

**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 November 7, 2019 at 7:30pm at the Village Hall, 85 Main St. Attending were board members: Aaron Wolfe, chair, and John Martin, Donald MacDonald 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 hold a public hearing for 41 Garden Street and 12 Benedict Road.

41 Garden Street: application for a variance to the maximum allowed lot coverage for construction of an addition to an existing house.

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

Architect Karen Parks appeared on behalf of the applicant (Maria DiMeo) and presented site plan, building plans, elevations, tax map and a list of neighbors to be notified. The project consists of a small one-story addition to an existing one-story building in the R-1 district that will increase the existing non-conformity. Applicant requests a variance for 10.7% to bring the property into compliance. She finished the presentation requesting the variance be granted as it has minimal impact on density and has limited visibility from the street.

During the presentation it was noted that:

- The property is a single story ranch dwelling
- The proposed addition will add 282 SF at the rear of the existing house
- The existing dwelling is 1,185 SF
- The HDRB has written a letter to the ZBA expressing their preference for the proposed addition (at the rear of the house) rather than adding a second story
- The existing rear patio is covered (and so contributes to the density)
- The roof over the rear patio could be removed to decrease the requested density
- A 6'-0" fence, erected between the property and the adjacent property to the south (Our Lady of Loretto parking lot) could lessen the visual impact, but it too would require a variance.
- A fence would create a solid line and more of a dense appearance than the house currently does, but the owners would be amenable if this change would persuade the ZBA to grant the variance

Public Comment

Mike Mueller, residing at 43 Garden Street, asked why the Village Code limits density. Board members

explained that limits on density help to maintain the character of the area. They also noted that the ZBA does not legislate, but only interprets the code.

Mueller stated he would prefer the proposed rear addition to a second story, which would impact natural light. The owner noted their plans to replant bushes and shrubs between the two properties.

Board Discussion

During the Board's discussion it was noted that:

- A more specific recommendation from the HDRB, identifying the house as a distinct style within the Village, would be advantageous to the owner's pursuit of a variance
- The lot is undersized and is preexisting non-conforming
- ZBA will request a clarification from the HDRB regarding the style of the house

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

12 Benedict Road: application for a rear yard setback variance for a deck.

A. Wolfe made a motion to open the public hearing. J. Martin seconded and the motion passed unanimously.

Applicant presented site plan, survey and project plans for a new deck. During the discussion it was noted that:

- A 3'-0" rear yard setback variance is required
- The proposed deck to be fabricated from wood
- Adjacent properties also have similar decks
- Existing trees offer masking of the deck from neighbors and the public right of way

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

E. Wirth made a motion to grant the requested variance. J. Martin seconded and the motion passed unanimously.

BOARD BUSINESS

A. Wolfe noted that Grace Lo has resigned from the ZBA and a new member will need to be selected. In the past the ZBA has interviewed applicants and made a recommendation to the Village Board. Mayor Merandy has informed the ZBA that he will make the appointment (without ZBA input.)

A. Wolfe will recuse himself from consideration of the upcoming reapplication by the owners of 21 Parsonage. Wolfe made a motion to appoint D. MacDonald as acting chair for matters related to this application. E. Wirth seconded and the motion passed unanimously.

DISCUSSION OF ZBA APPLICATION MATERIALS

The Board made minor modifications to the conformance sheet. J. Martin made a motion to adopt the

changes to the conformance sheet. D. MacDonald seconded and the motion passed unanimously

MINUTES

None

ADJOURNMENT

J. Martin made a motion to adjourn the meeting. E. Wirth seconded and the motion passed unanimously at 9:18 pm.

Submitted by M. Mell



Aaron Wolfe, Zoning Board of Appeals Chair

12/19/19

Date