**Village of Cold Spring**

**Historic District Review Board**

**Meeting Minutes – May 4. 2022**

The Village of Cold Spring Historic District Review Board held a Meeting via videoconference as per Chapter 1 of NYS Laws of 2022 on Wednesday, May 4. 2022. Members present: Chair Al Zgolinski, Vice Chair Sean Conway, Andrea Connor, Todd Seekircher, and Lloyd DesBrisay. A. Zgolinski called the meeting to order at 7:33 p.m.

**Old Business**

**41 Garden Street, 48.8-2-27, Locally-listed area of the Historic District.** Maria DiMeo, Owner/Applicant.Rear fence. Application Materials shared with all participants.

M. DiMeo presented Application as follows:

* Rear yard six (6) foot fence along north and west property lines;
* Illusions V300 vinyl multi-pickets with rails and lattice Illusions; or
* Eastern Wood Fence, tongue-in-groove, solid panel with lattice top;
* Standard flat post;
* Eight (8) feet spacing between posts;
* No gate in fence;
* Pointed Model S103P post caps;
* Fence entirely in rear yard;
* Chain link fence on south property line to be removed.

**Board Comment**

Board Members agreed fence should be of wood and not vinyl. A. Connor asked if the fence would be visible from the public right of way. M. DiMeo stated it depended on the time of year. A Zgolinski clarified that the Board could not take vegetation into consideration for purposes of project approval. Discussion ensued as to the style of the fence and the lattice. S. Conway noted this would be the first fence to be approved by the Board since the new Code provisions regarding fence height. Board members agreed the Model 300 T&G Base with SQL square lattice top most appropriate and the airiness of lattice top helps to decrease the overall mass. S. Conway asked if the post and wire fence on the west side will be removed. M. DiMeo stated it is not on her property.

**Public Comment**

Michael Mueller of 43 Garden Street commented his main concern was that the fence not be vinyl. M. DiMeo confirmed the proposed fence would be placed approximately two (2) feet from her property line towards her house due to tree roots.

Edward Fortier of 30 Fair Street asked if the fence along the south would join at the garage wall. M. DiMeo stated yes and that the footings will be removed as well. M. DiMeo also confirmed she is aware of the propane gas tank’s close proximity to the fence line will be inside property line.

S. Conway made a motion to approve the application as modified. A. Connor seconded the motion and it passed unanimously.

**Board Business**

**Discussion of ZBA/HDRB Application Sequencing**

Zoning Board of Appeals Chair Eric Wirth present. Discussion ensued as to current policy of Board sequencing on applications, which requires that an application should go to the ZBA first, then to HDRB. Participants discussed ways to increase productivity and efficiency of reviews for applications referred to two or more Village Boards.

A Zgolinski and S. Conway provided policy background: A 2019 application for came before the HDRB for a workshop. After receiving an opinion on the project (but not an approval), applicants incorrectly assumed they were clear to proceed on the project. ZBA subsequently denied the application, resulting in the applicant having to obtain several variances. Applicant threatened legal action. The former Administration put in place a policy whereby applications go first to the ZBA and then to HDRB. VBOT determined the Code Enforcement Officer was in the best position to guide applicants as sequential Board review(s). As a result, the HDRB could not review an application without referral from the CEO.

S. Conway suggested that some form of preliminary review would be in the best interest of the applicant, the Board, and neighbors. S. Conway stated that the HDRB is the most knowledgeable about the Design Standards and Preservation Best Practices, and could workshop the project, and approve or deny relying on the information provided, before it goes to the ZBA, which requires different information.

A Zgolinski noted that many applications which do not need a permit. In those cases, applicants may be paying unnecessary fees up front to the Building Dept. However, he believed that the referrals should stay within the realm of the CEO to make determinations if the applicant needs variances or a certificate of appropriateness in order to go forward with the application. In certain circumstances, plans should go to the to the Planning Board first because modifications by that Board can have an impact on approvals of the other Boards.

A. Zgolinski questioned how and when information would be provided to an applicant – how will he/she know which Board should be approached? He commented that it seems that most people seek guidance from the Village Clerk or the CEO. He further noted the decision of the Boards must be done via by public meeting in compliance with the law.

E. Wirth commented that the position of the current VBOT is not clear as to the continuation of this existing policy. In addition, an area variance has to go through the Planning Board before the ZBA can have a hearing. In theory, the Planning Board should know about every application that comes before the ZBA. Moreover, the law provides that the Planning Board may, at its discretion, take action as it enforces Zoning variances, and regulate compliance.

E. Wirth favored providing more information to applicants regarding the processes of the Boards, but noted that under normal circumstances, no applicant would apply to the directly to the ZBA. The ZBA is an appellate Board that exists to have oversight of the actions of the Planning Board.

L. DesBrisay commented that an application is not always a clean process and sometimes does require more than one meeting with a Board. L. DesBrisay suggested consulting with other jurisdictions to as to their process for applications and/or referrals to different Boards.

Participants discussed various alternatives to the current policy:

* Conduct a simultaneous review by the Boards of a written proposed project,

prior to formal application, to guide homeowner as to potential issues;

* Have CEO contact respective Boards on certain projects (repairs/replace in

kind applications) to see if the Boards wish to review outside of session,

thereby saving an applicant from designing and re-designing projects;

* Continue the process of the CEO referrals, but let the Boards decide the

sequencing;

* Create a sharing site for homeowners with instructions and check list

on the Village website, where Board Members could review a simple site plan

and summary of project posted by homeowner prior to a formal application;

* Provide information on all Board processes to an applicant upon application

for a building permit;

* Add language to the application forms to clarify process for applicants;

and ensure that an applicant understands that approval by one Board does

not guarantee approval of another;

* Create a simpler way for applicants to be reviewed by an HDRB workshop

to see is the project needs to go to the ZBA.

Discussion will continue with Village Clerk, and a proposal will be provided to the VBOT at a later date.

**Approval of Minutes**

Monthly Meeting, 04-20-2022 (AZ, SC, ACH, LD, TS)

Approval of Meeting Minutes tabled until next Meeting.

**Public Comment** – None.

**Update on Design Standards**

Board members continued work on the Design Guidelines.

**Adjournment**

S. Conway made a motion to adjourn. A. Connor seconded the motion and it passed unanimously. Meeting adjourned at 9:25 p.m.

Submitted by Karen Herbert

 May 18,202

Al Zgolinski, Chair Date