

**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 workshop on August 18, 2016 at 7:30pm at the Village Hall, 85 Main St.

Attending were board members: Gregory Gunder, chair, Elliott Hammond, Aaron Wolfe, John Martin and Alison Anthoine.

CALL TO ORDER

G. Gunder called the meeting to order at 7:30pm and made introductory remarks noting that the purpose of the meeting was to conduct a public hearing for the property at 59 Parrott Street for reconstruction of an accessory building for personal use studio after demolition of an existing garage and rebuild, requiring area variances in the R-1 District and for the property at 7-9 Furnace Street. Applicant seeks approval of in-kind replacement of 6'-0" stockade fence in the R-1 District.

PUBLIC HEARING continued from May 19, 2016

Amy & Jonathan Bennett, 59 Parrott Street.

Applicant submitted two letters in support of variances for the project from Robert Mazyk (11 Bank St.) and Jake and Pam Taylor (57 Parrott St.) Both letters were read into the record.

Applicant submitted revised plan with:

- Accessory building moved further onto property to meet setback requirements
- Roof flattened to meet neighbor request
- Room allowed for plantings along property line fence (between 57 & 59 Parrott St.)

ZBA identified a requirement for two variances:

- Side yard setback of 9'-0"
- Rear yard setback of 4.1'

Public hearing was closed at 7:53pm and A. Anthoine made a motion for the ZBA to answer the ruling criteria and prepare a balancing statement for the application. A. Wolf seconded and the motion passed unanimously.

Ruling Criteria

- The benefit sought by the applicant can be achieved by any other feasible means.
- The proposed application will not produce an undesirable change in the character of the neighborhood.
- The variances requested are substantial.

- The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- The alleged difficulty necessitating the variance was self-created and is not sufficient so as to cause a denial of the requested variance.

Balancing Statement

Consensus of board members based upon the analysis of the ruling criteria is to grant the variances necessary to complete the project.

Anthoine made a motion that the ZBA grant the necessary variances for the project at 59 Parrott Street. A. Wolf seconded and the motion passed unanimously.

G. Gunder	Yay
A. Antoine	Yay
E. Hammond	Yay
J. Martin	Yay
A. Wolf	Yay

PUBLIC HEARING continued from August 4, 2016

Luz Mejia and Victor Llaja, 7-9 Furnace Street.

Karim Taylor appeared on behalf of Mejia and Llaja and presented photographs of several other 6'-0" stockade fences in the village.

During ZBA discussion the following points were made:

- The base of the fence is 2'-0" below grade and only 4'-0" is visible from Furnace St. and so does not "give the appearance of a high fence."
- The Historic District Review Board (HDRB) has no issue with a replacement "in-kind."
- NYS case law consistently maintains that privacy/personal interest is insufficient grounds to grant a variance.
- NYS case law reflects legal decisions made by the court, but not individual local ZBA actions
- The existing west fence on the property is 4'-0" high and should be removed from the application
- A privet hedge or similar planting would solve privacy issues without ZBA action.

Public hearing was closed at 9pm and A. Anthoine made a motion for the ZBA to answer the ruling criteria and prepare a balancing statement for the application. J. Martin seconded and the motion passed unanimously.

Ruling Criteria

- The benefit sought by the applicant can be achieved by any other feasible means.
- The proposed application both will and will not produce an undesirable change in the character of the neighborhood.
- The variance requested is substantial.
- The proposed variance both will and will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- The alleged difficulty necessitating the variance was self-created and is not a sufficient determinant, in and of itself, to deny the request.

E. Hammond made a motion to approve the variance for a 6' fence. A. Anthoine seconded.

G. Gunder	Nay
A. Anthoine	Nay
E. Hammond	Yay
J. Martin	Nay
A. Wolfe	Nay

The board voted to deny the application.

A. Antoine made a motion to adjourn the meeting. J. Martin seconded and the meeting was adjourned at 10:10pm.

Gregory Gunder, Zoning Board of Appeals Chair

Date