

VILLAGE OF COLD SPRING PLANNING BOARD
85 MAIN STRET, COLD SPRING, NEW YORK 10516
Workshop hearing

December 3, 2009

Atlas, LLC, 144 Main St.

Present: Chairman: Joseph Barbaro **Members:** Joseph Immorlica, Arne Saari & Placito Sgro
Absent: Karen Doyle

Present for the Applicant: James Hartford, River Architects & Ray Memmel, Contractor

Discuss and render an opinion for the ZBA on the application of Atlas, LLC., 144 Main St.

A. Saari visited the site and explained that he went to second floor to preview and photograph the Neighbors, Mr. Howard Broad and Winfried Dohle, concerns regarding their view, **A. Saari** explained that a tree obstructs their view. And from his perspective he did not believe the elevator shaft would obstruct their view either.

J. Barbaro asked Mr. Broad and Mr. Dohle if they agreed with A. Saari's comments regarding the evergreen's obstruction of their view.

J. Barbaro asked Mr. Hartford why the applicant couldn't use the second floor for the business rather than adding an addition to the back. Mr. Hartford responded that he believed the major reason was due to the set up of the paper and people need to communicate with each other. The steps could potentially become dangerous.

J. Barbaro read the letter from the ZBA Chairman and then read the 5 points in determining whether or not the variance should be granted.

A. One foot side yard variance:

The Board reviewed the following 5 questions:

1. Whether an undesirable change will be produced? all members agreed that a 1ft variance would not cause an impact.
2. Whether the benefit sought by the applicant can be achieved by some method other than an area variance? **A. Saari** suggested using the second floor rather than adding an addition. **J. Immorlica** believed it would not be detrimental to anyone else and believes the applicant

should build an addition. **P. Sgro** stated the second floor could be used for back issues and storage.

3. Whether the requested variance is substantial? All Board members present did not think a one foot variance would be substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **P. Sgro** noted that since it cannot be seen from the street it will not be detrimental. All board members present agreed.

5. Whether the need for a variance is self created? **A. Saari** believes the requested variance is self created because if they went narrow they would not need a variance. **P. Sgro** read a section of Village code# 111-24 regarding wavier of requirement. Where the planning board finds the planning board may relax or waive . In his opinion he believes it is difficult for the Board to comprehend that section of the code because the property can never conform to a conforming use therefore the board cannot make a proper decision. **J. Immorlica** stated the majority of all businesses in the B-1 district are not conforming and that is the character and nature in the village. But all board members believed the requested variance is self created.

B. 2nd issue Variances from maximum lot coverage :

The Board reviewed the following 5 questions:

1. Whether an undesirable change will be produced in the character of the neighborhood? All Board members agreed it will not be detrimental.

2. Whether the benefit sought by the applicant can be achieved by some, method feasible for the applicant to purue, other than an area variance? **J. Immorlica** and **P. Sgro** stated no. **A. Saari** and **J. Barbaro** stated no but added if the second floor will set idle they will have to say no.

3 Whether the requested variance is substantial? **J. Immorlica** stated “no”. **P. Sgro** stated the formula for lot coverage is not the way we see it because it is based on the cost of the addition and cannot be more than 50% of the assessed evaluation of the improvement 134-19 (D) Page – 13458 and **A. Saari** answered no all members agreed it would not have a substantial effect.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All Board members present stated no.

5. Whether the alleged variance was self-created? All board members agreed that it was self-created.

C. Elevator shaft.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties? **A. Saari** stated yes in a small way it will impact the neighbors. **P. Sgro** said yes. **J. immorlca** and **J. Barbaro** said yes it should be done.
2. Whether the benefit sought by the applicant can be achieved by some method other than an area variance.? Mr. Memmel answered they considered every possibility and this was the only place the elevator shaft could be placed. All Board members present agreed it the elevator should be put in.
3. Whether the requested variance is substantial? Mr. Memmel stated elevator shaft is about 2 ft below the roof line. All Board members present agreed the elevator shaft would not be substantial.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood? All Board members present stated no.
5. Whether the alleged difficulty was self-created? All Board members present agree it is self-created.

The Chairman called for a vote on the three issues discussed above which are as follows:

1. 1ft side yard variance
2. Variance from maximum lot coverage of 38%
3. Two story portion of an elevator shaft

All Board members present stated in their opinion the three variances should be granted. The chairman will write a letter to the ZBA Chairman.

Mr. Broad stated "everything discussed was by the book but we live here and one other concern is the drainage you are putting up and extension with a roof and there is no way for that water to drain. For the ZBA they wrote up a letter if this was allowed to happen the other thing is that the elevator shaft is wood and the whole building is made of wood. What if it should catch on fire it could spread to our building? What if someone is in the building if it caught on fire? Where is the motor going to go?" Mr. Broad was concerned about his basement regarding digging for the foundation. **J. Barbaro** stated to Mr. Broad that he can state his concerns at the public hearing. The board will take all information in writing and comments at the public hearing he can state his concerns.

A continued public hearing date was scheduled for December 21 or December 22, 2009.

The workshop meeting for Altas LLC. was adjourned at 8:50 p.m.

J. Barbaro stated will review the issues discussed at this meeting with the absent Board member at the regular monthly meeting on January 5, 2010.

A meeting was scheduled for Thursday, December 10, 2009 to discuss the Opinions for the ZBA.

A. Saari moved to adjourn the meeting and **J. Immorlica** seconded the motion. The meeting was adjourned at 9:25 p.m.

Joe Barbaro, Planning Board Chairman

Date