



VILLAGE OF COLD SPRING
**ZONING BOARD
OF APPEALS**

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Meeting Minutes – December 21, 2023

The Village of Cold Spring Zoning Board of Appeals held a meeting on Thursday, December 21, 2023. Members present at Village Hall: Chair Eric Wirth, Marianne Remy, John Martin, and Jesse St. Charles. Heath Salit was absent. Chair E. Wirth called the meeting to order at 7:03 p.m.

Chair Remarks

E. Wirth noted a quorum of members present.

Public Hearing for 14 Constitution Drive (48.12-2-7)

14 Constitution Drive – Hearing on an application for a variance pursuant to Zoning Code §134-19.G, to build an addition that would expand the width of the house in the northwesterly side yard. John Scarpa and Carol Scarpa, homeowners, were present at Village Hall. Application materials, including photographs of neighboring properties and revised architectural drawings requested by the Board at the October 19, 2023, workshop, were provided to all participants.

E. Wirth opened the public hearing. He noted the following:

- Proof of mailing to neighbors via certified mail and Affidavit of Public Hearing Sign Placement were submitted by homeowners;
- Public hearing notice was duly published in the PCNR and posted on the Village website;
- The proposal was a Type II action under SEQRA and required no environmental review;
- No public comment was received by the Clerk's office.

He added that the proposed project falls under §134.19.G of the Code, which provides that a nonconforming building may be enlarged provided that such action does not increase the width of any part of the building located in a required yard.

J. Scarpa described the purpose of the proposed addition into the northwesterly yard:

- Remove existing sunroom;
- Extend the living space to include a fourth bedroom and expand bathroom;
- L-shaped addition will extend into side yard about twenty-five (25) feet by eighteen (18) feet from existing structure;
- Addition will go no closer to the property line between subject residence and neighbor on the north side, and in fact will likely be slightly further away;

Eric Wirth, Chair

Members: John Martin, Marianne Remy, Heath Salit

- There is a six-foot fence along that property line;
- Height of new Bilco door is nineteen and one-half (19½) inches above grade where it interfaces with the new building footprint; however, the height where the Bilco door crosses the rear yard setback line will be approximately nine (9) inches above grade;
- No trees will be removed, only a tree stump;
- Lot coverage will increase from twenty-three (23) percent to twenty-nine (29).

E. Wirth noted that the height of the addition from the ground to the peak of the hipped roof gutter is fourteen (14) feet and seven (7) inches on the plans. Discussion ensued about the approximate height of the addition wall itself. The Board concluded it appeared to be no more than ten (10) feet high though not specifically indicated on the plans. The Board also noted that the roof of the addition has a low slope of 4:12 which reduces its visibility, and the addition will replace an already existing barrier, a six-foot fence in the same location.

J. Scarpa explained that the proposed addition was the least invasive means of adding space, without building up or building out into the other setback where the existing kitchen, bathroom, and outside basement stairs are located. The proposed addition requires a simpler, more natural, buildout from the existing bedroom and garage. Moreover, it was more in keeping with the neighborhood.

Public Comment

There was no public comment on the proposal. J. Martin noted that the proposal had been published for a prior hearing in November, which was canceled, as well as for the hearing on this evening.

M. Remy made a motion to close the public hearing. J. Martin seconded the motion, and it passed by a vote of 4-0-0-1 (H. Salit absent).

Board Comment

J. St. Charles thanked the Scarpas for their patience and commended their diligence in the application process and detailed presentation to the Board. E. Wirth noted that the proposal is in keeping with the architectural style of the neighborhood and the one-level addition has been designed to have the least possible impact on others. J. Martin agreed, and further noted that, while the requested variance is substantial, the neighbor most likely to be impacted has not objected to the proposal. M. Remy commented that the proposal was thoughtfully done.

After the Board had weighed the five factors as they applied to this application, E. Wirth moved approval of the application. J. St. Charles seconded the motion, and it passed by a vote of 4-0-0-1 (H. Salit absent).

Updating ZBA Application Form

The Board continued discussing revisions to the ZBA application. Board members thanked E. Wirth for his work on the application.

Eric Wirth, Chair

Members: John Martin, Marianne Remy, Heath Salit

Review of Minutes – October 19, 2023

E. Wirth made a motion to approve the minutes for the October 19, 2023, meeting as amended. J. Martin seconded the motion, and it passed by a vote of 4-0-0-1 (H. Salit absent).

Adjournment

J. Martin made a motion to adjourn. M. Remy seconded the motion, and it passed 4-0-0-1 (H. Salit absent). The meeting was adjourned at 8:40 p.m.

Submitted by Karen Herbert

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

Eric Wirth
Chair, Zoning Board of Appeals
Dated: March 12, 2024