

**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 via video conference pursuant to Executive Order 202.1 on July 2, 2020 at 7:30pm Attending were board members: Aaron Wolfe, chair, and Laura Bozzi, John Martin, Donald MacDonald and Eric Wirth.

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, hold a workshop for 2 Locust Ridge and to continue the public hearing for 192 Main Street.

MINUTES

The Board discussed the 2-20-2020 minutes and made modifications, but postponed a vote to allow Sam Broe to review and comment upon the portions relating to his application for 21 Parsonage.

E. Wirth made a motion to adopt the 3-5-2020 minutes as amended. J. Martin seconded and the motion passed unanimously

DISCUSSION OF RESUMING IN-PERSON MEETINGS

During the discussion it was noted that:

- Village Clerk has confirmed that the Governor has extended the regulations allowing public hearings via video conference
- Board will not resume in-person meetings at the present time

DISCUSSION OF DIGITAL APPLICATIONS

During the discussion it was noted that:

- Current application requires eight hard copies of all materials
- Application to be changed to require one digital and one hard copy of all materials

J. Martin made a motion to revise the application submission requirement to one digital (PDF) and one hard copy (of all materials.) E. Wirth seconded and the motion passed unanimously.

WORKSHOP

2 Locust Ridge: placement of a bike shed in the side yard setback

A. Wolfe noted that the application is complete. The applicants (Kathleen Foley and John Hedlund) described the project and noted the following:

- The property is on an actual ridge
- Applicants need a storage space for family bicycles
- Proposed location poses the least impact from the public right-of-way
- Property currently has a variance allowing a 5'-0" fence

- The adjoining property is 2'-0" higher than the applicant's property
- There is a hedge between the adjoining property and the proposed location of the shed
- Applicants will bring photographs to the public hearing
- Proposed shed height is 8'-0" at the back and 7'-0" in front
- There will be no foundation. The shed will sit on grade.

J. Martin made a motion to schedule a public hearing on 7-16-2020. E. Wirth seconded and the motion passed unanimously.

PUBLIC HEARING FOR 192 MAIN STREET

Board chair A. Wolfe noted that this is a continuation of an open public hearing and requested the applicants (Jennifer Zwarich and John Wayland) to summarize the project and changes that have occurred since the public hearing opened. Applicant noted that:

- There have been no substantial changes to the application, with the following exceptions:
 - The proposed barn has been shifted 10" in from the property line to prevent the roof line from encroaching upon the neighboring property
 - A math error was corrected concerning the rear yard area, resulting in an increase of 16% over what is allowed
- A strict conformance to the zoning code prevents improvements to the property (to which the applicant is entitled) and places an undue burden
- The property is large and has an unusual shape
- Exposure to the public right-of-way is a concern to the HDRB
- The original structure was built 120 years ago and is a preexisting/non-conforming structure
- Applicants' key concern is to locate the proposed structure in a manner that will satisfy the requirements of the ZBA, the HDRB as well as consideration of neighbors
- Granting of the requested variances will not put a burden upon the neighbors
- Three letters of support have been submitted
- HDRB has sent written comments (to the ZBA) voicing support for the application, noting that it is consistent within the Historic District and meets HDRB Design Standards
- Application locates the barn in the least obtrusive place

BOARD DISCUSSION

During the Board's discussion it was noted that:

- Similar structures in the Village, identified by the applicant, were constructed prior to enactment of the zoning code
- The history of the structure is less an issue for the ZBA than its mandates under the code
- The application indicates a historic context but there is no indication of why a structure of this size is necessary. Why can't the desired program fit into the existing footprint? *Applicant responded that the program or use of the building is not a ZBA concern and there isn't a way to fit the desired program into the existing footprint.*
- The question for the ZBA is bulk and size of variance requested and not the history or design of the structure

- Proposed use is for an office and household storage
- Applicant's architect (Beth Sigler, Sigler Henderson Architects) noted efforts to fit the program into the existing footprint but that the addition of a stairway makes it difficult
- HDRB vice-chair Kathleen Foley described the HDRB opinion of the façade and its historical context. She noted that moving the barn forward (an option discussed by the ZBA to reduce encroachment into the setback) would be anachronistic.
- HDRB member Lloyd DesBrisay noted that the spatial relationship between the barn and the street is an important historic aspect
- K. Foley noted that the 1967 zoning code is antithetical to the historic densities within the Village and that many properties have additions to existing accessory buildings
- Applicant noted that the unique nature of the property precludes concern (expressed by ZBA) regarding precedent
- Beth Sigler noted that the Village Attorney has stated that concern about precedent cannot be a sole determinant in any board decision. She opined that this, and each application should be viewed exclusively on its own merits.

PUBLIC COMMENT

Mark Robohm commented that:

- While the application impacts his property, it is valid, appropriate and respectful of the neighbors and community.
- The applicants spoke with him prior to the application
- Moving the structure forward creates wasted space
- The design presented in the application makes the most sense

Kory Riesteres, 7 Fishkill Ave, commented that:

- This is the best possible solution
- A larger structure in the middle of the yard wouldn't be in character for the area
- The view from the library pathway is not a meaningful view
- The ZBA should grant the requested variances

L. Bozzi made a motion to close the public hearing. D. MacDonald seconded and the motion passed unanimously.

The Board reviewed the five area variance criteria and D. MacDonald made a motion to grant the waivers. E. Wirth seconded and the motion passed 4-1.

ADJOURNMENT

L. Bozzi made a motion to adjourn. E. Wirth seconded and the motion passed unanimously at 11:05 pm.

Submitted by M. Mell



Aaron Wolfe, Zoning Board of Appeals Chair

7/16/2020

Date