

Village of Cold Spring Zoning Board of Appeals
Thursday, September 16, 2021
Meeting Minutes

The Village of Cold Spring Zoning Board of Appeals held a Meeting at Village Hall, 85 Main Street, on Thursday, September 16, 2021. Members present: Chair Eric Wirth, Laura Bozzi (arrived at 8:50 pm), John Martin, Marianne Remy, and Heath Salit. The meeting was called to order at 7:32 pm.

Public Hearing for 3 High Street (48.8-5-16)

Felix Jimenez and Liz Wisler, owners, requesting a variance for a side yard setback to add a second-floor addition and one-story screened porch. David Hottenroth, architect, presented an overview of the project and noted that it has been revised to reduce the size of the setback variance. Since an existing shed will be removed, the proposed percentage of lot coverage is less than existing percentage.

No public comments received (written or verbal).

H. Salit made a motion to close the public hearing. M. Remy seconded the motion, and it passed by a vote of 4-0-0-1 (L. Bozzi not present).

During the discussion weighing the five factors, J. Martin requested that it be on the record that he doesn't agree with the Board's interpretation of the Code that eliminates the need for a variance when the house is expanded by increasing the height in the setback area.

After weighing the five factors as they applied to the application, E. Wirth made a motion to approve the application as presented. H. Salit seconded the motion, and it passed by a vote of 4-0-0-1 (L. Bozzi not present).

Public Hearing for 15 Orchard Street (48.8-4-42)

Homeowner Megan Shea and architect Madeleine Sanchez present. Construction of garage requiring variances for side and rear yard setbacks.

M. Sanchez presented an overview of the application:

- Construction of detached garage. Previous garage had been torn down. New garage closely follows previous garage's footprint.
- Follows pattern of detached garages on Orchard St. and throughout Village.
- Proposed rear yard setback is 7.5' (10' required).
- Proposed side yard setback is 1' (10' required).
- The only way to build the garage outside the setbacks would be to change its location, necessitating removal of a cherry blossom tree, reduction of usable yard space, and reconfiguration of the driveway.

M. Remy asked how does the Board take into account that there was once a garage in the space? E. Wirth responded that since the old garage was previously torn down, the Board treats this as new construction of an accessory building.

J. Martin commented that the proposed garage maintains the character of the community. H. Salit added that the proposal preserves green space and vegetation.

Public Comment

M. Culbert, 15 Mountain Avenue: Supports the application.

T. Mullane, 17 Mountain Avenue: Supports the application and thanked the Board for its time and efforts.

E. Wirth read into the record written public comments received, all in support of the application: Michelle Smith, 13 Orchard Street; John Plummer and Maia Guest, 16 Orchard Street; Matt Francisco and Joe Patrick, 18 Orchard Street

E. Wirth made a motion to close the public hearing. J. Martin seconded the motion, and it passed by a vote of 4-0-0-1 (L. Bozzi not present).

After weighing the five factors as they applied to the application, J. Martin made a motion to approve the application as presented. E. Wirth seconded the motion, and it passed by a vote of 4-0-1-0 (L. Bozzi abstained).

Board Business

E. Wirth made a motion to approve the minutes of the 8/19/2021 meeting as amended. H. Salit seconded the motion, and it passed by a vote of 3-0-2-0 (J. Martin and L. Bozzi abstained). J. Martin made a motion to approve the minutes of the 9/2/2021 meeting as amended. L. Bozzi seconded the motion, and it passed by a vote of 4-0-1-0 (M. Remy abstained).

E. Wirth made a motion to accept as presented the resolution granting a variance to 10 B Street. H. Salit seconded the motion, and it passed by a vote of 3-0-2-0 (J. Martin and L. Bozzi abstained).

The Board agreed that henceforth its meetings will be held via Zoom as allowed by Chapter 417 of the New York Laws of 2021 and will begin at 7:00 pm.

Adjournment

J. Martin made a motion to adjourn the meeting. M. Remy seconded the motion, and it passed by a vote of 5-0. Meeting adjourned at 9:30 pm.

Submitted by: Jeff Vidakovich



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