

**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 June 6, 2019 at 7:30pm at the Village Hall, 85 Main St. Attending were board members: Aaron Wolfe, chair, Donald MacDonald, Grace Lo, John Martin 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 continue the public hearing for 21 Parsonage.

**PUBLIC HEARING**

21 Parsonage: continuation of public hearing on an application to permit construction of a single-family dwelling on a substandard lot, requiring several variances.

Written Comments

A. Wolfe read three letters, regarding the application:

Greg and Lynn Miller wrote to note their objection to the application

A. Wolfe responded to their letter noting that:

- No variance is required for the lot coverage area maximum
- Air B & Bs are allowed by code with an appropriate permit. The ZBA does not enforce tourist home permits

Planning Board Chair Matt Francisco wrote a formal opinion about the potential site plan (for the application) noting that:

- Only the minimum variances should be granted
- The site should be made as conforming as possible
- Waiver of off-street parking is not recommended
- There is no compelling reason to locate a new structure on the existing site

A. Wolfe responded to the Planning Board letter noting that:

- ZBA did not request the applicant to request a waiver of off-street parking
- Referring to a reference in the Planning Board letter equating the applications for 21 Parsonage and 126 Main St., Wolfe said they are not comparable as 21 Parsonage is in a residential district and 126 Main St. is in a commercial district

Tom Huber (36 Pine St.) expressed concern about future changes to the design of any new structure as well as any development by future owners may be objectionable. He is also concerned about adverse impact to the water and sewer system from connections from this property

The applicant's attorney noted that:

- Use of the property as a B & B is not planned
- Use of property is intended for the owner's in-laws
- The application does not make any undesirable change to the neighborhood
- Owners have received positive community support
- The new structure will maintain the existing footprint at the existing location
- Some of the variances requested are substantial, but are not self-created
- There are no environment issues

Public Comment

Donna Nameth(22 Parsonage) noted that while she initially liked the design, she is now concerned about increased traffic, cars on the street and the potential for water and sewer pipe collapse. She is "completely against" the application.

Judy Baltich (19 Parsonage) opposes the application citing access through their property during construction, potential for undesirable future development, insufficient room for a driveway and the fact that it is not a buildable lot.

In response to these comments, applicant's attorney noted that:

- The Water/Sewer Superintendent has informed him that the sewer line runs along Parrott St
- Huber or any other resident could have purchased the property to preclude its development
- The lot is consistent with the neighborhood
- Any construction would not trespass on adjacent properties
- Village code promotes the best use of the property

Mayor Dave Merandy, speaking for himself, commented that:

- The existing barn is a historic structure. What might HDRB requirements be and how might they impact all aspects of any new structure
- This lot is one of the smallest in the village and is not consistent with the area
- Parking variances are unusual
- Parking issues should be a ZBA consideration
- Owners should have known there would be zoning issues (related to development of the property)
- Restoration of the existing structure would be very difficult
- Future development should be a consideration

Donna Nameth gave A. Wolfe a section of a NYS technical paper regarding area variances.

Discussing the issue raised by residents about the possibility that connection to the water and sewer lines may cause damage to other residents' pipes, ZBA members noted that:

- Possible risks should be investigated

- The collapsed pipes that occurred at another property (and cited during the public comment) may or may not be related to any construction done at the time
- This issue is a “red herring” and not relevant
- This issue is not a ZBA responsibility
- The correlation and implied cause and effect is highly speculative

The Board took a short recess while Mayor Merandy called Water/Sewer Superintendent Greg Philips to ascertain the location of sewer lines in that area. Philips told the Mayor that both the water and sewer lines both run along Parsonage

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

The ZBA began consideration of the application, which will continue at the next meeting.

#### **MINUTES**

J. Martin made a motion to adopt the 5-16-19 minutes as amended. G. Lo seconded and the motion passed unanimously

#### **ADJOURNMENT**

J. Martin made a motion to adjourn the meeting. E. Wirth seconded and the motion passed unanimously 9:15pm.

Submitted by M. Mell



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Aaron Wolfe, Zoning Board of Appeals Chair

6/20/19

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Date