

Village of Tivoli
Zoning Board of Appeals
Draft Minutes
September 8, 2020

Present

Karen Cleaveland - Acting Chair
Mark Bennett
Bob Zises

Absent

Ethan Palmer
Jonathan Trombly

Also Present

Lisa Sanditz
Bill Shilling

The meeting was opened at 7:06 at the Historic Watts de Peyster Village Hall. The meeting was held on Tuesday, September 8 due to the Labor Day holiday on September 7th.

Karen Cleaveland opened the meeting and began to review two new applications.

101 North Road - Area Variances 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 variances are for the front set back (from 40 ft. to 28'9") required to extend the dwelling in line with the existing non-conforming front building line and for the maximum building width from 48' allowed to 57'7". 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 ft, leaving a front set back of 30 feet in the R1A district. The applicants propose a front set back for the porch of 20'3", a variance of 9'9".

Lisa Sanditz said they would like to extend the existing front porch farther south along the planned addition to the house. The front porch will be no closer to the street than the existing non-conforming porch. The porch will have the same style columns as the existing front porch.

Bob Zises asked if the porch is being proposed for aesthetic reasons. Lisa Sanditz answered yes, but it is also functional as shelter from rain.

Mark Bennett asked if the porch extends into the portion of the addition that was granted a variance for being over the maximum width. No, the porch will not be wider than the maximum building width and will not extend the full width of the house.

Bob Zises asked if the porch is shown as desired. Yes. He questioned whether the second door on the front of the house is new. No, there are two existing front doors. He asked which will be the main door. The door on the proposed porch will enter through a mudroom.

Mark Bennett asked for clarification about the variance requested. The front set back for an open porch was reviewed.

Mark Bennett made a motion to declare the action Type II under SEQR because it is an addition to a residence. Bob Zises seconded. All in favor. The action was declared Type II.

Mark Bennett made a motion to schedule a public hearing for the variance on October 5, 2020 at 7pm. Bob Zises seconded. All in favor. The public hearing was scheduled on October 5, 2020 at 7pm.

The board discussed whether a site visit was needed. They decided no as the property was recently visited for the previous variances.

27 Montgomery Street - area variance for side set back

The board reviewed a new application for an area variance at 27 Montgomery St. 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. The ZEO, John Fenton, sent an email stating that the project requires site plan review by the Planning Board and a variance due to increasing the non-conformity.

Mark Bennett asked if only one variance is required. Yes.

Karen Cleaveland asked about the width of the garage. 24 ft. Bill Shilling stated that it would be considered a two car garage.

Bob Zises asked what the use of the second floor will be. Bill Shilling answered that both floors will be artist studios. His wife is a painter and he is a photographer and musician.

Bob Zises asked if they were adding a bathroom. Yes, but without a shower and there will be slop sinks on both floors.

Karen Cleaveland stated that it won't look like a garage. Bill Shilling said that it will look like a barn. It will have doors that swing open outwards.

Karen Cleaveland asked about the deck on back. Bill Shilling stated that the stairs are external, on the back. Karen Cleaveland asked if the stairs are on the same side as the side property line. Bill Shilling said that the side property line is on the north side and the stairs are on the east side. Karen Cleaveland asked if the stairs overlook the side line and asked what is on the abutting side of the property line. The deck will overlook the property line in the back. There is a driveway and shed along the property line on the adjacent residence.

Mark Bennett suggested that the applicant find examples in the neighborhood of other two story accessory buildings. The board discussed what necessitated the variance and concluded that it is not the second story but is instead its placement so close to the property line.

Karen Cleaveland confirmed that the applicants are also making an application to the Planning Board to review whether the project adheres to the Pattern Book. Yes, they currently have an application before the Planning Board.

Mark Bennett made a motion to declare the action Type II under SEQR because it is an addition to a residential accessory building. Bob Zises seconded. All in favor. The action was declared Type II.

Karen Cleaveland questioned what the survey submitted with the application showed. It is for the neighboring property. Karen Cleaveland stated that it answered her questions about what was along the property line on the abutting property.

Mark Bennett mad a motion to schedule a public hearing for the variance on October 5, 2020 at 7:15 pm. Bob Zises seconded. All in favor. The public hearing was scheduled on October 5, 2020 at 7:15 pm.

A site visit was scheduled for 6:45 on October 5, 2020.

The noticing of the public hearing was discussed with the applicant.

Minutes

The board reviewed the minutes from the July 6, 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 7:42.

Respectfully submitted,

Laura Gail Tyler
Deputy Village Clerk