

**Village of Tivoli
Zoning Board of Appeals Meeting Minutes
December 1, 2014**

Call to Order / Determination of Quorum

The meeting, held at the Historic Watts dePeyster Hall, was opened at 7:01 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

Also Present:

Trustee Susan Ezrati, Attorney Victoria Polidoro, Applicant Michael Piastro, Bob Wills

Public:

Paul Piastro

The first item of business was to approve the draft minutes from the November 3, 2014 meeting. The following changes to the minutes were made: page 3, the word *preliminary* was inserted before the word *answers* in the fourth paragraph. The sentence *Karen Cleaveland: this is a tough one* and *Tim Lynch: not for me* were removed. On page 4, second paragraph, the word *is* was replaced by *could be found to be*. The word *preliminary* was inserted before the word *answers* in the fourth paragraph. The sentence *Karen Cleaveland stated it's an unsafe driveway* was deleted. Bob Zises moved to approve the minutes as amended. Karen Cleaveland seconded. All in favor. Motion carried.

Karen Cleaveland made a motion for the Board to go into executive session with Village Attorney Victoria Polidoro at 7:06 pm. Bob Zises seconded. All in favor. Motion carried. Bob Zises made a motion to come out of executive session at 7:33 pm. Karen Cleaveland seconded. All in favor. Motion carried. Chair Tyler stated that the Board did not make any decisions or spend any money during executive session, they just received legal counsel.

Old Business

Two area variances for front setback and driveway location for parcel on Clay Hill Road:

Chair Tyler stated that another public hearing needs to be held at the meeting next month because the Board is receiving new information since the last public hearing. Also, a consultation will be held with the Village Engineer before the meeting next month and an escrow account will need to be set up with Mr. Piastro.

Karen Cleaveland made a motion to schedule a public hearing on the variance for front setback from 50 feet to 30 feet and the driveway variance from 70 feet from the intersection to 45 feet from the intersection on January 5, 2014 at 7:00 pm. Bob Zises seconded. All in favor. Motion carried.

Mr. Wills asked the Board if all the variances will be considered separately. He was told they will.

The applicant Mr. Piastro and his architect Mr. Wills presented to the Board a site plan showing the driveway setback 45 feet from the intersection and showing the setback line for the principal building and the accessory building setback which were added to the drawing since the last meeting. The plan also showed surrounding parcels. The applicant also presented a letter he had written to the Board.

Mr. Piastro stated the following reading from his letter:

- He's lived in Tivoli for 11 years
- He loves the architectural styles in Tivoli and wants to build a house in the style that exists in Tivoli
- He and his architect considered the topography of the lot, the consistency with the neighborhood and the Village Pattern Book
- He wants to achieve the best use of the lot to benefit everyone
- The higher area is the best place to put the house
- His lot is among the shallowest on Clay Hill Road
- He wants the gable facing the street and a southern exposure for solar
- He wants parking behind the building
- He wants to put the barn back on the historical location, the foundation that is already there
- He thinks that it is not a safety issue to put the driveway where he wants it to go

Karen Cleaveland asked the applicant what the additional cost would be to move the driveway 70 feet back instead of 45. He stated that the additional cost would be \$5,000 because it would be lower and the fill would have to go up to the road, extra machine work and drainage issues. Mr. Piastro stated he also wants to keep the character of the land instead of bringing in a lot of dirt from somewhere else. If he moves the driveway 70 feet north, there would need to be a lot of fill brought in and more costs for the extra work.

Mr. Wills stated that they wanted to match up the front yard setback of the applicant's house with the adjacent structures.

Bob Zises asked what the impact would be if they did not get the front setback variance. Mr. Wills responded that there would be less street presence; it wouldn't recreate the original plan of the farm. He stated that it isn't that the applicant has a hardship that makes the lot unusable without the variance. They are trying to look at the benefit to Tivoli and what's the best position of the house for the whole neighborhood.

Bob Zises stated to the applicant that the Board needs to look at what the regulations of the Village say and that they need to minimize the variances. He stated that the Board needs to weigh the benefit, if there is any, of the variances to the community. Chair Tyler asked him if having the Village Planner comment on whether this would be a detriment to the community be helpful to him. Bob Zises stated he thought that it would be helpful. The applicant said he was fine with it also.

The applicant was asked to bring back the reasons why he cannot put the house on the lot without a variance.

Bob Zises moved to refer the driveway variance from 70 feet from the intersection to 45 feet to the Village Engineer. Karen Cleaveland seconded. All in favor. Motion carried.

Bob Zises moved to refer the front setback variance from 50 feet to 30 feet and its effect on the neighborhood to Village Planner Michele Greig. Karen Cleaveland seconded. All in favor. Motion carried.

Tim Lynch moved to rehear the side setback variance. Bob Zises seconded. Roll call vote: Lynch-yes, Cleaveland-no, Tyler-no, Zises-yes. Motion not carried.

Adjournment

Karen Cleaveland moved to adjourn the meeting at 8:26 pm. Bob Zises seconded. All in favor. Motion carried.

Respectfully submitted,

Claire Roff
Planning and Zoning Clerk