

Village of Cold Spring Zoning Board of Appeals
85 Main Street, Cold Spring New York 10516
Phone (845) 265-3611
Public Hearing Sean Kearney, 24 Paulding Avenue

November 20, 2014

Present: Chair, Marie Early, members: Greg Gunder, John Martin, and Nancy Tagliafierro, legal counsel for the ZBA.

Members absent: Alison Anthoine and Ed Murphy

Chair M. Early opened the meeting at 7:05 P.M. by reading the following legal notice.

NOTICE IS HEREBY GIVEN the Zoning Board of Appeals will hold a Public Hearing on Thursday, November 20, 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 Tern Construction & Development LLC, 1777 Route 6, Carmel, NY 10512 to construct a third floor at 24 Paulding Avenue, Cold Spring, NY. The proposal will require a variance from Section 134-2 of the Village Code. The property is in the R-1 zone. All interested parties are encouraged to attend and be heard.

Dated: November 8, 2014

Marie Early, Village of Cold Spring Zoning Board of Appeals

Chair M. Early introduced the Board members to the public.

The Applicant described his project as a proposal to restore a mansard roof with living space to its original state which would add a third floor to his home. The mansard roof and the third floor had been destroyed in a fire in 1960. The applicant noted he would like to get started with the project in the spring. The Applicant noted that the original second chimney cannot be found and that he did not intend to restore the second chimney.

The ZBA received the following strong letter of support from the HDRB which was read by Chair M. Early:

Village of Cold Spring Historic District Review Board

85 Main Street, Cold Spring, New York 10516 (845) 265 3611

November 14, 2014

Marie Early, Chair
Zoning Board of Appeals
Village of Cold Spring
85 Main Street
Cold Spring, New York 10516

Re: 24 Paulding Avenue

Dear Ms. Early:

On October 8, 2014 the Historic District Review Board met in workshop with Mr. Sean Kearney to discuss his proposal to restore a third floor Mansard roof to his residence at 24 Paulding Avenue in the National Historic District. That roof was destroyed by fire in 1960 or earlier, and the repairs resulted in the building's present two-story configuration.

Mr. Kearney produced photographic images of the building dating from the last quarter of the 19th Century which were obtained from the Putnam History Museum. The photographs showed a third floor Mansard roof with dormers, Mr. Kearney pointed out that a zoning variance would be required to reconstruct that roofline and third floor.

The HDRB discussed the proposal and unanimously supports Mr. Kearney being granted such a zoning variance for the following reasons:

1) Mr. Kearney has photographic documentation of the third floor and Mansard roofline as the original construction prior to the fire.

2) There are other instances of 3 story structures on Paulding and Morris Avenues and elsewhere in the Village.

3) The restoration of this building to its former configuration would greatly benefit the Village Historic District by returning this impressive structure to its original exterior.

The HDRB strongly supports this plan and urges the ZBA to grant the variance to allow the restoration to proceed. However, this letter does not constitute an endorsement of any specific

design as the HDRB has yet to receive an application to review. It only expresses support for a conceptual plan to restore the third floor of 24 Paulding in a Mansard-like structure.

Yours very truly,

A. G. Zgolinski
Chair, HDRB
cc: Mr. Sean Kearney

Albert G. Zgolinski, Chair; Kathleen E. Foley, Vice Chair
Members: Carolyn Bachan, Peter Downey, & Michael P. Junjulas

Board questions:

G. Gunder asked why the Applicant wanted to put on the third floor. The applicant responded that he is in the position now to restore the house back to original.

It was noted by G. Gunder that it's bringing back one of the earliest historic houses in Cold Spring and it looks out of place the way it looks now.

Public comments:

Tim Brennan, 225 Main St. - nice addition to the neighborhood. It will be an improvement.

It was noted by Chair M. Early noted there was no negative feedback.

J. Martin moved to close the public hearing and G. Gunder seconded the motion. The public hearing was closed at 7:32 P.M.

The workshop meeting opened at 7:34 P.M.

**IN THE MATTER OF THE APPLICATION OF
Sean & Adriana Kearney**

For an Area Variance to Permit a Third Story to their Existing Residence

WHEREAS, Sean & Adriana Kearney are the owners of real property located at 24 Paulding Avenue, Cold Spring, (R-1 Zoning District), also identified as **Tax Map Parcel #49.5-3-41**; and

WHEREAS, Sean & Adriana Kearney, by Tern Construction & Development, have made application to the Cold Spring Zoning Board of Appeals for an area variance pursuant to Section 134-7(D)(1) of the Cold Spring Village Code, in order to add a third story to their existing residence; and

WHEREAS, Section 134-7(D)(1)(a) of the Cold Spring Village Code limits the maximum height of a building in the R-1 Zoning District to two and one-half stories, the existing residence currently has two stories, and the proposed third story space is in excess of 50% of the floor area of the second story; **Variance requested is to add a third story to the existing structure which exceeds the floor area of the second floor by no more than 79%, 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 Village Hall, 85 Main Street, Cold Spring, New York on November 20, 2014 to consider the application; and the application received a written letter of support from the Historic District Review Board (“HDRB”) as well as positive feedback from a neighbor; 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:

1. The proposed application **will not** produce an undesirable change in the character of the neighborhood **because it will bring the house into conformity with neighboring structures and will restore the former appearance of the house which is located within the National Historic District. In addition, the application has received strong support from the closest neighbor and the HDRB.**
2. The benefit sought by the applicant **cannot** be achieved by any other feasible means **because the applicant is attempting to restore the house to its original historical design.**
3. The variance requested **is substantial because it seeks to increase the permitted floor area by 29%, deeming it a third floor.**

Filed in the Village Clerk's Office this day of , 2014

Mary Saari, Village Clerk

Chair M. Early noted she will send a note to the building inspector letting him know the applicant was approved.

Board business:

- Frequently asked questions - Chair M. Early asked if anyone reviewed the frequently asked questions on the village web site. Chair M. Early noted her thoughts were to revise the zoning conformance worksheet to have a name added to it. All members will review the frequently asked questions on the web site and comment on them at the next meeting.
- Next meeting – the next potential meeting is scheduled for December 4, 2014. So far there are no applications.

Minutes:

- The minutes of November 6, 2014 were deferred until the next meeting due to not enough members present to vote.

G. Gunder moved to adjourn the meeting and J. Martin seconded the motion. The meeting adjourned at 8:04 P.M.

Marie Early Zoning Board of Appeals Chair

Date

