

**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**

July 19, 2012

Members: Chairman; Donald Mac Donald, Greg Gunder and Richard Turner
Members absent: John Martin and Edward Murphy

Public Hearing

Phil Mackintosh, 5 Railroad Ave.

- Karen Parks represented Mr. Mackintosh. Karen Parks reviewed the proposal and drawings and noted the following:
- The application was a proposal to build a 1 story addition at the rear of the house.
- The proposed project will require a side yard and lot coverage variance.
- The proposed addition will be built on an existing concrete patio and used as a dining room.
- The house is non-conforming and the side of the house projects 4 inches over the property line at 7 Railroad Ave.
- Existing retaining wall will be replaced by a wall from the proposed addition.
- The existing lot is very small.
- The addition is being proposed to be .4ft from the property line but will not go over the lot line.
- Trying to keep the lot coverage to a minimum.
- Neighbors should not be impacted by the view or lighting.

The Board was in agreement to the following as a basis between the subject lot and adjoining lot (formally Keating and Eaton number 7 Railroad Ave.)The Board elected to use the most up to date survey by Badey and Watson (dated June 15, 2012).

The Board reviewed the proposed application and discussed their reactions as follows:

- Regarding grade change and noting how the grade drops significantly and noting how it makes both properties seem like different worlds and makes the proposal amenable
- Moving the addition will create an alley way.

Karen Parks submitted copies of the certified mail receipts mailed to neighbors.

It was noted the Planning Board recommended the ZBA to approve the project.

Karen Park noted neighbors she spoke to had no objections to the proposal. Karen Parks noted that every lot in the village is unique in their own way and should be considered as such.

D. Mac Donald opened the meeting up for public comment.

Susan Peehl, 13 Fair St. - noted she appreciated how the Board reviewed the case and noted it was great what the Board was doing by considering neighbor comments and possible view change concerns. Ms. Peehl noted she could not comment on site since she has not seen it.

The board requested the following:

- Letters from neighbors acknowledging they understand the proposal and they are in support of the proposal including the neighbor at 7 Railroad Ave.
- Proof the lot is small in relation to other lots in the village.

The Board reviewed the following questions:

1. Whether an undesirable change will be produced in the character of the variance? Board members answered no.
2. Whether the benefit sought by the applicant can be achieved by some, method feasible for the applicant to pursue other than an area variance? Board members stated no and noted that moving the proposed addition will cause it to look like an alleyway.
3. Whether the requested variance is substantial? Yes, the Board members felt it was substantial. The Board noted the proposed side yard variance is large but the lot coverage being requested is minimal.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Board members stated no, but need a letter from neighbors indicating they are in agreement with the proposed addition.
5. Whether the alleged difficulty was self-created? All Board members stated yes but the lot is small.

The Board decided that any final approval would be conditioned on the contingent letter from the easterly neighbor stating they understood the scope and dimension of the proposed rear addition and that they had no problem with it.

R. Turner moved to take a straw vote on the project and G. Gunder seconded the motion. It was approved 3-0 contingent of the letters conditioned on the letter

R. Turner moved to close the public hearing and G. Gunder seconded the motion. The meeting was closed 3-0.

Regular meeting

Minutes:

- The minutes of July 13, 2012 were reviewed and approved 3-0.
- The minutes of June 21, 2012 were reviewed and approved 3-0.
- The minutes of June 28, 2012 were reviewed and revisions were made. The amended minutes were approved 3-0.
- The minutes of June 7, 2012 were approved as amended 3-0.
- The minutes of July 9, 2012 were tabled until the next meeting.

Meeting adjourned at 8:51 P.M.

Donald Mac Donald, Zoning Board of Appeals Chairman

Date