)(5) of the Village's Zoning Code, subject to site plan approval from the Planning Board; and

WHEREAS, the Applicant is not proposing any exterior modifications to the building; and

WHEREAS, on June 8, 2023, the Planning Board determined that the Applicant's proposal constituted a Type II Action under SEQRA; and

WHEREAS, a public hearing was held on June 8, 2023, comments from the public were heard, and the public hearing was closed the same night; and

WHEREAS, the Planning Board has reviewed the application materials for the proposed site plan amendment, and considered testimony from the public;

NOW, THEREFORE, IT IS HEREBY

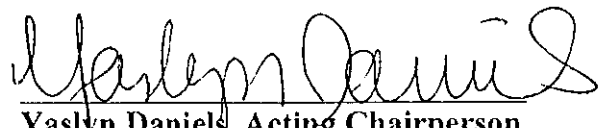
RESOLVED, that the Planning Board hereby determines that the proposed site plan, meets all general site plan objectives set forth in §134-27.A of the Village Zoning Code; and it is further

RESOLVED, that the application of Houlihan Lawrence to permit an office use within the previously approved retail space, which is shown on the plan prepared by the Applicant last involving the Property, is hereby granted and said amended site plan may be signed by the Chair, after the completion of the following conditions:

- (1) The Applicant paying all outstanding escrow consultant fees to the Village of Cold Spring as may be required in connection with the application.
- (2) The Applicant obtaining parking waivers from the Village Board for four (4) off-street parking spaces.

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

DATED: June 8, 2023


Yaslyn Daniels, Acting Chairperson