

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

**Public Hearings & Workshops**

The Village of Cold Spring Zoning Board of Appeals held two public hearings and a workshop on May 2, 2019 at 7:30pm at the Village Hall, 85 Main St. Attending were board members: Aaron Wolfe, chair, Donald MacDonald, Grace Lo and Eric Wirth. John Martin was absent. Also in attendance was Village Attorney John Furst.

**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 public hearing for 21 Parsonage and 3 Furnace Street and a workshop for 5 Railroad Ave.

**PUBLIC HEARINGS**

**21 Parsonage. Application to permit construction of a single family dwelling on a substandard lot, requiring several variances.**

In his opening remarks, A. Wolfe noted that:

- The County has written that it has no opinion/comment upon the proposed variances
- ZBA has met privately with the Village Attorney and a received a written opinion from a second attorney for counsel regarding the issues of precedence relevant to this application
- The Village code doesn't have a "merger" clause and so this won't be a factor in ZBA consideration of the application

Public Hearing Continued

During the Hearing the following was noted:

- J. Furst remarked that the primary concern for ZBA deliberations is the sub-standard lot variances
- Applicant's attorney cited references to other village codes, noting that these codes better reflect Cold Spring "as is."
- Applicant described his intent in purchasing the property and noted that:
  - It is a beacon to the past
  - It fits within the neighborhood
  - He plans to respectfully update the property
  - He is not a developer or real estate person
  - He is not an agent for anyone but himself
  - He asks for the variances to be granted
  - He doesn't plan to live on the property, but intends it as a home for visiting family members and eventually as a long-term rental

### Board Discussion

During the Board's discussion it was noted that:

- A final decision won't be made until the full board is present
- The public hearing will remain open until 5-16-19
- Discussion of average lot size is a way to gauge possible waivers (D. MacDonald presented a worksheet that can act as a guide.)
- How neighborhood is defined and how large it is are valid considerations
- As of 2000, there are 108 lots of equal or smaller size in the Village
- The area has a higher density than other areas of the Village
- Adjacent lots speak to the historic development of the Village and should be considered as a factor (in ZBA deliberations)
- The lot is smaller than the two adjacent lots
- Even though the applicant wishes to build a small house, a future owner may wish to enlarge the structure (beyond ZBA current intentions.)
- Village code would benefit from a "cottage" classification to address applications such as this, to avoid situations where many variances are necessary.
- Variances requested are unique to this property, which would protect against setting precedent
- A poll of Board members indicated that:
  - A. Wolfe is generally supportive (of the application) but has reservations
  - G. Lo believes the granting the variances will have a significant impact to the neighborhood and that the location of the structure on the lot is important
  - E. Wirth is leaning towards granting the variances
  - D. MacDonald is undecided
- A deed restriction is useful to control/limit future unintended development, but may be difficult to enforce
- The question of parking presented the board with a contradiction. The aim of granting the minimum variances would mean requiring two parking spaces on the lot. But the aim of minimizing undesirable changes in the neighborhood and detriments to nearby properties implies allowing no parking on the lot (so that existing open space is not consumed by cars and so that the neighbor's kitchen does not look out on a driveway). The applicant commented that he prefers no parking on the lot.

The next ZBA meeting on 5-16-19 will be re-noticed to include the parking variance for two spaces.

### **3 Furnace Street. Application for a variance to the maximum fence height in the R-1 District.**

Bill Sussman presented a photo montage illustrating the property, adjacent properties and location of proposed fences and a pergola. During the hearing it was noted that:

- Applicant hasn't submitted affidavit that the public notice sign has been posted. A. Wolfe said that if the ZBA approves the application, the approval will be contingent on submission of the affidavit.

- Applicant wishes to erect a 6'-0' high fence on the two sides of the property abutting the B-1 district
- The applicant said that the pergola he originally proposed would either be moved outside the setbacks or be replaced by a 4'-0" high gate. No variance would be required in either case, so the pergola was withdrawn from the application.
- James Hartford (neighbor) voiced support for the application

D. MacDonald made a motion to close the public hearing. E. Wirth seconded and the motion passed 4-0-0-1.

G. Lo made a motion to approve the application as amended. D. MacDonald seconded and the motion passed 4-0-0-1.

## **WORKSHOP**

### **5 Railroad Ave. Workshop on an application for a shed requiring lot coverage and setback variances.**

Applicant presented picture of the proposed shed, a survey, environmental impact statement, application and described the project.

Applicant's architect (James Hartford of River Architects) noted that a narrow lot exemption applies to the property and that the applicant seeks a 7'-0" rear yard variance and a 4% lot coverage variance.

A public hearing was scheduled for 5-16-19.

## **MINUTES**

E. Wirth made a motion to adopt the 2-21-19 minutes as amended. G. Lo seconded and the motion passed 4-0-0-1.

E. Wirth made a motion to adopt the 4-4-19 minutes as amended. G. Lo seconded and the motion passed 4-0-0-1.

D. MacDonald made a motion to adopt the 4-18-19 minutes as amended. E. Wirth seconded and the motion passed 4-0-0-1.

**ADJOURNMENT**

E. Wirth made a motion to adjourn the meeting. D. MacDonald seconded and the motion passed 4-0-0-1 at 9:40pm.

Submitted by M. Mell



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Aaron Wolfe, Zoning Board of Appeals Chair

5/16/19

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Date