## ZONING BOARD OF APPEALS Village of Cold Spring

Village of Cold Spring 85 Main Street Cold Spring, New York 10516 Phone: (845) 265-3611

Fax: (845) 265-1002

## NOTICE TO APPLICANTS

Please carefully review and understand the steps below.

## The application process explained

- The applicant for a building permit receives a denial or referral to the ZBA from the Building Department.
- The Village Clerk provides the applicant with application materials.
- The applicant provides the completed application for variances or interpretations to the Village Clerk.
- The ZBA Chair reviews the application for overall completeness.
- If the application is complete, the ZBA schedules a workshop meeting. At the workshop the ZBA and applicant review the application for accuracy and completeness. No public comment is taken at workshops, and the merits of the application are not discussed.
- When and if the ZBA decides the application is ready for a public hearing, the ZBA and applicant schedule the hearing for a future meeting.
- After a public hearing date is set, the applicant receives instructions for notifying neighbors and placing notice signs on the property. The Village Clerk will place newspaper advertisements announcing the hearing. See the attached Public Notice Instructions for detail.
- The public hearing is held at one of the ZBA's regular meetings. The applicant presents
  the project and application to the ZBA and the public, provides supporting evidence, and
  answers ZBA questions. The public may speak for or against the requested variances or
  interpretations.
- When ready, the ZBA may close the hearing and vote to grant or deny some or all of the applicant's requests. The ZBA may also keep the hearing open if needed.
- 10. If the applicant's requests are granted by the ZBA, the applicant must still wait for a building permit before beginning construction. The applicant may also need approval from the Historic District Review Board and Planning Board before a building permit is issued. Denied requests will not receive building permits.

- Public hearing signs must be returned to the Village Clerk.
- The Building Inspector will confirm that applicant has conformed to all granted variances and conditions set forth by the ZBA before a Certificate of Occupancy is issued.

## Application materials checklist

No application will be accepted unless it is completed in its entirety. Along with the completed Zoning Board of Appeal application, the following must be established or submitted to the Village Clerk.

- 1. Establish a \$500 escrow account with the Village of Cold Spring Accountant as per Village of Cold Spring Code Section 134-25 and 134-28.
- 2. Submit an application fee of \$50.00
- 3. Copy of denied Building Permit or referral from the Building Department
- 4. One copy of Certificate of Occupancy, if applicable
- 5. One copy of the deed. If the applicant is not the owner of the property in question, a letter from the owner confirming his/her approval of the project is necessary.
- 6. Eight copies of the current property survey (current meaning accurate as it shows the property and all existing building(s), accessory buildings, porches and other structures as they exist today) which has been produced by a licensed land surveyor or P.E. and bears his/her stamp or seal.
- 7. Eight copies of a Proposed Site Plan. 11" x 17" copies are recommended, unless larger copies are needed, so that lines, measurements and descriptions are be easily readable. The site plan must clearly show the following:
  - The footprint of the existing building(s), accessory building(s), porches, decks, walls, fences and other structures on the parcel. Story heights of all existing buildings would be noted.
  - The footprint of what is proposed should be clearly shown and be differentiated by color or cross hatching from existing structures. The number of stories and heights of all proposed buildings would be noted. The distance of the proposed building from the front, side and rear property lines would be noted. These distances would be based upon existing distances noted on your property survey, not scaled off the survey.
  - Dashed lines indicating the zoning district front, side and rear setbacks as they relate to the property lines and existing proposed construction.
  - M Notes should indicate the existing parcel area in square feet.
  - The Proposed Site Plan is the most important document you will submit. It should be clear, precise and show/address all the Issues noted above.
- 8. Eight copies of Proposed Design Plans which would show the following: (see important note #1 below)
  - How the proposed plan relates to the existing building.

- Proposed building elevations for all sides of existing and proposed structures, which show the height of all flat roofs above grade, or the height above grade to mid gable for all gable roofs.
- 9. Eight copies of a Zoning Conformance Chart should be filled in for all proposed building addition/footprint expansions. Link provided in the downloadable forms section of the village website.

Construction drawings are not needed nor recommended for ZBA review.

Thank you for your cooperation.
Village of Cold Spring Zoning Board of Appeals

## APPEAL APPLICATION

Appeal No. 2022-01-007 Date 3/1/22 To the Zoning Board of Appeals, Village of Cold Spring, New York: I (we) Jenny & Allan Kempson residing at 20 Church Street hereby appeal to the Zoning Board of Appeals from the decision of the Village of Cold Spring Building Inspector, on application for variance dated 3/1 20 22. whereby the Building Inspector [ ] Granted [X] Denied [x] a Building Permit [ ] Certificate of Occupancy Location of the Property 20 Church Street Zoning District of Property R-1 Names and addresses of adjoining property owners: (Including those across the street) James Geppner & Dieiredre Langeland, 10 cHurch Street Andrea Conner & Evan Hudson , 19 High Street John & Stray Zuvic, 19 Northern Avenue Tracy & Stetan Danicist, 31 CHarett Street Provisions of the Village of Cold Spring Zoning Law involved. (Give article, section, subsection and paragraph by number. Do not quote the ordinance): Appeal is made for An Interpretation of the Zoning Law or Map. A Special Permit under the Zoning Law or Map. [X] A Variance to the Zoning Ordinance or Map. Previous appeal. (If there has been a previous appeal set forth the number and date thereof, the relief sought and the decision thereon):

checked ab	or appeal. (Complete only that part, which relates to type of appeal ove. Use extra sheets if needed):
	TERPRETATION of the Village of Cold Spring Zoning Law or map is ested.
	(1) The reason the interpretation is sought is:
	(2) An exact statement of the interpretation claimed is:
b. A	SPECIAL PERMIT is requested. (1) The reason the permit is sought:
	(2) An exact statement of the use for which the permit is sought:
	(3) The facts showing the use is one permitted as a "special use" if the ability of the applicant to comply with the conditions laid down in the grant of a special use permit.

	act statement of the details of the variance sought is:  building within the required front yard setback.
2. The g are:	rounds on which the claimed variance should be granted
The subject lot is	non-standard and smaller than the minimum
	n this zoning district, leaving a restricted area within
	expand (5,316 sq ft vs 7,500 sq ft min) The existing
	within the front and side setbacks. These circumstances
	by making expansion in the desired areas impossible
without the need t	to seek a variance.

Please obtain from the Village Clerk at the Village Office, Cold Spring, New York, a copy of the Zoning Law and Zoning Map and review it before submitting the application and before presenting evidence at the hearing. Be prepared to present facts showing the reasons why the Zoning Board of Appeals should grant the application you are making.



## VILLAGE OF COLD SPRING

85 MAIN STREET
COLD SPRING, NEW YORK 10516
INCORPORATED APRIL 22, 1846

## CODE ENFORCEMENT

Office of the Building, Zoning and Fire Inspector PHONE (845) 265-3964 FAX (845) 265-1002

## Denial of Building Permit Application Referral to Zoning Board of Appeals & Historical District Review Board

REFERENCE NUMBER: 2022-01-007

OWNER: Jenny and Allan Kempson

ADDRESS: 20 Church Street, Cold Spring, New York 10516

PHONE # 206 484-7112 TAX MAP # 48.8-5-3

APPLICANT: Tom McElroy

ADDRESS: 20 Church Street, Cold Spring, New York 10516

**BUSINESS PHONE # 415 505-7488** 

LOCATION OF PROPERTY: 20 Church Street

Reason for Denial/Referral: Zoning: Front yard setback. Exterior alteration requires HDRB Certificate of Appropriateness

Please use this Denial Letter as a referral to the Zoning Board of Appeals and Historic Design Review Board so that you may proceed with the review process.

Date of Referral: 12 February 2022

NOTICE: The issuance of an Approval from the Historic District Review Board or a Variance from the Zoning Board of Appeals is not a Building Permit. A Building Permit from the Building Department must be issued before commencing any work. It is the Owner's/Applicant's responsibility to obtain the Permit.

Charlotte Mountain

Charlotte Mountain Code Enforcement Official

Copy to:

ZBA & HDRB

## **Zoning Conformance Worksheet for the R-1 Residential District**

## Village of Cold Spring, NY Zoning Board of Appeals Date:

**Property Owner:** 

Address:

Tax Map #:

Measurement	Zoning Code	Unit	Existing	Proposed	Change	Notes
Main structure or House						Complete this section for the main house.
Front Yard Setback 1 minimum	25	Feet	16.6ft	16.6ft	0	
Front Yard Setback 2 (for corner lots) min.	25	Feet				Corner lots have 2 front yards
Rear Yard Setback minimum	20	Feet	31.7ft	31.7ft	0	
Side Yard Setback 1 minimum	10	Feet	17.7ft	10ft	7.7ft	
Side Yard Setback 2 (not corner lots) minimum	10	Feet	4.9ft	4.9ft	0	Corner lots only have 1 side yard.
Lot coverage, main structure maximum	N/A	Percent	23.5%	26.4%	2.9%	Percent occupied by the main structure.
Stories maximum	2.5	Story	1.5 + bsmt	1.5 + bsmt	0	See § 134-2. Word usage and definitions
Height of the building maximum	35	Feet	27'-5"	31'-1"	3'-8"	

Measurement	Allowed	Unit	Existing	Proposed	Change	Notes
Accessory Building						Complete this section for sheds, garages and other structures that are not the main house.
Height of the building maximum	20	Feet		9ft	9ft	
Accessory Buliding Lot Coverage (area) maximum	N/A	Square Feet	0sf	40sf	40sf	
Rear or Side Yard Setback area where building sits	N/A	Square Feet		N/A	N/A	Use allowed values for rear or side yard to calculate the area in square feet of the side or rear yard where the building sites
Rear or Side Yard occupied by building, maximum	30	Percent	0sf	40sf	40sf	
Front Yard Setback (for corner lots), minimum	25	Feet				Corner lots have 2 front yards
Rear Yard Setback, minimum	10	Feet		10ft	10ft	
Side Yard Setback 1, minimum	10	Feet		10ft	10ft	
Side Yard Setback 2 (not for corner lots), minimum	10	Feet				Corner lots only have 1 side yard.

Measurement	Allowed	Unit	Existing	Proposed	Change	Notes
Accessory Building						Complete this section for all buildings
Lot Area (Sq. Ft) miniumu	7,500	Square Feet	5,316sf	5,316sf	0sf	The minimum allowed lot area.
Total Lot coverage, all structures, max	30	Percent	23.5%	27.1%	3.6%	Include the main house and all accessory buildings.



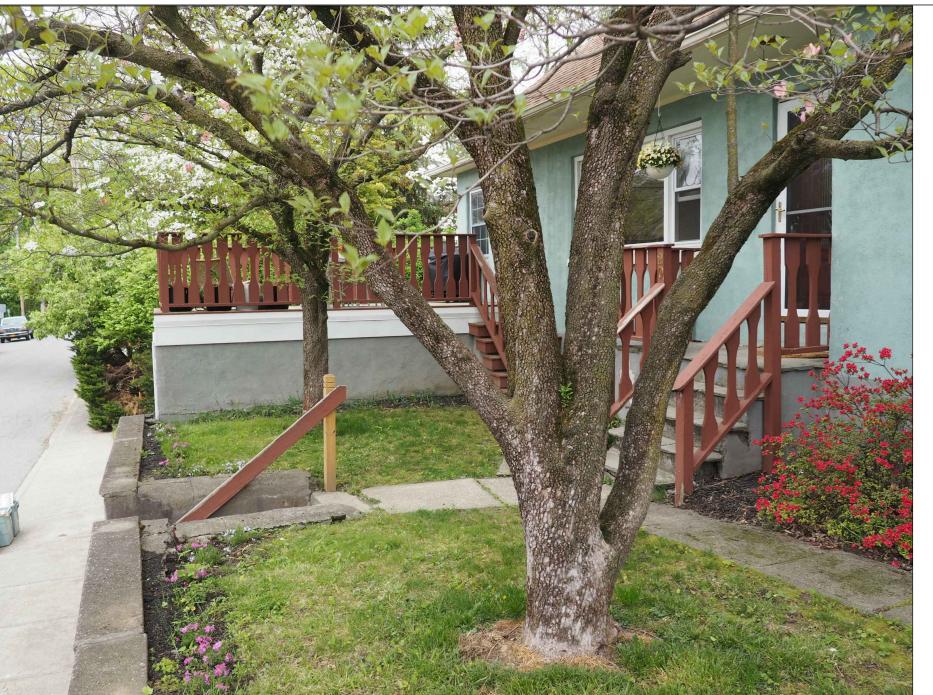
SUBJECT PROPERTY FRONT LOOKING NORTHEAST

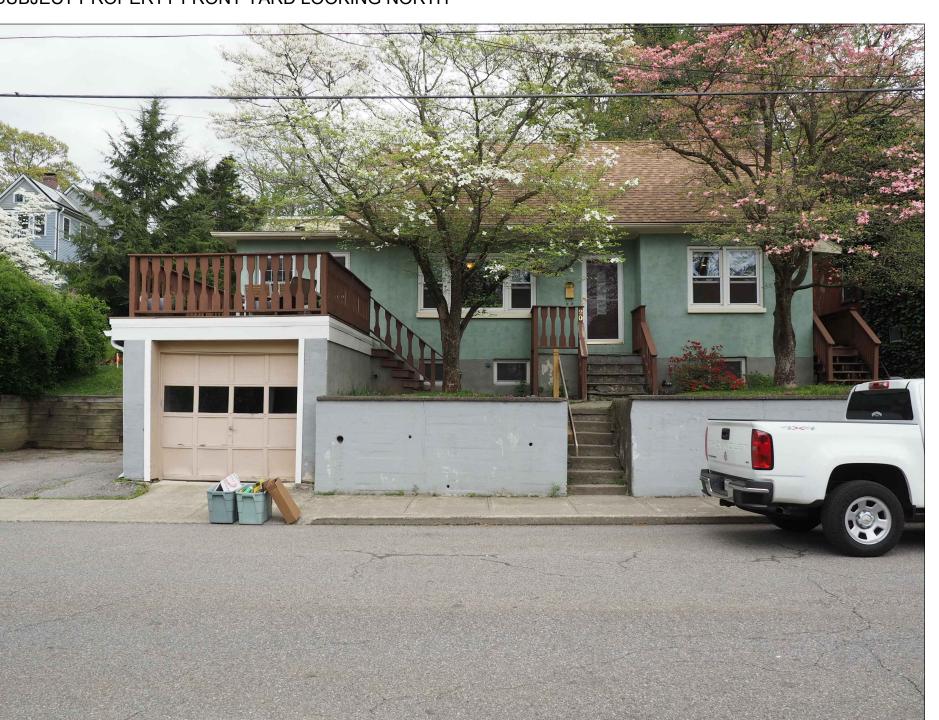


SUBJECT PROPERTY FRONT LOOKING SOUTHEAST



SUBJECT PROPERTY PARKING AREA LOOKING EAST





SUBJECT PROPERTY FRONT LOOKING EAST



DRAWING INDEX

ARCHITECTURAL
A0.1 PROJECT INFO / SITE PHOTOS
A0.2 AREA PHOTOS SITE PLANS FLOOR PLANS

FLOOR PLANS FLOOR PLANS ELEVATIONS **ELEVATIONS** LOT SURVEY

## PROJECT DESCRIPTION

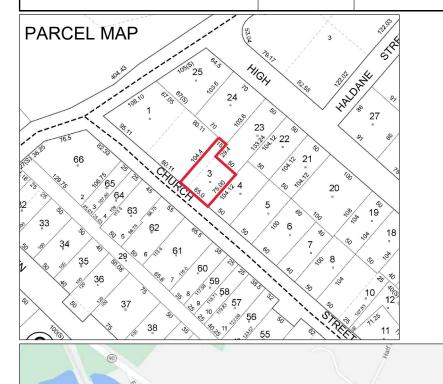
ALTERATION TO EXISTING SINGLE FAMILY DWELLING. INCREASE BUILDING HEIGHT, ADD NEW DORMERS AT SECOND FLOOR, ADD NEW SCREENED PORCH AT FIRST FLOOR, ADD OPEN CARPORT AT BASEMENT FLOOR. NEW EXTERIOR AND INTERIOR FINISHES THROUGHOUT.

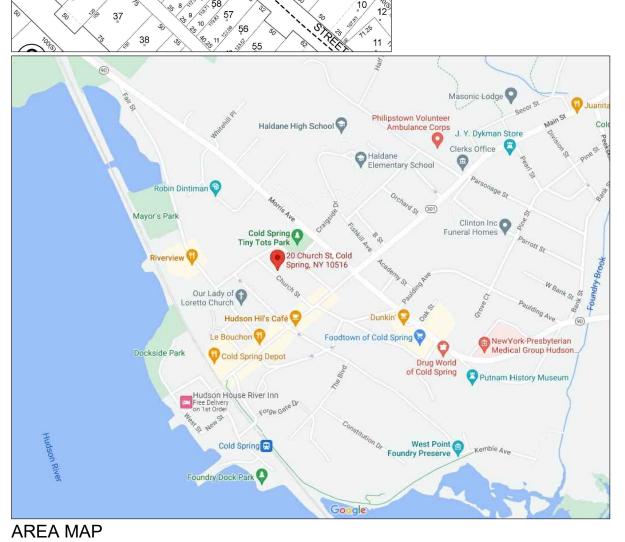
## CODES

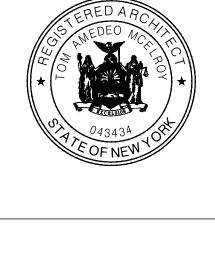
APPLICABLE CODES

## PROPERTY INFO

PARCEL NUMBER	48.8-5-3		
ZONING	R-1		
	LOCAL F	IISTORIC DIS	TRICT
YEAR BUILT	1955		
CONSTRUCTION	V-B		
OCCUPANCY	R-3 : 1 D	WELLING UN	IT
	(E) 2	STORIES O	VER BASEMENT
	(P) 2	STORIES O	VER BASEMENT
SPRINKLERS	NO EXIS	TING OR PRO	OPOSED
LOT AREA	5,316 SC	FT	
	EXISTING	ADDITION	PROPOSED
FLOOR AREA			
BASEMENT FLOOR	1251 S.F.	154 S.F.	1405 S.F.
FIRST FLOOR	1061 S.F.	0 S.F.	1061 S.F.
SECOND FLOOR	513 S.F.	300 S.F.	813 S.F.
			•
TOTAL	2,825 S.F.	454 S.F.	3,279 S.F.
TOTAL	2,825 S.F.	454 S.F.	3,279 S.F.
TOTAL  SCREENED PORCH	2,825 S.F. 0 S.F.	454 S.F. 105 S.F.	3,279 S.F. 105 S.F.







CURRENT RELEASE ISSUED FOR ZBA VARIANCE /

HDRB COA PREVIOUS RELEASE HDRB WORKSHOP INITIAL APPLICATION

PROJECT INFO / SITE PHOTOS

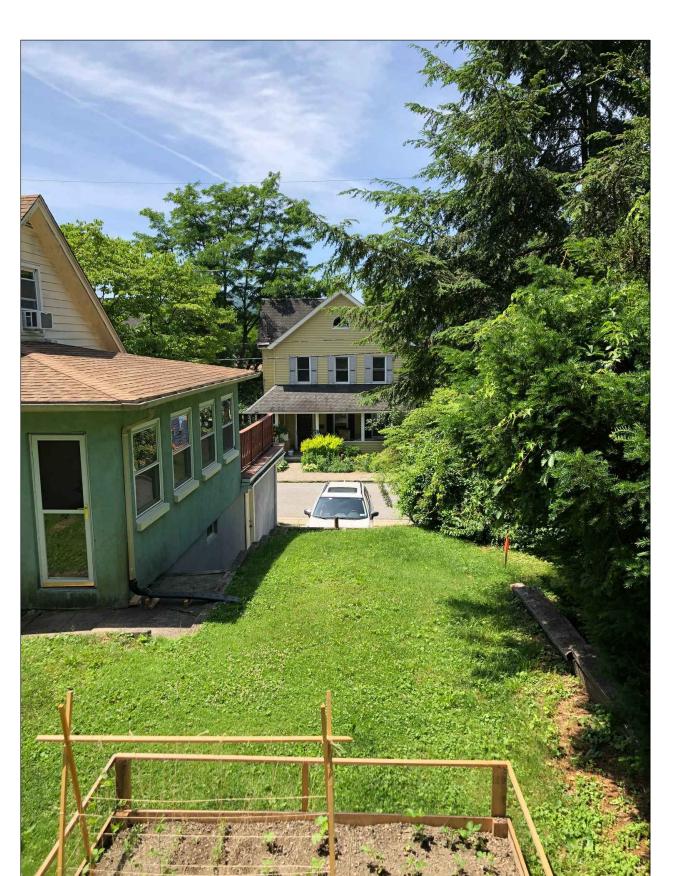
AS NOTED







PROPERTIES ON WEST SIDE OF CHURCH STREET, ACROSS FROM SUBJECT PROPERTY



SUBJECT LOT LOOKING WEST AT GARDEN

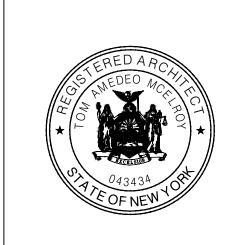


ADJACENT PROPERTY ON NORTH SIDE (THERE IS AN EMPTY LOT BTWN)



ADJACENT PROPERTY ON SOUTH SIDE

## ELROY ARCHITECTURE tle Avenue ains, NY 12567 5.7488 ncelroyarch.com



# CHURCH STREE COLD SPRING, NY 10516

CURRENT RELEASE 3/1/2022

ISSUED FOR
ZBA VARIANCE /

HDRB COA
PREVIOUS RELEASE

20

HDRB WORKSHOP INITIAL APPLICATION

AREA PHOTOS

CALE AS NOTED

A0.2





105 CHURCH 20

CURRENT RELEASE 3/1/2022 ISSUED FOR ZBA VARIANCE / HDRB COA

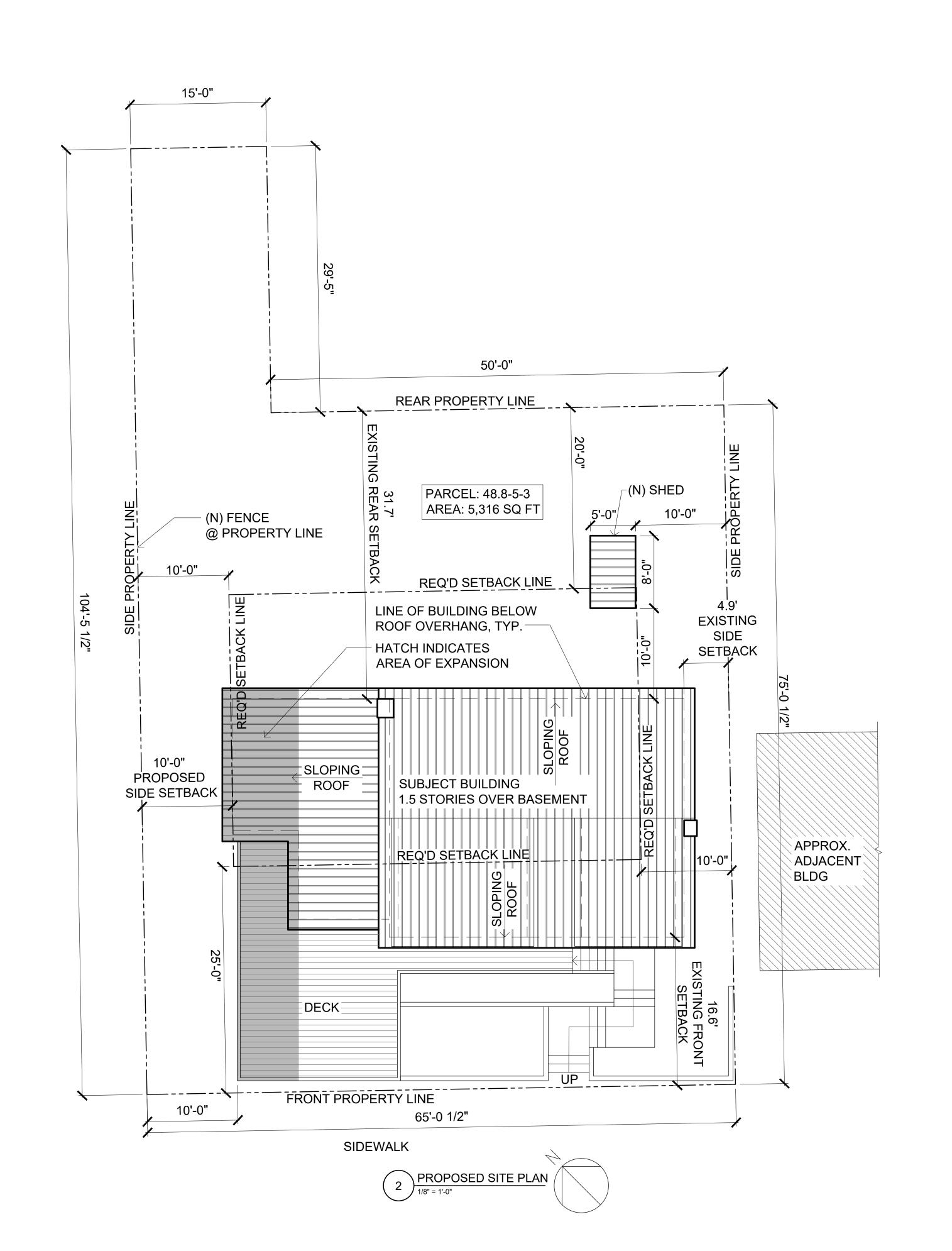
1/14/2022 1/27/2022

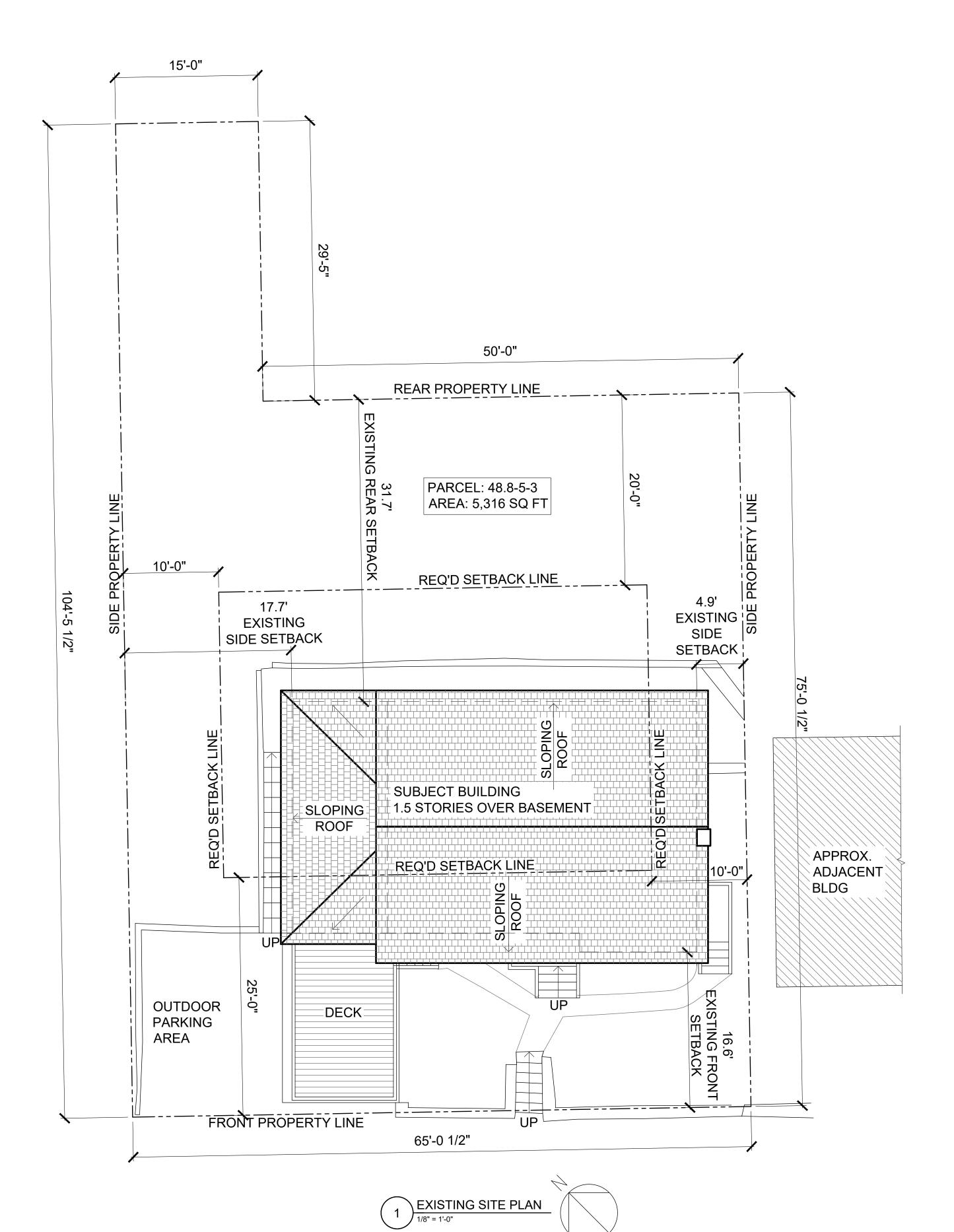
PREVIOUS RELEASE HDRB WORKSHOP INITIAL APPLICATION

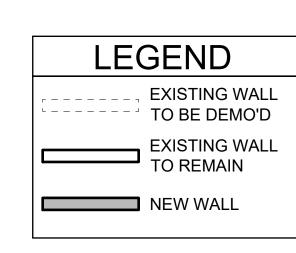
SHEET TITLE

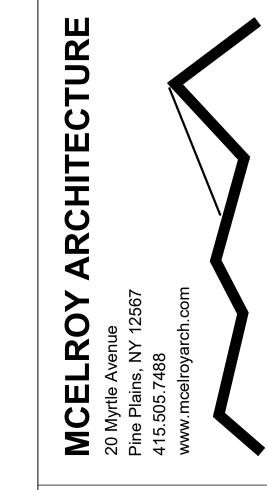
SITE PLANS

AS NOTED

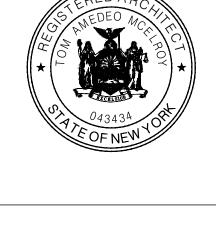












# CHURCH

CURRENT RELEASE 3/1/2022 ISSUED FOR ZBA VARIANCE / HDRB COA

1/14/2022 1/27/2022

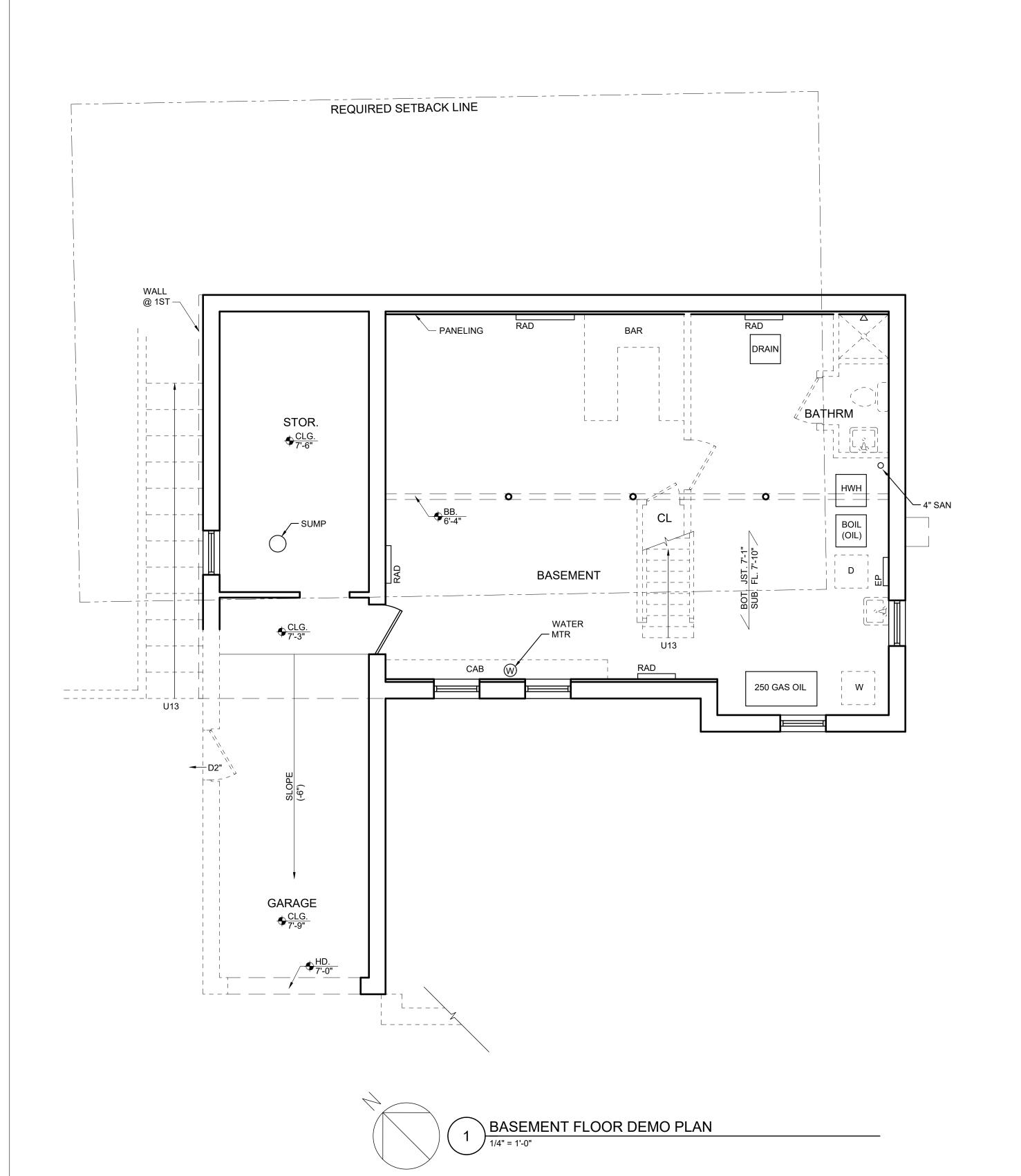
PREVIOUS RELEASE HDRB WORKSHOP INITIAL APPLICATION

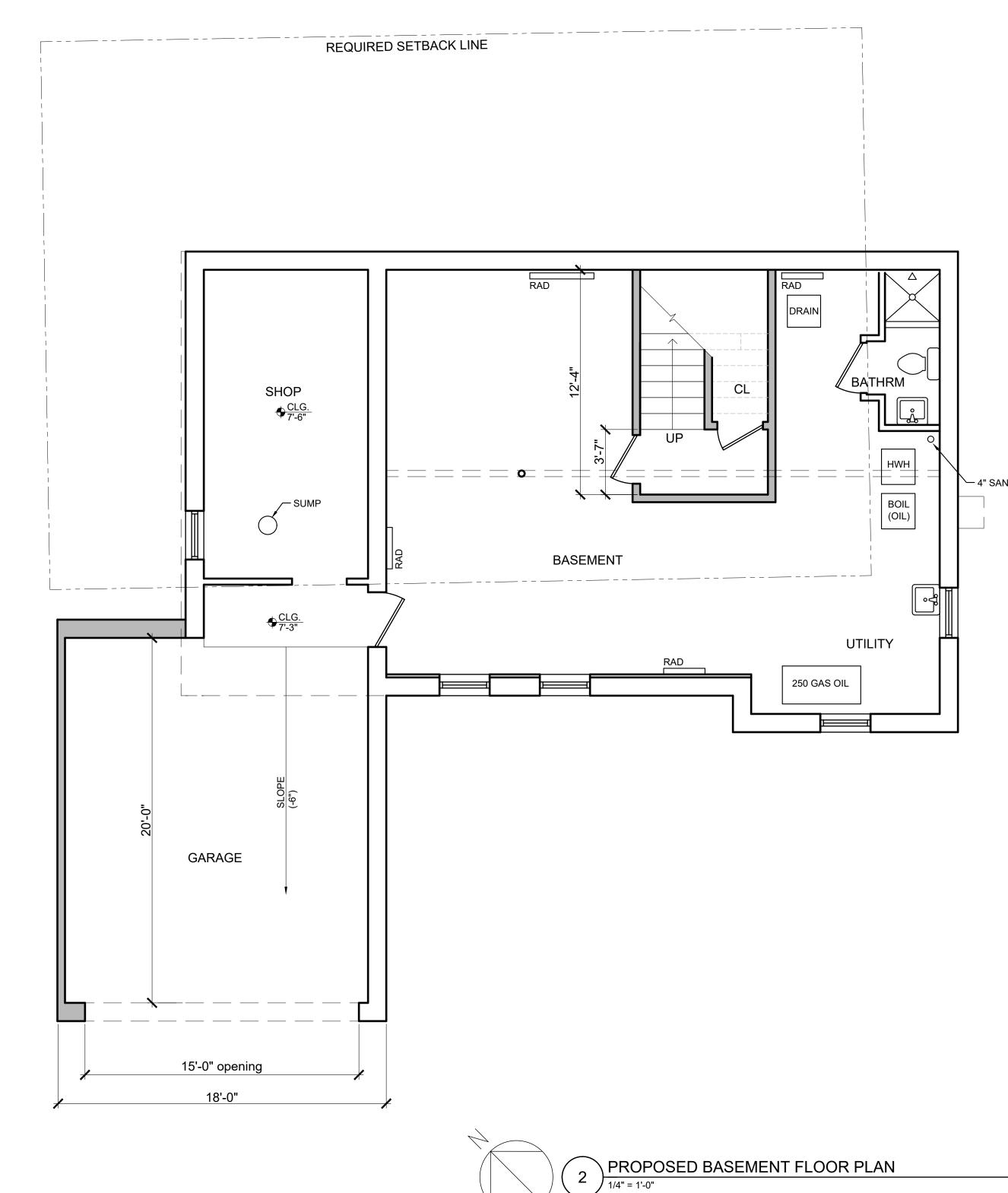
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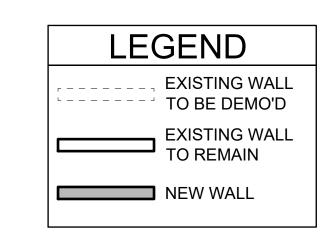
SHEET TITLE

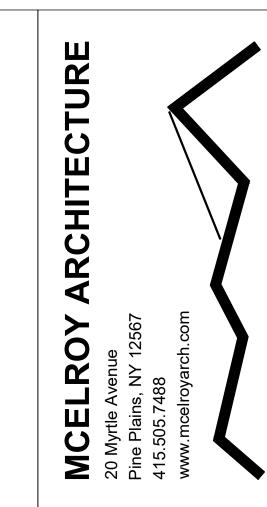
FLOOR PLANS

AS NOTED

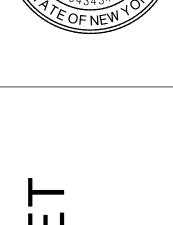












CHURCH STREE

COLD SPRING, NY 10516

APN 48.8-5-3

OWNERS ALLAN & JENNY KEMPSON

ISSUED FOR ZBA VARIANCE /

1/14/2022 1/27/2022

HDRB COA
PREVIOUS RELEASE

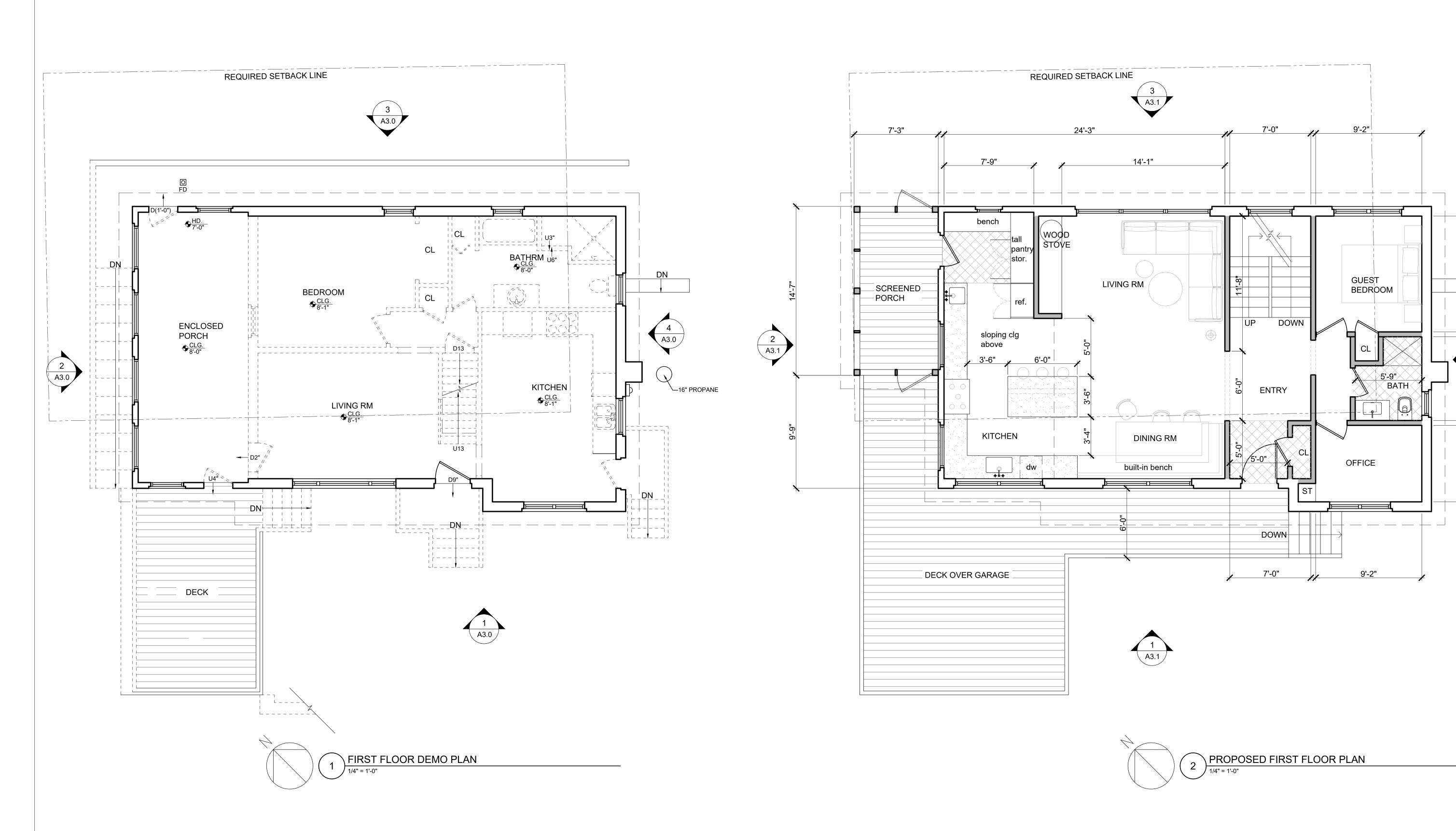
HDRB WORKSHOP INITIAL APPLICATION

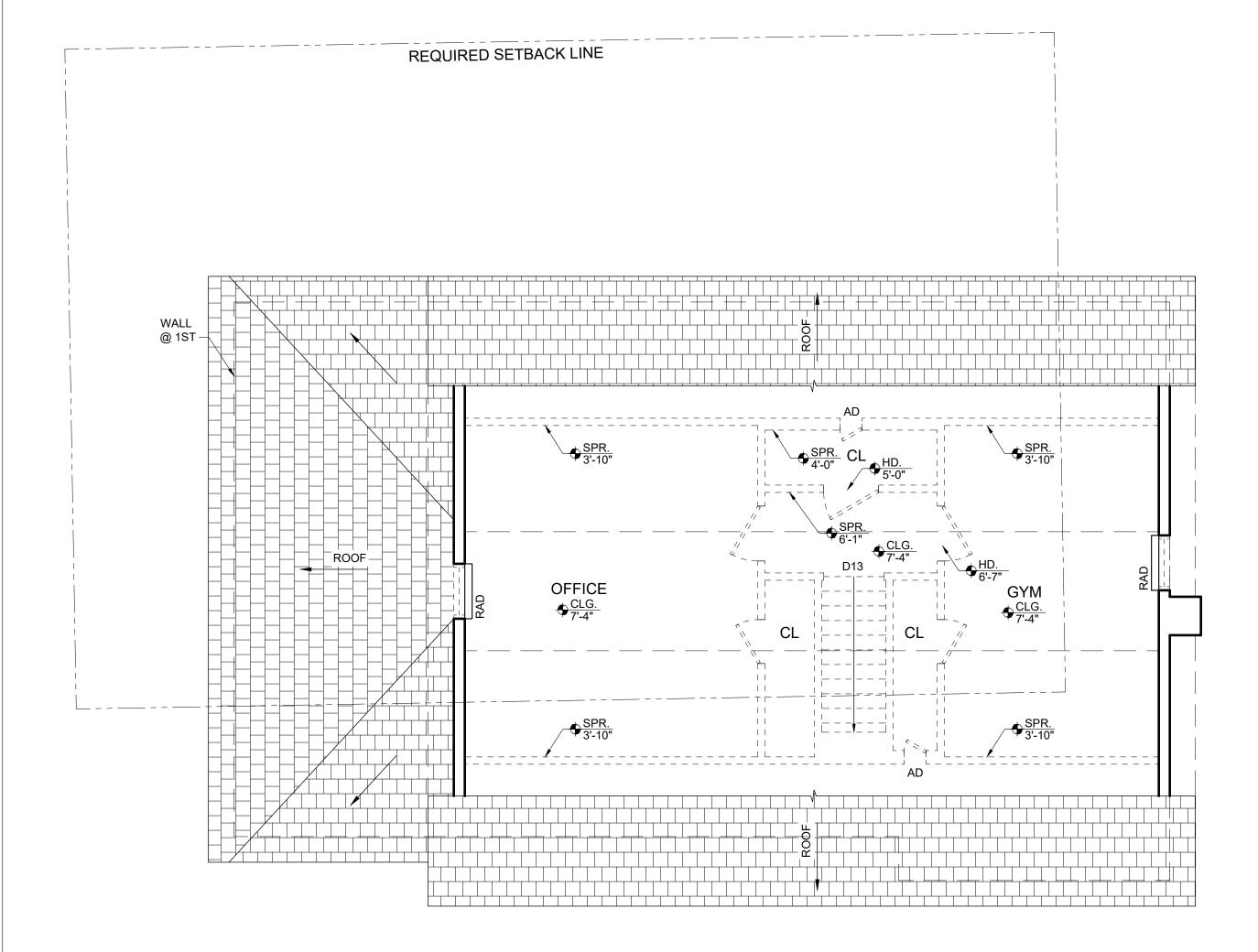
SHEET TITLE

FLOOR PLANS

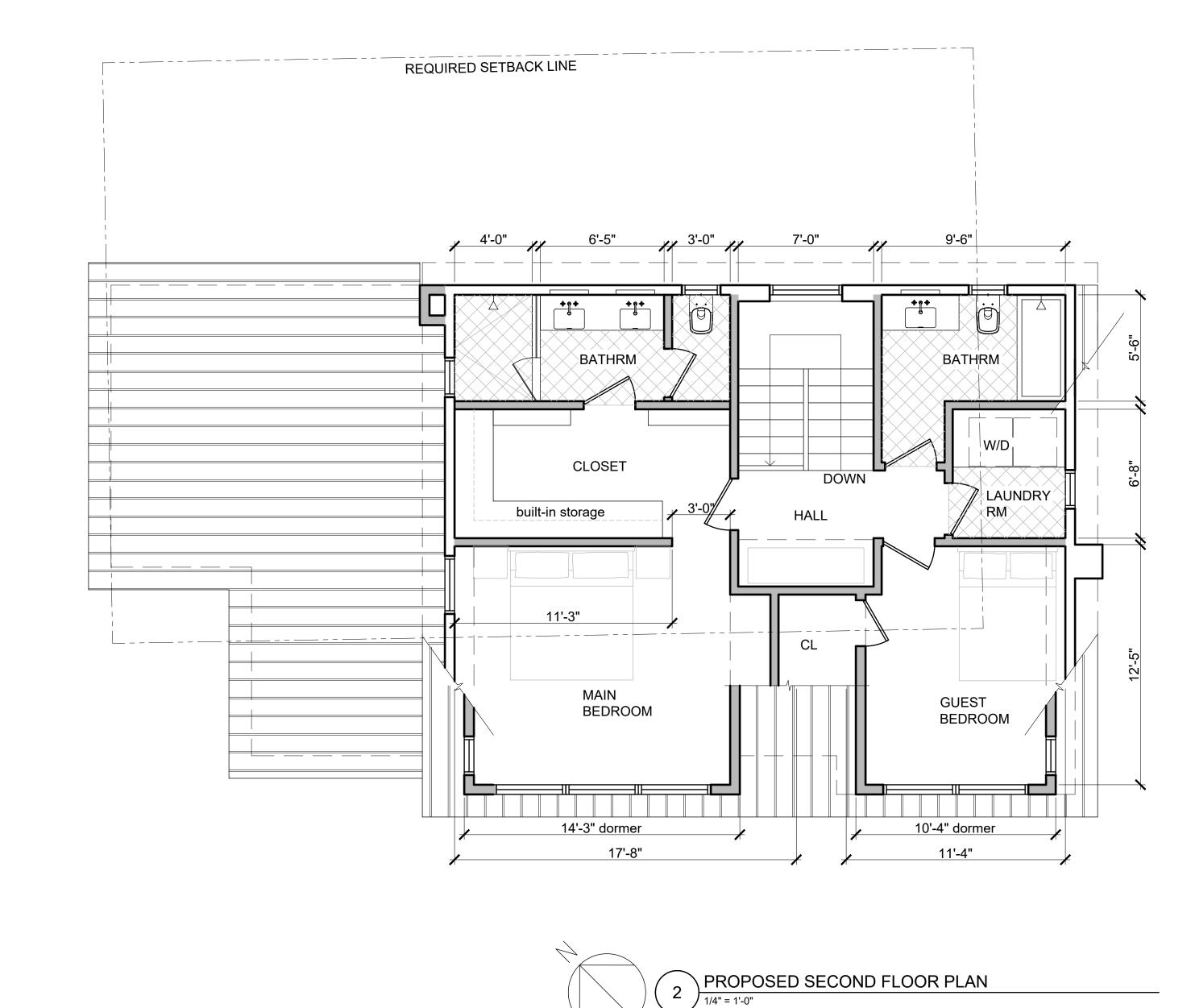
AS NOTED

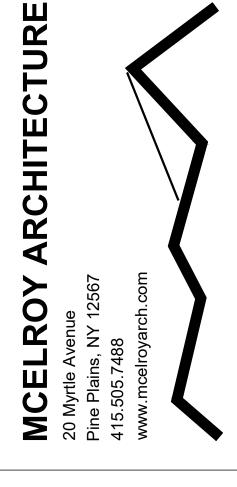
A2.1













## CHURCH STREE COLD SPRING, NY 10516 APN 48.8-5-3 APN 48.8-5-3 APN 48.8-5-3

CURRENT RELEASE

ISSUED FOR ZBA VARIANCE /

3/1/2022

HDRB COA
PREVIOUS RELEASE

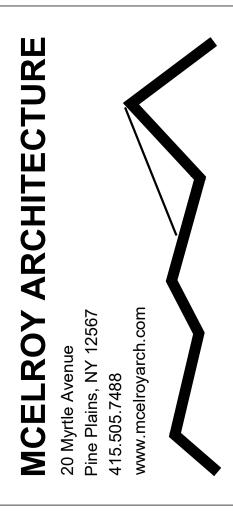
HDRB WORKSHOP INITIAL APPLICATION

SHEET TITLE

FLOOR PLANS

CALE AS NOTED

A2.2





# CHURCH STREET COLD SPRING, NY 10516

20

ISSUED FOR ZBA VARIANCE /

HDRB COA
PREVIOUS RELEASE

HDRB WORKSHOP INITIAL APPLICATION

EXISTING
EXTERIOR
ELEVATIONS

AS NOTED

A3.0



**ARCHITECTURE** 

## BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS

THIS INDENTURE, made the 21st day of December, two thousand twenty

BETWEEN Thomas L. Virgadamo and Karen L. Virgadamo, having address at 20 Church Street, Cold Spring, New York 10516, party of the first part, and Allan Kempson and Jennifer Hampton, as husband and wife, having an address at 250 West 93th Street, Apt. 21D, New York, New York 10025, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars (\$10.00), lawful money of the United States, and other good and valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part torever,

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Cold Spring, Town of Philipstown, County of Putnam, and State of New York, bounded and described on Schedule A attached hereto:

BEING the same premises conveyed by Thomas L. Virgadamo and Karen L. Virgadamo has husband and wife and Thomasina Virgadamo as joint tenant with right of survivorship to Thomas L. Virgadamo and Karen L. Virgadamo, by deed dated January 23, 2003 and recorded in the Putnam County Clerk's Office on August 8, 2006 in Liber 1750 of Deeds at Page 457.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

## Title No. PRO-10256-PF

## SCHEDULE "A"

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Cold Spring, Town of Philipstown, Putnam County, State of New York, as more fully described in deed book 1070, page 3, 1D #48.8-5 3, Lot 3, Block 5, Section 48.8, being known and designated as beginning at a point on the northeasterly line of Church Street that is distant southeasterly 175.22 feet, as measured along the said northeasterly line of Church Street, from its intersection with the southeasterly line of Northern Avenue; Thence from the said point of beginning along other lands of the Budney Estate, North 40-47-02 East 104.40 feet to a point at the line of land now or formerly of Reilley; Thence along the said Reilley lands South 49-12-58 East 15.00 feet to a point at the line of lands now or formerly of McAndrew; Thence along the said McAndrew lands, South 40-47-02 West 29.40 feet and South 49-12-58 East 50.00 feet to a point at the line of lands now of Critelli; Thence along the said Critelli lands, South 40-47-02 West 75,00 feet another point on the said northeasterly line of Church Street; Thence along the said northeasterly line of Church Street North 49-12-58 West 65.00 feet to the point or place of BEGINNING.

THE word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this Deed the day and year first above written.

IN PRESENCE OF:

There & algalies-

Karen L. Vingadama

STATE OF NEW YORK )
) 38.:
COUNTY OF DUTCHESS )

On December 21, 2020 before me, the undersigned, a notary public in and for said state, personally appeared Thomas L. Virgadamo Karen L. Virgadamo, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the insitument.

REBECCA S. MENSCH
Notary Public, State of New York
Registration #02ME6020019
Outlifted in Outchess County
Commission Expires Aug. 9, 20.41

### RECORD AND RETURN TO:

Joseph S. Sayegh, Esq. 1100 Route 9 Fishkill, New York 12524

## Zoning Board of Appeals

Village of Cold Spring, New York 85 Main Street, Cold Spring, New York 10516 845-265-3611 vcsclerk@coldspringny.gov

## Public Notice Instructions for ZBA Public Hearings

## Mailed Notice to Neighbors

At the ZBA workshop where the public hearing date was set, the ZBA will approve the list of neighboring property owners to be notified. The list must include owners of all properties that border your property, and any owner of a property who will be able to see the work under the variance from their property, even when they are in a different zoning district, or when they are a government, business or other non-residential property owner. If you're not sure of a property owner's name and address, please check with the Village Clerk.

Notices must be sent by the Monday, two weeks before the hearing, at the latest. Use First Class certified mail, return receipt requested.

## The form looks like this:

https://store.usps.com/store/product/shipping-supplies/certified-mail-receipt-P\_FORM\_3800

## Basic instructions:

https://www.wikihow.com/Send-Certified-Mail-%28USA%29

The letter doesn't need to be Restricted Delivery to a specific person, but should be addressed to the property owner.

Write the name and address of each recipient on the correct receipt. Bring the receipts to the Public Hearing.

## Public Hearing Sign Requirements

The Village of Cold Spring requires that a Public Hearing sign be posted on properties for which a public hearing will be held.

Please review, and post the sign as follows:

 The sign must be posted at least 10 days before the hearing and remain in place until the close of the hearing.

- The sign should be displayed prominently, unobstructed, facing the street, on the property for which the hearing is being held.
- 3. Pick up the sign from the Village Clerk during normal business hours.
- 4. Applicants are responsible for the cost of replacing lost or damaged signs.
- The ZBA or other boards holding the public hearing may add other requirements to the sign positioning or placement.
- At the public hearing, applicants are required to present a signed affidavit attesting to conformance to the public hearing sign regulations.
- 7. Please return the sign to the Village Clerk after the hearing is closed.

Please see the Village Code or contact the Village Clerk with questions. http://www.coldspringny.gov/Pages/ColdSpringNY\_Planning/code/index2

## Affidavit of Public Hearing Sign Placement

Village of Cold Spring, New York 85 Main Street, Cold Spring, New York 10516 845-265-3611; vcsclerk@coldspringny.gov

I/We affirm that:		
The property in	is located at	
The public he	aring notice sign was pos	ted on the property on the
the present.  The correct be	oard(s) were indicated on	
	remain in place until the h	100
	ns from the board that cal	to the Village Code and to lled the hearing.
Special instructions	(if necessary):	
Name(s) printed		
Name(s) signed		Date