

GREENPLAN

June 13, 2022

Kathleen E. Foley, Mayor
Village of Cold Spring
85 Main Street
Cold Spring, NY 10516

GREENPLAN INC.
302 Pells Road
Rhinebeck, NY 12572
T 845.876.5775
E JTfink@greenplan.org

Re: Village Zoning Work Plan

Dear Mayor Foley:

In accordance with our phone conversations, my understanding is that the NYSERDA grant to the Village for completion of Zoning amendments addressing a Smart Growth planning strategy, is nearing the end of its contract term. My further understanding is that NYSERDA is willing to grant an extension to the contract provided that a work plan is developed for completing the tasks proposed in the Cleaner-Greener Communities Phase II Implementation Grant. This letter will outline what I believe to be a workable timeline to accomplish the tasks that have not as yet been addressed. Attached please find a draft Work Plan for accomplishing the tasks needed to complete the process.

On December 6, 2021, there was a change in the composition of the Village Board with you in a new leadership role as Mayor. As you know, there was insufficient consensus on the prior Village Board to pass the Zoning amendments before some of their terms expired. There are three primary areas in need of additional work before the draft Zoning amendments, prepared by the former Code Update Committee, can be adopted. They include the following:

1. **Mixed-Use District.** Creating a new Mixed-Use Zoning District in the area of the Industrial (I-1) Zoning District on the Marathon site was a key recommendation from the Comprehensive Plan (Plan) and Local Waterfront Revitalization Strategy (LWRS). There were many options considered for this proposed replacement Zoning district but a consensus as to the best approach failed to be resolved before December 6, 2021.
2. **Residential R-1 District.** The R-1 District covers the vast majority of the Village's residential areas. This one Zoning District must accommodate the uses and densities of a Village that has grown over decades if not centuries. Each neighborhood in Cold Spring is different, but the issue is that the Zoning Law (including the proposed Code Update proposal treats each neighborhood as if it was developed under a common set of Zoning rules. They were not and the consequence is that homeowners and businesses must apply for

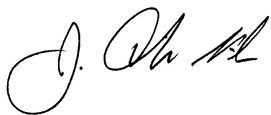
and receive Zoning variances for a host of minor changes. The Comprehensive Plan states: “Review and revise current zoning and land use regulations to recognize existing building forms and streetscapes and to make the regulations internally consistent, in keeping with the community’s vision and goals included in this plan.” While the R-1 District saw a number of changes proposed by the Code Update Committee in 2021, additional work will be needed to make this District compatible with the existing forms and streetscapes of the Village as well as the Village Plan and LWRS.

3. The Plan and LWRS both recommended that a Recreation or a Parks and Recreation Zoning district be created to apply to areas within the Village that have been designated for public use as recreational lands. The Zoning Amendments presented last Fall by the Code Update Committee did propose a Parks and Recreation (PR-1) District, but there have been questions raised about the land areas included in the proposed Zoning district and other matters that requires additional work.

On June 9, 2022, I met for the first time with the Village Board’s recently appointed Zoning Committee to discuss next steps in addressing the above issues. The Work Plan proposes an overall schedule that we agreed appears workable. As with any Zoning process however, there are issues that may take time to resolve. After more than 40 years of work on Zoning amendments with scores of communities in New York State, one word can change the entire meaning of a zoning rule so getting it right is paramount and that can and does take more time than anticipated. Drafting zoning is a process that cannot be rushed and there are also a long list of other tasks needed after new drafts of the Zoning are prepared. These include a SEQR review, public hearings, attorney review, and possible modifications by the Village Board (to address issues raised at the public hearings) or attorney before the new amendments can be adopted. Thus, the Work Plan may be subject to change if Village Board consensus or public controversy are encountered that require additional work.

I am happy to hear of the Village Board’s commitment to continue the work of the former Code Update Committee and to finally complete the process. As always, I will do my utmost to ensure that the new Zoning Committee stays on schedule. I also plan to include my associate Michele Greig, PhD, AICP to assist in the effort. Michele specializes in Zoning for small villages. If you have any questions, please do not hesitate to contact me. I thank you for your consideration.

Very Truly Yours,



J. Theodore Fink, AICP

Cc: Jeff Vidakovich, Village Clerk