

**Village of Cold Spring
Zoning Board of Appeals**

**Thursday, June 17, 2021
Meeting Minutes**

The Village of Cold Spring Zoning Board of Appeals held a Public Hearing and Meeting via video conference pursuant to Executive Order 202.1 on Thursday, June 17, 2021. Members present: Chair Eric Wirth, John Martin, Heath Salit, and Marianne Remy. Laura Bozzi was absent. The meeting was called to order at 7:33 p.m.

Public Hearing for 12 Constitution Drive (48.12-2-69)

Homeowners Sal and Annette Pidala seeking an area variance for a six-foot fence.

E. Wirth noted that this application is exempt from SEQRA. The applicants previously submitted the Certified Mail receipts and sign affidavit.

Applicant presented plans for the fence. The fence is necessary because of the recent installation of a swimming pool. Due to an existing two-foot-high stone wall along the property line, the Building Inspector determined that a six-foot-fence is required for safety if it is to be placed as proposed. E. Wirth stated that he verified this with the Building Inspector and the BI added that if a four-foot-fence were to be installed, it would need to be at least four feet from the stone wall.

E. Wirth asked the applicants if they had considered alternatives to placing the fence on the property line. They replied that due to the size constraints of the yard, placing the fence anywhere else on the property would impact their ability to bring equipment onto the property in the future if needed for work.

J. Martin verified the dimensions of the fence and inquired about the pictures submitted by the applicants. Per the applicants, the picture is of a fence that currently exists on the property that the proposed fence will match.

Public Comment – Karen Jackson, 13 Constitution Drive, spoke in support of the application.

J. Martin made a motion to close the Public Hearing. Heath Salit seconded the motion, and it passed by a vote of 4-0-0-1.

The Board discussed the application and weighed the five factors. The following points were brought up during the discussion:

- J. Martin commented that the presence of the stone wall and number of

existing six-foot-fences on Constitution Drive make this application tricky.

- E. Wirth agreed and added that the stone wall has the effect of raising the grade on the outside, adding to the uniqueness of the application.
- E. Wirth noted that this is similar to an application for a six-foot-fence on Market Street recently granted a variance by the ZBA.

After weighing the five factors as they applied to this application, E. Wirth made a motion to approve the application as presented. J. Martin seconded the motion, and it passed by a vote of 4-0-0-1.

Board Business

The Board reviewed a draft of the resolution for 12 Benedict Road. J. Martin made a motion to adopt the resolution as presented. M. Remy seconded the motion, and it passed by a vote of 4-0-0-1.

E. Wirth made a motion to accept the minutes from the June 3, 2021, meeting as amended. H. Salit seconded the motion, and it passed by a vote of 4-0-0-1.

Adjournment

E. Wirth made a motion to adjourn the meeting. M. Remy seconded, and the motion passed by a vote of 4-0-0-1.

Meeting adjourned at 9:00 pm.

Submitted by: Jeff Vidakovich



Eric Wirth

Zoning Board of Appeals Chair

Dated: August 5, 2021