

INSTRUCTIONS FOR LAND USE APPLICANTS

TO: LAND USE APPLICANTS
FROM: VILLAGE COUNSEL
RE: APPLICATION PROCESS INFORMATION
DATE: AS OF OCTOBER, 2014

In connection with the application of the Village Code to your particular project, the following information provided below is intended to assist you in your submittal to the Village of Cold Spring Planning Board.

General Information

Chapter 134 of the Village Code, entitled, "Zoning", provides for nine (9) separate Zoning Districts in the Village of Cold Spring which are shown on the Zoning Map and designated as follows:

- R-1 One Family Residence District
- R-3 Multi-Family Residence District
- B-1 General Business District
- B-2 Designated Shopping Center District
- B-3 Designated Retail-Finance-Professional District
- B-4 Designated Medical and Health Care Facility District
- B-4A Designated Medical and Health Care Facility Mixed-Use District
- I-1 Office and Light Industry District
- I-2 Heavy Industry District

Each District contains a set of uses which are permitted either:

- (i) as of right (meaning no approvals required other than a building permit);
- (ii) with site plan approval by the Planning Board; or
- (iii) special permit of the Zoning Board of Appeals.

All of the permitted uses are set forth in the Use Table found at the back of the Zoning Code.

The R-1 and R-3 Districts are the only Zoning Districts that have “as of right” uses. All other Zoning Districts have uses either permitted with site plan approval or by special permit. In order to commence an as of right use, an application for a Building Permit must be filed with the Building Inspector. All uses that are subject to site plan approval by the Planning Board require the submittal of an Application for Site Plan Approval and a Site Plan to the Building Inspector for referral to the Planning Board. All uses permitted by Special Permit are filed directly with the Zoning Board of Appeals.

Attached is the Planning Board application (See Schedule A) which is to be used for any submittal to the Planning Board along with the Short Form EAF (See Schedule B) to be used for SEQRA purposes. All parties should take note of application fees and required escrows. Eight (8) copies of each application, Short Form EAF and the relevant maps and plans should be submitted to the Planning Board every time a submittal is required.

Special Regulations for Properties in the Historic District

Properties located in the Village’s Historic District are subject to the regulations set forth in Chapter 64 in addition to the zoning regulations set forth in Chapter 134. Chapter 64 regulates the designs of structures for consistency with architectural character of the Historic District. Given that much of the property in the Village is already developed, it is likely that many projects are comprised of renovations and only trigger the Historic District regulations. Residents are directed to Chapter 64 for the particular requirements.

Approval Flow Chart

The following information is set forth below to assist in understanding the application and approval process, except that this memo has been prepared at the request of the Planning Board and does not speak to processes which the HDRB and ZBA may already have in place.

<u>Approval Req’t</u>		<u>Agency to Receive Application</u>
As of Right *if Chapter 64 applies	→	Building Inspector *to HDRB
Site Plan Approval Only Board)	→	Building Inspector (with copies for Planning (PB conducts SEQRA)
Site Plan Approval + HDRB Board) and HDRB	→	Building Inspector (with copies for Planning HDRB to take action only after SEQRA is completed either by it or first by Planning Board.

Special Permit Planning Board)	→	Zoning Board of Appeals (with copies for (ZBA conducts SEQRA)
Special Permit and HDRB	→	Zoning Board of Appeals (with copies for Planning Board) and HDRB (ZBA conducts SEQRA)
Area Variance Planning Board)	→	Zoning Board of Appeals (with copies for

HELPFUL INFORMATION

This information applies to persons seeking advice for projects located in the Village of Cold Spring. Individuals with a Cold Spring mailing address who seek to make improvements to properties located outside of the Village’s municipal boundary should contact either the Town of Philipstown Building Department at (845) 265-5202 or the Village of Nelsonville at (845) 265-2500.

How do I contact the Building Inspector?

The contact number is (845) 265-3964. An answering machine will allow you to leave a message for the Building Inspector. Office hours are between 9:30 am and 12 noon on Wednesdays. Appointments for inspections or to discuss a project can be made by leaving a message at this number. Useful information can also be found on the Village’s website located at www.coldspringny.gov.

If I am required to complete a Building Permit Application what needs to be included?

Please complete a Building Permit Application and return it to Village Hall or send it through the mail to William Bujarski, Building Inspector, 85 Main Street, Cold Spring, NY 10516.

Applications should be accompanied by:

- 1) initial fee of \$75.00 made payable to the “Village of Cold Spring”; and
- 2) any plans, sketches, etc. to illustrate the intended work.

As applicable, the Building Inspector will:

- 1) deny the application and direct you to the applicable Village Board (Planning, Zoning and/ or Historic District Review Board)

OR will instruct you to go to step # 2 as follows:

- 1) require balance of appropriate fee, if any.

- 2) provide proof of worker's compensation insurance
- 3) a list of contractors and their Putnam County license number
- 4) three complete copies of plans stamped and signed by a licensed New York State P.E. or Licensed Architect
- 5) If the applicant is not the property owner, a letter authorizing this project must be submitted with the application.

Do I need a permit to erect a shed?

Please submit a description of the proposed shed and the location in relation to property boundaries to the Building Inspector and you will be advised of any additional permits that will be required.

I need to obtain a dumpster for my construction project, is a permit required?

If a dumpster is placed on private property, no permit is required. If it is necessary to place a dumpster on Village streets, a Dumpster Permit must be completed and submitted to the Building Department. Also, the carting company must supply a certificate of insurance listing the Village of Cold Spring as an additional insured. Application fees are listed in the Building Department Fee Schedule. Please refer to the Village of Cold Spring Code for additional information.

What codes and regulations apply to building projects?

Applicants must comply with New York State Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code, Village of Cold Spring Code and Cold Spring Architectural and Historic District Design Standards, as applicable.

Does a building permit expire?

Yes. All building permits expire six months after issuance, however, extensions may be obtained in increments of three months each.

Are there additional requirements?

After receipt of your Building Permit, please post the permit upon the premises and comply with the listed inspection schedule. After final inspection, it is necessary to apply for a Certificate of Occupancy. This application should be submitted to the Village Clerk.

For what reasons would my application for a building permit be denied or referred?

Applications can be denied or referred if Planning Board, Zoning Board of Appeals or Historic District Review Board approval is required by Village Code. The Building Inspector will notify you in writing of these requirements.

If a certificate of appropriateness from the Historic District Review Board is required, how should I proceed?

If your property is located within the local or national Historic District, a certificate of appropriateness will be required for exterior changes to your property. In order to obtain a certificate of appropriateness, you must submit an application accompanied by the Building Inspector's written referral for review by the Historic District Review Board (HDRB). Applications can be found on the Village website www.coldspringny.gov. Applications should be submitted at Village Hall and should provide enough detail to give the board a clear picture of the proposed project. Photographs of the building along with catalog cuts and drawings of the work intended showing all materials involved are required. At this time, no fee is required to obtain a certificate of appropriateness. A five member board will review your application at a public meeting to determine compliance with established guidelines and criteria. Please review the Cold Spring Architectural and Historic District Design Standards (1.8MB PDF) and instructions for completing your application. The deadline for submittal of applications is the last Friday of each month to allow publication of the board's agenda in the designated newspaper. Meetings are held at Village Hall on the second Wednesday of each month at 8 pm. Applicants should attend the meeting to discuss their project with the board. Informal workshops that allow applicants additional time to discuss their proposal with members of the HDRB can be arranged by contacting the Village Clerk. Workshops are generally held on the last Wednesday of the month, by appointment only. After your application is approved, you will receive a written certificate of appropriateness in the mail from the Chairman of the HDRB. It is then necessary to obtain a Building Permit from the Building Inspector.

If my application was denied because my project does not comply with the Village of Cold Spring Zoning Codes, how can I appeal this decision?

In order to appeal a decision of the Zoning Enforcement Officer (Building Inspector) you must obtain a denial letter from the Building Inspector or a referral from the Planning Board. The Inspector's letter will provide the specific section of the Village of Cold Spring Zoning Code that your project does not comply with. To appeal this decision, a completed Zoning Board of Appeals application with all required submissions should be given to the Village Clerk at Village Hall, 85 Main Street, Cold Spring, NY 10516. In addition to your application you will be required to establish an escrow account with the Village Treasurer. Please refer to Section 134-25 and 134-28 of the Village Code for additional details. Applicants must submit their zoning appeal application within sixty days after the Building Inspector has filed his decision. Initially your application will be reviewed by a five member board at a workshop meeting, held on the first Thursday of each month at 7:00pm at Village Hall. At the initial meeting, board members will determine if your application is complete and if the requested variance, special permit or request for an opinion is clearly stated. Applicants are invited to attend this meeting and may be asked to provide additional details to their applications. Once it is determined that your

application is complete, a public hearing will be scheduled and announced in the legal section of the PCN&R. You will receive a copy of this public hearing notice, and applicants are responsible for notifying all neighboring owners, including all abutting properties and the property directly across the street, of a scheduled Public Hearing. Notice should be given by certified mail return receipt. You must present these receipts to the board at the public hearing. During the hearing, the applicant and interested parties will be given the opportunity to present their support or objections to the application before the board. Within sixty-two days after the close of the public hearing, the board will make a decision. Copies of the decision will be sent in the mail to applicants and will be forwarded to the Building Inspector. Village Code requires that the applicant obtain a building permit within one year of the date of the variance issuance or all variances will become null and void. Additional information to familiarize the applicant with the zoning process and the criteria used for ZBA decisions is available in the James A. Coon Local Government Technical Series.

If my building permit is denied because Planning Board approval is necessary, how should I proceed?

The five member Planning Board meets on the first Wednesday of each month at 7:00 pm at Village Hall and invites applicants to attend this meeting to provide a general introduction to their project. It is not necessary to have an appointment or to provide detailed drawings or designs at this initial meeting. The meeting will provide an opportunity for the board to inform applicants of required submissions and to arrange for a workshop meeting to review their project in greater detail. Additionally, the checklist provided in the Village of Cold Spring Zoning Code Section 134-27C (5) a & b is helpful in determining items that are useful for planning review. In order to comply with New York State regulations, certain applications/ activities require an environmental impact assessment by the Planning Board. To obtain additional information about this process (SEQR) or for environmental assessment forms please visit the New York State Department of Environmental Conservation website. If an applicant is not the owner of the property in question, then a letter authorizing the applicant to make an application to the Planning Board must be submitted. For certain projects, the Planning Board will utilize the services of a consultant, such as an engineer or attorney. The cost of these services is covered by the applicant, and the Planning Board will notify applicants to establish an escrow account with the Village Treasurer to pay for consultant services.