

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

**Public Hearing & Workshop
3-4-2021**

The Village of Cold Spring Zoning Board of Appeals held a public hearing and workshop via video conference pursuant to Executive Order 202.1 on March 4, 2021, at 7:30 pm. Attending were chair Eric Wirth and board members Laura Bozzi, John Martin, and Heath Salit.

BOARD COMMENTS

Board members commended its secretary, Michael Mell, who will leave at the end of the month.

PUBLIC HEARING

212 Main Street. Continuation of the hearing on an application to add a second story to an accessory building. Tania Drinnon is the property owner. Roger Hoffmann is the architect.

E. Wirth noted that no additional public comment has been received and that revised drawings, per ZBA direction at the last meeting, have been submitted.

E. Wirth made a motion to accept applicant's demonstration that the proposed addition is a legal half story not requiring a variance from §134-17.A(1)(a). J. Martin seconded, and the motion passed unanimously.

The board discussed whether the projecting overhangs of the second floor increased the preexisting nonconforming lot coverage. J. Martin made a motion that the code is unclear on whether an overhang of this type contributes to lot coverage and that, since the board cannot reach a definitive conclusion on the matter (insofar as this application is concerned), the ZBA should declare the issue in the applicant's favor and accept that lot coverage is not increased. E. Wirth seconded, and the motion passed unanimously.

The board then considered the fact that the overhangs increase several preexisting nonconforming area dimensions, requiring a variance from §134-19.H.

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

In weighing the variance from §134-19.H necessitated by the overhangs, the ZBA considered the five criteria. E. Wirth made a motion to deny the variance. L. Bozzi seconded, and the motion passed unanimously. The board noted that the applicant still has the right to add the half story without overhangs.

WORKSHOP

34 Kemble Ave. Workshop on an application for a use variance to operate a preschool licensed by an agency other than the NYS Department of Education (NYSDOE) in the R-1 District. Karen Kapoor is the applicant. Kim Conner is the property owner. Beth Sigler is the applicant's architect.

Applicant wishes to open a Montessori School, which enrolls students aged 3–6. A nonpublic school for this age group is licensed by the Office of Children and Family Services, not by the NYSDOE. Minor interior and exterior architectural modifications will be required.

During the discussion, it was noted that:

- A use variance requires that all four NYS criteria be met. The board discussed the criteria and how they might be met.
- The building has a history of nonconforming use.
- According to the applicant, the town of Philipstown held classes for young children in the space without a use variance being required, and this may qualify as a preexisting use that is grandfathered in.
- The applicant said that a use variance was not required for previous public events and activities held in the property
- Building has a history of community use.
- A Montessori School existed at 220 Main Street until 2018.
- School day would run from 8:30 am to 3 pm.
- Teachers will have Montessori certification, but not necessarily NYS certification.
- Code allows schools in the R-1 district if they meet requirements of NYSDOE.
- Applicant has three options:
 - Meet all the criteria for a use variance as defined in New York law.
 - Submit a new application for an interpretation establishing that the proposed use is a preexisting use and so doesn't require a variance.
 - Submit a new application for an interpretation establishing that the proposed use complies with the code.

The applicant will notify the ZBA how she will proceed and will update the application accordingly. A public hearing was set for 3-18-2021.

E. Wirth made a motion to close the workshop. J. Martin seconded, and the motion passed unanimously.

MINUTES

E. Wirth made a motion to adopt the 2-18-2021 minutes as amended. L. Bozzi seconded, and the motion passed unanimously.

ADJOURNMENT

E. Wirth made a motion to adjourn. L. Bozzi seconded and the motion passed unanimously at 9:24 pm.

Submitted by M. Mell

A handwritten signature in black ink that reads "Eric Wirth". The signature is written in a cursive, slightly slanted style.

Eric Wirth, Zoning Board of Appeals Chair
Dated: March 18, 2021