

**Village of Tivoli**  
**Zoning Board of Appeals**  
**Draft Minutes**  
**October 5, 2020**

**Present**

Karen Cleaveland - Acting Chair  
Mark Bennett  
Bob Zises

**Also Present**

Lisa Sanditz  
Bill Shilling

**Absent**

Ethan Palmer  
Jonathan Trombly

Gillian Arthur  
Peter Baldino

The meeting was opened at 7:06 at the Historic Watts de Peyster Village Hall.

Karen Cleaveland opened the meeting.

**101 North Road - Area Variance for Front Set Back for a front porch**

Lisa Sanditz was present to represent the project. Elevations, a floor plan and a site plan of the addition were presented. Two variances were granted to the property to build an addition onto the south side of the house on 7/6/2020. The applicants would now like to extend the front porch along the addition. An open front porch may encroach into the front set back by a maximum of 10 feet in the R1A district. The applicants propose a front set back for the porch of 20'3", a variance of 9'9" from the allowable encroachment to 30 ft.

Mark Bennett read the Notice for the public hearing.

Mark Bennett made a motion to open the public hearing at 7:09. Bob Zises seconded. All in favor. The public hearing was opened.

Lisa Sanditz said they want to integrate the addition in a more inviting way with the original house. They want less of a flat plane along the front of the house. The curve of the porch will also repeat other rounded features of the house including stone walls.

There was one member of the public present, Gillian Arthur, but no public comment.

The board discussed the five criteria to determine if the benefit of the applicant outweighed the detriment to the community and drafted a resolution. Karen Cleaveland stated that the property is in the R1A and HO districts. There are a variety of porches in the neighborhood and the existing porch is non-conforming. It would not create an undesirable change to the character of the neighborhood and improves the original design. It is more in keeping with the Pattern Book and could be regarded as

simply moving the existing second front porch, that will be eliminated by the addition, up to the line of the front porch.

There are no alternatives. The design provides better function as the porch will give shelter from weather.

It is not substantial in view of the current non-conforming situation. The extension will project to the same front line as the existing porch.

There is no negative effect to the physical neighborhood or environment.

It is self created as are most area variances, but that does not preclude the granting of the variance. The existing front porch is already non-conforming.

Mark Bennett made a motion to close the public hearing at 7:18. Bob Zises seconded. All in favor. The public hearing was closed.

Bob Zises made a motion to approve the resolution granting approval for the front set back variance for the purpose of extending the front porch. Mark Bennett seconded. All in favor. The variance was granted.

### **27 Montgomery Street - area variance for side set back**

The owner, Bill Shilling, was present to represent the project. The applicants would like to build a second story onto an existing non-conforming garage. The garage has a side set back of 1.6 feet and 10 feet is required in R15000 for an accessory building.

Mark Bennett read the Notice for the public hearing.

Mark Bennett made a motion to open the public hearing at 7:25. Bob Zises seconded. All in favor. The public hearing was opened.

Bill Shilling commented that the garage was built around 1960. It is non-conforming because the side set back is 1.6 feet. He and his wife would like to add a second story onto the garage. His wife is an artist and he does photography and music; the space would be used to pursue their interests. Stairs and a short balcony on the back will be the access to the second story. The front doors are barn like and will open outwards. The "hayloft" is for aesthetics. It will be wood clapboard.

Karen Cleaveland commented that there are a few trees around the garage that she noted from the site visit. She asked which property they are on and if they will be taken down. Bill Shilling answered that one is on their property and will be removed. The neighbors said that their tree could be limbed.

Karen Cleaveland asked if a builder or architect has looked at the structure and foundation. Yes, and the architect dug to find the footing.

The board discussed the five criteria to determine if the benefit of the applicant outweighs the detriment to the community and drafted a resolution. Karen Cleaveland asked if there would be an

undesirable change to the neighborhood. Mark Bennett stated maybe shading from the taller structure. Karen Cleaveland stated that there is a shed next door on the neighbor's property next to the garage which would be the only thing effected. She stated that there are quite a few accessory buildings on Montgomery Street that are closer than allowed to the side property lines. Bill Shilling that the Village Planner has given examples of them in the memo she drafted for the Planning Board. Karen Cleaveland commented that the garage does a good job of following the Pattern Book and that the rendering had been given a lot of thought.

As for alternatives, the board didn't think there are any. Bill Shilling commented that other options would also require a variance such as extending the garage's footprint.

Mark Bennett commented that the variance request is not substantial because the garage already exists and the foot print is not being extended.

The board stated that there are no adverse physical or environmental changes, and it is self created as are most area variances, but that does not preclude the granting of the variance.

Karen Cleaveland asked if the garage is currently used for anything else. Bill Shilling answered that it is being used for storage.

Bob Zises commented that the biggest concern about accessory buildings is that they are used for accessory apartments and rentals which are illegal in Tivoli.

Laura Gail Tyler noted that in the Planning Board process the Village Planner's memo suggests adding a note that "accessory apartments are prohibited in Tivoli" to the site plan.

Karen Cleaveland noted that the next door neighbor did not attend the public hearing. Bill Shilling said that he discussed the meeting with his neighbor and the neighbor offered to sign something in support if necessary. One neighbor, Peter Baldino, was in attendance for the meeting.

Mark Bennett made a motion to close the public hearing at 7:38. Bob Zises seconded. All in favor. The public hearing was closed.

Mark Bennett made a motion to approve the resolution granting approval for the side set back variance for the purpose of adding a second story onto the existing garage. Bob Zises seconded. All in favor. The variance was granted.

## **Minutes**

The board reviewed the minutes from the September 8, 2020 meeting.

Mark Bennett made a motion to approve the minutes. Bob Zises seconded. All in favor. The minutes were approved.

Mark Bennett made a motion to close the meeting. Bob Zises seconded. All in favor. The meeting was closed at 7:49.

Respectfully submitted,

Laura Gail Tyler  
Deputy Village Clerk