

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

August 21, 2014

Present: Chair, Marie Early, members: Alison Anthoine, John Martin, Ed Murphy and Nancy Tagliafierro, legal counsel for the ZBA.

Member absent: Greg Gunder

1. Workshop:

Gary D'Urso 15 Parrott St.

The Applicant was represented by Annie Mennes

Ms. Mennes presented the project as a six foot high fence around the back (west) and two sides of the property. The fence matches existing portions of the fence in the front (east) of the property. There are no existing applications or building permits for the two existing fences.

Village Code section 134- 17 (D) was read into the record.

Exceptions to yard requirements.

- (1) Permitted obstructions. Cornices or cantilevered roofs may project not more than three (3') feet into a required yard. Belt courses, windowsills and other ornamental features may project not more than six (6) inches into a required yard. Fences or walls not over four (4') feet in height may be erected anywhere on the lot, except as set forth in Subsection B above. Fences or walls with a height in excess of four (4') feet shall conform to the requirements set forth therein for buildings. Paved terraces, steps and walks (other than such as are needed for access to the buildings on the lot) shall not project within fifteen (15') feet of a street line or four (4') feet of a property line.

Nancy Tagliafierro noted that you cannot increase a nonconforming structure if it increases the existing nonconformity without a variance. The Village Zoning Code was enacted in 1967. All ZBA applications must go through the five ZBA questions before being approved or denied.

The Board reviewed a list of neighboring properties. The board reviewed the application for completeness.

The Board members reviewed the application and noted the Board has only approved six (6) foot high fences where the property abuts a commercial or non-residential property or when the situation involves safety or excessive traffic.

Ms. Mennes will talk to the property owners to see if they want to pursue the application. If the applicant wishes to pursue the application a public hearing will be scheduled for September 4, 2014 at 7:00 P.M.

Chair M. Early will send out a public notice and explained the notification process by noting that the applicant must send out the notices return request receipt.

2. Correspondence:

- Voucher to refund escrow money for Kelly and Billy Martin, 36 Mountain Ave. The voucher was approved to refund a balance of \$471.90 from the escrow account for Kelly and Billy Martin, 36 Mountain Ave.
- Outstanding escrow list from Village Treasurer Ellen Mageean dated 8/21/14. Chair M. Early reviewed a list of several vouchers for escrow refund. Several escrows will be returned. The items not marked for return will need to be reviewed by former Chair Donald Mac Donald.
- A training session will be held at Sagamore in April 2015. More information will follow.
- Note from Planning Board Chairman B.M. Molloy noting that the Planning Board is working on new instructions for land use applications and the idea is to have all boards use the same application.

3. Minutes:

- The minutes of July 3, 2014 were reviewed. A. Anthoine, moved to approve the minutes as presented and J. Martin seconded the motion. The motion was approved 3-0 with E. Murphy abstaining since he was absent.
- The minutes of July 17, 2014 were reviewed. A. Anthoine, moved to approve the minutes as presented and E. Murphy seconded the motion. The motion was approved 3-0 with J. Martin abstaining since he was not present at that meeting.

4. Board Business:

- Chair M. Early reviewed a training session she and member E. Murphy attended. All information will be circulated to any board member who requests it. Chair M. Early noted that by attending that training all education requirements have been satisfied for the year.
- Any board member who attended the open meetings law workshop received two hours in credits.
- The Village received a \$75,000 NYSERA grant to upgrade the Zoning Code. An RFP has been placed on village web site asking consultants to make a proposal to be the consultant on this grant.

- The Zoning Advisory Committee is in need of two more members. The expectation is to complete the project in 18 months. There are 25 zoning issues to review.

A. Anthoine moved to adjourn the meeting and E. Murphy seconded the motion. The meeting adjourned at 7:54 P.M.

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

Date