

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

Workshop Meeting & Public Hearing

The Village of Cold Spring Zoning Board of Appeals held a workshop meeting and public hearing on April 4, 2019 at 7:30pm at the Village Hall, 85 Main St. Attending were board members: Aaron Wolfe, chair, John Martin, Donald MacDonald, Grace Lo and Eric Wirth. Also in attendance were Village Attorney John Furst and Planning Board Chair Matt Francisco.

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 21 Parsonage and 3 Rock Street. A public hearing is to be conducted for 191 Main Street.

WORKSHOPS

21 Parsonage. Application to convert a shed into a house, requiring several variances.

Owner presented the project noting:

- He has met with the Planning Board for a workshop
- The two lots, 21 Parsonage St. and 36 Pine St. are separate tax lots
- Plans have been revised to include an on-site parking space
- The new structure will be erected in the same place as the existing (which is to be demolished)

Village Attorney John Furst noted that:

- The two tax lots, 21 Parsonage St. and 36 Pine St., were owned by the same person prior to establishment of the Village zoning code in the 1960's. The code merged these two tax lots, for the purposes of zoning, to phase out non-conforming lots.
- Applicant is entitled to seek variances for any zoning requirements it can't meet
- Variances being sought are:
 - Off-street parking
 - Lot area
 - Lot width
 - Lot depth
 - Front yard setback
 - Side yard setbacks

During the discussion it was noted that:

- Front and side yard variances will be required
- Two parking spaces are required so a waiver from the Planning Board will be required
- The proposed porch on the south side is uncovered and so doesn't count in the calculation of lot coverage.
- Main entrance to be on the south side facing Pine St.

- For zoning purposes the two lots are merged
- There are a few similar lots within the Village
- The application may or may not require a change of use, but that determination is to be made by the Planning Board
- The Planning Board will not comment on a change-of-use without a site plan
- ZBA needs a formal opinion from the Planning Board now that a formal application has been submitted
- The main issue is that this is a sub-standard lot
- The Planning Board would like to know what variances are being sought, along with detailed criteria from the ZBA for granting of those variances - - if they are granted. M. Francisco also requested a detailed explanation of the five criteria (that will be addressed during the public hearing) for Planning Board consideration
- ZBA will hold a public hearing and keep it open while soliciting Planning Board and HDRB opinions
- Adjacent properties are to be shown on the plans for context
- A public hearing is scheduled for 4-18-19. Applicant to submit updated application beforehand and post signage about the public hearing as required by Village code

3 Rock Street. Application for a variance to the minimum livable area requirements for a dwelling.

Applicant seeks to create an apartment inside the existing single family home in the R-3 district.

Karen Parks appeared on behalf of the applicant, described the project and presented plans and other drawings. She noted that:

- A variance is sought for a dwelling of less than 600 square feet on the first floor
- There is no plan to alter the second floor
- There are no plans to alter the exterior
- There are no plans to alter the site
- An application is before the Planning Board
- Parking requirements have been met

A public hearing is set for 4-18-19.

PUBLIC HEARING

191 Main St. Application for a proposed shed in the front and side yard setbacks. The proposed shed is at the end of a driveway on Chestnut St., across from St. Mary's lawn.

Applicant presented site plan, survey, photographs and shed design cut sheet. He noted that:

- Shed is a 10'x14' A-frame structure 10'-0" high, with a metal roof
- Shed is prefabricated for delivery to site completely assembled
- Existing non-conforming shed is to be removed

There was no public comment.

J. Martin made a motion to close the public hearing. E. Wirth seconded and the public hearing was closed at 8:52pm.

During the ZBA discussion it was noted that:

- The shed will be very visible and stands closer to the street than the house at 191 Main St. other houses on the street
- There are not many sheds on Morris Ave and Chestnut St. and they are not oriented toward the street
- Proposed location of shed is in the only area on the property where it can possibly be located because of the grade of the property and desire for street access.
- The application is a SEQR Type II.

FIVE CRITERIA

The ZBA evaluated the application against five criteria and ruled as noted below.

- a. The variance will not adversely impact the appearance of the neighborhood.
- b. The benefits of the variance cannot be achieved by other means.
- c. The variances are not substantial.
- d. The variance will not have any adverse environmental impact.
- e. The difficulty is self-created.

Balancing Statement

Proposed location of shed is in the only area on the property where it can possibly be located because of the grade of the property and desire for street access.

J. Martin made a motion to grant the requested variance. D. MacDonald seconded and the motion passed unanimously.

MINUTES

J. Martin made a motion to adopt the 3/21/19 minutes. E. Wirth seconded and the motion passed 4-0, with G. Lo abstaining

ADJOURNMENT

J. Martin made a motion to adjourn the meeting. D. MacDonald seconded and the motion passed unanimously at 9:40pm.

Submitted by M. Mell



Aaron Wolfe, Zoning Board of Appeals Chair

5/2/19

Date