

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

**Workshop Meeting**

The Village of Cold Spring Zoning Board of Appeals held a workshop meeting on February 15, 2018 at 7:30pm at the Village Hall, 85 Main St.

Attending were board members: Aaron Wolfe, chair, Elliott Hammond, John Martin and Donald MacDonald. Alison Anthoine was absent. Village Attorney John Furst was also in attendance.

**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 conduct a workshop for 126 Main Street and 9 Morris Ave. He also welcomed new/returning board member Donald MacDonald

**126 MAIN STREET:** Workshop for new building construction.

Karen Parks, appearing on behalf of the applicant, presented revised survey and site plans and described the nature of the project. She noted that:

- The applicant is seeking a waiver for the front setback. The existing building is 6" over the property line. The proposed new building would be constructed 6" behind the property line.
- The new building will be separated from the adjacent building by 5'-0" and a fence will be erected between the two structures (but located on the applicant's property.)
- A. Wolfe noted that the application fee and escrow have been paid. He also noted that:
  - SEQR action will be addressed by the HDRB
  - The HDRB is not concerned that the new building does not align with the adjacent building
- The ZBA scheduled a public hearing for 3-1-18.
  - Applicant submitted a list of neighboring properties to be notified.
  - Applicant asked that the ZBA hearing be held concurrently with the SEQR hearing to allow necessary tree removals, which may only be done during a limited window. Parks noted that if the spring window is missed, the next opportunity will be in November, when it would conflict with other construction activities.

**9 Morris Avenue:** Workshop for a special permit for philanthropic offices in a residential district.

Daniel Hollis (attorney for Jonathan Rose and 9 Morris Avenue LLC), and Jennifer Reap (Land Surveyor at Badey & Watson) presented the nature of the philanthropic use and the reasons why the special permit should be granted. He noted that:

- Applicant is also seeking variances for setbacks and required acreage.
- Applicant is involved with numerous philanthropies and seeks a local administrative office to manage them. Office is for the applicant's use only. Two full-time and one part-time staff are

anticipated working Monday – Friday during normal business hours (8am – 6pm). Occasional meetings of up to six persons may occur.

- Applicant will not be making any changes to the exterior of the building or to the property.

Board members discussed and agreed that the ZBA was the proper venue to seek the special permit.

Board members agreed that the application appeared complete, but requested minor text changes and requested applicant provide a narrative description of the work of the organization and the various philanthropies that Rose is involved with.

Board members discussed use criteria identified in village code to determine that it doesn't preclude the proposed use. Applicant asserted that the intended use is permitted under the code but ZBA is undecided. It was noted that the special permit attaches to the property and "defines what the land may be used for" rather than any specific entity occupying the property. The special permit requires an annual review, at which time the permit may be modified.

Board members discussed parking issues. Applicant's site plan shows off-street parking for four vehicles. ZBA is unsure whether four or five spaces are required and will research the village code for "office use" as a guideline (but not necessarily the sole determining factor). If the larger number is required, the applicant will have to seek a variance.

Furst noted that the ZBA may wish to refer the parking issue to the planning board for an informal review. He also noted that SEQR review by the ZBA is not required, but that the planning board might request it should they entertain a formal review.

ZBA set a public hearing for 3-15-18.

Marie Early (speaking on her own behalf) asked:

- Does the building need to be upgraded for its intended commercial use?
- How will this new use impact the village character?
- Will this set a precedent whereby any residence could be sold to a commercial entity that could then request a special permit?

ZBA responded that these questions would be addressed during the public hearing.

## MINUTES

J. Martin made a motion to accept the minutes of the 11-2-17 meeting. A. Wolfe seconded and the motion passed unanimously with D. MacDonald abstaining.

J. Martin made a motion to accept the minutes of the 9-12-17 meeting. E. Hammond seconded and the motion passed unanimously with D. MacDonald abstaining.

**ADJOURNMENT**

J. Martin made a motion to adjourn the meeting. E. Hammond seconded and the meeting was adjourned at 9:19pm.

Submitted by M. Mell



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Aaron Wolfe, Zoning Board of Appeals Chair

3/15/2018  
Date