

**Village of Cold Spring Zoning Board of Appeals
85 Main Street, Cold Spring New York 10516**

Public Hearing

The Village of Cold Spring Zoning Board of Appeals held a public hearing on October 6, 2016 at 7:30pm at the Village Hall, 85 Main St.

Attending were board members: Gregory Gunder, chair, Aaron Wolfe, John Martin, Alison Anthoine and Elliott Hammond.

1. CALL TO ORDER

G. Gunder called the meeting to order at 7:32pm and made introductory remarks noting that the purpose of the meeting was to conduct a public hearing for the property at 2 Depot Square and the property at 13 Whitehill Place.

2. **2 DEPOT SQUARE:** Applicant Catherine Blanche. Alterations to existing multi-family building in the B-1 district and addition of a pergola on the property.

Architect Karen Parks appeared on behalf of the property owner. Parks presented an overview of the project which includes: rebuilding and expansion of existing deck, enclosure of existing porch, replacement of existing perimeter fence and installation of a new pergola. The applicant is seeking variances to lot coverage and/or setbacks for the expanded porch deck, pergola and perimeter fence

The application is a coordinated review with the village planning board which will be the lead agency for purposes of SEQR. Until the planning board makes its decision, the ZBA public hearing for this application will remain open.

Parks submitted a revised site plan, building plans, exterior elevations and before and after photo-renderings of the project. Of the six certified/return receipt notices of the public hearing sent, only three responded.

Public Comment

- Frank Pidala enquired whether the existing stone wall is to remain. Parks replied that no work is planned for the stone wall.

Board Discussion

- The building inspector has required a fence to be installed on top of the stone wall (for safety), which will be in compliance with zoning if the height is measured from the yard, but not if measured from street grade. Board consensus is that in case of a conflict between the two requirements that a safety issue will take precedence.
- ZBA members discussed the definition of the pergola for purposes of determining a possible variance for lot coverage and setbacks. Concern was expressed that future

modifications could create a structure that would not be in compliance with ZBA approval. Consensus is that the pergola is not an accessory structure and the ZBA will consider it for a possible variance to setback requirements.

- A. Anthoine made a motion to keep the public hearing open. E. Hammond seconded and the motion was passed unanimously.

3. **13 WHITEHILL PLACE:** Applicant Jonathan Shields. Alterations to existing residential building in the R-1 district.

Justin Kacur (architect with Highlands Architecture) presented updated drawings, site survey and zoning conformance worksheet. He also presented photographs of neighborhood properties. Proposed alterations do not exceed lot coverage maximums. Applicant wishes a 12'-7" variance to front setback requirements for a new porch and a 4'-4.5" variance for a bay window.

J. Martin made a motion to close the public hearing. A. Wolfe seconded and the motion passed unanimously.

Reviewing the criteria for granting a variance the ZBA noted that:

- The benefit sought by the applicant cannot be achieved by any other feasible means. The application does not modify the foundation and the variances requested are minimal.
- The proposed application will not produce an undesirable change in the character of the neighborhood. The design is consistent with other nearby homes.
- The front yard variance requested for the front porch is substantial, but not so different from other nearby homes. The variance requested for the bay window is not substantial.
- The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The variances requested are minimal in terms of physical and environmental conditions.
- The alleged difficulty necessitating the variances was self-created and is not sufficient so as to cause a denial of the requested variance.

A. Antoine made a motion to grant the requested variances. E. Hammond seconded and the motion passed unanimously.

A. Anthoine made a motion to adjourn the public hearing. E. Hammond seconded and the hearing was adjourned at 9:07pm.

Gregory Gunder, Zoning Board of Appeals Chair

Date