

**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 via video conference pursuant to Executive Order 202.1 on September 3, 2020 at 7:30pm. Attending were: Chair Aaron Wolfe and board members: Donald MacDonald, Laura Bozzi, Eric Wirth and John Martin. Village Attorney John Furst was also present.

CALL TO ORDER:

A. Wolfe called the meeting to order at 7:30 pm and noted that the agenda consisted of a public hearing for 11 Benedict Road and the continuation of a public hearing for 21 Parsonage St. While members of the public are free to view the proceedings via Zoom, both public hearings have been closed and the ZBA will not hear or accept any further public comment.

A. Wolfe noted he has met with Charlotte Mountain, the Village's new code enforcement officer and found her to be very helpful and believes her experience and expertise will be an asset to the Village.

A. Wolfe expressed his thanks to ZBA member Donald McDonald for sitting as acting chair through the 21 Parsonage St. workshops and public hearings.

MINUTES

J. Martin made a motion to adopt the 8-6-2020 minutes as modified. E. Wirth seconded and the motion passed unanimously.

J. Martin made a motion to adopt the 8-20-2020 minutes as modified. E. Wirth seconded and the motion passed 4-1 (with A. Wolfe abstaining.)

11 BENEDICT ROAD

Application for a variance of 12 feet to the required 25 foot front-yard setback to construct an addition adding a garage, bedroom, bathroom and office to the house. Homeowners are Antonio and Rose Scanga. It was noted that:

- the ZBA has received the certified mail receipts (for notifications sent to neighbors)
- the ZBA has received the affidavit that a public hearing notice sign has been posed on the property
- the ZBA has received no mail, email or any other correspondence regarding this application
- all application materials have been and remain available on the Village website

Homeowner's architect, Madeline Sanchez McGinley, presented the application and noted that:

- Homeowners are renovating the house so that they may "age in place"
- Home was constructed in 1966

- Aerial photos of the property were presented along with photos of the property from various angles and also photos of neighboring properties
- Work consists of removing the lower portion of the building and portico to allow construction of a two-car garage, bedroom, bathroom and office
- Work remains essentially within the existing footprint
- There will be no additional blacktop
- No trees will be removed
- The existing driveway is to remain
- Existing pool is to remain
- Site plan was presented showing the property as preexisting, non-conforming with an encroachment into the front-yard setback
- Site plans showing other options explored to reduce or eliminate any variances were presented. Based upon study of these options, homeowners and M. McGinley determined that the application is the best possible choice
- Internal floor plans and exterior elevations were presented
- The application will have a positive impact upon the neighborhood and is consistent with other properties on Benedict Road

BOARD COMMENTS

None

PUBLIC COMMENTS

John Humbach, 9 Benedict Road stated that he and his wife like the design.

Carol Casparian, 50 Kemble Ave, stated that she likes the design.

Rose Scanga, 11 Benedict Road, stated that she and her husband have been residents of Philipstown and Cold Spring for over 40 years and she thanked the ZBA for their consideration and her neighbors for their support.

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

REVIEW OF THE FIVE CRITERIA

ZBA discussed the five criteria.

E. Wirth made a motion to approve the application. L. Bozzi seconded and the motion passed unanimously.

21 PARSONAGE STREET

Continued discussion of an application requiring variances to construct a single family residence on a non-conforming lot. A. Wolfe recused himself and D. MacDonald became the acting chair. In his opening remarks D. MacDonald noted that:

- Village attorney has prepared a memo summarizing the discussion at the previous meeting to assist the ZBA in their deliberations
- Over the course of the application, applicant has made changes in an effort to reduce the required number of variances. Currently the application requires variances for:
 - Lot area
 - Lot width
 - Lot depth
 - Lot shape
 - Front-yard setback
 - Side-yard setback

Discussion

D. Macdonald noted that:

- Historic nature of the project, cited by applicant, goes away when existing structure is to be demolished and a new dwelling built
- Parking spaces on the property present a detriment to the neighborhood
- Granting all of the requested variances is excessive, “a bridge too far” and disregards the code

L. Bozzi noted that:

- All the required variances are substantial and this “tips too far” away from what can be granted for a single application
- There has been much neighborhood opposition to the application

E. Wirth noted that:

- ZBA provides relief for homeowners who find themselves unable to comply with a particular aspect of the code.
- Applicant purchased property knowing that multiple variances would be required
- Approval (of the application) would flout the code

J. Martin noted that:

- The neighborhood consists of small residential lots, but the construction of homes on those lots pre-existed zoning code.
- The lot is less than half of the code-mandated minimum
- The application is “too far” from code requirements for variances to be seriously considered. “It’s too big of an ask.”
- Application goes against code in many ways, especially with regard to the lot size variance

REVIEW OF THE FIVE CRITERIA

ZBA discussed the five criteria.

J. Martin made a motion to approve the application. D. Macdonald seconded and the ZBA voted unanimously not to approve the application.

ADJOURNMENT

J. Martin made a motion to adjourn. E. Wirth seconded and the motion passed unanimously at 10:25 pm.

Submitted by M. Mell

Donald MacDonald, Zoning Board of Appeals Acting Chair

Date



10/15/2020

Aaron Wolfe, Zoning Board of Appeals Chair

Date