

**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 December 19, 2019 at 7:30pm at the Village Hall, 85 Main St. Attending were board members: Aaron Wolfe, chair, and Laura Bozzi, John Martin, Donald MacDonald and Eric Wirth. Also present was Village attorney John Furst.

**CALL TO ORDER:** A. Wolfe called the meeting to order at 7:30pm and made introductory remarks noting that the purpose of the meeting was to approve minutes and hold a public hearing for 21 Parsonage Street

**MINUTES**

J. Martin made a motion to adopt the 9-19-19 minutes as amended. E. Wirth seconded and the motion passed 4-0, with L. Bozzi abstaining.

E. Wirth made a motion to adopt the 10-3-19 minutes as submitted. D. MacDonald seconded and the motion passed 4-0, with L. Bozzi abstaining.

J. Martin made a motion to adopt the 10-17-17 minutes as submitted. E. Wirth seconded and the motion passed 4-0, with L. Bozzi abstaining.

E. Wirth made a motion to adopt the 11-7-19 minutes as amended. D. MacDonald seconded and the motion passed 4-0, with L. Bozzi abstaining.

J. Martin made a motion to adopt the 11-21-19 minutes as amended. E. Wirth seconded and the motion passed unanimously.

**PUBLIC HEARING FOR 21 PARSONAGE STREET**

Board chair A. Wolfe recused himself from participation in this application as he now resides across the street from the 21 Parsonage, and acting chair D. MacDonald took over the proceedings. MacDonald noted that the property is located in the R-1 zoning district as well as the locally-listed area of the Historic District. The applicant is seeking variances for:

- Lot area
- Off-street parking
- Lot depth
- Front yard setback
- Side yard setbacks
- Lot coverage

The applicant submitted return receipts from the notifications sent to adjacent properties (in advance of the hearing.)

Paul Henderson (Sigler Henderson Studio) appeared on behalf of the applicant, describing the project via a PowerPoint presentation. Verbally and on the presentation slides, the following was noted:

- The house and stable were built between 1877 and 1880
- Overhead photos, site plan, 1912 Sanborn map, Village map, R-1 lot map and historic district map were shown
- The original property was split into two lots with the house on one and the barn on the other
- Applicant wishes to build a “memory” building to memorialize the original barn
- There is a history of similar structures (in the village) since the 1880s, but many have been lost
- The Cold Spring zoning code was established in 1967
- New construction will use the existing timber framing
- The new structure would be a one-family home in the same location as the existing barn (renderings and elevations were shown)
- The renderings show the window shutters closed and D. MacDonald suggested it would be useful to show a rendering with the shutters open
- 52% of lots in the Village are preexisting non-conforming as to lot coverage
- Many of the preexisting non-conforming lots have less than the code-mandated setbacks being requested by the applicant
- The applicant has considered relocating the structure within the setbacks to preclude the need for some of the requested variances
- 52% of preexisting non-conforming lots in R-1 are less than 4,000SF in lot area

- 52% of preexisting non-conforming lots in R-1 are less than 4,000SF in lot width and depth

After completion of the slide show, presentation boards were set up and applicant, Sam Broe presented the plans, elevations and details shown. He noted that the space between the proposed structure and the adjacent building is an important architectural element.

#### Board Comment

- L. Bozzi asked how close the proposed structure would be to the house to the north. The owner of that property was present at the hearing and will measure the distance
- D. MacDonald noted that an extreme number of variances are being requested and that precedence is a concern

#### Public Comment

Donna Nameth (22 Parsonage) noted that:

- "This is a barn and not a house"
- The driveway is too close to the adjacent house
- What impact would a new tie-in to the village water and sewer system have?
- Nobody has lived there for many years
- The neighborhood will be impacted by extra people, vehicles and traffic
- This would establish a bad precedent
- Homeowners purchased their properties thinking the barn wouldn't change

Sarah Gurland (36 Pine) noted that:

- She agrees with the comments made by Donna Nameth
- She has been a resident since 1961
- She understood the barn was not a buildable lot
- An empty barn is not the same as a house
- She tried unsuccessfully to purchase the property in the past

Travis Biro (9 Parsonage) noted that the house would be a better use for the neighborhood.

Tom Huber (36 Pine) asked:

- How is the lot classified and listed in the tax records? *Planning Board chair Matt Francisco commented that it is currently taxed at a lower assessed land value.*
- Of the village lots that are similar, what percentage are grandfathered and what percentage were built after zoning code was adopted? *ZBA does not have that information.*

Sean Conway (18 Morris Ave) speaking for the Village Historic District Review Board (HDRB), read a statement in favor of granting the requested variances. He noted that the statement reflects a majority of HDRB opinion, but not all members. The statement noted the following points:

- The HDRB has workshopped this application, but has not yet begun a formal review
- The structure has a historical context and value
- Moving the structure (on the site) would disturb the historic context
- The applicant's submitted plan serves the historic context best.

J. Martin asked the HDRB's opinion when a historic structure is almost completely rebuilt? *Conway responded that the size and context remain.*

J. Martin asked whether someone passing by (the completed project) would notice/be aware of it's historic nature? *Conway responded that some would.*

Carolyn Bachan (24 Parrott St.) speaking as a resident and as a member of the HDRB noted that:

- This is a "memory" building and that is attractive to the HDRB design-wise
- Things may change (as part of a formal HDRB review)
- NYS Department of the Interior standards for historic structures lean in favor of the project – all other things being equal

D. MacDonald asked how the NYSDOI views barns. *Bachan responded that they are not specifically called out.*

S. Conway stated the HDRB concern is for historical context and connection to the original construction, rather than any specific new use. *D. MacDonald replied that occupancy matters to the ZBA.*

Kathleen Foley (2 Locust St.) speaking as a resident and member of the HDRB noted that:

- The village is dense and this property is an anomaly and an exception on the lot
- Change is always difficult
- She doesn't wish to lose this piece of historic fabric
- The Village Zoning Code doesn't reflect the nature of the village (and is more a suburban code)

Stephanie Hawkins (15 Academy St.) noted that the change of use has an impact.

Kathryn Stanke (32 Pine St) noted in a letter (read by Chair MacDonald) that:

- She objects to the requested variances
- She has lived on Parsonage for ten years and doesn't want "sub-standard" construction as it impacts property values

Rich Cornie (77 Crest) is in favor of development of the lot

Matt Francisco (Planning Board Chair) noted that:

- The village expects the code to be judiciously applied
- Experiential aspects of the proposal are not the point, but the code is

David Merandy (15 Academy St.) speaking as a resident noted that:

- He is against construction on a sub-standard lot
- The applicant's architect is an agent of the owner
- Barns are "earthy" and when changed to a residence the present structure will be demolished and rebuilt - therefore the new is no longer a barn and bears no relation to it what it was.
- The slide presentation is not really meaningful to the issue of the requested variances
- Too many variances set a bad precedent that will change the character of the village

J. Martin made a motion to adjourn the public hearing. It will remain open and will be reconvened on 1-16-20 at 7:30pm. L. Bozzi seconded and the motion passed unanimously.

#### **BOARD BUSINESS**

None

#### **ADJOURNMENT**

E. Wirth made a motion to adjourn the meeting. L. Bozzi seconded and the motion passed unanimously at 10:35 pm.

Submitted by M. Mell