

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

**Public Hearings & Workshop**

The Village of Cold Spring Zoning Board of Appeals held public hearings and a workshop via video conference pursuant to Executive Order 202.1 on August 6, 2020 at 7:30pm Attending were board members: Aaron Wolfe, chair, and Laura Bozzi, Donald MacDonald, Eric Wirth and John Martin. Village Attorney John Furst was also present

**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 public hearing for 21 Parsonage and 53 Parrott and to hold a workshop for 11 Benedict Road.

**MINUTES**

D. MacDonald made a motion to adopt the 7-16-2020 minutes as modified. L. Bozzi seconded and the motion passed 4-0. J. Martin was absent from that meeting and abstained.

**PUBLIC HEARING FOR 21 PARSONAGE**

A. Wolfe absented himself from the meeting and D. MacDonald assumed position of acting chair. He noted that the public hearing was the fourth in a series that began on 12-19-19, 2-6-20 and 2-20-20. The purpose of this hearing would be to resolve any outstanding informational items so that the ZBA would be able to begin consideration of the application at its next meeting.

Sam Broe (applicant) thanked the ZBA for its work and consideration of his application. In support of his application he noted that:

- Precedent can't be the sole determinant
- Historic context should be a consideration
- ZBA should consider what might happen if the application is denied, the property sold and a less desirable use be put forward
- Application meets all of the Five Criteria

**Public Comment**

D. MacDonald read three emails that had been received since the 2-20-20 hearing.

- Morgan Rich, 34 Pine Street, wrote that an application requiring so many variances not be approved.
- Mayor David Merandy, 24 Academy Street, noted that the Village Board of Trustees had received a letter from residents asking the Board to comment upon the legality of the subdivision of 21 Parsonage. He replied to this letter saying the Board relies on the Village Attorney for advice on matters like this and had solicited a second opinion and both attorneys agree that the subdivided lots are illegal. The Village has no jurisdiction in this matter and no further comment.

- Alexander Galloway, 35 Pine Street, wrote asking the ZBA not to approve the application

Donna Nameth, 22 Parsonage, stated her opposition to the application noting that:

- Construction of a house would have a negative impact on the neighborhood
- Though Sam Broe has cited similar properties in the Village, they were all built prior to establishment of the zoning code and thus not comparable

Thomas Huber, 36 Pine, stated his opposition to the application noting that:

- The lot has always been identified on the tax rolls as a barn
- The lot has historically had a barn and it should remain so
- A residence would not be historically consistent

### Board Discussion

D. MacDonald made a motion to close the public hearing. J. Martin seconded and the motion passed unanimously.

### **PUBLIC HEARING FOR 53 PARROT STREET**

Chair Aaron Wolfe rejoined the proceedings. The application is for construction of an exterior ramp, deck extension and basement access. Homeowner is Maria Ricapito.

Karen Parks (applicant's architect) presented site plan, floor plans and elevations. Describing the project she noted that:

- Meeting notification receipts have been submitted
- Proposed ramp on the SE side of the property is to create an accessible entry from the driveway to the first floor
- The existing deck to be raised 7" and extended 1'-8" to meet the top of the ramp
- Small Lot exemption applies to the property, reducing the requested side yard variance to 1.75'
- Proposed route for the ramp is the most practical. Other options considered were:
  - Location of the ramp in the front yard.
    - A greater variance would be required.
    - Travel distance would be 60'-0".
    - Trees and the use of most of the front yard would be eliminated.
    - There would be a negative aesthetic impact
  - Location of the ramp on the NW side
    - No variance required
    - Some utilities, equipment and vegetation would be removed or relocated, requiring ramp to be offset 5'-0" from house
    - 105' travel distance
- The two existing parking spaces will be maintained
- A new stair to be added to the existing rear deck

- Proposed ramp is in the utilitarian area of the property and will not impose upon the front yard or other side yard
- Proposed ramp is to allow the homeowner's mother safe access and egress. Ricapito's mother currently uses a cane but may require a wheelchair in the future. The ramp provides accommodation for this.

#### Board Comment

- The adjacent property's side yard is also utilitarian in nature and separated by a 6'-0" fence.
- A exterior chair lift would be expensive and difficult to maintain
- While compliance with the ADA is not required, the ramp's slope meets code. An interim landing is provided to break up the ramp's long run

#### Public Comment - None

J. Martin made a motion to close the public hearing. E. Wirth seconded and the motion passed unanimously.

The ZBA discussed the Five Area Variance Criteria.

J. Martin made a motion to approve the application. E. Wirth seconded and the motion passed unanimously.

#### **WORKSHOP FOR 11 BENEDICT ROAD**

##### **Application for a variance to construct a garage in the front yard setback.**

Madeline Sanchez, applicant's architect presented the project noting that:

- Current house is pre-existing non-conforming
- Applicant seeks to remove lower part of house to create a two-car garage, with new living space above
- An existing in-ground pool prevents moving project out of setback
- Proposed site is already blacktop
- Survey, site plan and floor plans have been submitted

#### Board Comment

ZBA suggested the site plan be colored to better define the scope of work and that applicant provide aerial images and streetscape photographs

E. Wirth made a motion to schedule a public hearing on 9-3-2020. J. Martin seconded and the motion passed unanimously.

**ADJOURNMENT**

L. Bozzi made a motion to adjourn. D. MacDonald seconded and the motion passed unanimously at 9:26 pm.

Submitted by M. Mell



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Aaron Wolfe, Zoning Board of Appeals Chair

8/20/2020

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Date