

October 2, 2014

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

October 2, 2014

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

Member absent: John Martin

The public hearing opened at 7:02 P.M. with Chair M. Early introducing the Board members.

**Gary D'urso, 15 Parrott St.**

Anne Mennes and Gary D'urso were present.

Chair M. Early read the following legal notice:

*NOTICE IS HEREBY GIVEN the Zoning Board of Appeals will hold a Public Hearing on Thursday, October 2, 2014 at 7:00 PM at Village Hall, 85 Main Street, Cold Spring, NY for the purpose of hearing public comment on the application of Gary D'Urso, 15 Parrott Street, Cold Spring, NY to approve a 6 foot fence at the rear (west) side, and at portions of the north west and south west sides of the property at 15 Parrott Street. The proposal will require a variance for exceptions to yard requirements from Section 134-17(D)(1). The property is in the R-1 zone. All interested parties are encouraged to attend and be heard.*

*Dated: September 12, 2014*

The Applicant presented the Board with the return request receipts. The Applicant acknowledged that he did not get two return receipts back. The following receipts were received by the Board:

- Camille Linson
- The Hughes
- Evelyn and Sharr White
- Alvis and Greenberg

The Applicant proposed a black metal fence with a 6 in. gap between the rails. The new section of the fence was attached to existing portions of the fence. On one portion of the yard there was previously a large deer fence which has now been replaced with the black metal fence. The Applicant noted that there is a lot of rusty equipment in one neighboring yard and the fence has been put up for safety reasons. The Applicant noted that the property has a drop in elevation. The Applicant also noted that he was concerned about Lyme Disease and the deer getting onto his property.

It was noted that the Applicant has a Certificate of Appropriateness from the HDRB for the fence. Anne Mennes brought to the Board 2 examples of other metal 6 ft. fences in the village. It was noted that one

of the example fences was grandfathered in and the other one has no permit or any paper work after discussing the issue with the Building Inspector and after speaking to the previous ZBA Chair.

It was noted that there were no comments from the public.

Greg Gunder noted that previously a fence on High St. was too high and the Board made them take the fence down to the 4 ft. height that was approved. The Board decided to adjourn the meeting and do a site visit. It was difficult to get all board members together for a site visit so the Board decided that Board members can do the site visit independently or as a group.

The Applicant noted he really felt he was doing the right thing by adding the new 6 ft. fence to the existing 6 ft. fence portions on his property.

A tentative date for a continued public hearing was scheduled for October 16, 2014.

#### **1. Minutes:**

- The revised minutes of August 21, 2014 were reviewed A. Anthoine moved to adopt the minutes as revised and E. Murphy seconded the motion. The revised minutes were approved 3-0. G. Gunder abstained since he was not present at that meeting.
- The minutes of September 18, 2014 were reviewed. A. Anthoine moved to adopt the minutes as revised and G. Gunder seconded the motion. The revised minutes were approved 3-0. E. Murphy abstained since he was not present at that meeting.

#### **Karen Jackson, 13 Constitution Dr.**

The public hearing opened at 7:45 P.M.

*Chair M. Early opened the public hearing by reading the following legal notice:*

*NOTICE IS HEREBY GIVEN the Zoning Board of Appeals will hold a Public Hearing on Thursday, October 2, 2014 at 7:45 PM at Village Hall, 85 Main Street, Cold Spring, NY for the purpose of hearing public comment on the application of Karen Jackson, 13 Constitution Drive, Cold Spring, NY to construct a covered porch to the east side of the existing residence, The proposal will require a front yard variance from Section 134-7(C)(4). The property is in the R-1 zone. All interested parties are encouraged to attend and be heard.*

*Dated: September 18, 2014*

The applicant presented the Board with the following return request receipts:

- Smith
- Calandrillo
- Landolfi
- Pidala
- Ferris

The Applicant proposed to put up a two post front porch that will tie into the existing roof.

Chair M. Early read email from John Landolfi in support of the project:

October 2, 2014

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Marie,

I won't be able to attend the Zoning Board of Appeals meeting this evening regarding the application for a front yard variance for my neighbors at 13 Constitution Drive, therefore I'm writing this email to voice my support for them.

Karen has showed me the designs for the covered porch and in my opinion it will enhance the property and will definitely not have any negative impact on the character of the street.

I wish Karen good luck on a speedy approval of the project, and look forward to its completion.

Sincerely,

John Landolfi  
15 Constitution Drive

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

The proposed covered porch requires a front yard variance.

It was noted that a framed shed installed two years ago should have had a permit and a variance would have been required.

Board members had no comments. A. Anthoine moved to close the public hearing and E. Murphy seconded the motion. The public hearing was closed at 8:04 P.M.

**IN THE MATTER OF THE APPLICATION OF  
KAREN JACKSON**

**For a Front Yard Area Variance to Construct a Covered Porch**

**WHEREAS, KAREN JACKSON** is the owner of real property located at 13 Constitution Drive, Cold Spring, (R-1 Zoning District) also identified as Tax Map Parcel #48.12-1-7; and

**WHEREAS, KAREN JACKSON** proposes to add a covered porch to an existing patio at her existing residence at 13 Constitution Drive; and

**WHEREAS, KAREN JACKSON** (“Applicant”) has made application to the Cold Spring Zoning Board of Appeals for an area variance pursuant to Section 134-7(C)(4) of the Cold Spring Village Code in order to construct a covered porch to an existing patio at her residence within the required 25 foot **front yard** setback, Section 137-7(C)(4) requires 25 feet, Applicants have 15.5 feet, **variance requested is 9.5 feet;** and

**WHEREAS,** the proposed action constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under the State Environmental Quality Review Act (SEQRA), and

**WHEREAS,** a public hearing was held on the Application at the Cold Spring Village Hall, 85 Main Street, Cold Spring, New York on October 2, 2014; and

**WHEREAS,** the variance application was transmitted to the Planning Board for opinion in accordance with Section 134-24 (E) of the Village Code and the Planning Board has no opinion on the application; and

**WHEREAS,** the Cold Spring Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearing and finds that:

**WHEREAS,** the Cold Spring Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearings and finds that:

1. The proposed application will or **will not** – The Board answered will not produce an undesirable change in the character of the neighborhood because although no similar front porches are present on the same side of Constitution Drive, the proposed porch is consistent with the fronts of other homes in the neighborhood. In addition, the Board has received a letter of support for the proposed porch from the immediate neighbor, and no negative comment was received at the public hearing.
2. The benefit sought by the applicant **can or cannot** – The Board answered cannot be achieved by any other feasible means because the Applicant wishes to have a means to enjoy the outdoors in the front of her home in a sheltered environment.

3. The variance requested is or **is not** – The Board answered is not substantial because it is not intrusive to other facades on the street, and although the sides of the porch might be deeper than other structures, it is not conspicuous.
4. The proposed variance will or **will not** – The Board answered will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because no change will occur to the environmental conditions in the neighborhood, and the porch will be consistent with the neighborhood.
5. The alleged difficulty necessitating the variance **was not self-created, and is not sufficient** so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Cold Spring Zoning Board of Appeals hereby **grants** the application of KAREN JACKSON for an area variance pursuant to Section 134-7(C)(4) of the Cold Spring Village Code construct a porch to an existing patio at her residence within the required 25 foot **front yard** setback;

**SUBJECT TO** the provision that this variance will be considered null and void pursuant to Section 134-25(F) of the Code of the Village of Cold Spring if the Applicant does not obtain a building permit within one (1) calendar year of the date of this Resolution.

A roll call vote was taken with the following results:

Board Member Anthoine -	YES
Board Member Gunder -	YES
Board Member Martin -	ABSENT
Board Member Murphy -	YES
Chair Early -	YES

The Board reviewed the proposed generic application for all Boards distributed by B.M. Molloy, Planning Board Chair.

Board member comments on the form were as follows:

- It was noted that the instruction portion of the form is not user friendly.
- It repeats many instructions in the code and on the web site.
- Form is too dense.

The Board discussed up-coming business for the next meeting.

A. Anthoine moved to adjourn the meeting and E. Murphy seconded the motion. The meeting adjourned at 8:30 P.M.

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Marie Early Zoning Board of Appeals Chair

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Date