

**Village of Cold Spring
Zoning Board of Appeals
85 Main Street, Cold Spring, N.Y. 10516**

**Thursday, April 15, 2021
Meeting Minutes**

The Village of Cold Spring Zoning Board of Appeals held a meeting via video conference pursuant to Executive Order 202.1 on Thursday, April 15, 2021. Members present: Chair Eric Wirth, John Martin, Laura Bozzi, Marianne Remy, and Heath Salit. The meeting was called to order at 7:31 p.m.

Opening Comments

Chair Eric Wirth made a motion to reschedule the public hearing for 17 Parsonage to May 6, 2021, @ 7:30 p.m. because the applicants needed more time to prepare for the hearing. The motion was seconded by H. Salit and passed by a vote of 5-0-0-0.

Public Hearing for 17 Marion Avenue (49.9-1-39)

Homeowner Trevor Knight seeking an area variance for side yard setback to construct a new garage. Trevor Knight and his architect, Ethan Timms, were present.

E. Wirth made the following clarifications regarding the application:

- The provision of the zoning code from which a variance is needed is not §134-7.C(5) but §134-17.A(1)(b), which requires garages to be set back at least 10 feet from the property line. This does not change the substance of the variance requested.
- The rear property line is the longer of the two lot lines in the back, according to the definition of rear yard in the zoning code and the subdivision site plan filed with Putnam County.
- Applicant has supplied his deed and the declaration of easements affecting his property.

Applicant Trevor Knight presented an overview of the proposed garage. The objectives and benefits are:

- Build a garage as there currently is not one on the property.
- Employ sustainable landscaping and maximize use of current yard.
- Do the right thing by the Village, neighbors, community and environment.
- Reduced grading will improve water run-off issues away from neighboring property.
 - E. Wirth inquired if permeable paving had been considered. E. Timms noted that it was not suitable but will investigate further.
 - J. Martin asked what the degree of slope is going towards 15 Marion Ave. It is approximately 2' or 7% going from North to South.
 - E. Wirth asked if the applicant addressed the drainage easement. This had not been done.

E. Wirth noted that this is Type II action under SEQRA. Certified Mail receipts and Sign Affidavit were

submitted.

E. Wirth opened the meeting to public comment. He noted that several written comments had been received prior to the meeting, and all were opposed to the application.

J. Meyer of 46 Kemble went on record that he had no comment pro or con on the application.

H. Salit asked for confirmation that there is no sight line from Kemble Avenue to the proposed garage. T. Knight confirmed.

J. Martin asked Chair Wirth to summarize the received written correspondence:

- No hardship demonstrated that would necessitate the variance.
- Size of the proposed structure creates an undesirable effect on the neighborhood.
- K. Doyle of 15 Marion Avenue commented that many issues identified in her letter had been addressed by the applicant and the Board. She also noted that:
 - Drainage/run-off are not an issue.
 - The objectives could be accomplished without a variance and by utilizing permeable materials for paving.

J. Martin asked if the garage could be moved elsewhere on the property that would not require a variance. The applicant responded that it could, but in doing so it will increase the amount of pavement required and impinge on the viewshed of 19 Marion Avenue. E. Timms noted that there are also aesthetic considerations.

E. Wirth noted that approving the variance would be good for the applicant and denying it would be good for the neighbors.

J. Martin asked to verify the dimensions of the proposed garage (30' x 30') and noted that as proposed it creates a viewshed impediment for 15 Marion Avenue.

M. Remy asked the applicant if he had considered reducing the size of the garage, thus making it less intrusive and reducing the setback. He had not at this time.

E. Wirth made a motion to close the Public Hearing. L. Bozzi seconded, and the motion passed by a vote of 5-0-0-0.

The Board discussed how the five factors applied to the application. E. Wirth made a motion to deny the variance. J. Martin seconded the motion, and it passed by a vote of 5-0-0-0.

Board Business

Resolution on 34 Kemble Avenue

E. Wirth commented that the board had received new correspondence about 34 Kemble, but since

the correspondence was submitted after the close of the public hearing, it could not be taken into account.

H. Salit made a motion to accept the draft resolution as is. E. Wirth seconded, and the motion passed by a vote of 4-0-0-1 (M. Remy abstained).

Minutes of 4-1-2021 Meeting

The board reviewed and corrected the minutes of the April 1, 2021, meeting. E. Wirth made a motion to approve the minutes as amended. L. Bozzi seconded, and the motion passed by a vote of 4-0-0-1 (M. Remy abstained).

Adjournment

E. Wirth made a motion to adjourn the meeting. M. Remy seconded, and the motion passed by a vote of 5-0-0-0.

Meeting adjourned at 9:52 p.m.

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: May 6, 2021