

## Village of Cold Spring

### Zoning Board of Appeals

85 Main Street, Cold Spring, NY 10516

April 9, 2014

The Zoning Board of Appeals of the Village of Cold Spring held a meeting on Wednesday, April 9, 2014 at 7:00 pm at the Butterfield Memorial Library, 10 Morris Avenue, Cold Spring, NY.

Attending Board members were Chair, Marie Early, Alison Anthoine, Greg Gunder, John Martin and Ed Murphy and attorney Nancy Tagliaferro from Hogan & Rossi, counsel for the Village.

Chair Early began the meeting stating that the Village Board, at their monthly meeting on April 8, 2014, announced that Ms. Early has been approved as Chair for the ZBA with the acceptance of the resignation from former member and Chair, Donald Mac Donald. Ms. Anthoine has moved from alternate member to term member and Mr. Martin has been reappointed.

Ms. Early read the Legal Notice posted in the April 2<sup>nd</sup> edition of the PCN&R stating the date, time and location of this meeting.

*“NOTICE IS HEREBY GIVEN the Zoning Board of Appeals will hold a Public Hearing on Wednesday, April 9, 2014 at 7:00 PM at Butterfield Library 10 Morris Avenue, Cold Spring, NY for the purpose of hearing public comment on the application of Maria Hardman, 21 Battery Place, Montrose, NY to construct a second floor dormer at 26 Parsonage Street, Cold Spring, NY. The proposal will require a front yard variance from Section 134-7(C)(4) of the Village Code. The property is in the R-1 zone. All interested parties are encouraged to attend and be heard”.*

#### **26 Parsonage Street**

Ms. Hartman is adding a dormer to the front of the house to match the existing dormer. A variance is needed as the dormer will protrude into the 25 foot front yard setback.

A letter was received by the ZBA from Marie Tompkins residing at 38 Pine Street. Her concern was for water runoff into her yard from the additions. (A copy of Ms. Tompkins' letter is on file at the Village office.)

There will be an addition on the back of the house but this does not involve a zoning change. The carport will remain and gutters will be added to the house which will alleviate any additional water runoff. At present, there are no gutters on the building.

There was no public comment regarding 26 Parsonage Street.

The Public Hearing will be kept open until the next meeting of the ZBA.

The Zoning Board of Appeals approved the **minutes** as follows:

February 26, 2014 – Workshop reaching a Resolution on the Peehl/Hall application - Ms. Anthoine made a motion to accept these minutes, seconded by Mr. Gunder and approved with a vote of 3-0-0-2. Mr. Martin and Mr. Murphy were not present at that meeting. Motion carried.

March 12, 2014 – Resolution for Peehl/Hall application - Ms. Anthoine made a motion to accept these minutes, seconded by Mr. Gunder and approved with a vote of 3-0-0-2. Mr. Martin and Mr. Murphy were not present at that meeting. Motion carried.

March 26, 2014 – Workshop for 26 Parsonage Street and joint meeting with the HDRB - Ms. Anthoine made a motion to accept these minutes as amended, seconded by Mr. Murphy and approved with a 4-0-0-1 vote. Mr. Martin was not present at that meeting. Motion carried.

## **New Business**

### **14 Stone Street**

Paul Henderson came before the ZBA along with his attorney, Bill Florence, requesting a variance for 14 Stone Street after receiving the following letter from the Code Enforcement Officer.

8 April 2014

Mr. Paul Henderson  
Ms. Beth Sigler  
14 Stone Street  
Cold Spring, New York 10516

Re: Application for Certificate of Occupancy for Shed  
14 Stone Street

Ref. No.: 2014-04-0

Mr. Henderson & Ms. Sigler:

In connection with the above referred matter, I am in receipt of the following documents related to your request for a Certificate of Occupancy for your shed located at 14 Stone Street, Cold Spring, New York:

1. Application for Certificate of Occupancy dated March 28, 2014;
2. Survey of Property prepared by Badey & Watson dated January 8, 2013 revised to
3. March 31, 2014 (2014 Survey);
4. Survey of Property prepared by Badey & Watson dated April 6, 2001 (2001 Survey);
5. Resolution #1-2014 of the Zoning Board of Appeals dated March 12, 2014

Based on my review of the above-referred documents, it appears that I am precluded from issuing a new Certificate of Occupancy as the following side and rear yard variances are required:

1. Front of Shed bump-out encroaches into the left and right side yard setbacks as follows:
  - a. Left side yard- 10' req'd; 6.9' proposed = 3.3' required;
  - b. Right side yard- 10' req'd; 5.4' proposed = 4.6' required;
2. There appears to be a difference in dimensions between the 2001 Survey and the 2014 Survey as it relates to the Left side yard and the Rear Lot Line.

Variations are required as follows:

- a. Left side yard- 1.4' shown on 2001; 1' shown in 2014 = .4' required;
- b. Rear yard - .8' shown in 2001, .5' shown in 2014 = .3' required.

In order for a Certificate of Occupancy to issue, variances for the above-referred items are required. This letter shall constitute your denial for purposes of the Zoning Board of Appeals.

Thank you.

Sincerely,

William C. Bujarski, AIA  
NYS CEO

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Sigler/Henderson  
14 Stone Street  
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Copy to: Cold Spring ZBA  
Cold Spring HDRB  
M. Liguori, Village Atty

NOTE: Bill Bujarski told Ms. Early that there had been an error in his denial letter. Here is the error - the letter should say 3.1 feet, not 3.3 feet in reference to 1a - left side yard setback.

The next scheduled meeting of the ZBA will be Wednesday, April 23, 2014 at 7:00 p.m. The location is to be determined. Public notice will be posted in the PCN&R regarding 26 Parsonage Street and 14 Stone Street for this meeting.

A motion to adjourn the meeting was made by Ms Anthoine, seconded by Mr. Murphy.

Meeting Adjourned at 7:53 pm.

Respectfully submitted

Sandra L. Falloon

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Marie Early, Chair for the Zoning Board of Appeals

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Date