

VILLAGE OF COLD SPRING ZONING BOARD OF APPEALS
85 MAIN STREET, COLD SPRING NEW YORK 10516
PHONE (845) 265-3611
Public hearing and regular meeting

November 18, 2010

Present: Chairman; Donald Mac Donald, John Martin, Gregory Gunder & Richard Turner
Member absent: Edward Murphy

Ratul Roy, 4 Stone St.

The applicant proposed to build an apartment over an existing 2 story garage. The garage is currently existing non-conforming. The building was built in 1968. The Property is in the R-1 district which requires a special use permit (134-7 B1). It was noted by Mr. Hartford noted the garage is an accessory building and not an inhabited building. The applicant is aware that the building must comply to all fire codes since two walls on the property are located just off the property line.

Mr. Ratul Roy, 4 Stone St. - Noted that he is sensitive to the scenery and acknowledged the Boards work. Mr. Roy proposed to convert and restore the exiting garage with an apartment. He explained he will have sufficient parking. The restoration should increase value of property and boost economics to village.

Mr. James Hartford, River Architects, noted there are five parking spaces on the property which meet the zoning code Requirement

1. The applicant requested a variance for lot area coverage (20,000 – 4275).
2. Special use permit.

The Board reviewed the zoning code issues R. Turner noted the building is in the R-1 District. The application for the garage is 2 story not 1 ½ as originally noted on conformance sheet. He asked if Mr. Roy was using 4 Stone St. as his home address. Mr. Roy answered yes.

Mr. Eric Ramirez, 2 Stone St.- noted that 1 ½ ft of Mr. Roy's driveway is on his property and he was against the proposed project. Mr. Ramirez then read a letter he wrote to the Board

Mr. James Gordineer, 5 fair St. - asked how many units they were taking about in the code. D. Mac Donald responded they were talking about a single family dwelling.

D. Mac Donald asked how parking will be resolved when one car is blocked in by another units car. Mr. Hartford noted his apartment will meet all codes.

R. Turner noted special use permits are different than zoning requirements and special use permit codes are written by the Mayor and Board of Trustees. R. Turner noted he is asking for a special

use permit first and then variances. He suggested letting the attorney look at the project being proposed.

D. MacDonald noted if they granted a variance they would have to grant it for other residents in the village.

R. Turner noted since the Village is working on new codes. He would feel more comfortable waiting to see what new codes are established.

Chairman, D. Mac Donald read the following:

- Letter from the Planning Board recommending the ZBA to deny the proposal
- Letter from Luke Hilpert, Esq., 68 Main ST. noted they (Luke, his Beth and Robert) are in favor of the proposal dated 11/12/10
- Adam Hustin 11 Stone St. to Mr. Roy noted he had no objections dated 11/15/10
- James and Cathryn Gordineer asking to deny the proposal dated 11/17/10

The applicant presented the Board with the return request receipts from adjoining neighbors.

Mr. James Gordineer, 5 Fair St. - noted the applicants garage is 30 feet from his property line. Regarding the applicants parking lot Mr. Gordineer noted that you would need 2 people to jockey cars in the applicants 4 car driveway and that would be hard on busy days in town. He also noted lead and asbestos would be an issue since the garage was built in 1968. Mr. Hartford noted new laws have come out requiring contractors to remove the materials certain ways and even if the garage was restored without an apartment that would be an issue.

Mr. Andrew Hall, 13 Fair St. noted he shared the same concerns regarding parking. He asked why the applicant was looking for a renter. Mr. Roy noted to help pay for the cost of renovation.

Mr. Rameriz added the proposed project will affect everyone in that area. And noted current sanding of house has caused lots of dust because no netting was put up. The contractor told Mr. Rameriz that when work is done he will wash down the house

Mr. Hartford noted the proposal is in charter with the village and the applicant meets all other requirements. He also noted that dual families do exist in the Village. Mr. Roy added the Property has parking and doing the work would improve what is already there.

Ms. Susan Pheel, 18 Fair St. - noted they are in the Historic District and they can't even change a window without setting precedence. In an economic crisis apartments usually become more popular.

J. Martin noted boards must grant the minimum variance necessary, it approved, to comport with existing uses.

D. Mac Donald noted that the comprehensive plan is in progress and the next step is to see how to get clear variances and laws written.

J. Martin noted zoning codes affect the property around the applicants property adding even one person can make a community destabilized and noted the current application does not fit the village character and permissible uses.

D. Mac Donald thanked the applicant for going about his application the legal and suggested to the applicant to speak to the Mayor and Board of Trustees regarding the Village Code.

R. Turner moved to adjourn the meeting and J.Martin seconded the motion. The public hearing will continue Thursday, December 2, 2010.

Minutes:

- The minutes of September 16, 2010 were reviewed and approved as presented.
- The minutes of October 5, 2010 were reviewed and approved as presented.

Correspondence:

- New York Planning Federation – requesting board members email addresses
- Variety show - November 20, 2010 sponsored by Lions Club.

R. Turner moved to adjourn the meeting and J. Martin seconded the motion the meeting was adjourned at 9:08 p.m.

Donald Mac Donald, Zoning Board of Appeals Chairman

Date