

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

5-17-18 Public Hearing

The Village of Cold Spring Zoning Board of Appeals held a public hearing on May 17, 2018 at 7:30pm at the Village Hall, 85 Main St.

Attending were ZBA members: Aaron Wolfe, chair, Eric Wirth, Elliott Hammond, John Martin and Donald MacDonald.

PUBLIC HEARING

4 Furnace Street - To consider the application by Richard Bruce for the following: a variance to the maximum fence height in a residential district to allow a 6 foot fence on the Main St. side of the property from the corner of the main structure to the back of the lot. The subject property is located at 4 Furnace St, Cold Spring, New York and designated as Tax Map Section 48.8-6-19. The property is located within the R-1 Zoning District as well as the Village's local Historic District and National Historic District.

Richard Bruce (applicant) presented his request for a variance to allow a six foot fence on the Main St. side of his property and an adjacent commercial parking lot. Fence to run from the rear of his house to the end of the property. Bruce presented a site map, google map and fence cut sheet.

Public Comment

James Hartford submitted a letter in support of the application for a variance.

Board Discussion

During the Board's discussion it was noted that:

- The grade between the parking lot and Bruce's property varies significantly along its length
- The fence may be erected on top of an existing 2'-0" masonry wall or on grade adjacent to the masonry wall
- The existing chain link fence is on the neighboring property (owned by Robert Downey, who has confirmed his willingness to remove the fence)
- J. Martin made a motion to close the public hearing. E. Wirth seconded and the motion passed unanimously.

Board Action

The Board agreed that the variance would allow a maximum 6'-0" high fence above the level of the neighboring property or 4'-0" above applicant's property whichever is higher.

The ZBA evaluated the application against five criteria and ruled as noted below.

- The variance will not adversely impact the appearance of the neighborhood.
- The benefits of the variance cannot be achieved by other means.

- The variances are not substantial.
- The variance will not have any adverse environmental impact.
- The difficulty requiring a variance is not self-created.

In its balancing statement the ZBA noted that the satisfaction of the criteria reflect favorably toward granting the variance. Board members also noted that a variance would be in line with precedent.

J. Martin made a motion to grand the variance. E. Hammond seconded and the motion passed unanimously.

WORKSHOP

230 Main Street for a variance to the maximum fence height in a residential district to allow a 6 foot fence on the Main St. and Cedar St. sides of the property. The property is located within the R-1 Zoning District as well as the Village's local Historic District.

The applicants discussed the rationale behind their request and presented a site plan, site survey, photographs and a Google map. They noted that:

- The fence is desired to restrain their dog
- The fence will have a gate to prevent random vehicular and pedestrian access to the property
- The fence is to be located on the property line

Board Comment

In its discussion, the ZBA noted that the following would be required prior to scheduling of a public hearing:

- Ground view photographs to provide context
- Revised site plan indicating the location and extents of the proposed fence, and dimensioned set-backs
- Short environmental impact form
- Another workshop meeting to be held on 6-1-18

MINUTES

J. Martin made a motion to adopt the minutes of the 4-5-18 ZBA meeting as amended. D. MacDonald seconded and the motion passed unanimously.

D. MacDonald made a motion to adopt the minutes of the 3-15-18 ZBA meeting. A. Wolfe seconded and the motion passed unanimously.

E. Wirth made a motion to adopt the minutes of the 5-3-18 ZBA meeting as submitted. . D. MacDonald seconded and the motion passed 4-0 with J. Martin absent.

ADJOURNMENT

J. Martin made a motion to adjourn the meeting. E. Wirth seconded and the meeting was adjourned at 9 pm.

Submitted by M. Mell

A handwritten signature in black ink, appearing to read 'A Wolfe', is written over a horizontal line.

Aaron Wolfe, Zoning Board of Appeals Chair

9-6-2018

Date