

**Village of Cold Spring Zoning Board of Appeals
85 Main Street, Cold Spring New York 10516
Phone (845) 265-3611
Workshop Peehl/Hall**

February 21, 2014

Present: Chairman; Donald Mac Donald Members: Marie Early, Greg Gunder, Edward Murphy, alternate member, Alison Anthoine; Trustee Liaison, Stephanie Hawkins; Nancy Tagliaferro, legal counsel for the ZBA.

Member absent: John Martin

M. Early opened the meeting at 7:30 P.M. by reading the following legal notice:

“Notice is hereby given the Zoning Board of Appeals will hold a work session on Monday, February 21, 2014 at the Village Hall, 85 Main Street Cold Spring NY beginning at 7:30 pm for the purpose of discussions leading to rendering a decision on the application of Susan Peehl and Andrew Hall, 13 Fair Street, appealing the issuance of a Certificate of Occupancy for a shed in the rear yard of 14 Stone Street. The property is in the R-1 zone. “

M. Early acknowledged that the Public hearing for Peehl/Hall was closed on January 16, 2014 and that this is a workshop meeting and there will be no comments or questions from the public. Attorney Nancy Tagliaferro should not be approached by any members of the public.

M. Early corrected a statement made at the February 10, 2014 meeting with the following statement: “The ZBA has the original survey of 14 Stone St. The ZBA does not have a site plan for the rebuilding of the shed”.

M. Early noted the Board would like to deliberate with a check point at 9:00 P.M. and a hard stop at 9:30. At that time, if needed, the next meeting will be scheduled.

Chairman D. Mac Donald addressed the Board on a matter concerning only the Board by reading the following letter:

February 21, 2014

Susan Peehl is quoted in a recent newspaper article – claiming that signatures of Shed owners Beth Sigler and Paul Henderson on my nominating petition for Village Trustee creates a conflict of interest for me – making it impossible for me to fairly participate in the adjudication of her and Andrew Hall’s appeal – currently before this board.

The Village’s Attorney advises me there is no legal basis for this claim of conflict of interest, not even the appearance of conflict.

The Village's Attorney reminds us that New York State judges run for election, solicit signatures on nominating petitions and raise campaign funds from voters who at the same time are all free to come before them in matters of the law.

As I have for the last 12 years I will continue to work diligently on the Zoning Board of Appeals to conclude the matter at hand in a fair and through manner.

As Zoning Board Chair I do not forfeit my rights to participate fully in democratic process, nor does this position deny the rights of other residents to do the same.

Donald Mac Donald

Chair Village of Cold Spring Zoning board of Appeals

M. Early read the following statement from John Martin who was absent:

Donald is objective, truthful and is the essence of the Zoning Board. If this has happened as stated it was an over site and not intentional. M. Early noted J. Martin wants D. Mac Donald to stay.

G. Gunder read the following letter:

To the Board,

Donald Mac Donald should not recuse himself from this ZBA application. This distraction due to the article in the PCNR is just that – a distraction and not an issue.

More importantly, the ZBA board needs him. At this point Donald has the deepest knowledge of the issues before us. He also brings integrity to the board, which cannot be matched or questioned.

Even more importantly, there are 4 people in this room that need Donald to remain Andrew Hall, Paul Henderson, Sue Peehl and Beth Ziegler. He has been an advocate for all parties in this case, as he should. His leaving now would slow down the final deliberations – which none of us on the board desire. Nor, I would think, would the parties involved. We are in the final stretch – as our colleague John Martin would say. A final decision is about to be made and to make this decision fairly for all involved; we need Donald's knowledge, honesty and fairness.

And finally to reiterate, we should not let this distraction take focus from our task at hand.

Thank you.

D. Mac Donald polled the Board on this matter. The Board responded with the following: A. Anthoine added "Donald should stay" and E. Murphy stated "he agreed" M. Early also agreed with E. Murphy and A. Anthoine.

The Board reviewed and discussed a worksheet entitled Susan Peehl and Andrew Hall Appeal 14 Stone Street Shed Certificate of Occupancy.

The primary issues discussed were:

- Discussion and review of the code pertaining to building enlargements and the power point presentation given by Susan Peehl in 2013.
- Review of the building inspector's instructions in 2008 regarding building the shed one wall at a time.
- The bump-out on the new shed.
- Covered porch and the definition of a building.
- The "value of land" associated with the shed rebuild.

M. Early proposed to move the meeting nights to the 2nd and 4th Wednesday of the month; meetings will be held at the Butterfield Library starting at 7:00 Pm. The new time and day will start in March.

G. Gunder moved to adjourn the meeting and E. Murphy seconded the motion. The meeting adjourned at 8:41 P.M.

Donald Mc Donald Zoning Board of Appeals Chairman

Date