

**Village of Tivoli
Zoning Board of Appeals Meeting Minutes
March 26, 2012**

CALL TO ORDER / DETERMINATION OF QUORUM

The meeting, held at the Historic Watts dePeyster Hall, was opened at 7:04 pm and a quorum was determined to be present for the conduct of business.

ZBA Attendees:

Chair Laura Gail Tyler
Karen Cleaveland
Bob Zises

Also present:

Trustee Susan Ezrati
Bessina Harrar (applicant)
Jack Grumet (applicant)

Public:

Kristofer Munn
Tim Lynch
Susan Huyser
Matthew Kobalkin
John Cliett

Absent:

Bob Juliano

The first item of business was to approve the draft minutes from the February 27, 2012 meeting. Karen Cleaveland moved to approve the minutes as presented, Bob Zises seconded, all in favor. Motion carried. Per a request from a member of the public, the minutes were read aloud by Chair Tyler.

OLD BUSINESS

23 Broadway - Area Variance: Chair Tyler stated that Bessina Harrar is going to subdivide her property creating a flag lot to the back of the property. A previous variance was granted for frontage in August of 2011 for 36.4 feet. That is being reduced now to 25 feet in this new amended application. This is a Type II action which does not require SEQR. Chair Tyler invited those present to look at the plat of the property.

Public Hearing:

Karen Cleaveland made a motion to open the public hearing at 7:08 pm, seconded by Bob Zises, all in favor. Motion carried.

John Cliett, 19 Broadway: He asked how many new lots would be created when this lot is subdivided. The Chair said that it would create two lots out of one. Mr. Cliett asked how many dwellings are presently on the property. He was told the subdivision would allow for another dwelling. He asked how water/sewer would be provided to a new dwelling. The answer was a new line would have to be brought in from the street. It was pointed out that this is not something for the ZBA to decide. That would have to go before the Planning Board. Mr. Cliett expressed concerns about more subdivisions in the future. He also expressed concern that this is a pretty big cut down from 50 feet to 25 feet. Chair Tyler said that this is what the Board needs to discuss. He asked if this would open up the possibility of future construction. It does since it creates another building lot. The new lot is 6.74 acres. The other lot is .56 acres. Mr. Cliett asked if in the future the new lot could be divided into 4, 5, or 6 lots. The Chair answered no because the new lot is in R2A zoning. He asked if this variance would open it up for other variances in the Village. Chair Tyler answered that this would not establish precedence that any property could have a narrow flag.

Tim Lynch, 5171 Route 9G: He asked if this is a legal conforming lot. The answer is yes, that it is a legal conforming lot right now. There are no known violations. This variance is required to make it legal for her to create a second dwelling, one on each new parcel. She would need to subdivide. Mr. Lynch suggested that the Board consider voting to express intent to grant the variance rather than grant the variance.

Karen Cleaveland moved to close the public hearing at 7:24 pm, Bob Zises seconded.

The Board then reviewed the 5 things to be considered regarding area variances and found:

- 1) There will be no undesirable change in the character of the neighborhood.
- 2) This cannot be achieved by some other method. The only other method would be a use variance which would be very hard to get.
- 3) The variance is substantial; it is a 50% reduction in the allowable frontage for the driveway. However, the 25 feet is adequate for emergency vehicle access.
- 4) It will not have an adverse effect on physical or environmental conditions.
- 5) The difficulty was not self-created.

A discussion by the Board followed. Bob Zises moved to grant the variance, Karen Cleaveland seconded, all in favor. Motion carried.

NEW BUSINESS

5111-5115 Route 9G – Application for Interpretation: Chair Tyler stated that tonight the Board would be reviewing the application to make sure it is complete. An Application for Interpretation requires a public hearing. Applicant Jack Grumet gave the Board the background on his application and read the narrative about the proposed project (see attached).

Bob Zises read the letter from Bob Fennell, Zoning Enforcement Officer, to Mr. Grumet denying his request for a Special Use Permit. Mr. Grumet then discussed his project and how it applies to the term “light industry”. He said that the zone where he is allows for light industry with a special permit. He believes that his self-storage units would be ideal for Bard students and would be keeping with the character of the neighborhood. Karen Cleaveland asked what kind of properties border his property. Mr. Grumet responded that they are both homes. It was established that access to these units would be from Route 9G.

Chair Tyler declared this a Type II action, therefore, no SEQR is required. A public hearing was set for the next ZBA meeting which is Monday, April 23 at 7:00 pm. The ZBA Secretary will provide the applicant with the information for the mailing required for the public hearing. A site visit was set for 6:30 pm, same date. The Board will need to do some research on this request before that meeting, reviewing the zoning for specific allowances for self storage units and whether it falls under light industry use. Chair Tyler explained that even though the ZBA will be doing an interpretation, the applicant would still need to go before the Planning Board for the Special Use Permit.

The last item on the agenda was for the Board to review the ZBA procedures. Chair Tyler asked the Board to review them at home and to be ready to review them at the next meeting.

ADJOURNMENT

Karen Cleaveland moved to adjourn the meeting at 7:59 pm. Bob Zises seconded, all in favor. Motion carried.

Respectfully submitted,

Claire Roff, ZBA Secretary

Attachment on hardcopy