

Village of Tivoli
Zoning Board of Appeals
Minutes
April 3, 2017

Present

Laura Gail Tyler; Chairperson

Karen Cleaveland

Jonathan Trombly

Mark Bennett

Also Present

Susan Ezrati; Village Trustee

Mike Piastro; Applicant, Clay Hill Road

Call to Order

The meeting was held in Historic Watts de Peyster Hall and was opened at 7:04 P.M.

The first order of business was reviewing and approving minutes from the July 11, 2016 and March 6, 2017 meetings. The ZBA reviewed the minutes from July 11, 2016 first. Jonathan Trombly made a motion to approve the minutes. Karen Cleaveland seconded the motion. All in favor. Motion carried. Next, the March 6, 2017 minutes were examined. Mark Bennett made a motion to approve the minutes. Jonathan Trombly seconded the motion. All in favor. Motion carried. The minutes for March 6, 2017 were approved.

The second order of business was the open application by Mike Piastro regarding a parcel on Clay Hill Road, in the R 2A District. Mr. Piastro had previously applied for three area variances on the property. The ZBA first met to discuss his proposed project on October 6, 2014. Their final meeting with Mr. Piastro was on December 1, 2014 and as of the meeting in January 2015, the project was postponed. The applicant's file was not able to be located ahead of the meeting. Mr. Piastro did have copies of some of the documents that had been submitted. He presented a copy of a denial letter from Bob Fenell for all three variances. Susan Ezrati said that she will investigate where the files are.

Mr. Piastro applied for a side set-back variance of changing the required 30 feet. This variance was granted at the November 3, 2014 meeting. The other variances that he applied for are a front set-back from the required 50 feet to 30 feet, and to change the location of the driveway, which is required by the zoning law to be 70 feet from the intersection, which would be 70 feet due to the original placement of the driveway on the parcel. Mr. Piastro presented a site plan to the ZBA and said there was no difference in the set-backs from his prior application. He described the map, the location of the property, where the house will be built, and where the septic tanks would be placed, as well as the proposed driveway. The parking is proposed to be on the side of the house.

Laura Gail Tyler stated that in the December 1, 2014 meeting the ZBA made a motion to refer the driveway variance to the Village Engineer, as was suggested by the lawyer for the Village. The front yard set -back was to be referred to the Village Planner. Neither of these referrals occurred because of the

postponement of the application. When the Engineer and Planner give their determination on the variances, the new information from them would require a public hearing on the project. The board discussed the driveway; Laura Gail Tyler said it would function as a 4-way stop. Karen Cleaveland asked if the location proposed was an established driveway. Mr. Piastro confirmed that the placement was a driveway on the property prior to his ownership, when it was a farm. Susan Ezrati asked the applicant if the farm was just this parcel and Mr. Piastro said it might have been subdivided. The applicant hired an engineer to help him with the location of the proposed septic, which changed from the original proposal. The parking behind or beside the house is not an issue as the parcel is not located in the Historic Overlay District.

Laura Gail Tyler asked the applicant to open an escrow account, with \$250, so she would be able to discuss the driveway with the Village Engineer. She did not think the front yard area variance needed to be discussed with the Village Planner, as the 50 feet required comes from an average of everything that was already in the R2A district. The board agreed that they could make the decision without the Planner but that they should consult the Engineer about the driveway placement. A public hearing would be held for the two variances. The question that would be asked of the engineer was discussed between Mr. Piastro and Laura Gail Tyler. The applicant expressed that he was willing to adjust his variance based on if the Engineer thought there was a better placement.

Karen Cleaveland made a motion to set the public hearing regarding the front set-back and driveway variances on May 1, 2017 at 7 PM. Mark Bennett seconded the motion. All in favor. Motion carried. A site visit was scheduled for the same night at 6:30 PM. Jonathan Trombly mentioned that he will be unable to attend the visit or meeting.

Mark Bennett made a motion to close the meeting. Jonathan Trombly seconded the motion. All in favor. Motion carried. The meeting was adjourned at 7:37 PM.

Respectfully submitted,



Kristen Cleaveland
Deputy Clerk