

VILLAGE OF COLD SPRING ZONING BOARD OF APPEALS  
85 MAIN STREET, COLD SPRING NEW YORK 10516  
PHONE (845) 265-3611  
Work shop meeting

May 10, 2012

Members: Chairman; Donald Mac Donald, Gregory Gunder, John Martin, Edward Murphy & Richard Turner

Member absent Ed Murphy

Also present were Beth Sigler and Paul Henderson; 14 Stone St., Susan Peehl and Andrew Hall; 13 Fair St, Camille Linson; Attorney for Susan Peehl and Andrew Hall, and Fred Norgaard; 9 Fair St

The work session opened at 7:03 P.M. The purpose of the workshop was to review the two appeals and determine whether or not a public hearing should take place.

D. Mac Donald noted he reviewed the entire file and noted the following:

- It is a time sensitive case.
- There are two construction phases.
  - Permitting phase
  - Demolition/ construction phase
- The Board has to determine during which phase the constructive notice time line would have begun.
- Decide if the 60 day notice expired does the Board want to allow an exception to the code and hold a public hearing.

Appeal applications from the following:

- Susan Peehl and Andrew Hall, 13 Fair St. regarding interpretation of the code regarding the construction of a shed at 14 Stone St.
- Fred Norgaard, 9 Fair St. violation of the Village Code (134-20b) by the building inspector and an interpretation of the code regarding the construction of a shed located at 14 Stone St.

Fred Norgaard, 9 Fair St. noted the following:

- Reviewed a case the village attorney cited as precedent.
- The Certificate of Appropriateness is expired.
- His appeal is with the officials.
- Would also like to add an addendum to his appeal to include the issue of the 60 day notice.

Ms. Susan Peehl noted the following:

- Felt constructive notice started on February 23, 2012 when the demolition phase started.
- She was told by the property owners the shed was being repaired and constructed.
- That the building was down for about two years.
- The new shed footprint was larger than what previously existed.

- Provided dates for each contact with the building inspector regarding the construction of the shed.
- Noticed that 14 Stone St. was under the agenda in the paper for the HDRB meeting and was just listed as a shed.
- Original inspectors permit did not include electric and foundation.
- The new footprint extended into neighboring property without an easement.

Ms. Linson noted she has an email from the building inspector noting that he declines to take action since the matter is in the hands of an attorney. Ms. Linson also noted that Ms. Peehl did not send any information to Mr. Gaba, Village Attorney, until the Village authorized it.

D. Mac Donald noted he spoke to the Mr. Gaba, Village Attorney, since the last work shop regarding the different responses given to the applicant and the Board that referred to the 60 day notice. Mr. Gaba responded that exceptions can be made to the 60 day notice rule.

Mr. Henderson and Beth Sigler responded with the following:

- The building inspector issued a stop work order but later rescinded it.
- Got a Certificate of Appropriateness in October 2008 and a building permit 2 months later
- Were required to leave a portion of the shed standing.
- They did everything they were told to do and followed the process they were given.
- Their understanding of grandfathering is that part of the structure remains but if the old structure comes down it will then have to conform to the new code.

D. Mac Donald noted the following:

- The larger footprint and the encroachment to neighbor's yard must be proved and will be a separate issue.
- Mr. Gaba will be paid from the escrow accounts that the two applicants paid.
- All items have to be dated and put in order.

The following items were requested:

- Ms. Linson asked for a copy of the stop work order and the rescinded work order.
- Ms. Linson asked that the building inspector take measurement of the new foundation.
- All documents should be delivered in hard copy form not email.
- Documents will be submitted to the village and then distributed to all parties and attorneys.
- Documents must be received for distribution by May 21, 2012.
- Last response to any documents received will be the close of business on May 24, 2012.
- Ten copies of everything must be submitted for distribution

The Board members decided to schedule a public hearing to more closely examine the factual issues raised as to timeliness and merit of the zoning complaints raised by Peehl, Hall and Norgaard. The public hearing was scheduled for Thursday, June 7, 2012. Mr. Gaba, Village Attorney, will be present.

R. Turner move to adjourn the meeting. And G. Gunder seconded the motion. The meeting was adjourned at 8:32 p.m.

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Donald Mac Donald, Zoning Board of Appeals Chairman

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Date