

**Village of Cold Spring
Planning Board
85 Main Street, Cold Spring, New York 10516**

**Public Hearings
12-8-16**

The Village of Cold Spring Planning Board held a public hearing on December 8, 2016 at 7 pm at the Village Hall, 85 Main Street, Cold Spring, NY 10516.

Attending were: Chair Matt Francisco and board members Ezra Clementson and David Marion. Judith Rose and Arne Saari were absent. Village Attorney John Furst was also in attendance. The meeting was called to order at 7:02pm.

Public Hearing

To consider the amended site plan approval application by Scenic Hudson, Inc. for the proposed improvements to Scenic Hudson's West Point Foundry Preserve (specifically at the existing central gathering area on Kemble Overlook.) The minor improvements include, but are not limited to: the grading and seeding of new lawn areas, construction of stone dust pathways, delineation of a small maintenance parking area, placement of bench seating, installation of an open feel steel staircase from the cove to the bluff, upgrades to existing maintenance roads and the addition of an access point for the existing residential dwelling. The subject property is known as Tax Map Section 48.12-1-13 and 49.9-1-10. The property is located within the R-3 Zoning District and Industrial Zoning Districts as well as the local and national Historic Districts.

Heather Blake, representing Scenic Hudson, gave a project overview that included: photographs, site plans and design images.

Public Comment

Bob Leonard (1 Constitution Dr.) asked for a higher fence between Scenic Hudson's property and the properties on Constitution Dr. He also requested signage and a chain across the entrance to the maintenance road to prevent unauthorized access.

Phil Colamarillo (11 Constitution Dr.) requested details of the parcel of land being sold by Scenic Hudson for a private dwelling. M. Francisco referred Colamarillo to the Village Clerk.

Randi Schlesinger (Forge Gate Condominiums) expressed concern that when construction on the private dwelling begins that construction vehicles do not use private Forge Gate roadways, which were recently repaved.

Board Discussion

Board members agreed that the application was a SEQR Type II action.

Village Attorney Furst confirmed that, in reference to GML 239M, Putnam County Planning, Development & Public Transportation responded with no comments.

Board members discussed the possibility of comments to the application from the State Historic Preservation Office (SHPO) and the Department of Environmental Conservation (DEC.) Furst suggested that the Planning Board's resolution could be made contingent upon acceptance of SHPO and DEC.

D. Marion made a motion to adopt the draft resolution as amended. E. Clementson seconded and the motion passed 3-0.

E. Clementson made a motion to close the public hearing. D. Marion seconded and the motion passed 3-0.

Public Hearing

To consider the site plan approval application by Cold Spring Coffee Pantry, Inc. and Cold Spring Apothecary, Inc., as joint applicants for the proposed conversion of some existing retail space at 75 Main Street into small personal service (Hair Salon) and beverage service (Coffee Bar) spaces. The subject property is known as Tax Map Section 48.12-2-37. The property is located within the B-1 Zoning District as well as the local and national Historic Districts.

Stacey Douglas and Chris Wesselman presented an overview of the project. They expressed concern that the applicants were now, after two years in operation, being required to meet current code provisions regarding parking spaces and the attendant cost associated with parking waivers.

Public Comment

Greg Miller (Co-owner of Go-Go Pops located at 64 Main St.) cited "unethical behavior" on the part of the applicants for serving coffee prior to issuance of a certificate of occupancy (CO) and building permit. Miller stated he has seen customers leaving the premises with coffee. He noted that when Go-Go Pops appeared before the planning board they were required to meet very stringent requirements prior to beginning operations and that it appeared that the applicants were not subject to the same requirements. He asked that the application be denied.

M. Francisco suggested that Miller may wish to bring his concerns about maintaining a "level playing field" (with regard to planning board applications) to the mayor and board of trustees who have final authority and jurisdiction.

Attorney Furst noted that the planning board only has jurisdiction to rule on applications relative to meeting applicable code and that the board has no jurisdiction over the building department.

Jeff (Owner of the Foundry Café at 55 Main St.) asked whether this public hearing had been "noticed?" M. Francisco replied that it had been advertised in accordance with Village code. Jeff also asked whether a building permit had been issued. Douglas responded that there was "no construction, so a permit was

not needed.” Jeff asked about the ownership of the building, but Furst responded that this was not a planning board issue.

David Marzollo (Building manager of 75 Main St.) stated:

- That the Apothecary brings people to Cold Spring
- Business owners proceed at their own risk
- He has not been sold coffee (at the applicant’s premises) and was told that the lack of a CO prevented such sales.

Craig Muraszewski also said he had not been sold coffee.

Tara Carol said she thinks the planning board acts well on behalf of the Village

Board Discussion

D. Marion made a motion for a SEQR negative declaration for the application. E. Clementson seconded and the motion passed 3-0.

Board members reviewed the parking table and discussed the fact that code requires retail parking requirements based upon square footage, while food service is based upon the number of seats. Furst opined that since the application is a change-of-use, the entire floor plan should be considered (in determining the parking space requirements.)

The board identified the need for (13) parking spaces, as one space has been historically grandfathered to Main St businesses, there would then be a total requirement for (12) parking spaces.

Furst recommended that the planning board recommend granting of a waiver for (12) parking spaces for consideration by the Village Board of Trustees.

D. Marion made a motion to approve the site plan and to recommend a waiver for (12) parking spaces. E. Clementson seconded and the motion passed 3-0.

ADJOURNMENT

D. Marion made a motion to adjourn. E. Clementson seconded and the motion passed 3-0 at 8:50pm.

Submitted by:

Matthew Francisco

1/12/2017

Matt Francisco, Chair

Date