

**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

1. The applicant for a building permit receives a denial or referral to the ZBA from the Building Department.
2. The Village Clerk provides the applicant with application materials.
3. The applicant provides the completed application for variances or interpretations to the Village Clerk.
4. The ZBA Chair reviews the application for overall completeness.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

11. Public hearing signs must be returned to the Village Clerk.
12. 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.
  - 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. \_\_\_\_\_

Date March 20, 2024

To the Zoning Board of Appeals, Village of Cold Spring, New York:

I (we) Vlad Muste residing at 204 Main Street, Cold Spring, NY hereby appeal to the Zoning Board of Appeals from the decision of the Village of Cold Spring Building Inspector, on application for Proposed Porches at 41 Morris Avenue dated March 13 2024, whereby the Building Inspector [ ] Granted [  ] Denied

[  ] a Building Permit [ ] Certificate of Occupancy  
41 Morris Avenue, Cold Spring, NY

1. Location of the Property Section 48.8, Block 3, Lot 10

2. Zoning District of Property R-1

3. Names and addresses of adjoining property owners: (Including those across the street)

- 48.8-3-9 Haldane Central School District 37 Morris Avenue
- 48.8-3-11 C. Gray, S. Bat-Ami, J. Glotzer 8 West Belvedere Street
- 48.8-3-30 Patric & Jane O'Malley 9 West Belvedere Street
- 48.8-4-16 John Mills 48 Morris Avenue

4. Provisions of the Village of Cold Spring Zoning Law involved. (Give article, section, subsection and paragraph by number. Do not quote the ordinance):

Section 134-7, Subsection C, Paragraph 4

5. Appeal is made for

- [ ] An Interpretation of the Zoning Law or Map.
- [ ] A Special Permit under the Zoning Law or Map.
- [  ] A Variance to the Zoning Ordinance or Map.

6. Previous appeal. (If there has been a previous appeal set forth the number and date thereof, the relief sought and the decision thereon):

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\_\_\_\_\_

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7. Reason for appeal. (Complete only that part, which relates to type of appeal checked above. Use extra sheets if needed):

a. INTERPRETATION of the Village of Cold Spring Zoning Law or map is requested.

(1) The reason the interpretation is sought is:

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(2) An exact statement of the interpretation claimed is:

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b. A SPECIAL PERMIT is requested.

(1) The reason the permit is sought:

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(2) An exact statement of the use for which the permit is sought:

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(3) The facts showing the use is one permitted as a "special use" by the law and the ability of the applicant to comply with the conditions laid down in the law for the grant of a special use permit.

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c. VARIANCE to the Village of Cold Spring Zoning Law is requested:

1. An exact statement of the details of the variance sought is:

We request a front yard variance along West Belvedere Street for a proposed porch addition.

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2. The grounds on which the claimed variance should be granted are:

Please see the attached letter.

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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.

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

**Village of Cold Spring, NY Zoning Board of Appeals**

Property Owner: [Vlad Muste](#)  
 Address: [41 Morris Avenue](#)  
 Tax Map #: [48.8-3-10](#)

Date:

Measurement	Zoning Code	Unit	Existing	Proposed	Change	Notes
<b>Main structure or House</b>						Complete this section for the main house.
Front Yard Setback 1 minimum	25	Feet	26 ft.	26 ft.	No Change	
Front Yard Setback 2 (for corner lots) min.	25	Feet	31.2 ft.	20.2 ft.	11 ft.	Corner lots have 2 front yards
Rear Yard Setback minimum	20	Feet	12.9 ft.	12.9 ft.	No Change	
Side Yard Setback 1 minimum	10	Feet	69.3 ft.	69.3 ft.	No Change	
Side Yard Setback 2 (not corner lots) minimum	10	Feet	N/A	N/A	N/A	Corner lots only have 1 side yard.
Lot coverage, main structure maximum	N/A	Percent	9%	16%	7%	Percent occupied by the main structure.
Stories maximum	2.5	Story	2	2	No Change	See § 134-2. Word usage and definitions
Height of the building maximum	35	Feet	24 ft.	24 ft.	No Change	

Measurement	Allowed	Unit	Existing	Proposed	Change	Notes
<b>Accessory Building</b>						Complete this section for sheds, garages and other structures that are not the main house.
Height of the building maximum	20	Feet	10 ft. +-	-	No Change	
Accessory Building Lot Coverage (area) maximum	N/A	Square Feet	605 s.f.	-	No Change	
Rear or Side Yard Setback area where building sits	N/A	Square Feet	586 s.f.	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 sits
Rear or Side Yard occupied by building, maximum	30	Percent	18%	-	No Change	
Front Yard Setback (for corner lots), minimum	25	Feet	52.0 ft.	-	No Change	Corner lots have 2 front yards
Rear Yard Setback, minimum	10	Feet	3.3 ft.	-	No Change	
Side Yard Setback 1, minimum	10	Feet	4.0 ft.	-	No Change	
Side Yard Setback 2 (not for corner lots), minimum	10	Feet	-	-	No Change	Corner lots only have 1 side yard.

Measurement	Allowed	Unit	Existing	Proposed	Change	Notes
<b>Accessory Building</b>						Complete this section for all buildings
Lot Area (Sq. Ft) minimum	7,500	Square Feet	9,908 sf	-	No Change	The minimum allowed lot area.
Total Lot coverage, all structures, max	30	Percent	15%	22%	7%	Include the main house and all accessory buildings.

## **Zoning Board of Appeals**

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

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



2. 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.
5. The ZBA or other boards holding the public hearing may add other requirements to the sign positioning or placement.
6. 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](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 is located at \_\_\_\_\_.
- The public hearing notice sign was posted on the property on the date of \_\_\_\_\_ and remained continuously in place from then up to the present.
- The correct board(s) were indicated on the sign.
- The sign will remain in place until the hearing is formally closed.
- The sign's manner of posting conforms to the Village Code and to any instructions from the board that called the hearing.

Special instructions (if necessary):

\_\_\_\_\_  
Name(s) printed

\_\_\_\_\_  
Name(s) signed

\_\_\_\_\_  
Date