

**Village of Tivoli
Planning Board
Draft Minutes
May13, 2019**

Present

Mike Billeci; Chairman

Pamela Morin

Donna Matthews

Lisa Schwarzbaum

Also Present

Jimmy Sverdlin

Michele Greig

Absent

Jake Stortini

The workshop was held in the Historic Watts de Peyster Village Hall. It began at 7:12PM.

Old Business

82 Montgomery Street Site Plan Review

Mike Billeci began by stating that the board had received a memo from the village planner and from the village attorney reviewing the project.

The applicant, Elena Siyanko, could not be present for the meeting, so her representative, Jimmy Sverdlin, was present to speak on her behalf.

Mike Billeci went over the attorney's memo first. He highlighted the following points:

Item #3 lists the potential variances needed for the property. The ZEO needs to make a determination for each of the variances listed.

Item #4 lists approval for the water and sewer hook-up. The applicant needs to provide proof of DOH approval for the water lines.

Item#5 states that the site plan should be updated to contain information shown in the easement and to include the location of all buildings within 25 feet of the easement including those on 84 Montgomery.

Michele Greig stated that perhaps it would be best if the applicant meets with the ZEO and goes over the attorney's memo point by point.

Mike Billeci then continued to go over the discussion of the state and local code that supports the earlier points. Again the ZEO needs to make determinations.

He stated that the location of the parking and the garage is more problematic. The attorney's memo states that a variance will be needed to have parking located on a different parcel.

Michele Greig suggested that making a lot line alteration would be preferable to having the easement for parking.

There was a discussion about crossing the water and sewer lines with vehicular traffic. Jimmy Sverdlin asked if the village engineer had been consulted. Michele Greig answered, no, that other issues had to be resolved first, like the easement for parking.

Discussion returned to the variance required for the parking and garage proposed in the easement presented. The attorney's memo states that a determination would need to be made as to whether it is a use variance or an area variance. The difference being that a use variance is much more difficult to obtain.

Mike Billeci reiterated that a lot line alteration might be easier to obtain.

Jimmy Sverdlin questioned whether all the necessary information had been submitted by the applicant.

Mike Billeci highlighted requests made in the attorney's memo. The site plan needs to be revised to reflect the easement for the garage shown on the recorded easement, and all structures, including those on 84 Montgomery, within 25 feet of the easement across 84 Montgomery need to be included on the site plan. It needs to be determined whether the shed on 84 Montgomery is encroaching on the easement.

The DOH approval for the water and sewer hook-up needs to be provided.

The easement from February 2018 needs to be updated as it does not have an accurate description of the property. Michele Greig suggested that clarifying the legal language can be made a condition of approval.

The ZEO also needs to determine whether the non-conformity of the house is being increased; is the size of the house being increased.

There was a discussion about whether the architect should be the one to meet with the ZEO rather than the applicant. Michele Greig suggested that perhaps it should be the applicant's lawyer rather than the architect. She stated that the Planning Board would need to grant permission for the lawyers to speak together and the Planning Board gave their permission.

Next Michele Greig's memo was reviewed.

It also lists the need for the DOH approval for the water and sewer hook up.

It lists the need for a Common Use and Maintenance agreement with the owners of 84 Montgomery. One exists between 80 and 82 Montgomery.

Michele Greig suggests that Owner Consent forms should be submitted for 80 and 84 Montgomery but concluded that the application was for 82. Jimmy Sverdlin asked whether their consent is indicated by the easements.

Mike Billeci questioned whether there is enough space to turn a car around in the parking area on the easement. He cited code for commercial and multifamily parking as a guide while acknowledging that it did not mandate the parking for a residence. Michele Greig stated that the space seemed adequate and that residences often had single width driveways that required cars to back out.

The Board proceeded to discuss an architectural review of the site plan. Michele Greig stated that the plan proposes to retain or “repair” all of the trees. She asked to clarify what “repair” means. Jimmy Sverdlin stated that one or two trees have roots growing into the foundation and need to be cared for by a tree expert.

A public hearing was discussed. Mike Billeci stated that he did not see the need for one. That was the consensus.

Jimmy Sverdlin asked whether the house plans have been found to conform to the Pattern Book.

Mike Billeci stated that was to be discussed but in his opinion, the house conforms to the Pattern Book. Lisa Schwarzbaum and Donna Matthews agreed.

Michele Greig stated that most of the issues with the project are the legal issues contained in the attorney’s memo.

Mike Billeci restated that the biggest issue is the parking and that the lawyers are clear that a variance is required for the easement.

Michele Greig again stated that a lot line alteration would be a simpler solution.

Lisa Schwarzbaum question whether the complication of the easements merited a public hearing. Mike Billeci responded that he thought it just concerned the parties involved.

Jimmy Sverdlin questioned why the project had been brought before the Planning Board in the first place since a permit had been issued and since in his estimation the house was not increasing in size by 50 percent.

Mike Billeci responded that after the porch was removed, he assumes that the ZEO found that the size of the portion of the house being rebuilt was at least 50 percent of the size of the portion remaining. The new portion is more than half of the existing after demolition.

Jimmy Sverdlin asked if the size is decreased whether all of this review goes away.

Mike Billeci responded perhaps. The applicant would need to take it up with the ZEO. It is his determination. Michele Greig stated that the ZEO is the gatekeeper.

Michele Greig stated that the primary issue for the Planning Board is the architectural review, and the Planning Board is satisfied with the architectural review.

Mike Billeci restated the need to use the attorney's memo as a guide and to go over it point by point.

Pamela Morin suggested meeting with the ZEO to resolve as many points as possible then let the lawyers negotiate the unresolved issues. She also suggested that a survey would be helpful.

Michele Greig returned to the issue of the easement for the garage and asked whether a garage could be built on 80 Montgomery and rented to 82 Montgomery instead. She also stated that a garage is an accessory use and without a principle building on the property at 80 Montgomery, an accessory building could not be built.

Discussion returned to a lot line alteration. Mike Billeci asked whether that involved the sale of the land to 82 Montgomery. Michele Greig stated that the land could be conveyed, but yes the land had to be added to the parcel at 82 Montgomery. The board discussed whether that would include all of the property to the rear of 80 Montgomery. Pamela Morin suggested that a notch could be taken out of the south side of 80 Montgomery so that access could be left to the rear of the property.

In the attorney's memo, the lawyers suggest considering a lot line alteration.

Jimmy Sverdlin asked about the timeline for the completion of the approvals. Michele Greig stated that it depends on the determination of the ZEO about variances and about how the applicant proceeds regarding the parking easement. If the easement for parking is pursued, it will require a variance and that involves at least two meetings with the ZBA, which meets once a month. A lot line alteration could be made as a part of the process before the Planning Board. As it is a subdivision, it requires a public hearing, but the Planning Board meets twice a month, so that may be able to be scheduled more quickly.

The workshop ended at 8:23pm.

Respectfully submitted,

Laura Gail Tyler
Deputy Village Clerk