

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

July 17, 2014

Present: Chair, Marie Early, members: Alison Anthoine, Greg Gunder and Ed Murphy also present, as was Nancy Tagliafierro, legal counsel for the ZBA.

Members absent: John Martin

Chair M. Early opened the meeting at 7:04 P.M. by introducing the Board members

Workshop:

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

Chair Early noted that after reviewing previous minutes she did not see an application for the shed on the property. The Applicant noted that it was put up in about 2009-2010 and noted that the shed is a temporary structure since it is on blocks. The Applicant noted at the time the building inspector said they did not need to go to any boards. There is no electricity currently in the shed. Including the shed with the residence addition, the lot coverage will be 35%.

The Board noted that they reviewed lot coverage applications over the last five years and found six such applications.

A discussion ensued over the area lot portion of the application.

Chair Early read a preliminary resolution.

The Board reviewed the following 5 questions:

1. Whether an undesirable change will be produced in the character of the variance? The Board answered that it will not because as proposed the structure will be consistent with the other houses on the street.
2. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance? The Board answered it cannot because the garage is at the minimal size and a garage cannot be accessed in any other location due to the topography of the lot.
3. Whether the requested variance is substantial? The Board answered the variance request is not substantial given the size and dimensions of the lot and the topography of the lot.
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 answered no, it will not. There have been no protests from neighbors and the proposal is consistent with other houses on the street.

5. Whether the alleged difficulty was self-created? The Board answered yes but not sufficient to cause a denial.

A straw vote was taken whether or not to grant the variance with the following results:

A. Anthoine - grant
G. Gunder – grant
E. Murphy – grant
M. Early - grant

A. Anthoine moved to grant the resolution as presented for the front yard, north side yard, rear yard and coverage at 35.07% with the condition that a building permit be obtained within one year of the approval of the resolution. Murphy seconded the motion. A roll call vote was taken with the following results:

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

b. William and Kelly Martin, 36 Mountain Ave.

Chair M. Early reopened the public hearing at 7:45 P.M. by reading the public hearing notice.

The applicant presented the return request notices including the one that was sent to the neighbor who lives in France.

The following attached items were read into the record:

- Letter dated July 8, 2014 to the Town of Philipstown Assessor regarding combining lots 38 and 39.
- Letter dated July 15, 2014 to Mr. and Mrs. Martin from the Assessor, Town of Philipstown acknowledging that the letter has been forwarded to the County Director to process the tax mapping change.
- Letter dated July 17, 2014 to the Village of Cold Spring Zoning Board of Appeals from James Horan, Stenger, Roberts, Davis & Diamond LLP, Attorney for the applicants, regarding amending the application to remove the request for lot coverage and rear yard setback.

The Applicants presented new site plan drawings done by Gennaro M. Finelli, dated 7/14/14.

M. Early opened the meeting to the public to review the drawings. E. Murphy moved to close the public hearing and A. Anthoine seconded the motion. The public hearing was closed at 8:40 P.M.

Workshop meeting opened at 8:40 P.M.

Chair M. Early read the draft resolution.

The Board reviewed the following 5 questions:

1. Whether an undesirable change will be produced in the character of the variance? The board answered no because the front porch modification will become consistent with the neighborhood.
2. Whether the benefit sought by the applicant can be achieved by some method more feasible for the applicant to pursue other than an area variance? The Board answered no because the size of the lot limits the location of any addition to the residence.
3. Whether the requested variance is substantial? The Board answered that the variance is not substantial because the size of the house will be consistent with others in 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? The Board answered it will not because of minimum increase and it is not visible from the front.
5. Whether the alleged difficulty was self-created? Yes but not sufficient to cause a denial.

The granting of the variances had the following stipulations:

- Subject to the merger of the two lots already owned by the applicant.
- The variance will become null and void if the applicant does not obtain a building permit within one year of the date of the resolution.

G. Gunder moved to approve the resolution as presented and A. Anthoine seconded the motion. A roll call vote was taken which was as follows:

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

A possible next meeting will be August 7, 2014.

A. Anthoine moved to adjourn and E. Murphy seconded the meeting adjourned at 8:37 P.M.

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

Date