

**Village of Cold Spring Zoning Board of Appeals
85 Main Street, Cold Spring New York 10516
Phone (845) 265-3611
Two public hearings and workshop meeting**

June 19, 2014

Present: Chair, Marie Early, members: Alison Anthoine, and John Martin also present was Nancy Tagliaferro, legal counsel for the ZBA.

1. Public Hearings:

a. Peter Farrell, 191 Main St.

M. Early read the public hearing notice

The applicant requested a Front yard variance, west and side yard is on east side of property and an area variance from the village code for a 2 story addition including a new deck to an existing residence. The variances being requested is for the full length of the house and includes an additional 5 ft. on the back of the house.

It was noted by the Board that the applicant did not bring the tracking number information and was told that the ZBA reserved the right to have another public hearing in the event there is a problem.

M. Early asked about the age of the survey.

The Planning Board, through an email noted they had no Planning Board issues and therefore they had no comment.

It was noted that no members of the public were present for comment.

J. Martin moved to close the public hearing and A. Anthoine seconded the motion. The motion was accepted and the public hearing was closed at 7:21P.M.

Chair, M. Early opened the workshop meeting at 7:21 P.M.

The Board reviewed the application as two separate issues one for front and the second one is for the side yard variances. The Board reviewed and answered the following five questions the same for both issues.

1. Whether an undesirable change will be produced in the character of the variance? The Board found no undesirable changes.
2. Whether the benefit sought by the applicant can be achieved by some, method feasible for the applicant to pursue other than an area variance? The proposal could not be achieved any other way due to the location of the kitchen.
3. Whether the requested variance is substantial? The board found the variance being requested was not substantial.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? The Board found no adverse effect on the neighborhood in the district.
5. Whether the alleged difficulty was self-created? The Board felt the variance being requested was self-created.

The Board put the following condition on the resolution: The condition is subject to receipt of the notice of public hearing references to the addresses to which notice of public hearing was sent from the applicant. Find reference to the deed in the mortgage papers regarding the survey.

The vote for both resolutions was as follows:

A. Anthoine - yes

J. Martin - yes

M. Early – yes

G. Gunder – absent

E. Murphy – absent

The resolution cannot be completed until the Board receives the mailing notices for the public hearing and the deed showing the transfer of survey are submitted by the applicant.

b. Jeffrey Phillips, 35 Parsonage St.

Chair M. Early opened the public hearing at 7:45 P.M. by reading the legal notice and noted she consulted with previous ZBA Chair Donald Mac Donald regarding whether or not a stamped site plan is required as discussed in the last meeting. It was noted by M. Early that if you indicate that is was taken from a survey which includes the date of the survey it does not need to be stamped.

The Applicant proposed to construct a covered porch addition to the east side of the existing residence and a covered porch addition to the north side of the existing residence. The Applicant proposed to decrease the size of the porch from the property line. The reason for the appeal is to increase the size of the front porch side to provide a covered side entry way.

It was noted that the applicant did not provide a computer printout of the tracking of notification to neighbors.

There were no members of the public present for comment

The Planning Board issued no comment.

J Martin moved to close the public hearing and A. Anthoine seconded the motion. The public hearing adjourned at about 8:03 P.M.

The workshop opened at 8:03 P.M.

The Board reviewed the following questions to the two resolutions which was for a side yard variance and an area variance:

1. Whether an undesirable change will be produced in the character of the variance? The Board found no undesirable changes and noted the proposal is consistent to other houses on the street. The Applicant is increasing the size of the property by removing the existing retaining wall.
2. Whether the benefit sought by the applicant can be achieved by some, method feasible for the applicant to pursue other than an area variance? The proposal could not be achieved any other way due to the property being a narrow area.
3. Whether the requested variance is substantial? The board found the variance being requested was not substantial due to the Applicant reducing the size of the front façade.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? The Board found no adverse effect on the neighborhood in the district due to the conformity to other porches in the area.

5. Whether the alleged difficulty was self-created? The Board felt the variance being requested was self-created but not sufficient to cause a denial.

Condition to providing the computer printouts showing the mailings.

J. Martin moved to accept both resolutions and A. Anthoine seconded the motion. The vote was as follows:

- J. Martin – Yes
- A. Anthoine – yes
- M. Early – yes
- G. Gunder – absent
- E. Murphy - absent

2. Minutes:

- The minutes of May 19, 2014 were reviewed. J. Martin moved accept the minutes as presented and A. Anthoine seconded the motion. The minutes were accepted unanimously.
- The minutes of June 5, 2014 were reviewed. A. Anthoine moved to accept the minutes as presented and J. Martin seconded the motion. The minutes were accepted unanimously.

3. Workshops:

a. Patrice Delabie and Cindy Goldberg, 5 Cedar St.

Architect, Madeline Sanchez reviewed the proposal as a proposed two story addition to the north side of an existing structure and a one story addition to the north side of the residence. The applicant is requesting a front , side and rear yard variance.

Several photographs of detachable garages throughout the village were presented.

Ms. Sanchez noted that the lot is unusual there is a significant gradient difference. The Board recommended a site visit, scheduled Saturday, June 26, 2014, due to the unusual nature of the property to appreciate the challenges of the applicant.

The board reviewed the paperwork submitted

The Board reviewed the list of neighboring properties and asked the applicant to include Bounous Montessori School to the list of neighboring properties to give notice of the public hearing to.

The applicant was asked to calculate the new and existing sq. footage of the attic since a portion of the code addresses a half story which would include the existing and new height requirements. A public hearing was scheduled for July 3, 2014 at 7:00 P.M.

b. William and Kelly Martin, 36 Mountain Avenue

The applicant requested a front, rear, side and area variance. The applicant proposed a two story addition, covered front porch which will extend the length of the house, change roof line to an A-frame

and remove a portion of the south side of the existing garage with an A frame. There will be a back entrance going into the brick patio.

James Horan an attorney for the applicant explained a problem with the deed regarding placement of monuments. Mr. Horan also noted that the applicant owns two separate lots lot A and B. Lot B is not a part of the proposal.

The Board requested dimensions for the following:

- The garage including the portion to be removed.
- Lot line dimensions of the rear addition.
- Depth of the front porch.
- Interior dimensions.
- Distance from lot line to structure.

A list of neighbors was reviewed, Haldane School and Mr. Lacey was added to the list of neighboring properties to notice of the public hearing.

A Site visit was scheduled for Saturday, June 26, 2014. The Board members noted they will view other properties in the area to see how densely built they are. A public hearing was scheduled for July 3, 2014.

4. Correspondence:

Letter - from the Village of Cold Spring inviting the Board members to join in July 4, 2014 parade.

A. Anthoine moved to adjourn the meeting and J. Martin seconded the motion. The meeting adjourned at 9:16 P.M.

Marie Early Chair, Village of Cold Spring Zoning Board of Appeals

Date