

Responses to Public Comment and Questions
Published 6.8.2023

	B	C	K
1	Question	Submitter	Answer
4	<p>Pugh Questions re Trustees and Kearney Realty, cont:</p> <p>3. Provide a complete list (Name, Date, amount, description) of all donations, gifts, or any form of compensation or remuneration received by you, members of your family and/or your extended family, your organizations, your running mates (and/or their families and/or extended families), members of this board, and/or other public figures or government employees, that you know and/or have communicated with; that any and all of these individuals and/or organizations have received from the owner of the Marathon Site, and/or any of the above-mentioned individuals.</p> <p>4. Additionally, please describe your knowledge of the Mayor's personal relationship with the owner of the Marathon Site, and/or any / all of the above-mentioned individuals; please include when and how you learned of it.</p>	Bill Pugh	<p>(Q3) TPW/ES: All campaign finance reports for the 2021 candidacy of Kathleen E. Foley for mayor and Eliza Starbuck and Tweeps Phillips Woods for trustee are public records available on the New York State Board of Elections website. LB: I received none. CF: My interactions with anyone related to or associated with the Marathon property is ZERO. No conversations, no money, no gifts, no emails or texts.</p> <p>(Q4) TPW: I am aware that Mayor Foley has a casual relationship with owners of the Marathon site. Mayor Foley has never kept her casual relationship with the owners a secret nor used it for advantage or information. ES: I was aware that the Mayor casually knows the owners of the Marathon Site, as she knows nearly every person in the Village and has met and spoken with many members of our community at community functions and meetings, but to my knowledge she does not have a close relationship with any members of that family or organization. CF: My interactions with anyone related to or associated with the Marathon property is ZERO. No conversations, no money, no gifts, no emails or texts.</p>
5	<p>Many properties will lose potential economic value if they are rezoned as proposed. What is the projected loss of value? Will the Village compensate property owners under a "vested rights" approach?</p>	Bill Pugh	<p>This is a speculative statement not supported by any data. The Village is not required to prepare such an analysis. The Village would only be required to compensate property owners if it is shown the rezoning has essential striped property of almost all its economic value. This must be shown by "dollar and cents" proof. Mere diminution in value of the property is not enough to demonstrate a taking. Arguably, the Village, without the threat of new and noxious uses being established at the Marathon site, Villagers may even see an increase property values. The proposed zoning is meant to match existing conditions and protect existing neighborhoods.</p>

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6	What are the pollution impacts from the proposed Code changes?	Bill Pugh	The environmental impacts of all development proposed within the PMU District as well as anywhere else in the Village must be assessed under the New York State Environmental Quality Review Act (SEQR) before any approvals can be considered. A SEQR environmental impact statement procedure has been included in the Chapter 134-12 amendments for the PMU District. That is the proper time to conduct the SEQR environmental review of a development project that may be proposed at any time in the future. However, the Village has no control over when a development may be proposed and any environmental assessment conducted without a site development plan would be speculative and meaningless at this time.
7	Where is the documentation of the climate change impact if another version of the Village Code was adopted if not a "Form Based Code"?	Bill Pugh	There is no viable means to speculate on future development impacts on climate change under a hybrid form-based code versus standard Euclidian zoning. In any case, the form-based code provisions have been largely eliminated from the Chapter 134 Amendments in favor of using the Village's recently completed HDRB Design Standards within the PMU.
8	I would like to see a side by side comparison of existing zoning districts & number of lots & number that do not conform vs proposed zoning districts & number of lots & number of lots that do not conform. Additionally, I request the village provide a list of all the lots in the village, by address, with their existing zoning & if they conform & their proposed zoning & if they conform – that way each village property owner can more easily understand how these proposed changes impact them & the rest of the village properties.	Bill Pugh	This information is available for landowners through a three step process, if they wish to know more about whether their lots or structures are conforming or non-conforming now or after any Zoning Amendments are enacted. The process to answer this question can be determined by consulting the existing and proposed Zoning maps to identify the applicable Zoning district their property is in, by consulting the applicable existing and proposed Zoning provisions, and then hiring a land surveyor to locate their lot's structures in relation to their property boundaries.
9	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?	Bill Pugh	Ultimately, it is up to the developer on how they want to structure the ownership. The Village can not legally ban Condo/HOA ownership.
10	When will you have an independent expert to assess the financial and economic implications of each of the re-zoned properties of this proposed zoning plan?	Bill Pugh	This is not required or necessary to make informed, lawful, and community-vetted zoning changes.
12	When will the Village seek and independent expert opinion on the total financial and economic impact of the proposed zoning on the Village and the tax payers?	Bill Pugh	This is not required or necessary to make informed, lawful, and community-vetted zoning changes.

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15	<p>Given everyone's interest and effort for full Transparency, has the Village attorney or his firm or his associates ever done any work for, or work that might be assumed for, the owner of the Marathon Site?</p> <p>1. Does the Village Attorney have any relationship or every had any conversations or communication with the owner of the Marathon Site? If Yes,</p> <p>a. Please detail any and all conversations & communications you have had with the owner of the Marathon Site, and any of the above-mentioned individuals.</p> <p>b. Please provide date and time of any and all conversations and/or communications with the owner of the Marathon Site, and any of the above-mentioned individuals.</p> <p>2. Lastly, how much has the Village Attorney billed the Village Year to Date 2023? How much of that is related to work for the comprehensive plan and/or the proposed zoning plan?</p>	Bill Pugh.	<p>Based upon CMR's review of its client records and contacts, CMR has had no prior relationship with the owners of the Marathon Site (Kearney). Nor, has CMR had any converstaion with the owners of the Marathon Site regarding the proposed rezone. As to billing, that is a seperate issue that should be directed to the Village Clerk/Treasuer pursuant to a FOIL request.</p>
16	<p>Members of the Board; Deputy Mayor Woods, Trustee Bozzi, Trustee Fadde, Trustee Starbuck; In support of your and the Mayor's interest and effort for full Transparency; each of you, individually Please:</p> <p>1. Describe in detail your relationship with the owner of the Marathon Site, his family, his extended family, his employees, his professional contacts, and anyone else who might reasonably be considered his representative.</p> <p>2. Detail all conversations & communications (including time and date) you have had with the owner of the Marathon Site, and any of the above-mentioned individuals.</p> <p>{continued in another row}</p>	Bill Pugh	<p>(Q1) TPW: I have met Mr. Kearney once, at t recent Cold Spring Village Board meeting in May 2023. I have never had any conversation with him before or since meeting him at this meeting. LB: I have no relationship with the owner, family, or firm employees. ES: The only time I have ever seen or had communication with Mr. Kearney was in the Village Hall public meetings which are recorded and available for anyone and everyone to see and review. I have never had any other contact with or communications with any person(s) connected to the Marathon Site. CF: My interactions with anyone related to or associated with the Marathon property is ZERO. No conversations, no money, no gifts, no emails or texts.</p> <p>(Q2) TPW: I have had no conversations with Mr. Kearney or communications of any kind electronic or otherwise with him or his family. LB: I have had none, other than his participation in the VBOT public hearing on this matter. ES: The only time I have ever seen or had communication with Mr. Kearney was in the Village Hall public meetings which are recorded and available for anyone and everyone to see and review. I have never had any other contact with or communications with any person(s) connected to the Marathon Site. CF: My interactions with anyone related to or associated with the Marathon property is ZERO. No conversations, no money, no gifts, no emails or texts.</p>

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20	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.	Brent Lagerman	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.
23	The Village should take a hard line on noise from modified mufflers & from motorcycles. I'm not sure the operators would agree that their vehicle noises are issued with the "intent to cause public inconvenience," but it sure seems that way to me. Please use all available drafting power (strict laws) & real power (the police) to effect this hard line.	Evan Hudson	This is a statement of commentary and does not need to be addressed further.
24	The permission granted to exceed noise limits upon granting of a special permit should only extend to daytime hours. Example: the midnight siren carnivals that disrupt the sleep of toddlers every time a sports team wins something (former high school athlete here myself, & know the midnight thing ain't normal).	Evan Hudson	This is a statement of opinion by the commentator.
25	Consider stricter controls on air conditioners placed at property lines.	Frank Dewald	The Village Attorney advises that it is most appropriate to measure from the public right of way for sound impact, as it is done for visual impact. This chapter can be revisited at a later date and with more background research. For now it is important to adopt the chapter to bring it into alignment with the new zoning chapter under proposal.
26	Pg. 134-35 et seq. The planning board questions elements of the sequencing in the review procedures as proposed in PMU & PUD including critical points such as environmental impact, economic impact, number of units & roads & public amenities.	Jack Goldstein on behalf of Planning Board	Steps in the process are based upon State laws such as SEQR. Environmental assessments must be conducted at the earliest possible time in the review of proposed actions, as defined in the State regulations. Conditions on the approval of the special use permit likewise are designed to ensure compatible density to what existing within the Village already.

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27	Include "Museums and Cultural Uses in the PR district; include flexibility in dimensional requirements	Jeffrey Anzevino, Scenic Hudson Land Use Advocacy	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.
28	Why has this language been removed from 104-8, Exempt Signs: "One Sign, not exceeding sixteen (16) square feet of signage on both sides, n the lot of any religious institution, school, government agency or nonprofit organization."	Marie Early	The Village Attorney advises consistent treatment in the code of permanent signs that are not exempted for free speech. Signs for such institutions have no less visual impact than any other permanent sign, and therefore this reference was removed from the draft.
29	Table 6A shows that One-Family Dwelling is not a permitted use in the ERC District. Yet there is at least one property containing a single one-family dwelling identified in the ERC District.	Marie Early	These are homes owned by the Catholic and Methodist churches and used for income generation; one is used as the home of a church employee. Although they are indeed single-family dwellings, they have for many years been part of church property. The Village Attorney recommends that at this time they should be part of the ERC to avoid RLUIPA claims, and the larger question of religious properties and their income-generating properties be considered as part of a Comprehensive Plan Update. Clearly, with shrinking congregations in the Village, the potential reuse of congregation-owned properties for income generation should be discussed more broadly.
30	Red-line compares to 2021 draft not standing code; cannot compare to standing code	Marie Early	The Village Attorney advises that it is sufficient that the guide to the chapter proposal indicates that the redline was created using the September 2021 proposed draft of Chapter 76, and that both it and the standing code are available for public review.
31	The property between Maple Terrace and Main Street does not appear on the Zoning map. This is property that has been maintained by the Village especially the stairs between Main Street and Maple Terrace. Should this be reflected on the Zoning Map as "CIVIC"?	Marie Early	Interestingly, this parcel, which one assumes to belong to the Village, does not have a tax map or parcel number on eParcel. A Civic zoning designation makes sense. A parcel/tax id needs to be assigned by Putnam County. The Village Attorney and the ad hoc working group recommend that the Trustees follow up in this regard. Of note: the space between Main St & Maple Terrace is covered by the same law that covers the land bordering every street in the village (i.e., the land that contains the sidewalks, utility strips, etc.). The space between Main & Maple seems no different from the space alongside every other street.

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32	The stone wall on Main Street which was recently rebuilt by the Village is not shown on the Zoning Map. Should it be?	Marie Early	No. Walls and other landscape features are not reflected anywhere on the current zoning map, so are therefore not identified on the proposed zoning map. A Civic zoning designation makes sense for this property. A parcel/tax id needs to be assigned by Putnam County. The Village Attorney and the ad hoc working group recommend that the Trustees follow up in this regard.
33	Chapter 104 has been modified such that signs for PMU districts are now included with signs for Business districts (and other districts such as PR, ERC, C, etc.) but not for Residential districts). Since the proposed PMU district will include more residential properties than any other type of property, the signs for the majority of properties in the PMU district are not specified in Chapter 104.	Marie Early	The Ad Hoc Working Group recommends that sections 104-4 and 104-5 be modified appropriately to clarify this point.
34	134-7D (4) (Residential District General Requirements) says, "Each lot shall be of such shape that a square 50 x 50 will fit into at least 50 percent of the lot." R-O of the Table of Dimensional Requirements does not contain this requirement. Seems like this is a conflict – do you agree?	Marie Early	Thank you for this catch. The working group proposes to note in 134-7.D that the 50x50 rule applies only to R-N and R-L.
35	[Q1] Why was 5 Orchard St zoned as "Educational, Religious & Cultural"? [Q2] Why isn't property 48.8-2-26 zoned ERC?	Marie Early	These are homes owned by the Catholic and Methodist churches and used for income generation; one is used as the home of a church employee. Although they are indeed single-family dwellings, they have for many years been part of church property. The Village Attorney recommends that at this time they should be part of the ERC to avoid RLUIPA claims, and the larger question of religious properties and their income-generating properties be considered as part of a Comprehensive Plan Update. Clearly, with shrinking congregations in the Village, the potential reuse of congregation-owned properties for income generation should be discussed more broadly.
36	134-17 D (3) – should "next to any portion of a Lot Line shared with a B-1, B-2 or B-3 Lot." be expanded to include B-4?	Marie Early	Sections 134-17.C and D should be combined; the Ad Hoc Working group recommends this combination to the Trustees, along with the correction of the new Section 134-17.C(3) to include the B-4 District as suggested.

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37	<p>134-16.1 D (2) states, "Where a proposed site plan contains one or more features which do not comply with the site plan regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to Article VII of the Zoning Law, without the necessity of a decision or determination of the Code Enforcement Officer". Why does this go to the ZBA and not the Planning Board? In addition, it is not clear under what circumstances a proposed site plan (which does not comply with site plan regulations) would come to this point – would this occur if the CEO determines that the proposed site plan does not comply in one or more respects with the submission requirements of the Zoning Law (134-16 D (1)? Why would the only circumstance be the issuance of an area variance?</p>	<p>Marie Early</p>	<p>The change to the existing Zoning is in response to a change in the way New York State enabling laws governing site plan approval are conducted. Cold Spring's old site plan regulations were not consistent with the State Legislature's amendments to New York State Village Law that became effective in 1995 (See NYS Village Law Section 7-725-a.3).</p>
38	<p>134-16.1 says, "Such regulations are designed to protect Cold Spring from traffic congestion and conflicts, noise, lighting, odor and other forms of pollution, inappropriate design, flooding, wasteful energy use, and excessive soil erosion, to ensure that the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed, and that its impacts can be mitigated by compliance with reasonable conditions. The regulations are also designed to ensure that new and existing development conforms with the Village's planning goals and objectives, as expressed in its Comprehensive Plan and as applicable Local Waterfront Revitalization Program, thereby protecting the natural, cultural, historic landscapes and aesthetic qualities of the Village". It seems as if "inappropriate design" is not an appropriate regulation for Site Plan Approval. In addition, at the time that a site plan is submitted for approval, it is not clear that "wasteful energy use" can be considered. It also seems that "aesthetic qualities" is a subjective criteria for Site Plan Approval.</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 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).</p>

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39	Should in-ground swimming pools be calculated in lot coverage area?	Marie Early	This question has merit but resolving it at this time has implications on chapter 114, where there are nuances in the swimming pool law, including different types of pools both permanent and temporary, in-ground, above-ground etc. The Ad hoc Working Group recommends to the Trustees that this question be taken up as part of a comprehensive plan update. Cold Spring defines lot coverage to only include building area, and there are other structures such as a patios, driveways, etc. that also have lot coverage and stormwater impacts.
40	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 & B-4 districts & 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.	Marie Early	Commonly, Houses of Worship, under traditional Euclidian zoning, were as of right uses in residential districts because of walkability and community benefit. The way churches are used today is not the same as the early 20th century; they can have traffic, parking and other impacts that need to be appropriately remediated. The Ad Hoc Working Committee takes note of this comment and therefore recommends that the use be restricted to R-L and B2.
41	The Table of Uses identifies over 60 Uses that require Site Plans. In addition, Special Use Permits also require Site Plan Approval (134-16 A (2) – Table of Uses identifies 15 additional Uses that require a Special Use Permit (and thereby Site Plan Approval). This seems excessive and would lead one to assume that the Planning Board will be overwhelmed.	Marie Early	This is a statement of opinion by the commentator.
42	(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.

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43	134-16.1 D (1) states "...and/or Subdivision Regulations". I believe this should be "Subdivision of Land Law" as is stated in other sections of Chapter 134. Do you agree?	Marie Early	The section has been corrected to refer to the correct title.
44	In the Table of Dimensional Requirements, "*B" states (as applied to B-4) "Single family resident fronting on Village street or State Highway - 25 feet or less as permitted by planning board." Should this be "Single family residence"? There are no single family residences permitted in B-4 although 134-15A states "(1) Any Use permitted in an R District, however neither Accessory Apartments nor Short-Term Rentals are permitted in a B-4 District". Uses in an R District include single-family dwellings. The development at Butterfield originally allowed for single family dwellings. However, 3 lots were subdivided from the property & are now currently zoned as single family dwellings. I believe that any references to single family dwellings should be removed from the description of the Butterfield property.	Marie Early	In the formulation of the existing zoning for the Butterfield site, the zone and the project's concept plan were tightly interwoven. It was deemed prudent by the Working Group and the Village Attorney to make no substantive changes to this zone beyond renaming it.
45	Please provide a text description of the differentiation between B-1 and B-2.	Marie Early	B-1 is comprised of the dense, historic Main Street mixed use corridor, including the west Lunn Terrace area that is also mixed use. B-2 is the mid-late 20th century commercial area of the Village, the design of which is more car-focused.
46	The Table of Dimensional Requirements row R-MF specifies "27,000.00" as the lot area. Should it be "27,000"?	Marie Early	Yes. The Ad Hoc Working Group agrees with this correction and recommends the appropriate modification of the Table of Dimensional Requirements.
47	Chapter 114 (Swimming Pools, Hot Tubs and Spas) references zoning districts R-1 and R-3.	Marie Early	This will need to be addressed in revision of Chapter 114. The Ad Hoc Working Group recommends this followup revision to the Board of Trustees.
48	In the Table of Uses, for B-4 (Butterfield), why are One Family Dwellings, and 1-family to 2-family conversions and 1-Family/2-Family to Multi conversions at al?	Marie Early	The Ad Hoc Workig Group interprets this question to mean why aren't single family home conversions to two-family or multi-family allowed in the B4 at all. Assuming that interpretation is correct, the answer is that in the formulation of the existing zoning for the Butterfield site, the zone and the project's concept plan were tightly interwoven. It was deemed prudent by the Working Group and the Village Attorney to make no substantive changes to this zone beyond renaming it.

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49	In the Table of Uses, B-4 is shown as not permitted to have Multi-Family structures. Does this mean that the Butterfield development (the senior citizen housing AND the rentals now under construction) are non-conforming?	Marie Early	The Ad Hoc Working Group agrees and has recommended this table modification of the Board of Trustees.
50	Why is 3 West St. R-O instead of R-N?	Marie Early	There is no structure on the lot and there are many barriers to its redevelopment. R-O is in keeping with most of the non-commercial properties around this vacant lot.
51	Is the area which encompasses the Highway garage site, the Municipal Parking Lot, the Wastewater Treatment Plan and Mayor's Park going to be subdivided into 2 parcels? If not, why not?	Marie Early	It does not need to be subdivided to have more than one zone. A survey was commissioned to identify the dividing line between the uses, and therefore the division of the two zones on this single-ownership parcel.
52	All historical references have been removed. These references (e.g. "[Added 3-27-01 by L.L. 2001-5]") are important for researching the history of a particular change.	Marie Early	Recommendation to the Trustees from the Village Attorney: When changing a section or 2, it is easy to include the reference. However, given the re-numbering and additions proposed here, it would be very difficult. After the table of contents under "History", we can note that "The zoning regulations were originally adopted _____, and amended in its entirety on _____2023. A copy of the version of the Zoning Code that immediately preceded this new zoning code is on file with the Village Clerk's Office."
53	Why was 37 Fair Street zoned as R-N instead of "B-1" or "B-2"?	Marie Early	The lot is in residential use as a live/work space with no commercial sales. The Ad Hoc Working Group recommends that it be zoned in keeping with the surrounding R-N properties.
54	Why was 45 Fair Street zoned as B-2 instead of B-1?	Marie Early	This is Riverview Restaurant. The Ad Hoc Working Group recommends to the Trustees that it be included in the secondary business District.
55	Marina is identified as a valid use in a Civic district. The only property identified as a Civic use with water access is 5 New St (the Boat Club). Requirements for a marina are stated as 160,000 sq ft and a square 200' x 200' will fit on the lot. 5 New St in its entirety (which includes Hudson House Parking and the pump stations) is 1.09 acres with a maximum width of approximately 130 ft which means that it does not meet the requirements for a marina. Suggest "marina" be eliminated from Zoning. I don't think there's a parcel in the Village which can conform to the "marina" requirements.	Marie Early	The Cold Spring Boat Club would be considered a pre-existing non-conforming use in the Civic District. A marina as a use, however, is not inconsistent with a Hudson River Community and may be considered in the future. The Ad Hoc Working Group recommends leaving "marina" in chapter 134, and including discussion of planning for this type of use in the Village in a Comprehensive Plan Update.

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56	District "C" (Civic) seems to be more a "Use" than a District. Please eliminate District C and add "Civic" (or something similar) as a "Use" if necessary.	Marie Early	The working group notes the comment but does not feel a change to the draft is warranted.
57	Why was B-3 changed from "Designated Retail-Financial-Professional District" to B-2?	Marie Early	The Working Group has recommended organizational and editorial decisions in the draft proposal to improve organization, readability and use, but do not materially effect the substance.
58	Why was 66 Paulding Ave. zoned as B-2? It is a 1 family residence.	Marie Early	The Ad Hoc Working Group agrees that 66 Paulding should be zoned residential, and specifically R-N. The zoning map should be modified accordingly.
59	Should "filling station" be added to "Table of Uses"?	Marie Early	The Ad Hoc Working Group recommends that filling stations be permitted uses with special use permit review. Electric Vehicle charging stations are recommended as allowable with site plan review in Civic, Parks & Rec and B2.
60	The Civic district has a lot of things in it - but not 83 & 85 Main St, 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".	Marie Early	The Ad Hoc Working Group agrees and has recommended this map modification of the Board of Trustees.
61	In 134-16.1, there are two 134-16.1 D ("Application for Site Plan Review and Approval" & "Agency and Consultant Review") & two 134-16.1 E ("Site Plan Design Criteria" & "Public Notice and Hearing"). These are obviously errors.	Marie Early	Working group agrees with the suggestion and recommends that an edit has been made to the draft accordingly.
62	Capitalization of defined terms is inconsistent	Marie Early	The Ad Hoc Working recommends to the Trustees that the chapters be copy edited again after major edits are complete.
63	Annotated comments in document need to be removed	Marie Early	This comment is correct and the Ad Hoc Committee recommends that the text should be modified in the draft.
64	76-11B "place in the city" is incorrectly copied from another ordinance	Marie Early	This comment is correct and the Ad Hoc Committee recommends that the text should be modified in the draft. The text was taken from another municipality's noise code.
65	76-11D Which districts are meant by mixed use districts	Marie Early	For clarity, the Ad Hoc Working Group recommends specifically calling out district names in this paragraph.
66	134-2 B – Apartment House is not a defined term although it is treated as a defined term in the text. I think there should be a Definition.	Marie Early	"Apartment House" occurs twice in 134, once capped & once lowercase. Both occurrences are in definitions. The Ad Hoc Working Group recommends simply lowercasing the capped use. Similar terms, like "condominium," are not defined or capped in 134.

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67	134-2 B The definition of ACCESSORY STRUCTURE - "A supplemental Structure five (5) feet high or higher or, if lower than five (5) feet, one whose length, width and height combined total sixteen (16) feet or more." The "lower than five (5) feet" is not mentioned elsewhere in the Chapter. Shouldn't it be listed 134-17 A?	Marie Early	The working group notes the comment but does not feel a change to the draft is warranted.
68	Page 30 of the EAF refers to the Comprehensive Plan's parking numbers. In 2008, the Comprehensive Plan members conducted a "Cold Spring Parking Study" 3 "zones" in the Village - (1) west of the railroad, (2) east of the railroad bounded on the north by Northern, on the south by Wall and on the east by 9D, and (3) east of 9D from Craigside/Morris to Bank. The entire Village was not surveyed. The study counted 2,500 parking spaces both on-street and off-street. "Off-street" parking spaces (there were 950 off-street parking spaces identified in the study) included such areas as the parking spaces behind storefronts on Main Street accessed by Rock Street; the Metro-North parking lot; Loretto Church's parking lot - in other words, many, if not most, "off-street" parking spaces are private. 1,600 on-street parking spaces were identified in the 3 zones mentioned earlier.	Marie Early	This is a statement of observation by the commentator that requires no response.

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69	<p>It's been almost 15 years since the Cold Spring Parking Study. During that time, driveway curb cuts have been added; many driveways now have "X" (indicating no parking) on the roadbed, crosswalks have been added across Main Street and on side streets in zone #2, there have been new residences added. All of this means that the available on-street parking spaces have decreased over time. A Residential Parking Permit district on 11 streets in zone 2 and Main Street metering will likely occur this year. Parking in lieu has been on the books for about 13 years now (and is frequently used) for businesses in B-1 and B-2 districts "eliminating" the need to provide off-street parking. These actions have decreased available on-street parking or have decreased the need for off-street parking for businesses. At the same time, the number of tourists and hikers who seek on-street parking has increased significantly. The 2 hour limit for Main Street parking on weekends and holidays encourages turnover while discouraging the use of a shared parking factor since the majority of Main Street (retail businesses) operate during the same hours.</p>	Marie Early	It is recommended that the commentator refer to the 2021 Parking Committee Study, available on the Village website.
70	<p>Page 10 of the EAF says "...a greater diversity of housing options and uses than would normally be permitted under the Village's standard Zoning districts, each compatible with the Village's character and consistent with the its historic development patterns." The only apparent new housing option in the proposed Chapter 134 is "cottage courts" which would not be correctly described as "a greater diversity of housing options and uses" and does not reflect the Village's "historic development patterns". Do you agree?</p>	Marie Early	The working group notes the comment but does not feel a change to the draft is warranted.

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71	In the EAF it states, "According to the Comprehensive Plan, there are about 2,500 on- and off-street, non driveway parking spaces in the Village. This equates with nearly three (3) parking spaces for each household in Cold Spring (889 households)" – although the EAF says there are 967 dwelling units in the Village. The Comprehensive Plan's 2,500 number included private parking lots, and parking lots at Haldane, Foodtown and Metro-North, among others. The 2,500 spaces should not be used to describe available parking in the Village.	Marie Early	This is a statement of opinion by the commentator.
72	Page 11 of the EAF, it states "...the PMU district is intended to protect the historic character and surroundings of the local Village Historic District, the National Register Historic District, and other traditional Village neighborhoods". How does the PMU district achieve this?	Marie Early	The commentator is referred to the purpose of the PMU District, 134-12A.
73	EAF page 15 refers to "design principles". Design principles may apply to the historic districts but are not appropriate for structures outside of the historic districts.	Marie Early	This is a statement of opinion by the commentator; no response is required.
74	Table 17 (Parking Requirements): Theaters – the minimum parking is 1 space per 1,000 sq ft with the maximum of 2 spaces per 1,000 sq ft. This seems inadequate. Restaurants and bars – the minimum is 6 spaces, the maximum is 10 spaces (per 1,000 sq ft). This seems inadequate. Currently, it is 1 parking space for 3 seats.	Marie Early	The existing Zoning classifies libraries and theaters into the same off-street parking space requirement. Generally, such uses have different parking needs, especially during times when they are at maximum capacity. The April 12, 2023 proposed amendments to Chapter 134 continued to treat their parking needs the same. The Working Group believes these uses should be treated differently and recommends that the Village Board revise Table 17-1 in Section 134-17M so that it properly reflects the greater need for parking by theater uses by relying on similar standards in common use. See also Village of Cold Spring Comprehensive Plan recommendations 4.1.4, 4.1.5 and 4.4.1.

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75	<p>Why is there a MAXIMUM in the Parking Table? The presence of "Maximum" would seem to put some properties in a violation category.</p>	<p>Marie Early</p>	<p>Currently many lots are in violation of the existing parking requirements because they do not provide enough to meet the minimum as defined. This has been an administrative headache for business owners and previous remedies such as the parking waiver have not alleviated any shortages. The Ad Hoc Working Group believes that the village is incredibly space constrained and proposed to the Trustees that heavy vehicular use and expanded parking be discouraged where possible. In this context, maximums are proposed as a more sensible and up-to-date method to decrease non-conformity while encouraging reduced vehicular traffic within the Village. According to the <u>Journal of the American Planning Association</u> (Vol. 72, No.3, 2006): "Too much parking also creates problems. Most major U.S. cities, including Boston, Chicago, New York, and San Francisco, regulate the maximum rather than the minimum number of parking spaces in their downtowns." Another American Planning Association publication, <u>Zoning Practice</u> (Vol. 23, No. 1, 2006), likewise recommends maximums: "If we want to reduce traffic congestion, energy consumption, and air pollution, the simplest and most productive single reform of American zoning would be to declare that all the existing off-street parking requirements are maximums rather than minimums, without changing any of the numbers...". See also Village of Cold Spring Comprehensive Plan recommendations 4.1.4, 4.1.5 and 4.4.1.</p>
76	<p>Table 6A says that R-L has Multi-Family dwelling as a Prohibited Use. However, this table also says that 1-Family to 2-family conversion and 1-Family/2-Family to Multi conversion are "SU" (Special Use). Isn't this a contradiction?</p>	<p>Marie Early</p>	<p>A Multi-family conversion of a one family or two family building is permitted only if all special and general conditions on the special use permit can be achieved. It is not an as-of-right use without that extra step of examining how it would or would not impact the neighborhood and community. This would prohibit construction of new multi-family buildings, but allow for the conversion of existing 1-family and 2-family structures to multiple family with a special use permit.</p>

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77	<p>134-2 B – Accessory Apartment – The Code Update Committee presented to the public & recommended that Accessory Apartments should be limited to One Family Dwellings & 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 Ch. 134. The proposed Ch. 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 & the proposed Ch. 134 are at odds as well. Can the CUC & the Ad Hoc Committee discuss this?</p>	<p>Marie Early</p>	<p>The working group believes that changes in housing needs in the Village call for a different position on accessory apartments than the previously-seated CUC may have had. Therefore the recommendation to allow accessory apartments in the Village was put forward in the chapter 134 draft. The contradictory provision in 134-17.G(5) is recommended for correction to the Trustees.</p>
78	<p>134-7 E (4) (f) (1) says “The private Frontage of buildings shall conform to and be allocated in accordance with Table 6B and Figure 6-5”. The word “Frontage” is not a defined term. How is Table 6B related to this?</p>	<p>Marie Early</p>	<p>The form-based illustrations, including reference to “backbuildings,” is recommended for removal, and the Village’s updated Historic District Design Standards recommended to be used to address compliance with the Village’s historic character for development in the PMU.</p>

	B	C	K
79	EAF page 16 (Older Neighborhoods) states, "...Bed & Breakfasts would no longer be permitted by special use permit as they are at present due to the small lot sizes characteristic of the R-O District and the need to avoid nuisances from traffic, noise and lighting that Bed & Breakfasts can exhibit." Yet the paragraph goes on to say that "Family day care homes is a new use that recognizes the need for options when a working family requires care for pre-school children in the neighborhood." Family day care homes located on small lot sizes characteristic of the R-O district create similar nuisances from traffic and noise that Bed & Breakfasts can exhibit; family day care homes can attract pre-school and school age children as well as children from other neighborhoods. It seems that if B&B are not permitted for those reasons that family day care homes should also not be permitted. This comment also applies to the Table of Uses. Do you agree? Similarly, if Bed & Breakfasts are not permitted in the R-O district, Short Term Rentals should also not be permitted in the R-O district.	Marie Early	The Ad Hoc Working Group does not feel that B&Bs are comparable to STRs or family day care businesses. No change related to this comment is recommended to the Trustess for these uses on Table 6A.
80	EAF page 16 (Older Neighborhoods) states, "The remainder of the uses currently permitted in the R-1 District would continue to be permitted under the R District." The current R-1 district permits: churches and similar places of worship; parish house; public parks and playgrounds; other municipal recreation uses; schools meeting State Department of Education requirements; public libraries and municipal building. Each of these uses seem inappropriate for the proposed R-O district for the same reasons that B&B are not permitted. In addition, places of worship, parks, schools, and public libraries have a separate zoning district in the proposed Chapter 134 – ERC. This comment also applies to the Table of Uses. Shouldn't those uses be located only in the ERC?	Marie Early	The uses described in this question are traditional community services that are normally found in residential neighborhoods due to the multiple benefits provided to the neighborhood's residents within walking distance. That said, dimensionally and in terms of impacts, they are not the same as residential uses. The ERC is an attempt to identify common uses and impacts in a single district with unified dimensional requirements that make sense for the uses. That does not mean that these uses CAN'T happen in residential districts if new ones are proposed. Such uses will continue to be permitted uses in the proposed three residential subdistricts proposed for replacement of the current R-1 District.
81	In the Table of Dimensional Requirements, why does R-N have a shorter depth than R-O?	Marie Early	This discrepancy has been recommended to the Trustees for correction in the Dimensional Table.

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82	EAF page 16 (Newer Neighborhoods) states that B&B are not permitted: "... Bed & Breakfasts would no longer be permitted by special use permit, as they are at present, due to the small lot sizes characteristic of the R-N District...". The R-N district requires larger lot sizes than does the R-O district so it seems incorrect to refer to this district as having "...small lot sizes..." to distinguish it from the proposed R-N district. This paragraph also says ""The remainder of the uses currently permitted in the R-1 District would continue to be permitted under the R-N District." The current R-1 district permits: churches and similar places of worship; parish house; public parks and playgrounds; other municipal recreation uses; schools meeting State Department of Education requirements; public libraries and municipal building. Each of these uses seem inappropriate for the proposed R-N district for the same reasons that B&B are not permitted. Do you agree? Similarly, if Bed & Breakfasts are not permitted in the R-N district, Short Term Rentals should also not be permitted in the R-N district. Do you agree?	Marie Early	This is a statement of opinion on the part of the commentator, and seems to be a conflation of Bed & Breakfasts with Short Term Rentals -- they are not regulated in the same way under state law nor under the proposed amendments to Chapter 134.
83	134-17 G (5) uses the term "One-Family Dwelling lot". What is a One Family Dwelling lot? Should this be "The lot on which the One Family Dwelling is to be located must be occupied....."?	Marie Early	Text modifications have been recommended in Section 134-17.G(5) to clarify in response to this comment.
84	134-17 G (5) states, "It shall be a condition of every Certificate of Occupancy issued for an Accessory Apartment that occupancy of such Dwelling Unit is valid only if the unit is located in an Owner-Occupied One-Family Dwelling..." This seems to imply that an Accessory Apartment MUST be located in the Owner Occupied one-family dwelling and NOT in a detached, separate building. This conflicts with earlier statements in the chapter concerning Accessory Apartments. Can this be investigated?	Marie Early	A modification of Section 134-17.G(5) has been recommended to the Trustees to clarify and address the comment.

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85	In reading the Table of Uses, for MF (multi-family) districts, it states that lots used for Multi-family dwellings are limited to one building per lot & 4 dwelling units per building. Does this mean that the maximum number of dwelling units in a MF district is 4? This seems to put Spring Brook, Forge Gate & other properties into non-conforming status immediately, & does not seem to permit them to rebuild (should that be necessary) & seems to discourage any additional Multi-Family Dwellings of more than 4 dwelling units. Is it correct that these properties (1) would not be able to be rebuilt under the proposed zoning & that (2) this is meant to discourage any buildings of more than 4 dwelling units?	Marie Early	The Ad Hoc Working Group recognizes the confusion the draft created and recommends to the Trustees a modification of both the Dimensional Table and its footnotes.
86	Table 6-5 states that attached porches must be at least 8 feet deep. Why is the proposed Code prescribing the depth of attached porches? Many current attached porches are less than that depth – does that make them nonconforming in the proposed Code?	Marie Early	Figure 6-5 has been recommended to the Trustees for deletion.
87	134-7 E (2) says, “The modification of existing buildings is permitted, subject to issuance of a Building Permit, if such changes result in greater conformance with the specifications of this Zoning Law”. This would mean that any Building Permit requires the owner to also modify the existing building to make it less non-conforming – a daunting and expensive change for some buildings. It would seem that the statement should be “The modification of existing buildings is permitted, subject to issuance of a Building Permit, if such changes result in no greater non-conformance with the specifications of this Zoning Law”. Do you agree?	Marie Early	This section is recommended to the Trustees for removal by the Ad Hoc Working Group.

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88	The western most area of the Village extending into the Hudson River. In the current zoning map, this area is not labeled. However, this is marked on the Proposed Map as "Municipal Boundary". This raises the question - Is this the Municipal Boundary or some other boundary? From the LWRS, it would seem as if it is the LWRA. If that is the case, should the boundary be labeled at all?	Marie Early	All boundaries and lot lines on the new zoning map are taken from the digital data on Putnam County's eParcel. Thus, the Cold Spring municipal boundary in the river on the new zoning map is identical to the line labeled "municipal boundary" in eParcel.
89	In the spreadsheet placed on the website on May 10, the answer in row 15 does not address the question in that row. Will the question be answered at some point?	Marie Early	The correct answer to the question the commentator references is the following: All boundaries and lot lines on the new zoning map are taken from the digital data on Putnam County's eParcel. Thus, the Cold Spring municipal boundary in the river on the new zoning map is identical to the line labeled "municipal boundary" in eParcel.
90	In the EAF dated May, 10, there is a statement "a) a new Civic District to apply to municipally owned or operated properties". On the Zoning map, tax id 49.5-2-23 (Old Burial Ground – not municipally owned or operated) is shown in the Civic District as are properties owned by the Town of Philipstown. Should these be zoned to a different zoning district?	Marie Early	The commentator is referred to the text of 134-11: "The Civic District includes. . . functions conducted for the public good. . . A cemetery, regardless of ownership, meets that definition. The Town of Philipstown is a municipality.
91	5 Market Street, a single family house, appears to be identified as "CIVIC" on the Zoning Map. Is this correct?	Marie Early	5 Market St is MF (pink) on the map. Starting with version 18 of the map, the colors have been better differentiated, so that MF (pink) is more distinct from C (orange).
92	Maple Terrace does not appear on the Zoning map.	Marie Early	The street is drawn, but the name is missing. The revision of the map has been recommended to the Trustees.
93	Cedar Street Spur does not appear on the Zoning Map. There is at least one parcel in the Village which has an address of Cedar Street Spur.	Marie Early	The street is drawn, but the name is missing. The revision of the map has been recommended to the Trustees.
94	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.

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95	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.
96	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 Ad Hoc Working Group has recommended a clarification in the draft.
97	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. Dimension changes reflect the desire, going forward accommodate smaller structures in this low-density area.
98	134-16 D (4) (l) references "Chapter 04". There is no Chapter 04 in the Village Code.	Marie Early	The "1" was dropped by mistake in a global editing change and it has now been restored.
99	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 Ad Hoc Working Group has recommended to the Trustees that the reference to Design Standards now includes the terms "if applicable" and references the Historic District Design Standards.
100	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.
101	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.
102	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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103	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.
104	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.
105	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 possibly 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.
106	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.
115	Why was this language removed from 104-3(F): ". . .any such Sign placed in violation hereof may be removed by any citizen of the Village."	Marie Early	The Village Attorney advised that this element of the existing code was a violation of due process rights.
116	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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117	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.
118	<p>Page 18 states that up to 52 single-family homes might be built on the Marathon Site under current zoning.</p> <p>(1) Please provide the mathematical basis of this calculation.</p> <p>(2) Why does the EAF not reflect that there are currently only 24 lots at the site, as follows (& shown on eParcel):</p> <ul style="list-style-type: none"> - Five small lots on "Clark Road" and five small lots on "Constitution Drive," owned by Accord Realty & Development; - One 6.64 acre lot on Kemble, three small lots on "Clark Road," and five small lots on "Constitution Drive," all owned by Kearney Property or Kearney Realty & Development; and - Three small lots on "Clark Road" and one small lot on "Constitution Drive," owned by Nozzleman 60 LLC. <p>(3) Why does the EAF incorrectly assume that 52 single-family homes, each 7,500 square feet, could be built on the Marathon Site under existing zoning, when the minimum lot area in the I-1 district is 40,000 square feet?</p> <p>(4) Why does the EAF not take into account that in 2011, the New York State Supreme Court Appellate Division ruled that a single-family residence could not be built on one of the 23 small lots because it did not satisfy the dimensional requirements prescribed by the zoning code for residential development in I-1 districts, and was not exempt under the "small lot exception"? See <i>Kearney v. Village of Cold Spring Zoning Board of Appeals</i>, 83 A.D.3d 711 (2d Dep't 2011).</p> <p>(5) Why does the EAF not take into account that no single-family residences can be built on the 23 small lots?</p> <p>(6) Will the VBOT issue a new EAF correcting these serious and consequential errors? If not, why not?</p>	Michael D. Reisman	Corrections were made to the EAF that addressed the comment. 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 development 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.
120	When proposed 134-12 speaks of "lots," what is it referring to?	Michael D. Reisman	A "lot" is defined 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." The Village Attorney recommends the capitalization of "Lots."

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121	<p>Page 25 states that a variety of sources were used to develop “reasonable assumptions” for the build-out analysis.</p> <p>(1) Why does the EAF not take into account the clear language of I-1, which contains a 40,000 square foot minimum lot area?</p> <p>(2) Why does the EAF not take into account that in 2011, the Appellate Division of New York State Supreme Court ruled that a single-family residence could not be built on one of the 23 small lots because it did not satisfy the dimensional requirements prescribed by the zoning code for residential development in I-1 districts and was not exempt under the “small lot exception”? See Kearney v. Village of Cold Spring Zoning Board of Appeals, 83 A.D.3d 711 (2d Dep’t 2011)?</p> <p>(3) Will the VBOT issue a new EAF correcting these serious and consequential errors? If not, why not?</p>	Michael D. Reisman	<p>(1) Updates to the EAF have been made to address the issue. The assumptions used in the build-out analysis were clearly stated</p> <p>(2) This Village Board is proposing a rezoning of the Marathon site. The EAF considers many different potential development scenarios as it examines the potential environmental impacts resulting from the proposed rezone. The Village is not prohibited from re-zoning lots with no vested rights.</p> <p>(3) Yes.</p>
122	<p>Page 23 speaks to density at the Marathon Site:</p> <p>(1) Where in the Comprehensive Plan does it state that the density at the Marathon Site should be equivalent to other areas in Cold Spring?</p> <p>(2) Where in the Comprehensive Plan does it state that the density at the Marathon Site should be equivalent to the area between Parsonage/Parrott and Main/Bank Streets?</p>	Michael D. Reisman	The Comprehensive Plan did not address density but the consensus of the Working Group and Village Board is that the density should resemble the Village as a whole and be consistent with existing neighborhood density in most of the Village. In addition, the Comprehensive Plan makes a strong case for allowing a diversity of dwelling types on the site (affordable housing), which a PUD and the proposed density requirements will follow. The build-out analysis confirms that the proposed density is appropriate.
123	<p>Page 24 describes “cottage courts.”</p> <p>(1) Where in the Village are cottage courts currently located?</p> <p>(2) Where in the Comprehensive Plan does it state that the Village should allow cottage courts at the Marathon Site?</p> <p>(3) How do cottage courts “address” affordability?</p> <p>(4) Has the Village done an affordability analysis specific to Cold Spring for the housing that would be built under proposed new 134-12? If not? Why not? If not, please explain why it is not misleading to state that a certain type of housing “addresses” affordability.</p>	Michael D. Reisman	The Comprehensive Plan in Policy 1.4.1 specifically addresses the issue of permitting cottage dwellings through Zoning amendments. Residential construction costs are closely tied to size, specifically the square footage of the building. Cottage dwellings are limited in size and therefore, are more affordable to construct and maintain than the average one-family dwelling. Up to date housing data is not currently available specifically for Cold Spring but the average size of a new dwelling nationwide was 2,480 square feet in 2021, based upon US Census data
124	Has the VBOT calculated the incremental cost of enforcing the short-term rental law to bar accessory dwelling units from being used as short-term rentals? If yes, will Village make that analysis public? If not, why not?	Michael D. Reisman	This is beyond the scope of the Chapter 134 update.

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125	Page 28 incorrectly cites to 134-6(C)(1) for the minimum lot area requirement of 7,500 square feet; this is presumably intended to reference 134-7(C)(1), which pertains to R-1, not I-1. Will the VBOT issue a new EAF correcting this serious and consequential error? If not, why not?	Michael D. Reisman	It is unclear what the commentator means here. Section 134-7.C(1) is a statement of purposes for the proposed R-O District.
127	Page 25 also repeats the erroneous statement that in I-1, a single-family dwelling may be built on a 7,500 square foot lot. Will the VBOT issue a new EAF correcting this serious and consequential error? If not, why not?	Michael D. Reisman	Working group agrees with the suggestion and an edit has been made to the draft accordingly.
128	§134-12 allows a maximum housing density modeled on the density of the rest of the village. It is a fantasy to believe that people living at Marathon will not have cars or drive them. This is a recipe for making our lives unbearable. We do not need a "Village within a village."	Michael D. Reisman	The proposed PMU district imagines residents will both have cars and will use them but seeks to discourage both. It does this by limiting capacity for car storage, providing walking access to major transit options, and easy local access to goods and services. Additionally, safeguards are in the PMU concept plan and site plan approval process to insure impartially vetted traffic studies are done to insure these concerns are proactively addressed.
130	"We discussed our concerns about balance of retail, given the collapse of the retail portion of Butterfield, which may have happened for a number of factors." What were the concerns about the balance of retail? Why did the retail portion of Butterfield collapse?	Michael D. Reisman	The Butterfield development was originally zoned to have nearly 30,000 sq ft of retail space. The developer could not attract retain clients for that much retail on the site, and therefore sought changes of use from retail to residential.
132	"We noted that the comprehensive plan called for recreational space, generally, and noted the site's proximity to the WFPF" Why is "recreational space" needed at the Marathon site if it is next to the WFPF?	Michael D. Reisman	The commentator misunderstands this statement; it was reference to resident-relevant recreational space, not a public park.
133	"We felt that a good guide would to be aiming for 'programmed public space' – like a farmer's market pavilion, pool or other space that the creates community interaction. We discussed the success of pocket parks in places like Catskill, but made consistent statements about not ending up with dead/lost space like we ended up with at 'Pataki Park' at Butterfield." How is "programmed public space" part of proposed 134-12? Is there anything in the Comprehensive Plan stating that "a farmer's market pavilion, pool or other space that the creates community interaction" is desired at Marathon?	Michael D. Reisman	The draft code states that in the PMU, "A minimum of thirty percent (30%) of the gross acreage will be assigned to permanently dedicated open space such as a park, playground, trails, and/or a village green, contributing to national and state efforts to conserve at least thirty percent of United States and New York State's lands by 2030."

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134	<p>"Can we define the provision of a separate traffic consultant who will work for/consult with the Village independent of the developer's traffic analysis – and take from escrow – we want to be clear at the beginning that this is a requirement." Is this "clear" in the proposed 134-12, and if so, where? If not, why not?</p>	Michael D. Reisman	This is already being addressed in revisions, per feedback 4/26/23.
135	<p>"Chapter 57: Reimbursement of Professional Consultants' Expenses is the enabling legislation, but how do we build into PUD" How is this built into the PUD?</p>	Michael D. Reisman	This is already being addressed in revisions, per feedback 4/26/23.
138	<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	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.
140	<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.

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141	<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."</p> <p>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>	Michael D. Reisman	<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>
142	<p>Why not have visitor center named as an allowable use?</p>	Mike Armstrong	<p>Working group agrees with the suggestion and an edit has been recommended for the the draft accordingly.</p>
145	<p>What about allowing three-story apartment buildings with six units to increase affordability?</p>	Trustee Starbuck Tara Vamos	<p>Given the concerns expressed in public comment about density increases at the Marathon site, and the Village's decision to move a more full community discussion of affordable housing to a future Comprehensive Plan Update process, the compromise for the time being is to not allow higher density in a location where the Village cannot ensure affordable housing will be built.</p>