

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

Workshop & Public Hearing

The Village of Cold Spring Zoning Board of Appeals held a workshop and public hearing on February 6, 2020 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 from 2-6-2020, hold a workshop for 192 Main Street and to continue the public hearing for 21 Parsonage Street

MINUTES

The Board discussed the 12-19-19 minutes of the initial public hearing for 21 Parsonage Street, including suggestions from the applicant. J. Martin made a motion to adopt the minutes as amended. E. Wirth seconded and the motion passed unanimously.

WORKSHOP

192 Main Street: application for the expansion of an existing accessory building and an addition to the house.

Jennifer Zwarich (applicant) described the proposed project and noted that:

- Applicants wish to create a second storey expansion over the first storey to the rear of the existing house that will require a side yard setback variance.
- Applicants originally wished to renovate the existing accessory building (barn) but discovered structural issues that made this impractical. They wish to erect a new building on the original site, but larger in size. This requires rear and side yard setback variances.

During the discussion it was noted that:

- Applicants to provide updated square footage figures to allow an accurate determination of the variances required
- Applicants advised to provide photos of the property and adjacent properties (for reference and context)
- ZBA to consult with building inspector regarding which paragraphs of the code may require variances
- The workshop was scheduled to continue on 2-20-2020

PUBLIC HEARING FOR 21 PARSONAGE STREET

Board chair A. Wolfe, who resides across the street from the property, recused himself, left the meeting and acting chair D. MacDonald took over the proceedings, and continued the review of the 2-16-2020 minutes.

MacDonald then continued the public hearing, and 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
- Lot width
- Off-street parking
- Lot depth
- Front yard setback
- Side yard setback
- 50 x 50 Square

Clay Coffey, on behalf of the applicant (Sam Broe) described the applicant's desire to preserve the existing character (of the property and the neighborhood) while making it usable as a residence. During the discussion that followed it was noted that:

- Conversion of the existing structure into a single family residence will require a 55% lot coverage variance
- A determination of what makes this, or any structure "historic" is a necessary consideration
- Paul Henderson's presentation (given at the 12-19-19 public hearing) was reviewed
- A testamentary sub-division by deed doesn't make the lot "buildable"
- The Planning Board can't approve a sub-standard lot
- There is no evidence of a planning board approval
- Applicants have an outstanding FOIL request to the Village requesting planning board minutes that may indicate an approval. Although a formal response has not been sent, Planning Board Chair Matt Francisco says that exhaustive research into the Village and County archives hasn't produced such a document. Village attorney John Furst suggested that the public hearing should remain open until a formal response is made to the FOIL request
- The county discontinued the allowance of sub-divisions by deed in 2010
- Applicants and ZBA discussed whether precedence, in and of itself, should be a factor. Furst noted that it can be part of the ZBA balancing statement.
- ZBA expressed concern that its action (regarding this application) may have the effect of legislating village code and that this is not a ZBA responsibility

Public Comment

Donna Nameth (22 Parsonage) presented two letters to the Board: one from Aaron Wolfe (24 Parsonage) and one from a group of residents, including: Donna and Gary Nameth, Judith Rose, Jenn Baldrige, Sara Gurland, Tom Huber, et. alia. D. MacDonald read both letters into the record.

David Merandy questioned whether Aaron Wolfe's letter should be considered permissible as he is chair of the ZBA. J. Furst noted that as an individual he has the constitutional right to submit an opinion.

David Merandy made additional comments noting that:

- The zoning code is intended to prevent development of sub-standard lots

- Despite applicant's contention that the space between the neighboring property and the new structure is an element of historic context, cars are likely to be parked in that area. This will crowd the neighbor.
- Historic fabric has no real meaning when a new building is constructed
- Comparisons to past construction (in the village) is not a valid consideration

Matt Francisco (Planning Board chair) noted that the applicant has appeared before the planning board. Based upon that meeting the planning board prepared a written recommendation to the ZBA. D. MacDonald read the letter into the record. A copy will be sent to the applicant.

Sarah Gurland (36 Pine – directly adjacent to 21 Parsonage) noted that:

- Any variances granted may allow future undesirable changes
- Connection of water and sewer lines into the village system may cause problems
- 20 years ago, when she first moved into her house, the building inspector said that 21 Parsonage was not subject to the small lot exemption and that it was an unbuildable lot

Luke Hilpert (68 Main St and applicant's attorney) noted that:

- Zoning protection is not just a matter of granting the minimum number of variances, but also to protect the character of the neighborhood
- This application is a specific request and precedent shouldn't be a consideration

J. Martin made a motion to adjourn the public hearing. It will remain open and be reconvened on 2-20-20 at 7:30pm. L. Bozzi seconded and the motion passed unanimously.

BOARD BUSINESS

None

ADJOURNMENT

J. Martin made a motion to adjourn the meeting. L. Bozzi seconded and the motion passed unanimously at 9:45 pm.

Submitted by M. Mell

Donald MacDonald, Zoning Board of Appeals Chair

Date



Aaron Wolfe, Zoning Board of Appeals Chair

20/20/2020

Date