

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

February 26, 2014

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

Member absent: John Martin

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

“Notice is hereby given the Zoning Board of Appeals will hold a work session on Wednesday, February 26, 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. “

Dated February 12, 2014

Donald Mac Donald, Chairman Village of Cold Spring Zoning Board of Appeals

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.

The Board reviewed and discussed a worksheet entitled Susan Peehl and Andrew Hall Appeal 14 Stone Street Shed Certificate of Occupancy. The following were concerns the Board previously had which were reviewed; the Board members agreed on the following:

1. Building Inspector instructions to replace shed by piece by piece. Since it is not part of the code the Certificate of Occupancy cannot be revoked on that issue.
2. The Board members agreed that there was no evidence that the shed was not used before or during the two year construction period.
3. Shed was built larger than permit plans. No dimensions can be found. The Building Inspector did look at the shed and wrote a report. Chairman Mac Donald noted that the Northeast and southeast corners of the shed were as they were originally, and as built.
4. Covered porch portion of shed became enclosed shed space. Non-conforming buildings may be continued, repaired, structurally altered, moved, reconstructed or enlarged provided such action does not increase the degree of or create any new non-conformity to district bulk regulations. The Board

agreed that the square footage of the structure stayed the same. D. Mac Donald noted they used legal rationale and definitions of the code.

5. Front shed addition in side yard setback. The small lot provisions do not apply to accessory buildings.

6. Transcripts of February and March 2013 transcripts were searched for “wing”, “bump”, “back” and “side” to see whether this issue was discussed during those meeting.

A discussion ensued over the shed bump out being larger than the footprint. It was noted that an easement was in production. This matter will be put on hold until Nancy Tagliafierro has a chance to review the issue.

The Board discussed rendering a decision and reviewing the issue of an easement at the March 12, 2014 which will be held at Butterfield Library at 7:00 P.M.

M. Early moved to adjourn the meeting and G. Gunder seconded the motion. The meeting adjourned at 8:18 P.M.

Donald MacDonald, Chair for the Zoning Board of Appeals

Date