

**Village of Tivoli
Zoning Board of Appeals Meeting Minutes
April 29, 2013**

Call To Order / Determination Of Quorum

The meeting, held at the American Legion, 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
Tim Lynch
Sam Merritt

Also Present:

Attorney Chris Chale

Absent:

Bob Juliano

The first item of business was to approve the draft minutes from the March 25, 2013 meeting. The following was added to the second paragraph under "New Business": *March 18, 2013, pursuant to § 7-730 of the Village Law, the Planning Board referred the application to the Zoning Board of Appeals for consideration of two area variances: 1) An area variance from Section 231-22, Schedule of Area and Bulk Regulations, from a 20 foot lot width at street to permit a lot with a 25 foot wide access easement from Broadway; and 2) An area variance from Village Law Section 7-736 public street access, to permit the creation of a lot with access from a 25 foot wide easement.* Removed were the words *and considered the following* in the fourth paragraph under "New Business" and the points 1-5 below it. Tim Lynch moved to approve the minutes as amended. Sam Merritt seconded. All in favor. Motion carried.

Old Business

Area Variance for Lot Line Adjustment for American Legion and the Village of Tivoli:

Karen Cleaveland made a motion to open the public hearing at 7:15 pm. Sam Merritt seconded. All in favor. Motion carried. There was no one from the public present and no comments were submitted prior to the meeting. Fourteen certified copies of the public hearing notice were mailed to residents alerting them to the public hearing. Tim Lynch made a motion to close the public hearing at 7:16 pm. Bob Zises seconded. All in favor. Motion carried.

On March 18, 2013, pursuant to § 7-730 of the Village Law, the Planning Board referred the application to the Zoning Board of Appeals for consideration of two area variances: 1) An area variance from Section 231-22, Schedule of Area and Bulk Regulations, from a 20 foot lot width at street to permit a lot with a 25 foot wide access easement from Broadway; and 2) An area

variance from Village Law Section 7-736 public street access, to permit the creation of a lot with access from a 25 foot wide easement. Chair Tyler asked the Board for their comments on the draft resolution before them. Tim Lynch noted that there were no written recommendations from the Planning Board to the ZBA. Chair Tyler explained that the copy of the March 18, 2013 meeting minutes of the Planning Board showing their motion to refer this to the ZBA satisfied that requirement. A discussion followed between the Board and Attorney Chale on these two variances.

The Board then read through the variance draft resolution and went over the five points on page 2. The resolution was revised as follows:

1. Remove the last sentence and add “A lot without frontage already exists with a 12 foot wide easement. The variance improves access with a wider and more direct easement of 25 feet. No detrimental effects have been identified to any nearby properties”.
2. Change to “The benefit sought by the Applicant is a reasonable method to avoid interfering with the current and future public use of the Tivoli Commons and adjacent Village parcel”.
3. Add the phrase “It is an existing lot and the situation is being improved”.
4. No changes made.
5. The word “wholly” was put in before “self-created.”

Bob Zises moved to approve the variances with the revisions noted above. Sam Merritt seconded. All in favor. Motion carried.

Chair Tyler announced that future meetings of the ZBA will be held on the first Monday of the month beginning June 3, 2013.

Adjournment

Tim Lynch moved to adjourn the meeting at 8:40 pm. Sam Merritt seconded. All in favor. Motion carried.

Respectfully submitted,

Claire Roff
Planning and Zoning Clerk