



VILLAGE OF COLD SPRING ZONING BOARD OF APPEALS

85 MAIN STREET
COLD SPRING, NEW YORK 10516

TEL. 845-265-3611
WWW.COLDSPRINGNY.GOV

NOTICE TO APPLICANTS

What Is the Zoning Board of Appeals?

Under New York law, any community with a zoning law must have a Zoning Board of Appeals (ZBA). The zoning law guides future development in the community, protecting residents from undesirable development. No zoning law, however, produces a perfect outcome in every circumstance. Occasionally, a community member may believe that a zoning regulation causes unfair hardship or that the enforcement official erred in applying the law. The ZBA's purpose is to hear such grievances. After examining the facts in an appeal, the ZBA may or may not grant the relief sought. In making its decision, the board must balance the interests of the applicant against the public interest as expressed in the zoning law.

If you're not familiar with how a ZBA operates, the following pamphlet, published by New York State, will provide the background you'll need to make the best possible appeal: [Guidelines for Applicants to the Zoning Board of Appeals](#) (James A. Coon Local Government Technical Series).

The Application Process

Below, in chronological order, are the steps that a typical appeal goes through. This process is determined by the laws of New York and Cold Spring.

1. The applicant for a building permit receives a denial or referral to the ZBA from the Building Department.
2. The Village Clerk provides the applicant with an application for requesting a variance or an interpretation from the ZBA.
3. The applicant completes the application and returns it to the clerk.
4. The ZBA chair reviews the application for completeness.
5. If the application is complete, the ZBA schedules a workshop. At the workshop, which the applicant attends, the board reviews the application for accuracy and completeness. No public comment is taken at workshops, and the merits of the application are not discussed.
6. When and if the ZBA decides that the application is ready for a public hearing, the board schedules the hearing, which is held during one of the board's regular meetings.

7. After a hearing date is set, the applicant receives instructions for notifying neighbors and placing notice signs on the property. The Village Clerk places a newspaper advertisement announcing the hearing. See the attached Public Notice Instructions for detail.
8. At the public hearing, the applicant presents the project to the ZBA and the public, provides supporting evidence, and answers questions from board members. The public may speak for or against a requested variance or interpretation.
9. The ZBA may keep the hearing open until a later meeting if needed. Once the hearing is closed, the board has up to sixty-two days to render its decision. The members may vote to grant or deny the applicant's requests or to grant them with conditions or modifications.
10. If the ZBA grants the applicant's requests, the applicant must still wait for a building permit before beginning construction. The applicant may also need approval from the Historic District Review Board and Planning Board before a building permit is issued. Denied requests will not receive building permits.
11. The applicant returns notice signs to the Village Clerk.
12. After construction is completed, the Building Department will confirm that the applicant complied with all granted variances and conditions set forth by the ZBA before issuing a Certificate of Occupancy.

Form rev. April 29, 2024

Checklist of Application Materials

The following payments must be made when the application is submitted:

- ☐ Establish an **escrow account** with the village accountant (Village of Cold Spring Code §57-6.B). The escrow amount is \$500 for area variances (the most common kind) and interpretations and \$1,000 for use variances.
- ☐ Submit an **application fee** of \$50 (§134-25.C).

The following materials must accompany the application form. Please also submit a digital (PDF) copy of the application and all materials if you can.

- ☐ 1. Copy of **denied building permit or referral** from the Building Department.
- ☐ 2. Copy of the **certificate of occupancy**, if applicable.
- ☐ 3. Copy of the **property deed**.
- ☐ 4. A **letter from the owner of the property** confirming approval of the project if the applicant is not the owner.
- ☐ 5. A **disclosure of official interests** (please see the form below).
- ☐ 6. Six copies of an **up-to-date property survey**, showing the boundaries of the parcel and all structures, including accessory buildings, porches, decks, walls, fences, and so on. The survey should be produced by a licensed land surveyor or PE and bear that professional's stamp or seal.
- ☐ 7. Six copies of a **proposed site plan** on which all lines, measurements, and descriptions are easily readable. Copies measuring 11 × 17 inches are recommended, unless a larger size is needed. The site plan must clearly show the following:
 - The footprint of all existing buildings and other structures, including accessory buildings, porches, decks, walls, fences, and so on. Story heights of all buildings should be noted.
 - The footprint of what is proposed. It should be differentiated from existing structures by color or cross hatching. The height in feet and stories of all proposed buildings should be noted. The distance of the proposed building from the front, side, and rear property lines should be noted. These distances should be based on existing distances noted on your property survey, not scaled off the survey.
 - Dashed lines indicating the front, side, and rear setbacks that apply in the property's zoning district (§135, "Table 6B: Table of Dimensional Requirements").
 - The area of the parcel in square feet.
- ☐ 8. Six copies of **proposed design plans**, which show the following:
 - How the proposed plan relates to the existing buildings.
 - Elevations for all sides of existing and proposed structures, which show the height of all flat roofs above grade or the average height between eaves and ridge for all gable roofs.
- ☐ 9. Six copies of a **zoning conformance worksheet** (please see the form below), filled in for all proposed building additions and footprint expansions.

In addition, photos of the project site are encouraged. They might show the surroundings, any structures to be altered, and the views that neighbors and the public would have of the finished project. One set of printed photos along with digital copies is enough. The digital copies may be posted online if too large to e-mail. Construction drawings are not needed for ZBA review.

Thank you for your cooperation.

APPEAL APPLICATION

The Village of Cold Spring zoning law is [chapter 134 of the village code](#). “Table 6B: Table of Dimensional Requirements” and the zoning map appear near the end of the chapter.

Your phone number:

Your e-mail address:

To the Zoning Board of Appeals, Village of Cold Spring, New York:

I/we

, residing at

, hereby appeal to the Zoning

Board of Appeals from a decision of the Village of Cold Spring Building Department dated

, 20

, whereby the Building Department

☐ granted ☐ denied

☐ a building permit ☐ a certificate of occupancy

1. Location of the property:

2. Zoning district of the property:

3. Addresses of properties to receive notices of any public hearing (all properties abutting or directly opposite yours and any others from which your proposed alteration can be seen):

4. Provisions of the Village of Cold Spring zoning law involved. Give article, section, subsection, and paragraph by number. Do not quote the ordinance.

5. I/we appeal for

☐ An INTERPRETATION of the zoning law or map. (Choose this type of appeal if you believe that the decision of the Building Department was based on an incorrect understanding of the zoning law or map.)

☐ A VARIANCE from the zoning law or map. (Choose this type of appeal if you believe that the Building Department correctly understood the zoning law or map but that your project deserves an exception from the limitations imposed by zoning.)

6. Has there been a previous appeal of this matter?

☐ yes ☐ no

If yes, please note its date, the relief sought, and the decision that resulted:

7. Reason for the appeal. Complete only the part that relates to type of appeal checked above. Use extra sheets if needed.

a. INTERPRETATION of the zoning law or map is requested.

(1) The reason the interpretation is sought:

(2) An exact statement of the interpretation claimed:

b. VARIANCE from the zoning law or map is requested. There are two kinds of variance. The more common kind is an **area variance**: an exception to the physical dimensions specified by zoning. When deciding whether to grant an area variance, the ZBA weighs whether the applicant's reasons are particular to the subject property, whether the benefits the variance would bring the applicant outweigh harms it may cause the community, whether the applicant can achieve the desired benefits another way, the scale of the proposal, and other considerations. For example, the more a proposed building addition extends into a yard, the greater its effect on the neighbors and the less likely it is to be approved. The other kind is a **use variance**: an exception to the uses permitted by zoning. An appeal for a use variance must prove "unnecessary hardship"—a rigorous standard in New York law.

(1) Details of the variance sought:

(2) Please explain why you believe that your request for a variance is justified:

Signature(s): _____

Date:

ZONING CONFORMANCE WORKSHEET

Location of the property:

Zoning district of the property:

The numbers below refer to ☐ the principal building ☐ an accessory structure.

Instructions

1. Find the rows corresponding to your property's zoning district in "Table 6B: Table of Dimensional Requirements" at the end of [chapter 134 of the village code](#).
2. In column A below, locate the features of your project that require a variance.
3. For each of those features, enter in column B the relevant minimum or maximum quantity from table 6B.
4. In column C, enter the quantity you propose.
5. In column D, enter the difference between the amounts in B and C.

If the variance you request is not covered in column A, please explain on a separate sheet.

| A Feature Requiring a Variance | B Min. or Max. from Table 6B | C Dimension Proposed in Your Project | D Difference between B and C |
|--|---|---|---|
| Front setback (feet) <i>Corner lots may require two numbers (§134-17.B(2)).</i> | Min.: <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> |
| Smaller side setback (feet) | Min.: <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> |
| Total both side setbacks (feet) | Min.: <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> |
| Rear setback (feet) | Min.: <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> |
| Stories | Max.: <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> |
| Height (feet) | Max.: <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> |
| Lot area (sq. feet) | Min.: <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> |
| Building lot coverage (%) | Max.: <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> | <input style="width: 80px; height: 30px;" type="text"/> |

DISCLOSURE OF OFFICIAL INTERESTS

1. Does any officer of New York State or any officer or employee of the Village of Cold Spring or of a municipality of which the Village of Cold Spring is a part have an interest in the entity making this application?

☐ yes ☐ no

If yes, please state the name and residence of the interested party and the nature and extent of the interest:

2. The undersigned making this application to the Cold Spring Zoning Board of Appeals certifies by signature on this statement that, in accordance with §809 of the General Municipal Law, except as stated in “1” above, no officer of New York State or officer or employee of the Village of Cold Spring or of any municipality of which the Village of Cold Spring is a part has any interest in the entity making this application.

Signature(s) of applicant(s): _____

Name(s) (printed):

Date:

PUBLIC-NOTICE INSTRUCTIONS

Notices of Public Hearings Mailed to Neighbors (§134-25.F(3))

At the workshop where the public hearing date is set, the ZBA will approve a list of neighboring property owners whom you must notify. The list will include the owners of all the properties that border your property and any owners of properties who will be able to see the work covered by the variance from their property, even if they are in a different zoning district or if they are a government, business, or other nonresidential entity. You can obtain the names and addresses of owners from the Village Clerk or from [Putnam County's lookup tools](#), Image Mate and E-Parcel.

The ZBA will provide you with the notice to be mailed. Use First Class certified mail, return receipt requested. The mailings should be addressed to the owners by their names, not simply addressed to street numbers. Please write the name and address of each recipient on the correct certified mail receipt. The receipts must be date-stamped at the post office no later than the Monday two weeks before the hearing.

Before the public hearing, bring the postmarked receipts to the Village Clerk or e-mail an image of them.

Notice Sign Posted in Yard (§134-25.F(2)(c))

A sign referring to the public hearing must be posted in front of the subject property at least ten days before the hearing date and remain in place until the close of the hearing. The sign should be displayed unobstructed and facing the street.

You can pick up the sign from the Village Clerk during normal business hours.

At start of the public hearing, please submit a signed affidavit attesting to compliance with the regulations about the notice sign. (See the form on the next page.)

Please return the sign to the Village Clerk after the hearing is closed. Applicants are responsible for the cost of replacing lost or damaged signs.

AFFIDAVIT OF PUBLIC HEARING SIGN PLACEMENT

I/We affirm that:

- The property is located at .
- The public hearing notice sign was posted on the property on the date of and has remained continuously in place from then until now.
- The correct board(s) was/were indicated on the sign.
- The sign will remain in place until the hearing is formally closed.
- The sign's manner of posting conforms to Village of Cold Spring law and to any instructions from the board that called the hearing. The following special instructions were followed (if any):

Signature(s) of applicant(s): _____

Name(s) (printed):

Date: