



# VILLAGE OF COLD SPRING

85 MAIN STREET, COLD SPRING, NY 10516

TEL: (845) 265-3611 FAX: (845) 265-1002

WEB: WWW.COLDSRINGNY.GOV

KATHLEEN E. FOLEY, MAYOR  
TWEEPS PHILLIPS WOODS, DEPUTY MAYOR  
LAURA BOZZI, TRUSTEE  
CATHRYN FADDE, TRUSTEE  
ELIZA STARBUCK, TRUSTEE

JEFF VIDA KOVICH, CLERK/TREASURER  
MICHELLE ASCOLILLO, ACCOUNTANT  
LARRY BURKE, OFFICER-IN-CHARGE  
MATTHEW KROOG, WATER SUPERINTENDENT  
ROBERT DOWNEY, HIGHWAY DEPT CREW CHIEF

## Village of Cold Spring Board of Trustees Workshop Meeting Wednesday, June 21<sup>st</sup> @ 6:30 PM

*The Board of Trustees values input from the Village community. When you speak, please state your name and address for the record. Please keep your comments to three minutes or less and remember that we are all neighbors.*

1. Opportunity to request vote to Add/Modify agenda items
2. Announcements
3. Board Business
  - a. Approve Hiring of Debra Petrosky as Deputy Clerk @ \$27/hour
  - b. Approval of Bid for Installation of EV Charging Stations
  - c. Approval of Parking Waivers
    - i. 81 Main Street
    - ii. 49 Main Street
  - d. Discussion on Appointment to HHFT Data Committee
  - e. Approval of Minutes – 4/26/23, 5/3/23, 6/7/23
  - f. Approval of Bills
    - i. FY 2022-2023 Batch #: Amount: \$
    - ii. FY 2023-2024 Batch #: Amount: \$
4. Chapters 76 (Noise), 104 (Signs) and 134 (Zoning)
  - a. Board Discussion
  - b. Continuation of Public Hearing
5. Public Comment
6. Adjournment

Members of the public are invited to attend the meeting in-person at Village Hall (85 Main Street) or via Videoconference pursuant to Chapter 56 of the Laws of 2022. To join the Zoom Meeting:

<https://us06web.zoom.us/j/88983853791?pwd=NG1RWU5VVG9RVTRZaStQaW9kMXBMZz09>

Or by phone: 646-558-8656

Meeting ID: 889 8385 3791

Passcode: 365616

**DATE:** June 16, 2023  
**TO:** Mayor Foley and Board of Trustees  
**FROM:** Jeff Vidakovich  
**RE:** Debra Petrosky

I recommend that the Village hire Debra Petrosky to the position of Deputy Clerk at a rate of \$27/hour. Debra's background and municipal experience should prove to be a valuable benefit to the Village Board, staff and residents.

# SUMMARY OF ESTIMATE REQUESTS FOR EV CHARGER INSTALLATION AT MAYORS PARK

Submitted by: Trustee Laura Bozzi

## REQUEST PROCESS

The Joint Utilities are comprised of Central Hudson Gas and Electric Corporation and other New York electric utilities. The Joint Utilities website has a list of self-verified licensed contractors that are eligible to provide services under the Joint Utilities’ two EV charger installation programs. (Website: <https://jointutilitiesofny.org/ev/make-ready/approved-contractors>) One of the two programs is the EV Make-Ready Program, which the Village of Cold Spring is utilizing to fund 90% of this EV charger installation.

The contractor list was filtered to identify contractors in the Central Hudson service area that provide electrical services and are active. This yielded six contractors (see screenshot below).

Service Areas	Services Provided	Installation Type	Active Contractor*
<input checked="" type="checkbox"/> Central Hudson <input type="checkbox"/> Con Edison <input type="checkbox"/> National Grid <input type="checkbox"/> NYSEG <input type="checkbox"/> RG&E <input type="checkbox"/> Orange & Rockland	<input type="checkbox"/> Engineering <input checked="" type="checkbox"/> Electrical <input type="checkbox"/> Construction <input type="checkbox"/> Turnkey EVSE Developer <input type="checkbox"/> Owner/Operator <input type="checkbox"/> Other	<input type="checkbox"/> Commercial <input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>*Contractors that have previously done work through Joint Utilities programs.</small>

Name	Email	Phone
+ DEMCO New York Corp	<a href="mailto:mrdine@demcony.com">mrdine@demcony.com</a>	315-459-6242
+ Go Green Leader Inc	<a href="mailto:info@gogreenleader.com">info@gogreenleader.com</a>	347-695-8088
+ John A. Giaimo & Son, Inc.	<a href="mailto:jr@glaimoelectric.com">jr@glaimoelectric.com</a>	845-226-6595
+ MCM Solutions LLC	<a href="mailto:frank@mcmsolutionsllc.net">frank@mcmsolutionsllc.net</a>	607-226-2400
+ Revolution Solar	<a href="mailto:info@revolutionsolarny.com">info@revolutionsolarny.com</a>	607-441-0367
+ Utilities One Inc	<a href="mailto:bp@utilitiesone.com">bp@utilitiesone.com</a>	978-258-4907

All of these contractors were called to request a quote. The results are below.

1. DEMCO New York Corp [mrdine@demcony.com](mailto:mrdine@demcony.com) 315-459-6242
  - a. They declined to provide an estimate. They only do it for projects they’re affiliated with.
2. Go Green Leader Inc [info@gogreenleader.com](mailto:info@gogreenleader.com) 347-695-8088
  - a. Left a message and received no response.
3. John A. Giaimo & Son, Inc. [jr@glaimoelectric.com](mailto:jr@glaimoelectric.com) 845-226-6595
  - a. They can’t come out to provide an estimate for two months, and actually doing the installation would take at least that long

4. MCM Solutions [frank@mcmsolutionsllc.net](mailto:frank@mcmsolutionsllc.net) 607-226-2400
  - a. They agreed to provide an estimate. They made a site visit and provided the attached estimate.
5. Revolution Solar [info@revolutionsolarny.com](mailto:info@revolutionsolarny.com) 607-441-0367
  - a. Left a message and received no response.
6. Utilities One Inc [bp@utilitiesone.com](mailto:bp@utilitiesone.com) 978-258-4907
  - a. Left a message and received no response.

Estimates were requested from two additional companies:

7. Big Shine Energy
  - a. They initially agreed to provide an estimate but once they learned the chargers had already been purchased they declined. They only install with their own equipment.
8. Burke Services
  - a. They agreed to provide an estimate. They made a site visit and provided the attached estimate.

### **ESTIMATED RECEIVED**

We received two estimates:

- Burke Services: \$5,992.50
- MCM Solutions: \$9,000.00

### **RECOMMENDATION**

Select the lowest quote from Burke Services.



**VILLAGE OF COLD SPRING**  
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**Village of Cold Spring Board of Trustees**  
**Monthly Meeting Minutes**  
**April 26, 2023**

The Board of Trustees of the Village of Cold Spring held a workshop meeting on Wednesday, April 26, 2023 at Village Hall. Present were Mayor Kathleen E. Foley, Deputy Mayor Tweeps Phillips Woods, and Trustees Laura Bozzi, Cathryn Fadde and Eliza Starbuck. The meeting was called to order at 7:02 pm by Mayor Foley.

**Request to Modify Agenda**

None

**Announcements** - K. Foley acknowledged the passing of Tom Robertson, former member of the Nelsonville Board of Trustees, and father of former trustee Gordon Robertson, and also the passing of Tony Sexton.

**Board Business**

**RESOLUTIONS ADOPTING FISCAL YEAR BUDGETS**

**Resolution 13-2023 General Fund Budget**

T. Woods made a motion to adopt Resolution 13-2023 (attached) adopting a General Fund Budget for fiscal year commencing on June 1, 2023 and ending on May 31, 2024. E. Starbuck seconded the motion and it passed by a vote of 5-0-0-0.

**Resolution 14-2023 Water Fund Budget**

E. Starbuck made a motion to adopt Resolution 14-2023 (attached) adopting a Water Fund Budget for the fiscal year commencing on June 1, 2023 and ending on May 31, 2024. C. Fadde seconded the motion and it passed by a vote of 5-0-0-0.

**Resolution 15-2023 Sewer Fund Budget**

L. Bozzi made a motion to adopt Resolution 15-2023 (attached) adopting a Sewer Fund Budget for the fiscal year commencing on June 1, 2023 and ending on May 31, 2024. C. Fadde seconded the motion and it passed by a vote of 5-0-0-0.

**REQUEST BY AMERICAN LEGION FOR MEMORIAL DAY PARADE**

K. Foley made a motion to approve the American Legion sponsoring a parade on Monday 29, 2023 at 9:00 am. C. Fadde seconded the motion and it passed by a vote of 5-0-0-0.

#### **REQUEST TO USE BANDSTAND ON 4/28**

K. Foley made a motion to approve the use of the Bandstand on 4/28 by the Foundry Montessori School (see attached), pending proof of insurance. T. Woods seconded the motion and it passed by a vote of 5-0-0-0.

#### **HIRING OF PARKING ENFORCEMENT AGENT**

C. Fadde made a motion to approve the hiring of Maddox Buel as parking enforcement officer agent at a rate of \$20/hour. E. Starbuck seconded the motion and it passed by a vote of 5-0-0-0.

#### **REQUEST BY PHILIPSTOWN TRAILS COMMITTEE FOR CO-SPONSORSHIP OF VILLAGE SIDEWALK AUDIT**

E. Starbuck made a motion to approve the request (see attached). T. Woods seconded the motion and it passed by a vote of 4-0-1-0 (L. Bozzi recused).

#### **APPROVAL OF BILLS – Batch #6880**

C. Fadde made a motion to approve Batch #6880 in the amount of \$89,289.04.

#### **PUBLIC HEARING for Chapters 76 (Noise), 104 (Signs), and 134 (Zoning)**

K. Foley made a motion to open the Public Hearing. E. Starbuck seconded the motion and it passed by a vote of 5-0-0-0. Jonathan DeJoy, Esq. present via videoconference, standing in for Village Attorney John Furst, Esq. Community Planner Ted Fink present via videoconference.

K. Foley provided background on the Code updates:

- The Public Hearing is the culmination of a body of work extending back to 2006 with the appointment of a special board the comprehensive plan
- There have been two public presentations thus far on the progress and proposals
- Code updates were submitted on January 25, 2023. Slides and recordings of the presentation are available on the Village website and Village YouTube
- Drafts, redline copies, and guides for each section of the proposed Code changes are available on the Village website and hard copies are available for tonight's attendees

K. Foley introduced the presence of members of the Ad Hoc working group, including Paul Henderson, Eric Wirth, Jessie St. Charles, and Laura Bozzi. K., Foley acknowledged presence of Planning Board members at Village Hall and via videoconference. The Public Hearing format will be as follows:

- Presentation by Ted Fink of overview of the project and notable modifications to the Chapters
- Discussion of VBOT as lead agency under SEQR
- Public Comment

K. Foley noted the following:

- Feedback received from the previous public sessions, Village Zoning Board, Historic District Review, and Planning Board will be part of the public record

- VBOT will take public comment on the draft documents before adopting Code revisions and making SEQR findings
- VBOT hopes to make the New York State Energy Research and Development Authority (NYSERDA) deadline for the funding grant established in 2014 for Code update.
- VBOT is responsive to all legitimate and substantive land use concerns of the public, Village standing boards, and the Putnam County Planning Department, as required by law
- Public Hearing will remain open for as long as necessary to fully address concerns and will accept written comments during that period as well
- Status updates will be provided to the public

T. Fink presented background information and an overview of the process. Highlights included the following:

- 1987 – Village adopts Comprehensive Plan. NYS did not approve Local Waterfront Revitalization Plan (LWRP)
- 2006 – Village receives a NYS grant to adopt an Updated 1987 Comprehensive Plan and LWRP and special Board appointed for that purpose
- 2009 - T. Fink brought in to assist Board in working on a new Comprehensive Plan and LWRP and engaging public in the process.
- 2011 – LWRS (strategy) prepared
- 2012 - LWRS adopted and Comprehensive Plan and LWRP adopted. NYSERDA grant approved and a Board appointed Committee began work to update 37 of the 47 Chapters of the Code. Many Code sections were updated
- 2021 – Remaining chapters (76, 104, and 134) left undone
- 2022 – Ad Hoc Committee appointed to finish 134 and address zoning for Marathon
  - Review all 134 sections to ensure compliance with NYS Law including permit processes and zoning variances
  - Provide new planning tools
  - Update sections of Planning Code to
  - Resolve ambiguities in, and clarify, current Zoning provisions/definitions
  - Overhaul Village Map Districts to recognize differences in residential Neighborhoods and include sub-districts
  - Include illustrations and plain language to make map more user-friendly and accessible using internal hyper-links, and incorporating a form-based code for easier user reference
  - Marathon Site Development – New Code identifies three-step community development process of a Planned Mixed-Use Development (PMU)
    - I. Conceptual Site Plan Approval to include traffic studies, fiscal studies and other studies, and public engagement before a Special Use Permit can be issued
    - II. Site Plan Approval by Planning Board - any development should bear a strong resemblance to the Village
    - III. Emphasis on Walkability

- Signs and Noise Chapters (76 and 104)
  - I. Due process considerations
  - II. Added tools for temporary sign enforcement
  - III. Aligns with Amended Chapter 134
  - IV. Noise – updates and modernizes Code for current and future technology

K. Foley noted the VBOT declared itself as Lead Agency for Proposed Chapters 76 and 104 – Noise and Signs by Resolution in 2021 (attached).

**Resolution 16-2023 Classification of Action and Establishing Lead Agency for Proposed Chapter 134 – Zoning Amendments**

E. Starbuck made a motion to adopt Resolution No. 16-2023 (attached) establishing the Village Board of Trustees as Lead Agency for the review of proposed Chapter 134 – Zoning Amendments. C. Fadde seconded the motion and it passed by a vote of 5-0-0-0.

**Public Comment**

**Jack Goldstein of 14 Marion Avenue and Chairman of the Cold Spring Village Planning Board** read the Comments on Section 134 – Revision dated April 26, 2023, into the record (see attached). T. Fink commented that all questions raised will receive written response from the Ad Hoc Working Group accordingly.

**Michael Reisman of 30 Rock Street** commented he continues to question the process, and documentation of same, as he has expressed on the record in past public sessions (see attached).

K. Foley requested that any comments related to this Public Hearing be new comments. Regarding the Marathon site he commented as follows:

- All materials relevant to these proceedings should be made available to the public to digest instead of expecting people to be looking at the website for access. T. Fink has stated that all indicated materials would be widely circulated, yet the EAF was not put on the website until this date. M. Reisman has not had an opportunity to review. M. Reisman noted he has FOIL' d the build-out analysis that has been used by the Committee
- Access and lack of streets – there is effectively one road in and one road out.
- New zoning will allow up to 77 new residents
- Commercial uses at Marathon are unnecessary – they would not survive
- Why does the VBOT now using a three-step process instead of the two-step process involving both VBOT and Planning Board, as recommended by T. Fink?
- An independent traffic study should be required
- Proposed zoning changes do not protect Kemble Ridge
- The EPA report is questionable
- Explain the benefits of new Zoning
- The proposed amendments are ambiguous particularly regarding form-based planning.



- Has there been an analysis of allowing accessory apartments?

Regarding the evolution of the three-step process, T. Fink responded that the Planning Board is best-equipped to review site plans, special use permits, subdivisions and other considerations. Advisory reviews would, of course, be conducted by the VBOT, HDRB, Haldane, Water & Sewer, Police Department et al., to ensure the proposed plan is sufficient. He further noted that the PMU Plan has been discussed since 2021, but no further action was taken on it due to the Administration change in 2022.

L. Bozzi asked T. Fink to address research on the issue of the roles in the decision-making process. T. Fink responded that nationwide, planning boards review plans to ensure they meet Code requirements. Regarding PUDs, it often begins with a legislative decision, and the matter is then referred to the planning board. Case law is mixed on the process. J. DeJoy concurred with T. Fink's comments, noting that although the VBOT has some role in site plan approvals and special use permits, decisions on those matters fall to the Planning Board.

**Paul Henderson of 14 Stone Street is a member of the Ad Hoc Committee.** He commented that some analysis of the dimensional tables has been done as to lot width and depth. The Committee radically reduced the number of non-confirming lots in each of the new residential districts. Setbacks could not be analyzed because the Committee does not have all property surveys.

K. Foley noted that the goal of the Ad Hoc Committee was to address a majority of the non-conformities, and try to reduce them, not eliminate them. The dimensional tables were meant to address older, newer, and large lot neighborhoods, thereby achieving one of the goals in the Village Comprehensive Plan.

**Jen Zwarich of 192 Main Street** is the Ad Hoc Chair for Short Term Rentals (STR) and appeared via videoconference. She noted that in restructuring Chapter 100 of the Code, that Committee recommended prohibition of accessory apartments in STRs. K. Foley replied that Chapter 100 was the next chapter to be addressed by the Ad Hoc Committee.

**Jesse St. Charles of 5 Furnace Street** is a member of the Ad Hoc Committee. He commented that one of the motivations of the Committee was to foster a walking lifestyle by providing some commercial properties, while at the same time, addressing traffic concerns.

**James Hartford of 5 Furnace Street** is an architect with River Architects. He commented he had previously worked with the Marathon developer on a Green Concept Plan for the property, including a transit-oriented development with a higher density for some other trade-offs, such as greenspace, public amenities as well as preserving the bluff overlooking the marsh, and a home for the Cold Spring Film Society.

**Brent Lagerman of 8 Stone Street** commented that he chose the Village for its low density and small River town feel. He expressed concerns regarding too much density occurring too fast. He asked what are the numbers of residences that are proposed in the Marathon build-out? Is there any way to reduce those numbers?

In response, T. Fink reviewed in detail the Build-Out analysis in Part 3 of the Full SEQRA EAF (attached). He noted the following:

- The Build-Out analysis is a hypothetical study
- Numbers will likely change
- Analysis compares the potential development that could occur on the Marathon site presently based upon the existing zoning and compares it with the potential development that could occur under the new proposed PMU district
- Three different scenarios assuming the entire site is subject to full development as a whole
- Analysis shows development for the proposed PMU or a large-scale Industrial Building material store, or an office building built under the existing Code
- Analysis also shows residential use on the site which is permissible under the existing Code

T. Fink explained in detail the different scenarios and noted that the Build-Out analysis works on certain assumptions. He further noted these are rough calculations.

K. Foley noted that the Marathon is privately owned. One of the goals of the proposed Zoning changes is to set controls on development. Ultimately, the numbers are controlled by the Code.

T. Fink also addressed the process by which he arrived at the density numbers for his calculations. He used the two-block area of Parsonage, Parrott, Main and Bank Streets, considered as typically older, predominantly single-family residential Village areas where parcels sizes are roughly equivalent to those of the Marathon site (approx. 10 acres). He noted that this area lacks the 30% open space/recreational areas which would be required at the Marathon site. Using the number of developments, he came up with a density factor of approximately 6000 square feet per unit. The 4,000 square feet requirement in the proposed R-O District is therefore easily met, and will be consistent with the existing character of the Village.

**Bill Pugh of 3 Rock Street** submitted written comments (attached) which he read into the record.

**Tom Impelitere of 105 Fair Street** is a former Zoning Board Chair. He commented that the Planning Board should have been more involved in the process. Cold Spring is a small Village and can only grow so much.

**Susan Peehl of 23 Fair Street** commented that she has seen the Village has grown significantly since she moved here in 1998. She asked why we are looking at what we could be instead of what was? The question should be what can the Village sustain, and then build out the Code from there. She noted that the Village Infrastructure has changed, and last year the Village faced a drought. What will happen with the school, sewage, and roads that don't presently function well. Parking is an ongoing issue. She further commented that the Marathon site has already been deemed unusable.

**Aaron Freimark of 10 Whitehill Place** asked if the VBOT can do anything it wants to with the Code or are there constraints? Is property zoning “grandfathered-in”? J. DeJoy replied that developed land comes with vested rights where undeveloped land does not necessarily have those rights.

**Matt Francisco of 13 Orchard Street** (via videoconference) thanked the Board for removing the time limit on public comment. He questioned the process by which the Ad Hoc Committee was formed and the matter in which its sessions were conducted. He will send his questions and comments on this topic in writing to the VBOT.

M. Francisco asked T. Fink for clarification of the Build-Out under the existing Code – what is the status of the paper lots and paper streets of Clark and Constitution which only exist only on County tax maps? He noted that the Build-Out table shows potentially 52 units on the Marathon site, and commented that when the Village lost the *Nozzleman* case, the lots in question were considered to be pre-existing, non-conforming and “grandfathered-in.” Notwithstanding anything else, the Administration under Mayor Phillips said that the lots had to be measured under the existing Code and would be limited to one-acre. M. Francisco questioned the new 7500 square foot lots now proposed.

**Bill McComish of 29-31 Rock Street** asked if there is a traffic study. K. Foley replied that proposed Section 134-12 requires an independent traffic study as does existing Chapter 57 of the Code, B. McComish asked if there was any consideration given to the New York Housing Compact from Governor Hochul in developing the Code for Marathon?

T. Fink set forth factors that make Cold Spring an area where affordable housing is incentivized:

- Urbanized and developable area
- Proximity to train station within walking distance
- Established infrastructure that can support additional development

He added that the Ad Hoc Committee did consider the results of mandates being imposed by Albany, due to the lack affordable housing. By modifying the Code, the Village is already on the path to earning credits toward the Housing Compact.

**Denise Catuongo of 25 Rock Street** expressed concern over the risk of pressure by Albany in pushing forward the referenced legislation and the possible effect on the Village. She asked if there was a possibility of utilizing Hall Road. K. Foley replied that the presently owned by Scenic Hudson and is designated parkland, over which the Village has no control. She also asked if the owner of the Marathon site, Sean Kearney, will make his vision known to the public.

**Rebecca Ramirez of 13 Church Street** expressed appreciation to the Board for addressing the Marathon site, which is an eyesore and under-utilized. She is concerned about the housing crisis and the effect on the Village, but noted that she knows of many families being priced out of Cold Spring, particularly single parent families. She asked how the Code will address carbon emissions, and will the new Code require more medical services at Marathon? K. Foley noted that Section 134-12 sets forth the permissible uses. T. Fink commented that medical services were not contemplated by the Ad Hoc Committee, but the list could be expandable at some point.

**Frank DeWald of 15 Stone Street** has been a Village resident for over 30 years. He commented that noise issues are a problem, and he hopes that the new Code will address A/C noise that has prevented him from enjoying his property.

**Marie Early of 16 Grandview Terrace** read her comments/questions into the record (see attached).

**Dan Valentine of 6 Garden Street** expressed concern about Marathon site increasing the existing parking problems. D. Valentine asked will application take into consideration impact on the infrastructure capacity? Will the developer or the Village bear the costs?

K. Foley responded that potential impacts resulting from a proposed parcel development, including those affecting Village infrastructure, must be mitigated by the developer. She noted that the procedures as set forth in the Special Use Permit provisions, and the two stages beyond, are designed to address manage these issues. Indeed, the Village is not bound by the developer's impact assessment, rather, the Village has its own independent consultants to assess impact and advise accordingly.

T. Fink added that the Zone update is in line with the Comprehensive Plan developed in 2012. The proposed Marathon is a better alternative than what is currently in place. He further commented that Impact mitigation occurs at the Concept Plan and Site Plan review.

L. Bozzi encouraged people to review all of the Code requirements for applications and application approvals.

**Michael Reisman** asked if the 30% of required open space be contiguous under proposed Section 134-12? T. Fink replied it does not.

**Additional received written comments from the following individuals are attached:**

**Sean Hackett** of 68 Main Street

**Evan Hudson** of 19 High Street

**Judith Rose** of 7 Marion Avenue

**Sean Kearney of 24 Paulding Avenue** and Owner of the Marathon site commented confirmed he has not made any improvements on the property. He further commented that as a developer, he thinks light industrial probably works better for him, and he questions why he must go through this process when these are issues related to Zoning Code revisions. However, as a Village resident, he understands.

K. Foley noted the Public Hearing will continue.

**Adjournment**

K. Foley made a motion to adjourn to adjourn the meeting. C. Fadde seconded the e a motion and it passed unanimously. Meeting adjourned at 9:38 pm

Submitted by: Karen Herbert

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Jeff Vidakovich, Village Clerk

Date



# VILLAGE OF COLD SPRING

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## RESOLUTION 13-2023 GENERAL FUND BUDGET

A resolution adopting a General Fund Budget for the fiscal year commencing on June 1, 2023 and ending on May 31, 2024, making appropriations for the conduct of the Village of Cold Spring government and establishing the rates of compensation for officers and employees for such period.

The following resolution was offered by Trustee Tweeps Phillips Woods for adoption and seconded by Trustee Eliza Starbuck, to wit:

**WHEREAS**, this board has met at the time and place specified in the notice of public hearing on the tentative General Fund Budget and heard all persons desiring to be heard thereon,

**NOW THEREFORE BE IT RESOLVED**, that the tentative General Fund Budget, as amended and revised, and as hereinafter set forth in the amount of THREE MILLION TWO HUNDRED EIGHTY THOUSAND FOUR HUNDRED TWENTY TWO DOLLARS (\$3,280,422) is hereby adopted and that the several amounts stated in the column titled "Tentative" in the tentative General Fund Budget, but hereafter referred to as "Adopted", in Schedule A, are hereby appropriated for the objects and purposes specified and the salaries and wages stated in the salary schedule of the tentative General Fund Budget shall be and are hereby fixed at the amounts shown therein, effective Wednesday, April 26, 2023; and

**FURTHER BE IT RESOLVED**, that the tentative Fireman's Service Award Tax Levy, as amended and revised, and as hereinafter set forth, in the amount of THIRTY-TWO THOUSAND DOLLARS (\$32,000), is hereby adopted and the amounts stated are hereby appropriated for the object and purpose specified, and are hereby fixed at the amount shown therein, effective Wednesday, April 26, 2023.

On roll call vote:

Trustee Laura Bozzi voted	Aye
Trustee Cathryn Fadde voted	Aye
Trustee Eliza Starbuck voted	Aye
Trustee Tweeps Phillips Woods voted	Aye
Mayor Kathleen E. Foley voted	Aye

Resolution 13-2023 officially adopted on April 26, 2023 by a vote of 5-0-0.

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**Jeff Vidakovich, Village Clerk-Treasurer**

**RESOLUTION 15-2023 SEWER FUND BUDGET**

A resolution adopting a Sewer Fund Budget for the fiscal year commencing on June 1, 2023 and ending on May 31, 2024, making appropriations for the conduct of the Village of Cold Spring government and establishing the rates of compensation for officers and employees for such period.

The following resolution was offered by Trustee Laura Bozzi for adoption and seconded by Eliza Starbuck, to wit:

WHEREAS, this board has met at the time and place specified in the notice of public hearing on the tentative Sewer Fund Budget and heard all persons desiring to be heard thereon,

NOW THEREFORE BE IT RESOLVED, that the tentative Sewer Fund Budget, as hereinafter set forth in the amount of SIX HUNDRED FIFTY-TWO THOUSAND FOUR HUNDRED FORTY-NINE DOLLARS (\$652,449) is hereby adopted and that the several amounts stated in the column titled "Tentative" in the tentative Sewer Fund Budget, but hereafter referred to as "Adopted", in Schedule G are hereby appropriated for the objects and purposes specified and the salaries and wages stated in the salary schedule of the tentative Sewer Fund Budget shall be and are hereby fixed at the amounts shown therein effective Wednesday, April 26, 2023.

On roll call vote:

Trustee Laura Bozzi voted:	Aye
Trustee Cathryn Fadde voted:	Aye
Trustee Eliza Starbuck voting:	Aye
Trustee Tweeps Phillips Woods voting:	Aye
Mayor Kathleen E. Foley voting:	Aye

Resolution 15-2023 officially adopted on April 26, 2023 by a vote of 5-0-0-0.

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**Jeff Vidakovich, Village Clerk-Treasurer**





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**RESOLUTION NO. 16-2023**  
**CLASSIFICATION OF ACTION AND ESTABLISHING LEAD AGENCY**  
**PROPOSED CHAPTER 134 - ZONING AMENDMENTS**

The following resolution was offered by Trustee Eliza Starbuck, and seconded by Trustee Catherine Fadde, to wit;

**Whereas**, the Village of Cold Spring Board of Trustees is considering adoption of a comprehensive set of amendments to Chapter 134 of the Village Code entitled Zoning, in the Village of Cold Spring, Putnam County, New York; and

**Whereas**, there has been presented to the Village Board a form of Local Law No. 1 (Proposed) of 2023 entitled "A local law to replace in its entirety Chapter 134 of the Code of the Village of Cold Spring, adopted by the Board of Trustees of the Village of Cold Spring on March 7, 1967 as Local Law No. 1-1967"; and

**Whereas**, a Part 1 Full Environmental Assessment Form (EAF) dated 4/20/23 was prepared in the forms on file with the Village Clerk, addressing initial compliance with the requirements of SEQR by describing the proposed action and its setting; and

**Whereas**, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Village Board has reviewed the thresholds for Type I and Type II actions and has determined that the proposed action to adopt the proposed Zoning Law amendments is a Type I Action because it meets the thresholds found in 6 NYCRR 617.4(b)(3) and (9); and

**Whereas**, after examining the EAF, the Village Board has determined that there are no other involved and/or federal agencies on this matter since no other agency has approval authority with respect to the proposed action; and

**Whereas**, other agencies with advisory review responsibilities or interests, but not authority to approve Chapter 134, include the Village Planning Board, Putnam County Planning, Development & Public Transportation Department, Putnam County Clerk, Town of Philipstown, Village of Nelsonville, Town of Highlands, Village of Highland Falls, Orange County Planning Department, Orange County Clerk, and New York State Office of Parks, Recreation and Historic Preservation, and such agencies will be provided with copies of the proposed Chapter 134 Amendments and all SEQR documents.

**Now Therefore Be It Resolved**, that the Village Board hereby declares itself Lead Agency for the review of this action as it is the only involved agency; and

**RESOLUTION 14-2023 WATER FUND BUDGET**

A resolution adopting a Water Fund Budget for the fiscal year commencing on June 1, 2023 and ending on May 31, 2024, making appropriations for the conduct of the Village of Cold Spring government and establishing the rates of compensation for officers and employees for such period.

The following resolution was offered by Trustee Eliza Starbuck for adoption and seconded by Trustee Catherin Fadde, to wit:

**WHEREAS**, this board has met at the time and place specified in the notice of public hearing on the tentative Water Fund Budget and heard all persons desiring to be heard thereon,

**NOW THEREFORE BE IT RESOLVED**, that the tentative Water Fund Budget as hereinafter set forth, in the amount of SEVEN HUNDRED EIGHT THOUSAND TWO HUNDRED SIXTY-EIGHT DOLLARS (\$708,268) is hereby adopted and that the several amounts stated in the column titled "Tentative" in the tentative Water Fund Budget, but hereafter referred to as "Adopted", in Schedule F, are hereby appropriated for the objects and purposes specified and the salaries and wages stated in the salary schedule of the tentative Water Fund Budget shall be and are hereby fixed at the amounts shown therein effective Wednesday, April 26, 2023.

On roll call vote:

Trustee Laura Bozzi voted:	Aye
Trustee Cathryn Fadde voted:	Aye
Trustee Eliza Starbuck voting:	Aye
Trustee Tweeps Phillips Woods voting:	Aye
Mayor Kathleen E. Foley voted:	Aye

Resolution 14-2023 officially adopted on April 26, 2023 by a vote of 5-0-0-0.

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**Jeff Vidakovich, Village Clerk-Treasurer**

**Be It Further Resolved**, that a Determination of Significance will be made at such time as all reasonably necessary information has been received by the Village Board to enable it to determine whether the action will or will not have a significant effect on the environment.

On Roll Call Vote:

Mayor Kathleen E. Foley voted:	Aye
Trustee Laura Bozzi voted:	Aye
Trustee Cathryn Fadde voted:	Aye
Trustee Eliza Starbuck voted:	Aye
Trustee Tweeps Phillips Woods voted:	Aye

The foregoing resolution was thereupon declared duly adopted on April 26, 2023 by a vote of 5-0-0-0.

#### CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) He is the duly qualified and acting Clerk of the Village of Cold Spring, Putnam County, New York (hereinafter called the "Village") and the custodian of the records of the Village, including the minutes of the proceedings of the Village Board, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Village Board held on the 26th day of April, 2023 and entitled:

RESOLUTION NO. 16-2023

CLASSIFICATION OF ACTION AND ESTABLISHING LEAD AGENCY

PROPOSED CHAPTER 134 - ZONING AMENDMENTS

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Village. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board was present throughout said meeting, and a legally sufficient number of members voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Village and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand this \_\_\_\_ day of April, 2023.

-SEAL- \_\_\_\_\_  
Jeff Vidakovich, Village Clerk



**VILLAGE OF COLD SPRING**  
85 MAIN STREET, COLD SPRING, NY 10516  
TEL: (845) 265-3611 FAX: (845) 265-1002  
WEB: WWW.COLDSRINGNY.GOV

**Village of Cold Spring Board of Trustees**  
**Workshop Meeting Minutes**  
**May 3, 2023**

The Board of Trustees of the Village of Cold Spring held a workshop meeting on Wednesday May 3, 2023 at Village Hall. Present were Mayor Kathleen E. Foley, Trustees Laura Bozzi, Eliza Starbuck and Tweeps Phillips Woods. Trustee Cathryn Fadde was absent. Village Attorney John Furst and Planning Consultant Ted Fink participated via videoconference. The meeting was called to order at 6:32pm by Mayor Foley.

**Request to Modify Agenda**

K. Foley made a motion to add a request from Springbrook Condominiums regarding parking to the agenda. T. Woods seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

**Announcements**

K. Foley announced the following:

- River Sweep event to clean up Dockside Park is scheduled for Saturday (5/6) and Sunday (5/7)
- Lawn and Leaf pick up will be on Thursday 5/11

**Board Business**

**West Point Docking Proposal**

Erik Mitchell, Deputy to the Garrison Commander, USAG West Point presented a proposal for a pilot program to bring cadets and family members to Cold Spring via boat during graduation week. Under the proposal, West Point would provide boat service to cadets and family members 3x a day during the week leading up to graduation. The boat is double-decker with a maximum capacity of 125 passengers. West Point would offer to bring visitors from Cold Spring of West Point free of charge. If successful, West Point would like to expand the program to include family weekends and special events.

K. Foley made a motion to have West Point prepare a draft Inter-Municipal Agreement for the pilot program to be reviewed by the attorney for each party. L. Bozzi seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

**Request to Hold a Block Party**

Karen Kapoor, on behalf of the residents of Fishkill Avenue requested to hold a Block Party on Saturday June 17<sup>th</sup> from Noon – 4:00PM to celebrate the high school graduation of 3 residents of the street. K. Foley noted that she had consulted with Office in Charge Larry Burke who requested that it be held from the end of the library parking lot north to the end of Fishkill Avenue so as to allow access to the library.

E. Starbuck made a motion to approve the request. T. Woods seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

### **Boat Club Proposal for Bulkhead Repairs**

Mark Patinella and Roger Hoffman presented a proposal to repair the Bulkhead at the Boat Club. The repairs require a permit from the DEC which will need to be co-sponsored by the Village. Key elements of the proposed work include:

- Remove and replace approximately 125 linear feet of sheet pile shoring that is failing and 2,000 SF of concrete surface
- Replace with vinyl pilings every 5 feet and 12 Cubic Yards of gravel base consisting of porous gravel
- Target start date: October 2023

L. Bozzi asked if sea-level increases have been taken into consideration. R. Hoffman responded that dimensions are no different than the current sea wall which has been sufficient.

K. Foley stated she wants Hahn Engineering to review the proposal to ensure the structural “soundness” of the proposed repairs and materials and made a motion to approve co-sponsoring the DEC application pending the review of Hahn Engineering. L. Bozzi seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

### **Resolution 17-2023 Approve Filing Home Rule Request**

E. Starbuck made a motion to adopt Resolution 17-2023 (attached) Approving the filing of Home Rule Request to expand the streets included in the Residential Parking Permit Program. T. Woods seconded the motion and the resolution was adopted by a vote of 4-0-0-1 (C. Fadde absent).

### **Agreement with Munistat**

T. Woods made a motion authorizing the mayor to sign an agreement with Munistat. E. Starbuck seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

### **Resolution 18-2023 Awarding Bid for Sidewalks**

L. Bozzi made a motion to adopt Resolution 18-2023 (attached) awarding the bid for the replacement of approximately 2,200 SF of sidewalks in the Village to Woodland Manor LLC. E. Starbuck seconded the motion and the resolution was adopted by a vote of 4-0-0-1 (C. Fadde absent).

### **Request to Attend Highway School**

E. Starbuck made a motion to approve Roadways & Facilities Crew Chief Robert Downey’s request to attend Highway School June 5-7 in Ithaca NY. T. Woods seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

### **Springbrook Condominiums Parking Request**

K. Foley made a motion to approve allowing residents of Springbrook to park in the Municipal lot and along Mayor’s Park for free while the Springbrook parking lots are being paved. E. Starbuck seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

### **Continuation of Discussion and Public Hearing for Chapters 76 (Noise), 104 (Signs and Placards) and 134 (Zoning)**

#### **Board Discussion**

K. Foley noted that answers to posed questions is available on the Village website. Additional responses will be posted as approved by the working group and Village Attorney John Furst.

Ted Fink reviewed the build-out analysis and the impacts of revisions made since the 4/26 meeting including:

- Under the proposed code, only 5.75 acres at Marathon site would be useable (compared to 9.5 acres with current code)
- The re-zoning of the Marathon site could potentially increase local student registration by 15-20 students
- Infrastructure impacts include increase on the water/sewer system of 14,000 gallons/day

L. Bozzi commented that:

- Ad Hoc Committee reviewed the energy efficiency requirements for PMU's and based it on the Massachusetts Stretch Code which takes into account HERS scores.
- New state budget calls for all-electric for new construction
  - T. Woods inquired how this would be enforced? L. Bozzi replied that it would be enforced via code enforcement and as part of the Planning Board review/approval process

K. Foley stated that assertions that the amended code would result in reduced property values and loss of property rights is a "red herring" and takes the focus away from the issues at hand.

### **Public Comment**

Teresa Lagerman, 8 Stone Street, encouraged the Board to be more thoughtful and creative in how the Marathon site could be used to benefit the Village and residents. She suggested requirements for the site could include a community center or new firehouse.

Aaron Freimark, 10 Whitehill Place, thanked L. Bozzi for her explanation of the energy code and asked the Village to consider guidelines to encourage electric vehicles.

Matt Francisco, 13 Orchard Street, made the following comments:

- Concerns raised by residents are valid and shouldn't be labeled as "Red Herrings"
- Asked if the Ad hoc Committee can be considered strictly advisory when two legislative members with voting powers are on the committee?
- SEQRA Declaration of Village Board as Lead Agency should have been circulated to all involved agencies with 30 days to respond to the Board.
  - John Furst, Village Attorney, stated that the Village Board of Trustees is the only body that can make a decision on re-zoning and as such there is no need for it to circulate a memo declaring itself lead agency. Village Planner, Ted Fink, concurred with J. Furst's assessment.

Brent Lagerman, 8 Stone Street, asked if the Build-Out analysis presented earlier is on the table for consideration or is it a just a "proposed or draft" analysis? Ted Fink explained that the Build Out Analysis compares potential density scenarios for the Marathon site based on permitted uses under the existing code to that of the proposed zoning for the site.

Michael Reisman, 30 Rock Street, asked if the math behind the analysis summary can be made available? T. Fink replied that the calculations will be available with the final EAF. See attached for additional questions and comments submitted by M. Reisman.

Marie Early, 16 Grandview Terrace, had the following questions and comments:

- What is the process, if and when, an ERC property needs to be sold? Today in the code, all churches and the Haldane properties and most cultural properties are zoned R-1.
- In the proposed Code, accessory structures of 2 1/2 stories are permitted in R-O, R-L, B-1, B-2, B-3 and B-4. An accessory structure of 2 1/2 stories is particularly inappropriate in any R district. The height of such an accessory structure would be overwhelming in scale in most zoning districts. You might want to reconsider the allowable height.
- Why was 37 Fair Street zoned as R-N instead of "B-1" or "B-2"?
- The Civic district has a lot of things in it - but not this building - 83 Main Street and 85 Main Street which house the Village offices, the Justice court, the Police department. Why are they not zoned as "Civic"? They seem to be zoned "B-1".
- 134-13 says "The Parks and Recreation District applies to the Waterfront Park, Dockside Park, Mayor's Park, Ronald McConville/Tot Park, the Haldane ballfields west of Morris Avenue (37 Morris Ave. tax id 48.8-3-9), West Point Foundry Preserve, Foundry Dock Park, the Cold Spring Boat Club, the Chapel Restoration, and from the Hudson River to Market Street bounded on the north by New Street and bounded on the south by tax id 48.12--50 and tax id 48.12—48." Yet on the Zoning Map, the Haldane ballfields west of Morris Avenue are shown as "ERC" and not "PR". Either 134-13 is in error or the Zoning District Map is in error. Which one is correct?
- Similarly, the Cold Spring Boat Club is shown on the Zoning District Map as "C" (Civic Uses) which is in conflict with 134-13 (above). Which is correct?
- So too, the Chapel of Our Lady Restoration is shown on the Zoning District Map as "ERC" which is in conflict with 134-13 (above). Which is correct?
- Also note that in 134-13, the reference is to "The Chapel Restoration" but on the Zoning Map, it is labeled "The Chapel of Our Lady Restoration". Which is correct?
- Relative to 134-13, there is no tax id "48.12—50" or tax id "48-12- 48". What should those tax ids be?
- Relative to 134-13, Tax Map ID 38.17-3-1 is zoned as "Parks and Recreation" on the Zoning Map but is not identified in 134-13. Which is correct?
- Relative to 134-13, Tax Map id 38.17-3-2 is zoned as "Parks and Recreation" on the Zoning Map but is not identified in 134-13. Which is correct?
- Relative to 134-13, Tax Map id 48.8-1-25 is zoned as "Parks and Recreation" on the Zoning Map but is not identified in 134-13. Which is correct?
- Relative to 134-13, Tax Map id 48.8-1-26 is zoned as "Parks and Recreation" on the Zoning Map but is not identified in 134-13. Which is correct?
- 134-2 B – Accessory Apartment – The Code Update Committee presented to the public and recommended that Accessory Apartments should be limited to One Family Dwellings and NOT be permitted in an accessory building for a number of reasons, one of which was to reduce energy consumption - something promoted in the proposed Chapter 134. The proposed Chapter 134-17 G (3) states that accessory apartments are permitted in a one-family dwelling or in a detached accessory building. However, 134-17 G (5) further says that "It shall be a condition of every Certificate of Occupancy issued for an Accessory Apartment that occupancy of such unit is located in an Owner-Occupied One-Family Dwelling....". It seems as if 134-17 G (3) and 134-17 G (5) are in conflict. Is that the case? I would like to see an open discussion on where accessory apartments should be permitted. Regardless, it appears as if the CUC recommendation and the proposed Chapter 134 are at odds as well. Can the CUC and the Ad Hoc Committee discuss this?
- Since all Houses of Worship are located in the ERC district, why are Houses of Worship identified as Permitted Uses in R-O, R-N, R-L, MF and B-4 districts and as a Permitted Use with a Site Plan in B-3? Although Houses of Worship in the proposed Code are located in the ERC district, it seems as if Houses of Worship could be established in many other districts in the future.

- 134-7 B states "The intent of the R districts is to provide an "interconnected network of Complete Streets". This intent is not found in other districts (other than PMU). Since R districts are already in existence with existing streets, why is this intent found in the R districts? As a homeowner, am I expected to implement this? Why is this intent not found in other districts? What are my responsibilities/obligations as a homeowner in an R district - am I supposed to go out and build a Complete Street? It would seem that the responsibility of Complete Streets is more under the Planning Board.
- As PMU is built out, what are the standards/regulations that will be applied to the buildings that are constructed? Is it correct to assume that all single family lots/residences will have to conform to the requirements of R-N, R-O, and/or R-L including Cottages Court structures? Is it correct to assume that all two-family residences will be governed by the standards of duplexes/two family dwelling? Is it correct to assume that all 4-family lots/residences will have to conform to the requirements of MF? Is it correct to assume that all single family lots/residences and 4-family lots/residences will have to conform to the respective Uses of R-O or MF?

Bill Pugh, 3 Rock Street, asked the following:

- Kathleen, how much money is left in the Grant that is one of the 2 reasons you site for completing this by the end of June?
- Is the elimination of the 23 lots at the south end of the Marathon site an oversight?
- When will you have an updated and corrected proposed zoning plan for us to review?
- Has the board, to date, seriously considered a floating Zone to address the Marathon Site?
- How many times has the owner of the Marathon Site sued the Village regarding his plans to develop some or all of the site?
- Has Ted Fink or his organization, to date, discussed a floating Zone to address the Marathon Site?
- How much has the Village paid Ted Fink or his organization in total?
- How much has Ted Fink or his organization billed the village in total?
- How much has the Village paid Ted Fink or his organization 2023 Year to date?
- How much has Ted Fink or his organization billed the village - year to date 2023?
- How much does the Village plan to pay Ted Fink or his organization for going forward?
- How much has the Village put in the upcoming budget for Ted Fink or his organization or other zoning consultants?
- Does the Village expect some or all of the properties on the Marathon Site, if developed as planned in the proposed zoning, to be Condos?
- Has the Village done an independent study on the feasibility and viability of retail or commercial space on the proposed Marathon site.
- Eliza, do you think it would be a good business move to close your wine shop on main street and open it in the middle of the proposed Marathon site?
- When will we see an economic impact analysis of the development of the Marathon Site as it is in the proposed zoning plan and alternative proposals?
- Does the village have updated, within the last year or 2, economic impact analysis of Butterfield, Forge Gate, Spring Brook, and the Apartments at Chestnut street?
  - If not, I am requesting economic impact analysis of Butterfield, Forge Gate, Spring Brook, and the Apartments at Chestnut street along with the initial economic impact analysis that were completed for these projects so we can compare initial analysis with current state.
  - And I request that these are available for review by Village residents at least 4 weeks before any new zoning is approved



- May I have by a show of hands who in this room would sell their current home and move to one of the proposed properties on the Marathon given the proposed zoning.

Michelle Robbins, 6 Forge Gate, asked the following:

- If the Marathon site is re-zoned to PMU, and under the 3-step process proposed, will SEQRA be required as part of both the Conceptual and Site Plan reviews?
- What variances are most often sought and can these be addressed in the code to remove obstacles for home owners?

Aaron Freimark, 10 Whitehill Place, asked if the required open space in a PMU can be increased to 40 or 50% and thus reducing the density?

K. Foley stated that the Public Hearing will be kept open to the next scheduled meeting on May 10, 2023.

**Adjournment**

K. Foley made a motion to adjourn the meeting. T. Woods seconded the motion and it passed unanimously. The meeting adjourned at 8:57pm

Submitted by: Jeff Vidakovich

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Jeff Vidakovich, Village Clerk

Date

## **RESOLUTION 17-2023**

### **APPROVE FILING OF HOME RULE REQUEST**

The following resolution was offered by Trustee Eliza Starbuck for adoption and seconded by Trustee Tweeps Phillips Woods, to wit:

**WHEREAS**, Article XI of the New York State Constitution and Section 40 of the Municipal Home Rule Law provide for the passage of a specific bill by the New York State Legislature initiated by a Home Rule Request from local government; and

**WHEREAS**, the Board of Trustees of the Village of Cold Spring wish to send a Home Rule Request in support of Senate Bill #S6360 and Assembly Bill #A05274 requesting that there be an amendment to the Vehicle and Traffic Law Section 1640-h Subdivision 2 to expand the roadways within the Village that are included in its Resident Parking Permit Program area; and

**WHEREAS**, The Village of Cold Spring has a high volume of visitors to the Village itself, as well as to the nearby New York State Park Hudson Highlands Park Preserve; and

**WHEREAS**, The Village's streets are narrow and many properties do not have driveways; and

**WHEREAS**, to minimize traffic impacts in the Village and preserve on-street parking for residents, New York State established two residential parking programs in two areas of the Village in 2015 and 2018, and

**WHEREAS**, since the Covid pandemic, Cold Spring's popularity as a visitor destination has grown exponentially, and costs related to infrastructure maintenance and services have grown; and

**WHEREAS**, the commerce of tourism does not currently result in sales tax revenue for the municipality and costs related to tourism are borne solely by resident taxpayers, therefore, to offset costs and provide some relief to local taxpayers, the Village is currently in process of adding metered parking along Main Street; and

**WHEREAS**, metered parking on Main Street will likely also displace residents who live on Main Street and park nearby, and expanding the area available for resident permit parking will give those residents more options; and

**WHEREAS**, even before metering is operational, the number of residential streets heavily impacted by visitor traffic and parking is increasing significantly. On the busiest weekends, visitor parking extends to the Village's boundaries in the northeast quadrant and adjacent to Little Stony Point; and

**WHEREAS**, expanding resident parking in other areas of the Village is necessary, including: Main Street from the Metro North tracks to Orchard Street, Marion Avenue, Benedict Road, Grandview Terrace, Whitehill Place, Hamilton Street, East Belvedere Street, West Belvedere Street, Fishkill Avenue, Academy Street, Mountain Avenue, B Street, Cherry Street, Paulding Avenue, Orchard Street, Locust Ridge, Parsonage Street, Maple Terrace, Parrott Street, and Pine Street; and

**WHEREAS**, it is hereby determined that a necessity exists for such New York State legislation in that the Village of Cold Spring does not have the power to enact such legislation by Local Law; therefore

**IT IS HEREBY RESOLVED** that the Board of Trustees of the Village of Cold Spring respectfully submits a Home Rule Request in support of Senate Bill #S6360 and Assembly Bill #A05274 for an amendment to the provisions of New York State Vehicle and Traffic Law.

On roll call vote:

Trustee Laura Bozzi voted:	Aye
Trustee Cathryn Fadde voted:	Absent
Trustee Eliza Starbuck voted:	Aye
Trustee Tweeps Phillips Woods voted:	Aye
Mayor Kathleen E. Foley voted:	Aye

Resolution officially adopted on May 3, 2023 by a vote of 4-0-0-1.

**RESOLUTION 18-2023**  
**ACCEPTING THE BID FOR THE REPLACEMENT OF SIDEWALKS**

The following resolution was offered by Trustee Laura Bozzi for adoption and seconded by Trustee Eliza Starbuck, to wit:

**WHEREAS**, on April 11, 2023 the Village issued a Request for Proposals (RFP) for the replacement of approximately 2,200 Square Feet of sidewalk at three locations in the Village – Paulding Avenue (Base Bid), Main Street (Alternate Bid 1) and Maple Terrace (Alternate Bid 2); and

**WHEREAS**, The Contractor shall remove existing sidewalk, prepare the base, pour and cure new reinforced concrete sidewalk, and restore the area; and

**WHEREAS**, six bids were received with Woodland Manor, LLC submitting the lowest bid; and

**WHEREAS**, James J. Hahn Engineering PC reviewed all six bids and made a recommendation to the Board of Trustees to accept the bid of Woodland Manor, LLC; therefore

**IT IS HEREBY RESOLVED** that the Village awards the bid for replacement of approximately 2,200 Square Feet of sidewalk at a cost of EIGHTY-FIVE THOUSAND FIVE HUNDRED NINETY DOLLARS (\$85,590) to Woodland Manor, LLC; and

**IT IS HEREBY FURTHER RESOLVED** that the Board of Trustees of the Village of Cold Spring authorizes the mayor to sign a contract with Woodland Manor, LLC pending the submission of the required security bond and insurance by the contractor.

On roll call vote:

Trustee Laura Bozzi voted:	Aye
Trustee Cathryn Fadde voted:	Absent
Trustee Eliza Starbuck voted:	Aye
Trustee Tweeps Phillips Woods voted:	Aye
Mayor Kathleen E. Foley voted:	Aye

Resolution officially adopted on May 3, 2023 by a vote of 4-0-0-1



**VILLAGE OF COLD SPRING**  
85 MAIN STREET, COLD SPRING, NY 10516  
TEL: (845) 265-3611 FAX: (845) 265-1002

**Village of Cold Spring Board of Trustees**  
**Workshop Meeting Minutes**  
**June 7, 2023**

The Board of Trustees of the Village of Cold Spring held a workshop meeting on Wednesday, April 26, 2023 at Village Hall. Present were Mayor Kathleen E. Foley, Deputy Mayor Tweeps Phillips Woods, Trustees Laura Bozzi, and Eliza Starbuck (appearing and voting on all Board matters via videoconference). Trustee Cathryn Fadde was absent. Village Community Planner Ted Fink attending via videoconference. Jonathan DeJoy, Esq, standing in for Village Attorney John Furst, Esq., attending via videoconference. The meeting was called to order at 6:31 pm by Mayor Foley.

**Request to Modify Agenda**

- 1) K. Foley made a motion to add a letter from Our Lady of Loretto requesting approval for a procession for the Feast of Corpus Christi on Saturday, June 10, 2023 from 8:00 p.m. to 8:30 p.m. L. Bozzi seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent). Procession was approved.
- 2) K. Foley made a motion to table *Item #3c*, Approval for the Mayor to Royal contract addendum for Saturday pick-up. T. Woods seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).
- 3) K. Foley made a motion to table *Item #3g*, Estimate for Pavers for Bike Rack. T. Woods seconded the motion and it passed 4-0-0-1 (C. Fadde absent).

**Announcements** - K. Foley announced that the parking home rule legislation request to expand larger areas of parking in the Village has passed the NYS Senate, and will hopefully make it to the Assembly floor before the session ends.

**Board Business**

**Proposal for 4<sup>th</sup> of July Parade for July 1, 2021**

Tara Flagler present at Village Hall. Officer-in-Charge Larry Burke also present in person. Discussion ensued regarding the best parade route, length of event, and types of vehicles participating. Decision reached for the following: Participant line-up at Waterfront Park at 10:30 a.m., step off at 11:00 a.m. with parade proceeding up Main Street to St. Mary's Church. K. Foley noted the Village has made donations to parades sponsored by 501(3c) organizational parades in the past, and suggested that the Village could do some sort of sponsorship in lieu of financial donation. T. Flagler to suggest ideas to the Board.

L. Bozzi made a motion to approve the proposal. K. Foley seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

### **Proposal for Our Lady of Loretto for Procession in Honor of Corpus Christi**

K. Foley made a motion to approve the request. L. Bozzi seconded the motion and it was approved 4-0-0-1 (C. Fadde absent).

### **Approval of Change Order for Catskill Aqueduct project – Hahn Engineering**

Due to a failure to drain the existing emergency feed line that carries water from the Catskill Aqueduct to the VCS water treatment plant, a specialty valve will be installed in the pressurized pipe to complete the connection between the Aqueduct and the emergency feed watermain, in order to avoid a complete shutdown of the water treatment plant. \$36,882.12 cost will be offset by \$27,000.00 for work that will now not be required, with a final cost of \$9,882.12.

T. Woods made a motion to approve the proposed Change Order with Hahn Engineering and General Contractor Con-Tech Construction Technology Inc. E. Starbuck seconded the motion and passed by a vote of 4-0-0-1 (C. Fadde absent).

### **Approval for Mayor to sign IMA with Putnam County for CSPD radio upgrade**

Putnam County will be providing the following radio equipment to the VCSPD: 8 APX8000 portables, 5 APX8500 mobiles, and 1 APX Base Station. The Village will be responsible for the costs of programming and for registering the equipment with Motorola.

L. Bozzi made a motion to approve the mayor to sign the IMA with Putnam County. T. Woods seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

### **Selection of Credit Card Processor for Parking Kiosks**

As per E. Starbuck, all kiosks will require a credit card processor. Three estimates were considered by the Village. The Village Accountant and E. Starbuck recommend that the Village use Card Connect which offers a flat fee of 13 cents per unit for 4 hours of parking, as well as a flexible contract.

K. Foley made a motion to select Card Connect as the credit card processor for the parking kiosks. E. Starbuck seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

### **Request for Clearwater for Docking Dates**

T. Woods made a motion to approve the request from Hudson River Sloop Clearwater, Inc. for docking dates - arrival in the morning of 6/23/2023 and departing the morning of June 25, 2023 with waiver of docking fees. E. Starbuck seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

### **Recommendations for Rec Commission for Use of Mayor's Park**

Event Coordinator Lillian Moser was present at Village Hall.

- i. Birthday Party 6/17/2023, 8:30 am to 12:30 pm by Philipstown Resident Michael Farkas  
K. Foley made a motion to approve the application. T. Woods seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).
- ii. Birthday Party 7/29/2023, 12:00p.m. to 5:00 p.m. by Philipstown Resident Fernando DaCunha. L. Bozzi made a motion to approve the application. T. Woods seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

- iii. Philipstown Cub Scout Pack 137 6/11/2023 12:00 to 5:00 p.m. by Philipstown Resident David Marzollo. K. Foley made a motion to approve the application, as amended. T. Woods seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

**Approve Hiring Quinn Close as Seasonal Laborer@ \$16.00/hour**

K. Foley made a motion to hire Quinn Close as a seasonal laborer @ \$16.00/hour. E. Starbuck seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

**Approval of Minutes**

T. Woods made a motion to approve the May 10, 2023 minutes as modified. L. Bozzi seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

E. Starbuck made a motion to approve the May 16, 2023 minutes as submitted. T. Woods seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

T. Woods made a motion to approve the May 24, 2023 minutes as submitted. L. Bozzi seconded the motion and it passed by a vote of 3-0-1-1 (K. Foley abstains; C. Fadde absent).

**APPROVAL OF BILLS**

- i. *FY 2022-2023 Batch: 6949* - L. Bozzi made a motion to approve Batch #6949 in the amount of \$77,400.82. T. Woods seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).
- ii. *FY 2023-2024 batch # 6950* - L. Bozzi made a motion to approve Batch #6950 in the amount of \$3,531.96. T. Woods seconded the motion and it passed by a vote of 4-0-0-1 (C. Fadde absent).

**PUBLIC HEARING for Chapters 76 (Noise), 104 (Signs), and 134 (Zoning)**

K Foley noted the following:

- i. All received public comments and questions have been addressed and drafted. Two batches have been released with more to follow on 6/8. Village Attorney approved 145 questions for response
- ii. Planning Board Comments were received by the VBOT and the Ad Hoc Group and will be discussed this session
- iii. Full revisions to Ch. 134 approved by the VBOT and those recommended to the VBOT have been posted
- iv. Chapter 76 (Noise) and Chapter 104 (Signs) were revised with comments and recommendations
- v. EAF has been updated with comments and recommendations and Neg Dec have been posted and were forwarded to and acknowledged by the Putnam County Department of Planning
- vi. K. Foley has met with the PCNR to discuss formatting and reserving open space for legal notice to be posted

K. Foley noted that all of the revised documents are online, and paper copies may be provided upon request during business hours. K. Foley acknowledged the presence of Village Community Planner Ted Fink and Village Attorney Jonathan DeJoy, Esq. to assist in the presentation of revised documents, which

will be followed with Board Comment, and Public Comment. Materials were screen shared with all participants.

T. Fink introduced the presentation by commenting that the revisions to Chapters 134, 76 and 104 are responsive to public comment as well the Planning Board preliminary comment. The revisions are prepared with due diligence to ensure accuracy and internal consistency, proper wordsmithing, and clarification of issues. He noted that three separate, revised documents for Chapter 134 have been prepared:

- Comprehensive Redline version
- New text
- Orangeline to show text changes

Highlights include the following additions, expansions and/or clarification or corrections:

- ARTICLE I - *Purposes*
  - Enumeration of purposes expanded to include reference to building forms and streetscapes as expressed in the Comprehensive Plan (§134-1F)
- ARTICLE II – *Definitions*
  - §134-2 *Word usage and definitions*
    - Accessory Apartment (must be principal domicile of property owner of record)
    - Building – All Electric (any building in the Marathon site PMU section)
    - Density and Development (gross and net density accidentally deleted and will be re-entered in text)
    - Driveway
    - Façade
    - Family Daycare Home (new addition to Code consistent with NYS Child Care Regulations NYCRR Part 413)
    - Filling Station (also including in Table of Uses)
    - Front Plane
    - Home Occupation
    - Open Space, Protected
    - School
    - Site Plan (now a defined term) and Site Plan Review, Expedited
- ARTICLE III – *Establishment of Districts*
  - Business 1 (B-1) (§134-3A)
  - Scenic Viewshed Overlay (SVO) District (§134-3A)
  - Subsection E4 (Form Based Standards) removed from proposed Code given the newly adopted HDRB Design Standards and Resources) AND new dimensional requirements in the Code



- ARTICLE IV – *District Regulations*

- Civic Uses (§134-11)
- Planned Mixed Use District (§134-12)  
*Intent* of District to comply with NYS Village Law §7-703a – PUD provisions present opportunity for Unified and planned approach to development and flexibility and economies of scale offered to landowners
- Changes to Table 12-1: PMU Multi-family Bulk Standards to reflect “Minimum” lot width, depth and area
- Inclusion of Streetscape requirements in PMU – (§134-12[C][4][i])

K. Foley noted that further work will be needed to implement Complete Streets concept into the Village Comprehensive Plan to determine how it will apply outside of the PMU.

- Special Use Permit Approval (134-12[D][2][a]) In accordance with Ch. 57 of the Village Code, escrow deposits shall include reimbursements for professional review expenses of planning, engineering, legal and specialized consultants retained by the Planning Board, to conduct peer review of transportation studies and transportation demand management plans provided by applicant (*see also*, (§134-28). In addition, Special Use Permit shall be classified as a Type I action under SEQR (134-12[D][3][h]).
- Public Engagement (134-12[D][3][g]) Planning Board shall include plans to include relevant stakeholders in the concept plan development including other standing Boards, schools, emergency service providers, West Point Foundry owners, adjoining residential neighbors, other concerned agencies and the general public. As to recommendations of other standing Boards, the Planning Board must submit a written statement within sixty (60) days setting forth their adoption of, rejection of, or modification to, the recommendations of other Boards, and include the reasons for their decision.
- Standards for Special Use Permit will require all nineteen standards to be met in order to gain Planning Board approval. A significant addition to the Code is the requirement for All-Electric Buildings (134-12[4][p][q][r][s]).

- ARTICLE V – *Special Uses, Site Plans, and Supplementary Regulations*

- Supplementary Regulations Clarifications
  - I. Accessory Structures (§134-17[D][1])
  - II. Front Setbacks (§134-17[D][5])
  - III. Accessory Apartments (§134-17[G][5])  
Owner Occupancy Required
  - IV. Home Occupations (§134-17[J])
  - V. Yard Storage (§134-17[K][1][b][4])

VI. Table of Parking Requirements (§134-17-1) now includes Libraries and Theaters

- ARTICLE IX – *Penalties, Amendments, Interpretation*
  - Severability (§134-34) and Supersession of Inconsistent laws, if any (§134-35) now in Table of Contents

T. Fink noted specific changes in the Table of Uses 6-A, is now color coordinated with the revised Zoning District Map. He also mentioned the revised EAF which is now on the website is ready for review.

K. Foley commented that the VBOT will consider all recommendations changes of the Ad Hoc Working Group, but approval rests with the VBOT.

**Board Comment**

E. Starbuck commented that the revisions address many issues which have been raised. She would like to review the changes for further discussion at the next VBOT session.

T. Woods commented that revisions were very comprehensive. She needs to review revisions in detail.

L. Bozzi commented that T. Fink had highlighted “contamination” and referenced the EPA Five Year Review. Specifically referring to the terms “mitigation” and “evaluation”, she commented that the terms in the revised Code should mirror those used by the EPA, and that the revised Code be clear that final construction must comply with the EPA before site plan approval. T. Fink agreed.

*Planning Board Response to Village Board of Trustees Regarding Chapter 134 Zoning dated June 5, 2023 (attached)*

K. Foley commented that many of the Planning Board’s high-level comments and key recommendations have already been addressed in the revised Chapter 134.

- *Key Recommendation 1*

Remediation of the Marathon Site is determined by the EPA and the DEC and the PMU clearly requires that environmental conditions have to be assessed before any construction takes place on the PMU site. T. Fink addressed that particular concern about contaminants on the Marathon Site and request for remediation, earlier in the meeting. He noted that the latest EPA Five-Year Review released in April stated that prior to any construction on the site there should be soil vapor intrusion assessment. In addition, T. Fink confirmed that the PMU District is part of the Historic District. Jonathan DeJoy, Esq. commented that the Village could set its own remediation requirements so long as they do not conflict with the EPA and enforcement would be an issue.
- *Key Recommendation 2*

First draft of revised Zoning Code contained provisions addressing traffic and road access study

- *Key Recommendation 3*  
The Planning Board's recommendation to keep the existing I1 with a PMU overlay available by Special Use Permit while avoiding conflict and costly concept planning, appears to be a fundamental misunderstanding as to how PMU overlays work. T. Fink commented that one of the goals of the Working Group was to come up with a solution that would set up procedures to that would be most likely resolve in a Marathon site development that would meet the needs of the Village and respect its history and character, and be consistent with the Comprehensive Plan
- *Key Recommendation 4*  
The existing multi-family units are pre-existing non-conforming. In any event, the revised Code restriction of four (4) units per multi-family units applies to the PMU District and do not affect existing Village multi-family developments, *e.g.*, Butterfield.
- *Key Recommendation 5*  
Form based zoning has been modified in the revised Ch. 134.
- *Key Recommendation 6*  
Waterfront development and protections should fall under new Comp Plan update.

Response to questions posed to the Zoning Committee by the Planning Board regarding Maximum Density of the Site, Contradictions and Incompatibility, Planning Board Approval Procedures, will receive written response.

### **Public Comment**

Letter submitted to the VBOT by Village resident Lynn Miller of 30 Bank Street (attached) was read into the record by K. Foley.

Letter submitted to the VBOT by Village resident Jane Timm of 7 Rock Street (attached) was read into the record by K. Foley.

Letter submitted by Scenic Hudson to the VBOT (attached) was summarized by K. Foley on the record. It is available online.

K. Foley set for the guidelines for Public Comment:

- Comments will be kept to three minutes
- Questions and comments that contribute to the public process and make for a better final product are welcome
- Speculation, fear-mongering and rudeness are not welcome
- Tone and tenor of comments will be polite and constructive
- No *ad hominem* attacks will be tolerated
- Speculation, fear-mongering and rudeness are not welcome

K Foley commented that the tone and the tenor of comments has degenerated over the course of the public hearings, and is not productive. Moreover, it discourages neighbors with legitimate concerns and constructive comments from attending the hearings.

M. Early of 16 Grandview Terrace asked when documents will be on the website and was advised that they are there presently. K. Foley noted that 145 Responses to Public Comments and Questions will be available on the website 6/8 and public comment period remains open. M. Early requested a hard copy of the revised EAF, dimensional tables, Zoning map, revised Chapter 134, and Table of Uses. She was assured by K. Foley that they would be made available to her. M. Early was advised by T. Fink that the Zoning Map was attached to the clean version of Chapter 134 (ready for adoption), as are all the Tables. M. Early raised questions about Chapters 100 and 114. K. Foley reminded M. Early that those Chapters are not on the table right now and will be next up for review.

There was no further Public Comment.

**Adjournment**

K. Foley made a motion to adjourn the meeting. T. Woods seconded the motion and it passed unanimously. Meeting adjourned at 9:21 p.m.

Submitted by: Karen Herbert

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Jeff Vidakovich, Village Clerk

Date

6/6/2023

To the Board of Trustees,

Some residents oppose more lenient "Home Occupation" regulations in the Zoning chapter of the Village Code update. In reality, many people already pursue their vocations or augment their incomes from home offices and studios. Attorneys, accountants, talent managers, insurance agents, voice-over artists, photographers, writers, musicians, designers, recipe developers, stylists, therapists and many others already conduct a large portion of their work from home. How in the world could the Village develop a mechanism to enforce laws curtailing home-based vocations, anyway?

Since the onset of remote work driven by the pandemic, many professional offices have managed to lower their overhead costs by continuing remote employment for many of their workers or adjusting to a hybrid arrangement. This has often resulted in growth and profits as well as improved employee retention, morale, and work satisfaction. There are other soft benefits for our communities stemming from a greater number of people working from home. These include but aren't limited to: improved neighborhood security, less air pollution and traffic congestion due to fewer commuters, lower transmission rates of colds and flu, and for individuals, more disposable income due to the reduction of commuting, professional clothing, meals, and auto-maintenance costs.

It's vital the Village Board update the zoning code to reflect and accommodate changing employment trends and address the stressors affecting working people. One area that remains particularly difficult for working families to manage is childcare. There are far too few quality pre-schools and after-school programs available at all. Personal in-home nannies are a luxury only within reach of the highest earners. Too frequently, the cost of childcare of any sort is beyond what parents can effectively manage, often reducing the value of a second income to barely above the break-even point. In 2004, while a law professor at Harvard, Senator Elizabeth Warren published a brilliant book, The Two Income Trap, which deftly illustrates this dilemma affecting lower- and middle-income families.

There is no need for Cold Spring to encode restrictions that hinder the expansion of childcare options in the Village. New York state regulations pertaining to home-based childcare do more than enough to protect children and neighborhoods. Taking measures to alleviate problems facing our residents is the most important work of our Village government; from managing local services to protecting our safety. Protecting and providing for the safety and care of local children should be at the top of their agenda. Opposition to neighborhood childcare homes ignores a national crisis faced by too many families and how these operations can improve and protect village life for everyone.

Sincerely yours

M. Lynn Miller

30 Bank Street

lmillerfoodnphoto@gmail.com



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May 26, 2023

By email:

The Honorable Kathleen E. Foley, Mayor  
and Village Board of Trustees  
Village of Cold Spring  
85 Main St.  
Cold Spring 10516

Subject: Village of Cold Spring PROPOSED Local Law No. 1 of the Year 2023

Dear Mayor Foley and Board of Trustees:

Scenic Hudson is writing to commend the Village for undertaking these proposed zoning amendments, a process that upon completion will provide a comprehensive update of its outdated zoning code as recommended in the *Village of Cold Spring Comprehensive Plan*, adopted in 2012. We believe that many aspects of the Village's proposed zoning amendments will result in a positive impact on the community.

**Scenic Hudson Supports Rezoning of West Point Foundry Preserve**

As you know, Scenic Hudson owns and operates West Point Foundry Preserve, which serves as a publicly accessible open space at the end of Kemble Avenue. West Point Foundry Preserve was designated in 2011 as a National Historic Landmark as the West Point Foundry Archeological Site.<sup>1</sup> The Secretary of the Interior determines a NHL as "possessing national significance in American history and culture". The WPF Archeological Site is recognized as "one of the most significant archeological properties in the country for understanding the development of industrialization in America and its impact on national events, the rise of a global economy, and the cultural transformations associated with those whose labor made it possible — industrial workers and their families."

In this regard, Scenic Hudson strongly supports the proposed rezoning of West Point Foundry Preserve from I-1 (Office-Light Industry) to PR (Parks & Recreation). This is consistent with the Comprehensive Plan's recommendation to evaluate such a rezoning. (Recommendation 7.2.12). We do, however, suggest that Museums and Cultural Uses be added as a use permitted by Special Use Permit in the P&R District and that the code include some flexibility in dimensional requirements when adaptive reuse of existing buildings is proposed.

**Scenic Hudson Comments on the PMU District**

Scenic Hudson also generally supports Section 134-12, which relates to the Planned Mixed Use (PMU) District and the former Marathon Battery site, one of the last remaining sites potentially available for

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<sup>1</sup> [https://www.nps.gov/subjects/nationalhistoriclandmarks/upload/2020-September-West-Point-Foundry-Redacted-508-FINAL-FOR-SECRETARY\\_reduced-part01.pdf](https://www.nps.gov/subjects/nationalhistoriclandmarks/upload/2020-September-West-Point-Foundry-Redacted-508-FINAL-FOR-SECRETARY_reduced-part01.pdf)





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large-scale development in the Village.<sup>2</sup> This letter also includes two recommendations related to the PMU District.

The existing industrial zoning (I-1, Office-Light Industry) at the Marathon site is inconsistent with the Comprehensive Plan, and therefore, appropriate amendments are required. Scenic Hudson has long been concerned that the I district zoning has been a bad fit for that important location because it would preclude the type of development envisioned in the Village's Comprehensive Plan, further, it could result in proposals that would be potentially harmful to the Village, and the environment.

Visitors to West Point Foundry Preserve arriving via Kemble Avenue experience the large, undeveloped, and now remediated former Marathon site on the west side of the road. The site represents a blank canvas on which future development can contribute to the Village's vitality and, also, serve as a compelling gateway to West Point Foundry Preserve. Scenic Hudson agrees with the Comprehensive Plan's assessment that the former Marathon site, at nearly 12 acres holds significant development potential for the Village.<sup>3</sup>

Getting the PMU district right is important because it governs uses on a large parcel located within the Village Historic District, the National Register Historic District, a New York State-designated Scenic Area of Statewide Significance, Significant Coastal Fish and Wildlife Habitat, Significant Biodiversity Area, and a part of a Village neighborhood, all of which contribute essential features to Cold Spring's unique community character.

#### **The PMU District's Consistency with the Village of Cold Spring Comprehensive Plan**

The proposed PMU district is consistent with several recommendations in the Village's Comprehensive Plan<sup>4</sup>, for example:

- 7.2.9 Recommendation: 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.
- 7.2.10 Recommendation: 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.
- 7.2.11 Recommendation: For commercial development on the Marathon site, encourage businesses that would be tax positive and have a low impact on the community in terms of traffic, noise, etc. Investigate the possibility of attracting scalable technology, research, design, communications, "clean" light industrial or "green" companies that could employ Village residents, and serve as anchor tenants, work-live space or space for artists and craftsmen, and year-round or seasonal restaurants or retail.

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<sup>2</sup> *Village of Cold Spring Comprehensive Plan, 2012*, p. 134-34

<sup>3</sup> *Village of Cold Spring Comprehensive Plan, 2012*, p. 65

<sup>4</sup> *Ibid*, p. 68

### **Purpose of the PMU District**

Scenic Hudson supports the purpose of the Planned Mixed Use Zoning District and believes that as drafted, it will provide for appropriately scaled and context-sensitive redevelopment of the former by encouraging a mixed-use environment including residential, recreation, and limited non-residential land uses. Given New York State’s housing crisis, also of concern in the Hudson Valley, we believe that the provisions of the proposed PMU district will create a framework for a diverse and balanced community with housing available for households of all income levels.

### **Approval Process, SEQRA, and Public Involvement**

Scenic Hudson applauds the Village for requiring in the PMU district a three-step Planning Board review process with 1) special use permit approval of a concept plan; 2) preliminary site plan review and approval; and 3) final site plan review and approval.<sup>5</sup> We believe this three-step process can help protect and enhance the social fabric of the Village, as well as the health, safety, and welfare of its residents.<sup>6</sup>

In addition, the proposed amendments classify the PUD Concept Plan Special Use Permit as a Type 1 Acton under SEQRA. This affords the Planning Board an additional level of protection and control over the approval process.<sup>7</sup>

Further, we support the proposed rezoning’s comprehensive and robust requirement for public engagement, a process that is coordinated with the Village Board of Trustees, and Historic Review Board, including a requirement to involve additional stakeholders, specifically including neighbors, Haldane Central School District, emergency service providers, and water and sewer services.<sup>8</sup> Given the importance of the West Point Foundry Preserve and its location within 500’ of the Marathon site, Scenic Hudson respectfully requests, that we be added to the list of stakeholders.

### **Housing as an Appropriate Use on the Marathon Site**

One of the many strengths of the proposed zoning amendment is that it encourages a diversity of housing types—single-family, two-family, multifamily, and cottage courts and that each of the four unit types shall make up not less than 20% of all dwelling units.<sup>9</sup> We believe that this diversity of housing, in combination with permitted recreational, open space, work-live, small retail business, and office uses and guardrails included in the proposed amendment have the potential to provide appropriate development at this important location.

### **Non-residential uses**

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<sup>5</sup> Village of Cold Spring PROPOSED Local Law No. 1 of the Year 2023, Section 134-12 D (2)

<sup>6</sup> Ibid, Section 134-12 A

<sup>7</sup> Ibid, Section 134-12 D (2) (a) (3)

<sup>8</sup> Ibid, Section 134-12 D (2) (g)

<sup>9</sup> Ibid, Section 134-23 C (4) (c)





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The proposed amendments require a minimum of five percent (5%) and a maximum of ten percent (10%) non-residential mix of land uses including office, personal services, and retail<sup>10</sup> (emphasis added).

While Scenic Hudson generally supports mixed-use, including office, personal services, and retail, integrated into residential development, we suggest that requiring a minimum of 5% at this location may unnecessarily inhibit the flexibility needed to encourage the development of the site, and, further, development of the Marathon site with various sizes of residential units, open space, and recreation uses would likely serve the community well. Therefore we recommend removing the minimum requirement.

### **Summary**

Scenic Hudson applauds the village for considering the zoning amendments contained in Proposed Local Law No. 1 of the Year 2023. These proposed amendments will provide a comprehensive update to its outdated zoning code as recommended in the *Village of Cold Spring Comprehensive Plan*. Many provisions of these proposed amendments will result in a positive impact on the community.

In addition, we strongly support the proposed rezoning of West Point Foundry Preserve from I-1 (Office-Light Industry) to PR (Parks & Recreation), which is consistent with the Comprehensive Plan. We do, however, suggest that Museums and Cultural Uses be added as a use permitted by Special Use Permit in the P&R District and that the code include some flexibility in dimensional requirements when adaptive reuse of existing buildings is proposed.

Further, Scenic Hudson supports the addition of the PMU District because we believe it can help revitalize the former Marathon Battery site in a manner consistent with its location in the Village's Historic District, the National Register Historic District, a New York State-designated Scenic Area of Statewide Significance, Significant Coastal Fish and Wildlife Habitat, Significant Biodiversity Area, and as a neighbor to West Point Foundry Preserve.

Finally, Scenic Hudson respectfully requests to be added to the list of stakeholders as per Section 134-12 D (2) (g) and we recommend that the proposed zoning amendment make optional the requirement for non-residential uses, such as office, personal services, and retail.

Scenic Hudson hopes these comments will be helpful to the Village and that the zoning amendments will be adopted in a timely manner

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey Arzevino". The signature is written in a cursive style and is positioned above a horizontal line.

<sup>10</sup>Ibid, Section 134-23 C (4) (e)



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Jeffrey Anzevino, AICP  
Director of Land Use Advocacy

06/06/2023

TO: Village Board of Trustees

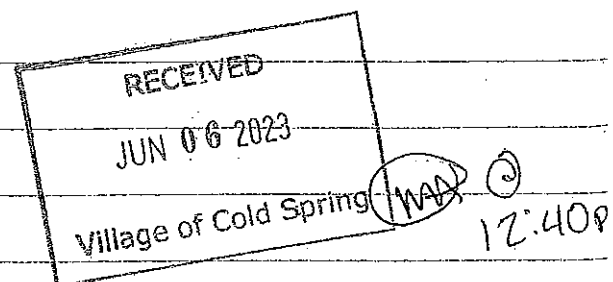
FROM: JANE SILVER TIMM

ADDRESS: 7 ROCK ST COLD SPRING NY 10516

COMMENT: MY SINCERE FEELINGS, THOUGHTS, ETC.,  
REGARDING LAND NOT YET APPROVED  
BY EPA ARE THAT I COULD NOT  
RECOMMEND ANYONE TO LIVE OR  
WORK ON THAT MARATHON PROPERTY.  
I COULD NOT LIVE OR WORK ON  
THAT PROPERTY.

*Jane Silver Timm*  
FOR MEETING 6-7-23

UNFORTUNATELY I CANNOT ATTEND  
JST





## **Village of Cold Spring - Planning Board**

**85 Main Street, Cold Spring, NY 10516**

**Tel: (845) 265-3611 Fax: (845) 265-1002**

Web: [www.coldspringny.gov](http://www.coldspringny.gov)

### **Planning Board Response to Village Board of Trustee Regarding Chapter 134 Zoning Code | June 5, 2023**

#### **General Statement**

The Cold Spring Planning Board in accordance with the NYS Zoning laws and in conjunction with the Village Comprehensive Plan has been established for the Village of Cold Spring in the interest of the protecting and promoting public health, safety, and welfare. Regulations have been made and the responsibility has been given to the Planning Board to act as stewards upholding the character of the Village and its suitability for uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout our municipality.

Based on the Comp Plan Vision and Goals it seems clear that any proposed rezoning should consider environmental concerns and ensure safe and efficient public access across the Village. If access and environmental issues can't be fully solved or understood, then a rezoning should not proceed. If we are trying to maintain a 'historic residential character' in an area that has been historically industrial, we should consider how to impact the Industrial area without changing the character of the adjacent parts of the Village. The need to tailor make zoning code and planning board procedures that guide the development of the last large parcel of land in the Village should be avoided.

The implications of tailoring a zoning code and planning board approval procedures to a proposed development is not advisable. Insofar as it might add inconsistencies and the need for variances rather than the actual intent, which is to reduce inconsistencies. Rezoning and mixed use could be achieved under the current code. It is possible with the existing II we can add a PMU overlay available by Special Use Permit if the gating issue of environmental and access have been satisfactorily addressed. This would avoid conflict and costly concept planning because the code can require a developer to address these issues as a prerequisite. Further, this could also serve to achieve the same end without creating additional non-conformity to an already developed village.

Additional consideration to re-zoning existing developed parts of the village should include topography, as the forms-based approach contradicts with 'keeping the character of the village.' The updated Chapter 134 appears to try and increase conformity in a Village that is authentic in its organic development; one that needs guideline and maintenance rather than forced conformity in areas that cannot conform due to topography and layout.

Below are our key recommendations and open questions. We request that we receive written responses/answers to the questions posed below.

**Key Recommendations:**

- 1- Any re-zoning of Marathon Site should require full site remediation prior to any development.
- 2- Any re-zoning of Marathon Site should require a traffic and road access study with solutions to achieve Comp Plan goals prior to any development.
- 3- Maintain the I1 and add a PMU overlay by Special Use Permit, adding specific, objective criteria for Comprehensive Plan Policy 7.2.2; make appropriate access to and from the [Marathon and environs] area a prerequisite for any development.
- 4- Revisit the proposed zoning maps and tables. For example, 44% of R1 lots do not meet the criteria. Limiting Multifamily to 1 building with a max of 4 units would move all existing Multifamily's out of conformity (including the Butterfield Mixed-Use apartment/retail building currently under construction and without a Certificate of Occupancy in place)
- 5- Move away from forms-based zoning because it contradicts the intent of keeping the character of the Village. Rules-based zoning guidelines are a better fit for an existing Village already built out.
- 6- Add a flood district overlay to allow properties near the shore to survive in the changing environment.

**VBOT Open Questions:**

*New Draft Version of Chapter 134*

- When will the next draft be ready for Planning Board review?
- When will next set of public hearing(s) be held on the new draft?
- NYSERDA invoice deadline is 6/30, how should we be working within this date? How can we align on public feedback and Planning Board redline to impact the final draft before the end of June? What is your recommendation?

**Zoning Committee Open Questions:**

*New Draft Version of Chapter 134*

- What are the major changes being made (E.g.: delete streetscape standards, landscape standards). Are we moving away from form-based code? Why or why not?

*Regarding Maximum Density of the Site:*

- Page 2, C. is inconsistent with Code, "the provisions contained in this Section shall govern and prevail." Does this mean that this will allow for greater density, etc. than the Village Code?
- Page 3, d)1, "multi-family buildings shall be consistent with the over-all character of the Village and resemble a single-family building as shown in the photograph... of a fourplex

building". Is this cookie cutter building the 'standard' or example of multi-family buildings proposed?

- 5-page 15- Item 2. To encourage flexibility in the design, forma and type intended by this section, if PMU project plans occur over "a period of years" - how many years? - the development may authorize a departure from the density or intensity of use established for the entire project for each phase to be developed - is this at odds with the prior stipulation on p.12 item K- "the proposed development is properly phased so that the density of any phase when combined with previously constructed phases, does not exceed the approved overall project density...etc." 2a & 2b make sure the density/concentration is lower than a prior phase, but the language at the beginning should indicate that, rather than saying a 'departure in density or intensity; it should say something like: 'a reduction...in density.'

#### *Contradictions and Incompatibility:*

- How compatible are the requirements on pg.11 Item e: "based on traditional forms of development in terms of placement, design, and quality of materials as described in the Village off Cold Spring Historic District Design Standards," and the requirements laid out in items g & h, specifically "green streets principles, innovative low impact techniques, impervious surface?" Does one set of standards take precedence if the historic district design standards do not allow for particular green, low impact, and innovative materials or techniques?
- Regarding HDRB Review (pg.6) is the currently Industrial zone also in the historic district? Conceptually this situation is interesting when we are trying to achieve a 'historic residential character,' in an area that has been historically industrial. What is 'historic'? Are we suggesting a more varied re-zoning of the site? Does a re-zoning that allows more varied uses (rather than primarily residential by the proposed PMU) better fit the historic character of this particular area?
- By creating a designation of PMU, the working draft is more limiting than the current permitted uses listed in the Zoning Update slideshow. Does that seem right? (pg.5 of the draft calls for non-residential uses as 5% min, 10% max (including office, personal services, and retail. How can we articulate in a clearer manner, perhaps at the outset?
- Regarding the housing-types section, what has been done to remove potential conflicts with the limitations of what is outlined in the HDRB language?

#### *Planning Board Approval Procedures*

- How does the proposed Planning Board Review process for the PMU / PUD at Marathon compared to our standard site review process? How can we make the planning boards role and responsibility clear & feasible, with respect to the measures by which we would review the concept plans and consider stakeholder input?
- There are so many specific questions such as designs of street, water, sewage, traffic -- these remain very vague in the draft; however, these are exactly what the Planning Board needs to understand and review. Are there plans to expand the procedures or include specific parameters for approval to address these areas?
- There are no little to no provisions in the procedure for approvals to confirm appropriate access to and from the PMU area, a prerequisite for any development, ensuring the development does not create traffic problems that will unreasonably adversely affect

current residents. Are there plans to expand the procedures for approval to address these areas? Without clear objective criteria here, the Planning Board is concerned that our decision(s) could be determined to be arbitrary. Specifically in access being reviewed after the developer has spent effort and dollars to develop a concept plan. The Planning Board needs objective criteria on access and environmental issues in order to do its job effectively and objectively.

- Does the re-zoning of the R, B, and other zones, as well as the adjustment of definitions appear to achieve the stated goals of reducing non-conformance, and making the approvals processes more efficient and reflective of current character/uses?
- When will the Village Board of Trustees or working group provide the statistical data of conformity pre and post this proposed zoning that the VBOT has said at the beginning of the hearing will be provided?
- pg.9 the public engagement piece, there is a lot of work for the Planning Board, in terms of engaging stake holders, how this could be described more procedurally, what is the actual impact of the feedback from the Village boards and community stakeholders?