

Village of Tivoli

Planning Board

Draft Minutes

October 13, 2020

Present

Mike Billeci; Chairman
Pamela Morin
Lisa Schwarzbaum
Donna Matthews

Also Present

Michele Greig
Bill Shilling
Alex Neratoff
Navin Sharma
Zubin Sharma
Deb Benjamin
Eric Benjamin
Jennifer White
Stephen White

The workshop was held on Tuesday, October 13 due to the Monday holiday in the Historic Watts de Peyster Village Hall. It began at 7:00 PM.

Old Business

27 Montgomery Street - Site Plan Review

Mike Billeci began by asking the Village Planner, Michele Greig, to go over her memo for the project.

The reason for the site plan review is that the property is in the HO district. It is a Type II action under SEQR. It has received an area variance from the ZBA for the side set back. The accessory building meets the size requirements and other bulk regulations. The Pattern Book doesn't provide patterns for accessory buildings but there are examples provided in the memo. Outdoor lighting selections need to be provided. A note on the site plan should be added that says accessory apartments are prohibited in Tivoli. The board needs to decide whether to hold a public hearing.

Bill Shilling provided a piece of novelty siding, a color chart with a gray color selected and a dark sky lighting selection.

Mike Billeci stated that the project has a minimal impact so that he doesn't feel a public hearing is necessary. The board agreed.

Mike Billeci stated that the materials, color and form all fit the HO district. The lighting is dark sky compliant. He asked where the lights will go. Bill Shilling answered one on the front and one on the stairs in the back. Michele Greig suggested noting the locations on the manufacturer's sheets provided.

Lisa Schwarzbaum made a motion to adopt the resolution declaring the action Type II under SEQR. Pamela Morin seconded. All in favor. The action was declared Type II.

Michele Grieg began going over the conditions in the Resolution for Approval. Add a note that accessory apartments are prohibited. A note should be added about lighting locations. A final site plan should be

submitted with a signature block. It should include the 4 elevations, the site plan, the floor plans, the lighting and a signature block.

Pamela Morin made a motion to adopt the resolution for site plan approval. Donna Matthews seconded. All in favor. The site plan for 27 Montgomery was given conditional approval.

80 Montgomery Street - Site Plan Review

Mike Billeci asked the Village Planner, Michele Greig, to go over her memo for the project.

Michele Greig stated that there were a number of “housekeeping” issues. The project is a new 1752 dwelling and a two car garage in the R15000 and HO district. The action should be Type II because it is one family residential. The project has several issues the first being parking. As part of the Site Plan approval for 82 Montgomery, the Planning Board determined that there should be one parking space required. Normally more are required for a dwelling, but it is a small dwelling. The current application proposes a shared driveway that passes over the corner of 82, over the single provided space. There is little room left for that required parking space. The current application cannot change an adjacent property’s site plan.

Alexandr Neratoff responded that it was a small practical problem. The driveway can be shifted eastward to leave the parking space untouched. The parking in the rear of the property is mostly for the convenience of 82 Montgomery to allow cars to be turned around. He asked to jump ahead in the review to the portion that says the accessory garage for 80 cannot serve anything except 80. He asked whether 82 Montgomery can park on 80 Montgomery.

Michele Greig answered that she needs to consult with the Planning Board Attorney. Only in the GB district is there a provision for parking to be allowed for one parcel on a different parcel. She does not think that the Planning Board can make a formal agreement for parking on a different parcel. Since the easement for parking on 80 was already filed it will need to be removed. The final site plan for 82 Montgomery was never signed. It might have expired.

Alexandr Neratoff asked why the use and maintenance agreement needs to be submitted if the easement dates from the 1950’s. Michele Greig answered that the easement would allow access but modern easements require the common use and maintenance agreements. Alexandr Neratoff commented that the attorney was working on the easements on 80 Montgomery, not 84 Montgomery. Michele Greig said the easement for the shared driveway included references to parking on 80 and needs to be withdrawn.

Donna Matthews asked Alexandr Neratoff to identify himself and his role in the projects for 80 and 82. He answered that he is the owner and architect for 80 and the architect for 82.

Michele Greig moved onto the garage. Will it be served with water and how will the second story be used. A note should be added that Tivoli doesn’t permit accessory apartments. Alexandr Neratoff answered that the second story will be used for office storage and at this time there will not be water, but maybe in the future.

Michele Greig moved onto architectural review. The main issue that she has identified is that there is not a prominent front door.

Alexandr Neratoff raised the issue of the side set back variance. He is uncertain whether the front porch would be included in the old variance since there was just a stoop and the variance was for the addition on the back. Michele Greig answered that she would need to follow up on the side set back variance. She commented that the variance was jumping ahead in her review.

Michele Greig said the plans show building coverage and the lot coverage should also be shown. All of the driveways, parking, garage should be totaled. There was a conversation about what needed to be included and whether driveways could be made to be not impervious.

Michele Greig moved onto other points. Materials and colors need to be provided. Lighting selections that are dark sky need to be provided. The usable floorspace in the garage needs to be calculated, a lot of this is "housekeeping." Remove the references to "previously approved." A building permit had been issued but that was before site plan approval was required. The Common Use and Maintenance Agreement needs to be provided. There is no recreation fee since there was a previous dwelling on the parcel. Add a footnote about the area variance. A public hearing is not required but the board can discuss whether or not to hold one.

Mike Billeci discussed design issues. He asked whether the porch was 6 feet clear. He said they discussed the front entryway last time. Alexandr Neratoff stated that he can make a front door in the front. The floorpan allows for it. He can have a front foyer and a back foyer. Michele Greig asked whether the side entrance should be downplayed. Mike Billeci said that he thinks it is fine as long as there is the front entrance.

The board did not think that a public hearing is necessary.

Lisa Schwarzbaum made a motion to adopt the resolution declaring the action Type II under SEQR. Donna Matthews seconded. All in favor. The action was declared Type II.

Mike Billeci commented on the next steps. Michele Greig will review the issue of the area variance. He asked for an additional \$1000 in escrow. Alexandr Neratoff commented that the amount is high and he has other money in escrow. Mike Billeci commented that those funds were not for planning and legal fees.

Alexandr Neratoff commented that one agreement could solve issues for 82 and 80. Michele Greig stated she needs to look into it. The utilities easement was discussed.

Mike Billeci requested that the conditional approval for 82 be pulled and a list of outstanding conditions be made. Alexandr Neratoff stated that he thought 82 was resolved. Michele Greig said that the final site plan was never submitted for signing.

New Business

73-75 Broadway - Site Plan Approval for Change of Use.

Pamela Morin recused herself because she is an owner of the property. Navin Sharma was present to represent the project. They are proposing to use the second story as a residence. They have had trouble renting the space; it is difficult to make it financially profitable as an event space. They think the best use is to change it to residential. It has previously been residential. They will leave it loft like with minimal changes: adding a shower to the bathroom and a kitchenette.

Mike Billeci asked if there is currently a door isolating it from the downstairs space. Yes, but there is a shared stairway in the back. Michele Greig stated that those might be code issues rather than planning issues.

Donna Matthews asked a question regarding the letter submitted by the applicants. In it, they state that the change of use will be temporary until gatherings are again allowed. Navin Sharma answered that they need to find a tenant who can make the space financially feasible. There is currently no interest.

Zubin Sharma commented that the space had been residential when the building was purchased and it was converted to an event space.

Lisa Schwarzbaum asked if the entrance to the upstairs space is to the left of the main entrance to the building. Yes.

Mike Billeci said that in general he did not see big issues. His only concern is that there might be public interest in the space and there might be questions. They should consider a public hearing and they should have the planner review the project.

Navin Sharma questioned why the project needs review. Mike Billeci answered that it is a historic building in the HO district and the board should discuss it.

Donna Matthews said that it is such an important space it is better to fully explore the issues rather than having things come up later. Lisa Schwarzbaum agreed and said the public would want to know what is happening with the space. Donna Matthews said that it also covers the applicant.

Zubin Sharma asked the board to explain the role of the planner. Mike Billeci explained that they do not have a planner or lawyer on staff. The village code puts the onus on the applicant to pay for any reviews that the board determines are necessary. Lisa Schwarzbaum added that since they are a volunteer board, they do not have the expertise. Mike Billeci said that the board does not use the planner for simple projects but due to the importance of the building they would like to in this case.

Zubin Sharma commented that it seems like the project is going in the direction of a more intensive use to a lesser one. The space upstairs (2500 sq. ft.) was being reduced from an occupancy of 150 to a single apartment with one or two people. It is being scaled down, not up.

Lisa Schwarzbaum responded that there is also a change of use.

Navin Sharma questioned whether the review is the same for all buildings. Yes.

Zubin Sharma asked if its previous residential use had any bearing. Michele Greig answered that if they can prove its residential use, then they will not need to pay the recreation fee associated with the creation of a new dwelling unit. There was a discussion about how to find documentation of the past residential use.

Navin Sharma asked about the next steps. Mike Billeci asked for \$300 in escrow for the planner to review the project. Michele Greig asked about a site plan that shows parking. Navin Sharma answered that there is a lot of parking in the rear. Does he need to show it?

Mike Billeci asked Michele Greig if it is too early to send it to the county for review. Michele Greig answered that it is ok to send it to the county. Inform them that it will be declared a Type II action under SEQR.

Feroe Avenue

Jennifer White, Stephen White and their builders Deb and Eric Benjamin were present to discuss the amended site plan for the Whites house on Feroe. A new site plan was submitted earlier in the day.

Mike Billeci stated that normal planning board procedure was to submit materials for the deadline ten days before the meeting date. He received two versions of the site plan earlier in the day and did a preliminary review.

Deb Benjamin asked if the stamped plans were the ones reviewed and commented that the list got longer. She said that she wants to avoid sending her clients back to the architect because it costs them more money each time there are more changes.

Mike Billeci commented that the plan still shows the shed in its current location, not 10 feet from the property line. They can notate on the current plan that it will be moved and where it will be placed. The new site plan needs a revision number and date. The plan needs information about the exterior lighting; it needs to be dark sky compliant. There are currently two floodlights on the plan that are not allowed.

Jennifer White said that she would shop for the lights and asked about the requirements: fully shielded or full cut off (Dark Sky compliant) and 3000K or less (2700K ideal) and a BUG rating of 0.

Deb Benjamin asked about why the lighting wasn't discussed before. Mike Billeci said because it wasn't shown. Deb Benjamin answered that it has been on the stamped plans. Mike Billeci said the architect doesn't need to change the drawing just make a notation.

The applicants asked for a list.

Mike Billeci said shed, lights, side porch, porch needs to be a minimum of 6 feet deep and they need the details for the porch construction and materials. He can't tell the depth of the porch from the plans.

Deb Benjamin answered that the porch will be constructed from pressure treated lumber. Mike Billeci responded not the method of construction, the details, will there be risers. Deb Benjamin said that risers are required by code.

Mike Billeci asked if any foundation plantings are planned, not to be planted now, just intended. Donna Matthews commented like boxwoods or junipers. Michele Grieg said anything.

Jennifer White said so I just need to say that I will have plantings.

Mike Billeci said just to submit the requested information ten days before the next meeting (the deadline is in 3 days for the next meeting). He said he took an hour out of his day job to review the plans at the last minute. Deb Benjamin said she pushed to architect to finish today for the meeting and assumed that they would be on the agenda. Mike Billeci said to read the planning board procedures on the village's website.

Deb Benjamin said that they cannot work on the exterior until they get approval. She confirmed that they need to indicate porch construction. She said she didn't want to lose their contractors due to the delay.

Mike Billeci answered that pressure treated construction is not typical for the historic details. The board does not need specific shrubs to be identified. He said the board was bending over backwards.

Jennifer White indicated that past conversations have been very emotional. She would like that to be acknowledged. It is not their fault. Deb Benjamin commented that it was not the planning board's fault either.

Mike Billeci said that they can make it a condition of approval to add notations to the final plan.

Minutes

Minutes from August 24, 2020, September 14, 2020 and October 1, 2020 were reviewed.

Donna Matthews made a motion to approve the minutes from August 24, 2020. Lisa Schwarzbaum seconded. All in favor. The minutes were approved.

Lisa Schwarzbaum made a motion to approve the minutes from September 14, 2020. Donna Matthews seconded. All in favor. The minutes were approved.

Lisa Schwarzbaum made a motion to approve the minutes from October 1, 2020. Donna Matthews seconded. All in favor. The minutes were approved.

Donna Matthews made a motion to close the meeting. Lisa Schwarzbaum seconded. All in favor. The meeting ended at 8:30.

Respectfully submitted,

Laura Gail Tyler

Deputy Village Clerk