

**Village of Cold Spring
Zoning Board of Appeals
Meeting Minutes – September 7, 2023**

The Village of Cold Spring Zoning Board of Appeals held a Meeting on Thursday, September 7, 2023. Members present at Village Hall: Chair Eric Wirth, Marianne Remy, and Jesse St. Charles. John Martin and Heath Salit were absent. Chair E. Wirth called the meeting to order at 7:02 p.m.

Chair Remarks

E. Wirth noted a quorum of three (3) present and welcomed participants attending via videoconference.

Board Business

37 Fair Street – Workshop on an application for a six-foot fence

Architects Martin Carillo and Miriam Peterson, and attorney for Nina Abney, Crystal Wheatley, Esq., appearing via videoconference. Application materials were provided to all participants.

M. Peterson described the subject project as follows:

- Property was previously approved to be a mixed-use private artist studio and residence and is approaching completion;
- Nina Abney, LLC recently purchased a parcel adjacent to the rear of the property from the Village, resulting in the rear yard depth expansion from twenty-five (25) feet to approximately sixty-four (64) feet.

Applicant is seeking to install a six (6) foot fence around the perimeter of the property (North, West and South sides) including at front yard gate. Applicant therefore seeks a variance to increase the height of the portion of the fence in the property's side yard to six feet so that it matches the six-foot fence allowed in a rear yard per 42-3.H. Due to the proximity to the trails and unusual size of the building, the owner has concern regarding passersby having direct sightlines into her property and apartment, and noted the aesthetics of a fence in relation to the building.

Board Comment

M. Remy asked for clarification of the nature of the mixed-use of the building. M. Peterson replied it is an artist's workspace/studio and residence and is not open to the public.

J. St. Charles asked for more detail on where the fence will sit, so as to gauge the measuring point for the fence height. M. Peterson estimated that the grade slope

will be approximately nine (9) inches to twelve (12) above the grade surface of Fair Street after the new driveway installation (the existing blacktop will be demolished and resurfaced). A section drawing will be prepared and submitted to the Board for clarity.

The board deemed the application ready for a public hearing. E. Wirth explained the public hearing procedures as amended by the recently adopted Zoning Code §134. A hearing was scheduled for October 5, 2023, at 7:00 p.m.

Preliminary discussion of updating the ZBA application form.

Full discussion tabled pending all Board members in attendance.

Review of draft minutes for June 2, 2022 (EW, MR, HS)

Review tabled until Board member Heath Salit present.

Board Referral Sequencing

E. Wirth inquired whether there has been any further discussion among the Village Boards about helping applicants to better understand the process when they are referred to two or more Boards by the Code Enforcement Officer. Secretary will follow up with the Village Clerk to clarify the status.

Adjournment

M. Remy made a motion to adjourn. E. Wirth seconded the motion and it passed 3-0-0-2 (J. Martin and H. Salit absent). The meeting was adjourned at 7:35 p.m.

Submitted by Karen Herbert



Eric Wirth
Chair, Zoning Board of Appeals
Dated: Oct. 19, 2023