

Village of Cold Spring Zoning Board of Appeals
85 Main Street, Cold Spring New York 10516
Phone (845) 265-3611
Public hearing for Tania Drinnon, 212 Main St.

September 12, 2013

Present: Chairman; Donald Mac Donald **Members:** Marie Early, Greg Gunder, John Martin, Ed Murphy alternate member, Alison Anthoine and Trustee Liaison, Stephanie Hawkins

Tania Drinnon, 212 Main St.

Public Hearing opened at 7:31 P.M.

The Applicant proposed to construct a second story addition. The proposal will require two front yard variances from 134-7(C)4 of the Village Code.

The Applicant presented her appeal by noting she purchased her house at the end of July with the hope of expanding the second floor. The reason for the addition would be to enlarge the bedrooms since the ceilings on the second floor are sloped. One of the bedrooms would be converted into a bathroom. The proposed project will remain in the same footprint. Currently most of the house is non-conforming. The Applicant noted that she does not yet have HDRB approval and is still in the process. Chairman Mac Donald discussed a possible way of keeping the overall height of the addition down to get the ceiling height the Applicant is requesting.

The Board reviewed the square footage for the habitable living space with the addition and the current living space without the addition.

Chairman Mac Donald suggested the Board members as a group should do a site visit. The site visit was scheduled for Sunday, September 15, 2013 at 1:30 P.M. The public hearing will be continued on October 3, 2013 at 7:30 P.M.

Ms. Drinnon asked if some items such as a boiler and lead paint abatement in the basement can be done before the ZBA and HDRB board approvals are completed. It was explained that a building permit cannot be completed without approval from the HDRB and ZBA, but that should have nothing to do with the two items Ms. Drinnon identified.

The Applicant presented the return request receipts. The Applicant noted she did not receive back two return request receipts. One was from Gordon Robertson who was at the HDRB meeting the previous night so he was aware of the proposal; the other was from the Methodist Church.

As of this meeting there has been no Planning Board referral response.

The public hearing adjourned at 8:25 P.M.

Chairman MacDonald left at 8:27 P.M. due to family issues.

Workshop meeting opened at 8:27 P.M.

1. Correspondence:

- Village of Cold Spring announcement of a public hearing 9/24/13 at 7:30 to amend Village Code Section 134-25D to change the minimum required number of days for publication of notice of public hearings by the ZBA.
- Affidavit of publication dated Aug 21, 2013 from the Putnam County News and Recorder for Public Hearing for Tania Drinnon, 212 Main St.

2. Local law change:

The Board discussed the proposed local law change for notice for public hearings from 10 days to 5 days from publication. The change was recommended due to a conflict between the cutoff date for the local paper and the date of the ZBA public hearings.

Board members discussed their opinions regarding the change in notice.

A vote was taken regarding the support of the proposed local law by Board members with the following results:

G. Gunder Yea
 J. Martin Yea
 E. Murphy Yea
 D. Mac Donald Yea (noted through a message)
 M. Early Yea

The vote was unanimous in favor of the proposed law change as presented. A public hearing on the proposed local law change has been scheduled by the Board of Trustees on September 24.

3. Signage:

The Board discussed placing a sign in an applicants' yard before a public hearing takes place. The sign would be in addition to the mailings that go out and the notices that are put in the paper. The purpose of the sign would be to expand the awareness to the public. A discussion ensued over the signage that should be used whether it is a general sign that can be used by any board or a specific ZBA sign and the Board also discussed the wording that would be on the sign.

4. Decisions:

A. Morgan Rich, 34 Pine St.

M. Early read the final decision for Morgan Rich.

The following two return request receipts from neighbors of Morgan Rich:

- Stanke; 32 Pine St.
- Galloway; 35 Pine St.

A final vote was taken which was as follows:

G. Gunder voted yes
 J. Martin voted yes
 E. Murphy voted yes
 M. Early voted yes

Donald MacDonald absent
The decision was approved unanimously.

B. Alberto Mora, 33 Fair St.

M. Early read the final decision for Alberto Mora. The decision was previously approved.

5. Notification to neighbors:

A discussion ensued over who should be notified of a public hearing. The Board discussed notifying the property owners within a 100 foot radius of each corner of the applicant's property line. Currently only adjoining neighbors are notified unless otherwise discussed.

A discussion ensued over the type of mailing that should be made regarding a public hearing. Several types of mailings were discussed. Currently a return request receipt is used. The Applicant brings the green card with them to the public hearing.

A vote was taken to replace the current return request receipt with priority mail with proof of tracking. Tracking can be done on-line where you can view every step the mailing takes and costs \$5.60.

J. Martin - voted yes

A. Anthoine - voted yes

E. Murphy - voted yes

G. Gunder - voted yes

M. Early - voted yes.

The vote was passed unanimously.

6. Minutes:

- The minutes of August 15, 2013 were reviewed and amended. A roll call vote was taken.

E. Murphy - voted yes

J. Martin - voted yes

M. Early - voted yes.

The minutes were approved as amended 3-0. G. Gunder and A. Anthoine abstained since they were absent at that meeting.

- The minutes of August 5, 2013 were reviewed and amended. A roll call vote was taken.

E. Murphy - voted yes

J. Martin - voted yes

G. Gunder - voted yes

M. Early - voted yes

A. Anthoine - voted yes.

The minutes were approved as amended 4-0. A. Anthoine abstained since she was absent at that meeting.

7. Board Business:

M. Early noted an email was sent by Susan Peehl to D. Mac Donald, ZBA Chairman; Mary Saari, Village Clerk; and Mayor J. Ralph Falloon regarding rescheduling a workshop meeting regarding the shed on 14

September 12, 2013

Stone St. The board acknowledged that they received the email dated August 30, 2013 from Susan Peehl and have responded by abiding by her request and rescheduled the meeting.

M. Early noted they received acknowledgement of an appeal for the article 78 read the following: "The brief was for a judgment under and pursuant to article 78 of the civil practice law and rules against the Village of Cold spring the Zoning board of Appeals of Cold spring; Donald Mac Donald, Chairman, Richard Turner, John Martin and Greg Gunder in their official capacities only as members of the Zoning Board of Appeals for the Village of Cold Spring, William Bujarski in his official capacity as Building Inspector for the Village of Cold spring and Paul Henderson and Beth Sigler."

A tentative workshop was scheduled for October 3, 2013 at 8:00 for Peehl/Hall and Henderson /Sigler. Any objection to the meeting by any party involved must be received by September 26, 2013. A letter will go out to Peehl/Hall and Henderson/Sigler.

J. Martin moved to adjourn the meeting and E. Murphy seconded the motion. The meeting adjourned at 9:43 P.M. by a unanimous vote.

Marie Early, Acting Zoning Board of Appeals Chair

Date