

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

October 3, 2013

**Present:** Chairman; Donald Mac Donald **Members:** Marie Early, Greg Gunder, John Martin and alternate member, Alison Anthoine Trustee Liaison, Stephanie Hawkins; Nancy Tagliafierro from the firm Hogan & Rossi, counsel for the Village.

**Member absent:** Ed Murphy

**Continued public hearing for Tania Drinnon, 212 Main St.**

M. Early opened the meeting at 7:32 P.M. by reading the public notice. The Applicant requested two front yard variances from section 134-7(C)(4) of the Village code. The property is in the R1 zone. It was noted that no members of the public were present. The Applicant noted the drawings were revised. The new proposal shows the roof to be 2' 6" below the ridge line but still below the chimney.

Board members Chairman, D. Mac Donald; J. Martin, M. Early and G. Gunder did a site visit at 212 Main St. They walked around the neighborhood, observed other homes on the street directly to the west and to the north and went into side yard and back yard to get a better sense of what impact the proposal would have to the neighbors and neighborhood.

M. Early read into the record a letter in support of the proposal from Gordon and Suzanne Robertson, 220 Main Street, dated October 3, 2013 (attached).

The applicant presented a return request receipt card from the Methodist Church, 216 Main St.

It was noted that the Planning board had not responded to the referral letter sent out on August 19, 2013.

The Board reviewed and discussed the revised drawings. It was noted that a 19.4' variance is needed from the Orchard St. side from the required 25' and a variance from 4.25' to 0' from the Main St. side is also needed. The proposed roof is 2'5" higher than the existing peak. The Board reviewed the following ZBA questions:

1. Whether an undesirable change will be produced in the character of the variance? Almost all homes on Orchard St. had additions but were mostly in the back. The proposed addition would match the other homes in the neighborhood in terms of mass

2. Whether the benefit sought by the applicant can be achieved by some, more feasible method for the applicant to pursue other than an area variance? No.

3. Whether the requested variance is substantial? The variance on the second floor is substantial but not out of character to the neighborhood.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No, the proposal is consistent with the neighborhood.

5. Whether the alleged difficulty was self-created? Yes, but no different than other houses.

J. Martin moved to approve the two front yard variances as described. A. Anthoine seconded the motion. The proposal was approved by a unanimous vote.

J. Martin moved to close the public hearing and A. Anthoine seconded the motion. The public hearing was closed at 8:02 PM.

### **Workshop meeting for 14 Stone Street shed**

The workshop meeting opened at 8:03 PM. M. Early noted the purpose of the workshop was to bring the new ZBA members up to date on the current 14 Stone Street ZBA appeal for the issuance of a C of O.

M. Early introduced Nancy Tagliafierro from the firm Hogan & Rossi as the counsel for the Village.

It was noted that there will be no discussion of dimensions. The discussion would be on the policies and procedures during the construction of the shed.

The dimensions were not discussed due to the Board waiting on the Building Inspector's report from the Village Attorney. A special counsel, Warren Replansky, was hired for this project and the Board has not discussed the report with him yet. M. Early noted that Mr. Replansky is representing the ZBA and is not representing the Building Inspector.

D. Mac Donald noted the Board checked with NYCOM regarding the involvement of the new Board members of the 14 Stone Street shed and were told that new members can be involved in the proposal and can vote.

M. Early read into the record the Email from Susan Peehl regarding a FOIL request (attached). Donald noted the Attorney had been in contact with Ms. Peehl. A letter will be drafted in response to the email when the Building Inspector's report is made available for public information. It will not have to be FOILED.

M. Early read into the record the response letter from ZBA Secretary Linda Valentino (Attached).

The Board reviewed a spread sheet of the Application issues raised. Chairman Mac Donald urged the Board members to read the record regarding the Peehl/Hall Appeal.

Susan Peehl asked for a copy of the article that was being reviewed. Nancy Tagliaferro responded the spread sheet is not available for FOIL. All requests must be done through a FOIL request. It will be decided by the Board and the Attorney if it is available for FOIL or whether or not it is attorney-client privilege. The Board reviewed and discussed the spread sheet of application issues raised.

The Board discussed scheduling a conference call with Attorney Replanski. An email will go out to schedule a conference call for the third week of October.

At 9:20 the Board opened the meeting for comments from Peehl/Hall and Mr. Henderson. All comments were limited to five minutes.

Trustee Liaison Stephanie Hawkins will contact Warren Replansky regarding setting up the conference call and will find out if the firm from Hogan & Rossi should be included in the conference call.

A. Anthoine moved to adjourn the meeting and G. Gunder seconded the motion. The meeting adjourned at 9:37.

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Marie Early, Acting Chair for the Zoning Board of Appeals

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Date