

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

**Public Hearing**

The Village of Cold Spring Zoning Board of Appeals held a public hearing via video conference pursuant to Executive Order 202.1 on October 15, 2020 at 7:30pm. Attending were: Chair Aaron Wolfe and board members: Donald MacDonald, John Martin and Eric Wirth. Laura Bozzi was absent. Village Attorney John Furst also joined the meeting.

**CALL TO ORDER:**

A. Wolfe called the meeting to order at 7:30 pm and noted that the purpose of the meeting was to hold a public hearing for an application by 4 Morris Ave, review of minutes and review of draft resolution for 21 Parsonage St.

**PUBLIC HEARING**

**4 Morris Ave: an application for a variance to the maximum height of four feet in the R-1 district, to construct a six foot fence on the southerly boundary where the property borders the B-1 district and R-1 district. Property owners are Eric Bebernitz and Katie Giari.**

Applicants described the reasons for the application, noting:

- Existing picket fence is in poor condition and falling apart in some areas
- The six foot fence would be located between the applicant's property and the B-1 property to the south (Whistling Willie's parking lot) and along a portion of R-1.
- Higher fence is desired for privacy, to curb light infiltration and curb rodent infiltration (from the dumpster located in the parking lot)
- The fence would be four foot high on the east and north sides of the property
- Applicants' have an upcoming hearing with the HDRB

In response to the presentation, ZBA noted that:

- The proposed 6'-0" fence extends beyond the limits of the Whistling Willies parking lot (B-1). Only a 4'-0" fence is permissible beyond the parking lot. The ZBA has a precedent for allowing 6 ft fences where they border the B-1 district, when there is also a demonstrated nuisance to the R-1 district property.
- Village code only allows a 4'-0" fence in residential districts
- Any illicit activities that may occur are a police matter and not an issue for ZBA consideration or comment

E. Wirth made a motion to close the public hearing. J. Martin seconded and the motion passed unanimously.

The ZBA discussed the application and the five area variance criteria.

J. Martin made a motion to grant a variance as reduced and shown on the marked-up site plan, with the variance ending at the R-1 boundary. E. Wirth seconded and the motion passed unanimously.

#### **MINUTES**

A. Wolfe made a motion to adopt the 9-3-2020 minutes as amended. E. Wirth seconded and the motion passed unanimously.

J. Martin made a motion to adopt the 10-1-2020 minutes as submitted. E. Wirth seconded and the motion passed 3-0 with D. MacDonald abstaining.

#### **WORKSHOP**

##### **21 Parsonage: Board review of draft resolution denying application.**

A. Wolfe recused himself and D. MacDonald took over as acting chair. The Board discussed the notes and comments made to the draft resolution prepared by John Furst. J. Furst was called into the meeting to respond and clarify specific points.

J. Martin made a motion to adopt the written resolution as amended. D. MacDonald seconded and the motion passed unanimously.

#### **ADJOURNMENT**

J. Martin made a motion to adjourn. E. Wirth seconded and the motion passed unanimously at 9:27 pm.

Submitted by M. Mell



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Aaron Wolfe, Zoning Board of Appeals Chair

11/19/2020

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Date