

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

**9-20-18 Public Hearing**

The Village of Cold Spring Zoning Board of Appeals held a Public Hearing on September 20, 2018 at 7:30pm at the Village Hall, 85 Main St. Attending were ZBA members: Aaron Wolfe, chair, Eric Wirth, John Martin and Donald MacDonald.

**PUBLIC HEARING**

**230 Main Street:** for a variance to the maximum fence height in a residential district to allow a 6 foot fence on the west side of the property. The property is located within the R-1 Zoning District as well as the Village's local Historic District and the National Historic District. The Public Hearing was opened at 7:05pm.

The applicants submitted the green return receipt cards received from neighbors who the ZBA deemed should be notified about the hearing. Applicants also submitted the mailing receipts but these did not include the mailing addresses. ZBA discussed whether these unaddressed receipts were valid in the context of neighbor notification of the hearing. While there is a risk that objections to decisions made by the board may arise, after the fact, from neighbors who might claim they did not receive notice (of the public hearing), ZBA decided to proceed noting that there is a 60-day statute of limitations on public comment/objections to board decisions

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 for privacy from the adjacent neighbor
- The fence is desired for security and to contain their dog
- The property is a corner lot in a high vehicle and pedestrian area
- All other fencing around the property to be 4'-0" high

Board Comment

During the discussion with the applicants it was noted that:

- The design of the fence might, in some cases, be a consideration in the granting of a variance. Applicants said the fence would be a white stockade style.
- ZBA inquired how the 6' fence section provided privacy, while the other sections were only 4'. Applicant replied that privacy would be provided from vehicles and pedestrians traveling east on Main St.

Public Comment

Lisa Hoffman (224 Main St.) spoke supporting the applicants' request.

Jane Timm spoke against 6' fences in general.

J. Martin made a motion to close the public hearing. E. Wirth seconded and the motion passed unanimously at 8:10pm

The board reviewed and discussed the application and variance criteria, and engaged a balancing of the criteria in reaching a determination

J. Martin made a motion to deny applicants' request for a variance. A. Wolfe seconded and the motion passed unanimously. A. Wolfe said he would draft a resolution of the board's decision.

#### **DISCUSSION OF PUBLIC HEARING SIGNAGE**

ZBA discussed draft new requirement that property owners display signage whenever a public hearing (about that property) has been scheduled. During the discussion it was noted that:

- Except for small changes to wording, ZBA members approved the format and contents of the draft.

D. MacDonald made a motion authorizing the chair to present the proposed public hearing signage draft to the Village Board of Trustees. J. Martin seconded and the motion passed unanimously.

#### **ADJOURNMENT**

J. Martin made a motion to adjourn the meeting. D. MacDonald seconded and the meeting was adjourned at 9:23 pm.

Submitted by M. Mell



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Aaron Wolfe, Zoning Board of Appeals Chair

2-24-19

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Date