

PUBLIC COMMENT AND QUESTION RESPONSES
PUBLISHED 6.14.2023

	B	C	K
1	Question	Submitter	Answer
4	<p>Can an alternative proposal be considered where the density is at least cut in half? Roughly 20-25 one-family dwellings feels more appropriate for the available space & surrounding environment. The density proposed seems WAY too high for a dead end road that leads into a nature preserve, & would increase the population of the village by +10% in one shot. Preserving more green space would benefit the community, the environment, & not put additional strain on the already stressed water/sewer/parking situations.</p>	Brent Lagerman	<p>The proposed PMU District attempts to achieve a balance between the requirements for a diverse mix of four dwelling unit types (none less than 20% of the total dwellings) designed to provide for the needs of all Village residents, not just those who can afford a one-family home, as recommended in the Comprehensive Plan, balanced with a minimum 30% open space, a first for Cold Spring. The full scope of the density determination will be reviewed by the Planning Board and must be supported by performance standards required for the concept plan special use permit approval. There will also be a required public engagement component in the development of the concept plan with the full opportunity for neighbors and agencies to weigh in on what is most appropriate in the PUD.</p>
5	<p>My name is Douglas Comeau and I am the owner of 10-12 Main St. When I purchased the property in October, 2021, it was listed as a 5 unit apartment building. After reviewing the proposed changes to the Village Zoning, I see that my property will be listed as a Residential - Older Neighborhoods Subdistrict property. I understand that this will limit this building to a 2 family unit. I understand that it may be 'grandfathered in'. However, I also understand that any future permit applications would only allow modifications that would move the existing building toward the new zoning designation. Therefore, future work would only be allowed if it moved the building toward a 2 family structure. I feel that this would restrict future options and may negatively impact any potential future sales. Would it be possible to have the Review Committee review this proposed designation?</p>	Douglas Comeau	<p>The ad hoc working group on the zoning update has reviewed the map and the text related to the R-O district on lower main. The membership concurs that your structure is purpose-built multi-family housing and, like other multi-family properties in that portion of the Village, should be rezoned as multi-family. The working is group is recommending that change to the Board of Trustees, and it will be reflected on an updated map. Further, the committee reviewed the portion of the code related to non-conforming uses and structures, and agrees that there is ambiguity in the text regarding "degrees" of use conformity. As such, the working group will further recommend to the Trustees a change of language in section 134-19 that provides a clear path for property owners in the event they wish to seek permits for substantial changes to non-conforming properties.</p>
6	<p>Include "Museums and Cultural Uses in the PR district; include flexibility in dimensional requirements</p>	Jeffrey Anzevino, Scenic Hudson Land Use Advocacy	<p>These uses have been added to the Table of Uses and in the Table of Dimensional Standards, there are now limitations on Building Height (15 feet maximum) and Building Coverage (25%) with no other minimum standards, therefore affording flexibility of uses devoted to the public interest.</p>

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7	Remove "minimum" requirement for mixed-use in PMU to retail flexibility for developmen needs/market shifts over time.	Jeffrey Anzevino, Scenic Hudson Land Use Advocacy	The Ad Hoc Working Group does not recommend any change in this provision. A primary goal of the PMU is to established mixed uses, but at a scale that is compatible with the surrounding neighborhood and the unique challenges of the site and its accessibility.
8	In the section on Trailers, you should have a certain size of a boat trailer. As it reads now, its almost as if you would not be allowed to have a kayak on your property. Which many of us do.	Judith K. Rose	The Ad Hoc Working Group recommends that the Trustees defer any amendments to the Zoning provisions controlling trailers at this time. The issue involves not only boat and similar trailers but also trailers such as a "house trailer" as it is defined in the existing Zoning. State law and caselaw must be carefully considered in changing how Cold Spring define a "trailer" and the Working Group recommends that this issue should be studied and addressed in the next update to the Village Comprehensive Plan. A kayak or other boat is permitted on or off a trailer for 9 months out of 12 under existing Zoning and Section 134-17.K(1)(b) is recommended to remain unchanged until studied further.

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9	<p>134-16.1 D (3) (a) lists 27 required elements for a Site Plan submission although not all 27 elements are required for each Site Plan submission. In the current Chapter 134, a Site Plan submission has 7 required elements. The proposed chapter's requirements seem excessive such as "locally significant trees", "aquifer recharge area", "floor plans", "location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences", "a Driveway Permit" – are these really required for the Planning Board to evaluate a Site Plan?</p>	<p>Marie Early</p>	<p>New York State Village Law permits site plan regulations to specify the land uses that require site plan approval and the elements to be included. These include the following: "The required site plan elements which are included in the local law may include, where appropriate, those related to parking, means of access, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses as well as any additional elements specified by the village board of trustees in such local law." (see New York State Village Law Section 7-725-a.2). The proposed Site Plan provisions are designed to ensure proposed new large-scale developments are carefully designed and integrated into the community without causing significant adverse impacts on the community character. Small or minor applications may not need the full scope of review included in the proposed rules. The proposed amendments to Section 134-16.1.I will permit the Planning Board to waive any specific requirements of the Site Plan review and approval provisions.</p>
10	<p>Where is the Visitor's Center/Public Rest Rooms on the Zoning Map?</p>	<p>Marie Early</p>	<p>The Visitor's Center is on a parcel that is a continuation of the public street; it is under control of the Village. It does not have a parcel number to assign a zoning designation, but the Visitor Center located there is a Civic use. The Village Attorney recommends working with Putnam County to establish a parcel number for assignment. In addition, the Working Group recommends allowing a visitor center in hte B1 District with Special Use permit approval required.</p>

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15	134-17 G (Accessory Apartments) (10) states, "Except for a Home Occupation, Class 1 within the One-family dwelling and/or a Home Occupation, Class 2 within an accessory structure, no additional Use shall be permitted unless a Special Use Permit has been reviewed and approved in accordance with § 134-16 of the Zoning Law". In the context of "Accessory Apartments", this seems to imply that a Home Occupation, Class 1 is permitted in an Accessory apartment and/or in the one-family dwelling and a Home Occupation, Class 2 is permitted in the detached, separate Accessory Apartment structure; neither use requires a Special Use Permit. This could result in two Home Occupations occurring on one lot. Is this consistent with Village character?	Marie Early	The Ad Hoc Working Group recommends the modification of the text to limit home occupancy to one in the primary structure and one in the secondary structure on a single lot.
16	A five foot front yard setback in the proposed B-2 would be dangerous particularly along Route 9D; this would leave very little clearance between an opened door and the sidewalk. Why was this chosen?	Marie Early	The working group recommends setting the minimum front setback in B-2 at 10 feet. This dimension will provide an adequate buffer against traffic on Chestnut St while allowing future development that is less suburban in character.
18	EAF page 17 says, "... (which do exist but to a lesser extent in this area of the proposed R-L District)..." What is meant by "...in this area of the proposed R-L District"?	Marie Early	This reference has been clarified in the revised EAF.
20	Why was the prohibition of house trailers removed from Chapter 134? It should be reinstated.	Marie Early	The Village Attorney recommends that this provision needs to be reviewed as part of a larger comprehensive plan update related to affordable housing. He has concerns about this particular prohibition related to exclusionary zoning.

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21	<p>The question of the Village boundaries was taken up in developing the LWRS. The LWRS says (page 14) LWRA Boundary The area encompassed by the Cold Spring LWRP and LWRS includes, on land, the entirety of the Village limits, and on the water, most of the Hudson River to the middle of the river as well as most of Foundry Cove. The first task in this planning process is to define the boundaries of the local Cold Spring revitalization area, on both the land and water borders. For convenience, the Local Waterfront Revitalization Area (LWRA) refers to the area covered by the LWRS and also the potential future LWRP for the Village. New York State Coastal Management Program The New York State Waterfront Revitalization and Coastal Resources Act (Article 42 of the New York Executive Law) implements the New York Coastal Management Program (CMP). The CMP and Article 42 establish a balanced approach for managing development and providing for resource protection within the State's designated Coastal Area. Cold Spring's land and water boundaries must fall within the area of the State's CMP, and Cold Spring's LWRA can be no smaller than the State's Coastal Area within the Village's jurisdiction. See attached map H22 (Figure 2) of the area labeled West Point (South) on which the blue line is the Landward Coastal Boundary. Land Boundary Because the entire Village of Cold Spring falls within the Coastal Management Zone, the land boundary is defined as coterminous with the land boundary of the Village as shown in tax map data provided by Putnam County (Figure 3). Water Boundary By Article 42, the water boundary can extend to 1,500 feet from the municipality's shore. Because there are places where 1,500 feet would go beyond the middle of the river, this LWRS sets the boundary as coterminous with the Town of Philipstown's water boundary, except where that boundary is further than 1,500 feet</p>	Marie Early	Noted.
22	<p>The Proposed Zoning Map identifies an off-shore area east of the "Municipal Boundary" as the "Scenic Viewshed Overlay". This boundary (Scenic Viewshed Overlay) should, in my opinion, be coterminous with the western land boundary of the Village.</p>	Marie Early	Per the Village Attorney: The Overlay Zone should not extend beyond the municipal boundary. Streets and areas within row can remain "white". Zoning maps in other jurisdictions only extend the zoning districts out slightly from the shoreline. I believe the Village loses jurisdiction after a couple of hundred feet into the Hudson River. Again, municipal boundary extends to middle of River, but State has jurisdiction over most of that area.

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23	134-16 D (4) (l) references "Chapter 04". There is no Chapter 04 in the Village Code.	Marie Early	This was intended to be "Chapter 104." The "1" was dropped by mistake in a global change and it has now been restored.
24	134-16 C (7) says, "The use shall be consistent with the Village's Comprehensive Plan, Design Standards, Local Waterfront...". What "Design Standards" are meant here? How is "use" something that is or is not consistent with "Design Standards"?	Marie Early	The reference to Design Standards now includes the terms "if applicable" and references the Historic District Design Standards.
26	The property at 15 Fishkill Ave., which is a residence, is shown on the Zoning Map as R-L. The property is 76 x 67. Why is this property zoned as R-L?	Marie Early	This parcel has been correctly mapped as R-O as intended.
27	Shouldn't 60 Parsonage St. be zoned MF and not R-O?	Marie Early	This is an historic home and former drinking establishment converted into apartments. Under the new R-O, it will be a pre-existing non-conforming use. The Ad Hoc Working Group does not recommend any change.
28	EAF page 17 says, "...simultaneously relieving the burden on landowners, who must obtain ZBA approval of variances for most improvements;..." During the period from December, 2017 through May, 2023 (a 5 ½ year period), the ZBA met 60 times. 26 applications were reviewed – some in a work shop(s) only (that is, they did not proceed to a public hearing), and some in a work shop and then in a public hearing(s). Of the 26 applications, 3 would not have been required under the proposed zoning while one is questionable as to whether it would have been affected by the proposed zoning. The remaining 22 or 23 applications would still be required under the proposed zoning – so only 15% of the applications would be eliminated by the proposed zoning. It seems as if the burden referred to are not that significant. Do you agree?	Marie Early	Thank you for your analysis. The Ad Hoc Working Group recommends a modification in language from "relieving" to "reducing."
29	The Definition of FRONT PLANE is "The facade of a building nearest the front property line which is parallel to or at an angle of 45° or less to a public street or public right-of-way excluding porches, decks or patios.". Does "porches" here include both covered and uncovered porches?	Marie Early	Porches are excluded from any determination of the front plane regardless of whether they are covered or uncovered. The working group believes that leaving "porches," as well as "decks," without a modifier makes it adequately clear that the presence or absence of a roof is immaterial.

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30	Page 14 of the EAF states “This includes several residential lots along Rock Street, portions of lots on The Boulevard, Chestnut Street, Kemble Avenue and Constitution Drive that are currently zoned for industrial uses (i.e. I-1 District) are proposed to be rezoned to the R District.” There are no portions of lots on Constitution Drive that are currently zoned I-1.	Marie Early	The statement made in the EAF has been corrected. A close examination of the 09.10.08 Zoning District Map reveals that there is one lot at the end of Constitution Drive that adjoins the I-1 & I-1-2 District but is not located within it.
31	The EAF does not mention the disposition of current zoning districts I-2, Designated Hotel- Historic-Recreational District, B-4A, the merger of B-2 and B-3, the new district numbers assigned to the current B-4 and B-4A. Should these be described?	Marie Early	The EAF describes in general the changes proposed to the existing Zoning Map on several pages beginning at page 14 of 56. The only site in the Village that appears to be currently Zoned I-2 also shows it to be Zoned I-1, the West Point Foundry site, proposed to be rezoned to Parks & Recreation. This is now a preserve and no industrial uses exist any longer. The Zoning map showing two Zoning designations of the same site appears to be an anomaly. Reference to the I-2 has been added to the EAF. For the Designated Hotel District and the new names of the other existing Zoning Districts has been added to the explanations in the revised EAF.
32	Shouldn't 11 Main St. be zoned B-1 and not R-O?	Marie Early	This is a former rowhouse that was converted, many years ago to office use, and most recently, to retrail. The Ad Hoc Working Group agrees with this modification to the map and recommends it to the Trustees.
33	Why were the current B-2 and B-3 districts combined into the new B-2 district? Why are the proposed dimensions so much smaller?	Marie Early	This modification represents evolved thinking about the nature of the Village's business districts. The former B2 and B3 fit naturally together as areas of the Village's mid-late 20th century development, and have similar characteristics and uses. Proposed dimensional changes reflect the effort to encourage development that is denser, more pedestrian friendly, and where structures have a stronger relationship to the streetscape, rather than fronting parking lots.
35	In 134-2 B, there are definitions of “Gross Density” and “Net Density”. These terms are not used in Chapter 134. Should they be removed?	Marie Early	The Working Group recommends that the definitions be removed with the net density requirements of the PMU District density determined by including net area requirements after subtracting unbuildable areas within Section 134-12.C.

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36	It appears that to operate a Family Day Care there are a number of requirements including a license from NYS. "A family day care program cares for children for more than three hours per day per child in a residence for 3 to 6 children, or up to 8 children if 2 are school-age and attend the program only when school is not in session. Generally, the provider is the only caretaker in a family day care program but if care is provided for more than 2 infants, there must be one caregiver for every 2 children under two years of age in the family day care program." Shouldn't the definition of Family Day Care home include the requirement for a license to operate?	Marie Early	The Working Group recommends to the Trustees that a reference be added to the definition of Family Day Care Home.
37	Shouldn't 30 Marion Ave. be zoned MF and not B-2?	Marie Early	Under the proposal, multi-family is an allowable use in the B2 with a special use permit. Further, this building would be a pre-existing non-conformity under the proposed B2. No change is needed for this parcel.
38	(1) Table 6A Special Conditions 10 (3) says, "compliance with age restrictions for Senior Citizen Housing in the B-4A Zoning District shall be a condition of site plan approval". There is no Zoning District B-4A in this proposed Chapter. Do you agree this is a problem? (2) Table 6A Special Conditions 6 is not referenced in the Table. (3) Table 6A Special Conditions 1 should be referenced in each District which permits Retail businesses.	Marie Early	Special condition "6" applies to retail uses in the proposed B-4 District and the "6" footnote in the Table of Uses can be found in the 4/12/23 version of Chapter 134 in small superscript within the table, so it may be difficult for some users to see it. The commenter's other suggestion for including special condition "1" to apply to all B-1 District retail uses is partly correct but it is preventing the residential conversion of first floor commercial spaces that is the intention of footnote 1; this was specifically identified as Policy 4.2.5 of the Comprehensive Plan. This correction has been made by applying footnote 1 to residential uses. A new Special condition 12 has been added to B-1 commercial uses that will apply to the stated restrictions on reducing storefront glass areas.
50	Should there be a definition of "school" to include "Schools meeting State Department of Education requirements"?	Marie Early	A standard definition for school has been added referencing the need for State Education Law compliance.

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124	In the May 10 version of the EAF Part 3, there is a statement that the DMV's database shows that there are 343 vehicles registered in the Village. In the same document, there is a chart that shows the US Census of 2010 identifying a total of 967 Dwelling Units in the Village. As we know, at least 50 Dwelling Units have been added since then (Butterfield) yielding a new total of at least 1,017 Dwelling Units. If those numbers are correct, that would mean that there is one vehicle for every three Dwelling Units in the Village. The 343 vehicles number can't possible be correct. Is it possible that the DMV database was incorrectly queried or is there another explanation for this very low number of vehicles? Can someone relook at the 343 number?	Marie Early	Subsequent research and revisions have led to recommended text edits in the EAF.
126	What properties and uses are meant by the following statement in the EAF: "A few other lots that were largely developed before Zoning was adopted in 1967 are currently zoned for uses that do not exist on the properties"? "These have also been proposed to be Zoned for the uses that exist, allowing them to be legitimized, rather than requiring the owners to obtain variances for any development or redevelopment of their properties they may seek." What is meant by that?	Marie Early	This simply means that the proposed Zoning Code will bring the properties into compliance as they are grandfathered in their current states. This should prevent future applications for any changes to be a simpler process and only apply to the changes, without getting into the weeds with the overall non-compliance or the entire property.
127	134-16.1 D. (3) refers to "Village Planner" & "Village Engineer". Does the Village have an individual designated as the "Village Planner" or "Village Engineer"?	Marie Early	The references are generic and would apply to any individual hired by the Village full time, part time or contractually to perform professional planning or engineering services to a Village board.
128	Chapter 134-13 names the district "Parks and Recreation". The Table of Dimensional Requirements shows the PR district as "Parks, Recreation & Cemeteries". 134-13 does not talk about "cemeteries". The Zoning Map shows one cemetery in the "Civic" district. Table 6A does not list "cemetery" as a Use. The Definitions section does list "cemetery". Should this be addressed?	Marie Early	The Dimensional Table has been corrected.
129	There are two "134-16" in Table of Contents, Article V – "Special Use Permits" & "Site Plan Review and Approval". Again, an obvious error.	Marie Early	The correction has been made.
130	Can a red-line EAF be created comparing the April 26 EAF to the May 10 EAF?	Marie Early	The EAF will be identified by the date(s) of each revision.

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131	134-7 E (1) states that nonconforming buildings (to Table 6B) can only have changes which will conform to the new residential neighborhood standards. How can a building be changed such that it conforms to Building Placement (134-7 E (4))?	Marie Early	Section 134-7.E(4) has mostly been recommended to the Trustees to be removed and replaced with the need to comply, as applicable, with the Village of Cold Spring Design Standards.
132	The term “outbuilding” is used in 134-7 E (4) (b) and (e). The term is not defined.	Marie Early	The term is recommended to the Trustees for removal.
133	<p>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.”</p> <p>(1) 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?</p> <p>(2) 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?</p> <p>(3) 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?</p> <p>(4) 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?</p> <p>(5) There is no tax id “48.12—50” or tax id “48-12- 48”. What should those tax ids be?</p> <p>(6) 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?</p> <p>(7) 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?</p> <p>(8) Tax Map ID 48.8-1-25 is zoned as “Parks and Recreation” on the Zoning</p>	Marie Early	<p>The Ad Hoc Committee recommends the following modifications to the Trustees:</p> <p>134-13, paragraph 2: “The Parks and Recreation District applies to the Waterfront Park; Dockside Park; Mayor’s Park and two adjoining underwater or partially underwater lots owned by Putnam County (tax lots 48.8-1-25 and 48.8-1-26; Ronald McConville/Tiny Tots Park; The West Point Foundry Preserve; Foundry Dock Park and the entrance to the Nelsonville Woods (38.17-3-2)).</p> <p>That the Zoning Map appropriately identify: Haldane Ballfields as ERC The Chapel Restoration as ERC 48.12-1-51 in its entirety (including the Cold Spring Boat Club and a Village parking lot) as Civic</p>

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134	<p>“We all felt that a hybrid approach to the review and approval process would work best, creating two opportunities for public engagement within areas of expertise/points of view: concept/initial review by legislative body, then final plan review/implementation under the planning board.”</p> <p>(1) Why did all members feel that initial review by legislative body would work best?</p> <p>(2) Please provide the legal citations to the cases described by the Village’s consultant (who is not an attorney) during the April 26, 2023 public hearing, when he explained why proposed 134-12 does not require VBOT review/approval.</p>	Michael D. Reisman	<p>This question reflects a misunderstanding on the part of the commentator. The Ad Hoc Working Group recommends that all three phases of review be led by the planning board because of their expertise, and because quasi-judicial review board members are prevented by law from receiving lobbying. This is not the case with elected officials. This provides a degree of insultion from political machinations in the review of proposals for the PUD. The Village's planning consultant did not and could not provide legal citations. The planning literature is filled with descriptions of how courts have handled non-standard review and approval processes involving both administrative and legislative boards and cautions on their use.</p>
135	<p>When proposed 134-12 speaks of “lots,” what is it referring to?</p>	Michael D. Reisman	<p>A "lot" is deinfed in the Chapter 134 Amendments as: "A parcel of land occupied or capable of being occupied by at least one (1) Building, including such Open Spaces as are required by this chapter." Open space is defined in Chapter 134 as: "Land used for recreation, resource protection, amenity and/or Yards. In no case shall any area of a Lot constituting the minimum Lot area of the Lot nor any part of an existing or future road or right-of-way be counted as constituting Open Space except that Yard areas may be included in the area of a Lot constituting the minimum Lot area."</p>
136	<p>“Can we require market analysis in the preliminary review? The retail proposals at Butterfield excited residents, but the market draw was nil. We don’t want to end up with dead retail spaces in new mixed use developments.”</p> <p>Has the VBOT done a market analysis, and if not, why not? Is there a market analysis required in the proposed 134-12, and if so, where? If not, why not?</p>	Michael D. Reisman	<p>An economic analysis is required by 134-12 in the very first stage of review for Marathon, the concept plan. A market analysis is the responsibility of the proposing developer, with consulting expert assisted review by the Planning Board, not the VBOT. The Village Attorney does not believe that the Planning Board could require a market analysis from the developer justifying the viability of the project.</p>

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137	<p>“We noted to shortage of class A office space in the Village, and that we lose smaller, office-based businesses to Peekskill and Beacon. Similarly, we discussed the number of villagers now working from home more than commuting, and how there may be an appeal for that audience as well—a small office that isn’t in the closet on the third floor.”</p> <p>Where is the Comprehensive Plan does it state that Villagers would like more “class A office space”; has the VBOT done a market analysis of “class A office space” in the Village, and if not, why not?</p>	Michael D. Reisman	<p>The commentator is referred to Comprehensive Plan objective 4.3. An economic analysis is required by 134-12 in the very first stage of review for Marathon, the concept plan. A market analysis is the responsibility of the proposing developer, with consulting expert assisted review by the Planning Board, not the VBOT. The Village Attorney does not believe that the Planning Board could require a market analysis from the developer justifying the viability of the project.</p>
138	<p>When will the Village make available data showing the differences between non-conforming lots under the existing zoning versus proposed 134-12?</p>	Michael D. Reisman	<p>Data on parcel non-conformity was established for the <i>current</i>, standing Chapter 134. It is beyond the scope of this code update project to analyze non-conformity under the proposed chapter. It stands to reason, however, that in tailoring sub-districts of the former R-1 residential district with dimensional requirements that more closely align with the majority of properties in the sub-districts, non-conformities will be reduced.</p>

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139	<p>Page 15 states: Further, the existing I-1 District includes allowances for developing a variety of other uses including big box lumber/building materials stores, and large-scale office and research type buildings. Village policy 4.1 is clear: "Encourage businesses in the Village that provide local jobs, convenient services to residents, sustain property values, or provide more tax revenue than the cost of services for them, at a scale that respects the Village's small town character and the primary needs of residents year-round." Policy 4.1.6 goes further: "Within the Village set size limits to prohibit "big box" stores and limit stores from large chains. Ensure franchise/formula businesses are compatible with the character of the Village." With the elimination of the I-1 District, big box lumber/building materials stores, large-scale office, and research uses have been eliminated.</p> <p>(1) Please explain why the EAF cites policy 4.1 in the above paragraph, and how that policy is supported by proposed 134-12.</p> <p>(2) Please explain why the EAF, in particular when it contends that proposed 134-12 "eliminates" big box stores, ignores that after a searching and very transparent process (which included a detailed justificatory report produced by the Comprehensive Plan Board), the Village amended the Zoning Law in 2014 to prohibit (in all districts) formula retail businesses (134-18(I)(1)), which are defined in 134-2(B), as: Any retail business, whether a principal or accessory use, that has or is required by contractual, franchise or other legal arrangements to have, along with ten or more other retail businesses located in the United States, two or more of the following: (1) the same name, trade name, or trademark; (2) distinctive and/or standardized architecture and/or exterior or interior signage; (3) the same or standardized uniforms; or (4)</p>	<p>Michael D. Reisman</p>	<p>(1) One key phrase expresses the Plan's policy and rationale for eliminating the I-1 Zone's uses as follows: "at a scale that respects the Village's small town character and the primary needs of residents year-round." Scale, community character, and needs of residents are the defining characteristics that make prohibition of the types of uses eliminated and the Village's existing uses (except for cottages which were recommended in the Plan) a model for replicating in the PMU.</p> <p>(2) A reference to Home Depot was eliminated from the EAF, as it was used in error. The intention of the reference was to illustrate the large-scale and regional market that such uses on the I-1, not specifically to reference a franchise business. A better example would be have been a large-scale, locally owned lumberyard like Dain's or Williams' Lumber, which has a similar market draw, and which would be allowable uses under I-1.</p> <p>(3) See above.</p> <p>(4) The draft has already been updated as of 6/7/2023.</p>

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140	<p>In response to a question from another resident about roads and traffic impact from proposed 134-12, the answer was: "Access to Marathon is a design question that will have to be presented to the public from the very beginning of the Special Use Permit process." This is grossly incorrect. Consideration of access to Marathon is a zoning question because it is explicitly required by Comprehensive Plan Policy 7.2.2 ("Make appropriate access to and from the [Marathon and environs] area a prerequisite for any development there, ensuring that development does not create traffic problems that will unreasonably adversely affect current residents"). The Village Zoning Law must comply with Policy 7.2.2, pursuant to N.Y. Village Law 7-722(11)(a) ("All village land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section."). Additionally, proposed 134-12 contains many design concepts, showing that "design questions" are an integral part of the PUD drafting process. Will the Village correct its answer to reflect the Comprehensive Plan and N.Y. Village Law 7-722(11)(a)?</p>	Michael D. Reisman	<p>In general, consideration on access to the Marathon Site have been woven into the proposed code both by constraining development and by empowering the planning board to evaluate and direct any proposal put forth. Towards that, the ad Hoc Committee has recommended and the village board has adopted edits to the draft that make more explicit the requirements for traffic impact study and mitigation in relation to any proposed site plan for the PUD.</p>
141	<p>On April 25, 2023, I submitted a FOIL request for electronic copies of: (1) the Village's contract with NYSERDA that has been discussed during recent VBOT meetings; and (2) the Village's current contract with Greenplan/Ted Fink. I have not [as of 5/10/23] received any response whatsoever to this request, in violation of the Open Meetings Law. When will the Village make these important documents public?</p>	Michael D. Reisman	These have been made available on the Village website
142	<p>Has the VBOT done a build-out analysis of the number of accessory dwelling units that could be built under proposed 134-12? If yes, will the Village make that analysis public? If not, why not?</p>	Michael D. Reisman	<p>The build-out analysis did not include the number of accessory apartments that could be developed in the future. Such housing option could only be sought in the future by the owners of the one-family lots, which are one of the four housing options available for development of the PUD. No accessory apartments can be included in the concept plan development.</p>

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143	<p>Page 26 states that a 152,000 square foot structure could be built on the Marathon Site under existing zoning. The larger existing lot is 6.64 acres, which would allow up to a 101,233 square foot structure (43,560 x 6.64 = 289,238; x. 35 maximum building coverage = 101,233.) Will the VBOT issue a new EAF correcting this serious and consequential error regarding the square footage of a structure that could be built under existing zoning? If not, why not?</p>	<p>Michael D. Reisman</p>	<p>The build-out analysis assumptions included the full PUD of area proposed for the PMU District. The commentor should also note that a build-out analysis will not provide for every possible scenario to be analyzed. Build-out analysis is a tool for comparing the impacts of different developmemnt scenarios, based upon a specific methodology and specific assumptions that are described in the EAF. There is no need to go beyond those that were included unless other changes are proposed.</p>
144	<p>“We had consensus that a PUD designation should be part of the zoning law, and not a ‘draw-down’ option at the discretion of a developer.” Why did the Group reach consensus that a PUD designation should be part of the zoning law; what are the advantages and disadvantages of a “draw down” option?</p>	<p>Michael D. Reisman</p>	<p>This was considered as part of the 2021 discussions of 134, as well as early discussions of the Ad Hoc working group. However it was determined that a floating zone is inappropriate for Marathon, because this planning tool is designed to be used when specific types of uses are desired by a community but a specific site is not selected for where they would be permissible. With a floating zone, the zoning text exists for the floating district but an applicant must seek a zoning map amendment in order for the district requirements to become effective. The commentor is confusing an overlay zoning district with a floating zoning district. An overlay zone adds additional requirements to the underlying existing zoning district requirements in an area that may transcend one or more zoning districts, for instance, to protect a scenic resource, like the proposed Scenic Viewshed Overlay District. The Comprehensive Plan had very specific policies in place to guide the proposed Zoning changes for the Marathon site and the proposed Amendments are aligned with such policies.</p>

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145	<p>During last week's session [on 5/3/23], the consultant showed a corrected build-out analysis, which the VBOT has not yet made public, but can be captured from the YouTube recording of last week's meeting. Why did the consultant obfuscate the new analysis by inserting irrelevant columns for other zoning districts (second and third columns from the right), when the relevant comparison is between the fourth column from the right (showing residences that could be built at Marathon as-of right) versus the column at the right (showing what could be built under the proposed zoning)? Will the revised EAF eliminate those irrelevant and confusing columns? If not, why not? When will the revised build-out analysis be made available, and will it include the mathematical calculations used to produce the numbers in the chart?</p>	Michael D. Reisman	Modifications to the EAF have been recommended to the Trustees to reflect updates discussed in public session.
146	<p>Why not have visitor center named as an allowable use?</p>	Mike Armstrong	Working group agrees with the suggestion and an edit has been made to the draft accordingly.