

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

February 04, 2016

Members present: Chairman, Gregory Gunder members; Elliott Hammond and John Martin  
Member absent: Alison Anthoine

Chairman G. Gunder opened the meeting at 7:32 P.M. by announcing the Board members and reviewing the agenda for the evening.

Mr. Hartford asked the Board if they could review his clients, Anne Impellizzeri's public hearing prior to his own Main Street building application. The Board agreed.

**Anne Impellizzeri, 15 High Street**

Present with Anne Impellizzeri was represented by James Hartford from River Architects. The Applicant proposed a variance for lot coverage. The house is being reconstructed following a fire. The new structure will be a certified passive house, which means the house will require less non-renewable energy. The house requires a variance for lot coverage. Due to the following: extra thickness of walls for the passive house insulation and the overhanging roof on the back porch.

The Applicant returned the return request receipts. The Board noted there was no feedback from any neighbors. There were no members of the public present. The planning Board had no comments. It was noted that the applicant has two lots but did not join them. Mr. Hartford reminded the ZBA previously approved a project similar to this proposal regarding the added thickness of the walls. The Board questioned run off issues due to the roof being over the porch. Mr. Hartford responded that there was not an issue.

Mr. Hartford reminded the Board of a house on Church St. that was previously approved by the Board.

E. Hammond moved to close the public hearing and J. Martin seconded the motion. The motion passed unanimously. The public hearing for 15 High Street was closed at 7:50 P.M.

The variance requested was for 2.55% added lot coverage.

The Board members reviewed the five criteria. Four of the five criteria reviewed were in the applicants favor. The Board members felt that it was not enough to deny the application for the variance.

In balance after a detailed review of each of the criteria, the board has found in favor of the applicant on 4 of the 5 criteria granting the variance. The final criterion was self-created but it is not self-sufficient so as to cause a denial. The back covered porch is consistent with the neighborhood properties and there would be no need of a variance if the walls were not expanded for maximum energy conservation. So,

now there be it resolved that the Cold Spring Zoning Board of Appeals grants the application of Anne Impellizzeri for an area variance according to 134-7(D)2.

E. Hammond moved to accept the balancing statement as drafted above and J. Martin seconded the motion. The application for an area variance was approved unanimously. The decision will be drawn up and forwarded to the building inspector.

**River Architects, James Hartford, 178 Main St.**

At 8:21 P.M. the board opened the second public hearing for River Architects, 178 Main St.

The Applicant proposed a variance for a front yard set-back. The current setback is 1.61 feet. With the proposed insulation it is .6 feet. The intent of the setback is to increase the insulation. The applicant proposed to raise the building 2 feet. The requested variance is 39.4 feet for a front yard set-back the expanded walls will be .6 feet from the property line.

The Applicant presented the Board with the return request receipts for the re-notice of the public hearing.

Chairman G. Gunder noted that the applicant's file contained the following two letters:

- One from the owner of the property noting that they were aware of the applicant's proposal and his proceeding with the board process.
- One from the Village of Cold Spring noting that the applicant has contacted them regarding purchasing the stoop.

The Board noted that there were no members of the public present and no were received notices from neighbors.

J. Martin moved to close the public hearing and E. Hammond seconded the motion. The public hearing closed at 8:31 P.M.

The Board reviewed Village Code 134-9(C)5 which falls under offices to determine whether or not this application is a new use.

The Board reviewed the five criteria as follows:

1. The Board members agreed that it will not significant change to the neighborhood. The difference of the existing is a minor increase of 1.0 ft.
2. The board members agreed that the benefit cannot be sought by any other feasible means. The increase in wall thickness is for insulation purposes to increase energy efficiency and to increase energy efficiency, of the structure of the structure where it is presently situated.
3. The lot coverage variance is or is not substantial? The Board members agreed the front yard set back variance was not substantial that the front yard variance is mitigated by the structure existing, which

was predated by zoning built in the 1893. The substantial variance is also mitigated by its relationship to the neighborhood, which is similarly situated at the edge of the front property line.

4. The Board members agreed that it will not have an adverse environmental effect or impact to the neighborhood or district. The office will have similar structure and footprint as previously with only the additional mass of the walls for energy efficiency. There are no comments or evidence presented to indicate any environmental impacts to the neighborhood to indicate any negative impact.

5. The Board members agreed that the alleged difficulty was self-created. The applicant is required to seek a variance due to the increase of walls for energy purposes but the actual change in mass in the front yard set-back is minimal and is not sufficient as to cause a denial of the variance.

In balance the findings on each of the criteria fully support the granting of this application. Therefore it be resolved that the Cold Spring Zoning Board of Appeals grants the application of James Hartford for an area variance pursuant to 134-72(E)4 of the Village Code. E. Hammond moved to accept the balancing statement as drafted above and J. Martin seconded the motion.

A roll call vote was taken to approve the variance and balancing statement with the following vote:

J. Martin	Yes
E. Hammond	Yes
G. Gunder	Yes.

**Minutes:**

The minutes of January 21, 2016 were reviewed. J. Martin moved to approve the minutes as drafted and E. Hammond seconded the motion. The minutes were unanimously approved.

J. Martin moved to adjourn the meeting and E. Hammond seconded the motion. The meeting adjourned at 8:55 P.M.

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Gregory Gunder, Zoning Board of Appeals Chair

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Date