

**Village of Tivoli
Planning Board
Draft Minutes
October 26, 2020**

Present

Mike Billeci; Chairman
Pamela Morin
Lisa Schwarzbaum
Donna Matthews

Also Present

Jennifer White
Stephen White
Navin Sharma

The meeting was held in the Historic Watts de Peyster Village Hall. It began at 7:06 PM.

Minutes

Minutes from October 13, 2020 were reviewed.

Lisa Schwarzbaum made a motion to approve the minutes from October 13, 2020. Donna Matthews seconded. All in favor. The minutes were approved.

Old Business

Feroe Ave. – Amended Site Plan Review

Mike Billeci began by stating that the stamped site plan submitted on October 13, 2020 had been reviewed. The elevations show the porches and deck. The plot plan shows the grading and the runoff from the roof and roof leaders. They run to the west where there is a drain under the road. There is no difference in the grading for a lower or higher foundation; it has no effect on the runoff.

Mike Billeci went over additional requirements for the site plan. They are as follows:

1. Add the notation “This Amended Site Plan amends only the roof runoff, grading, front porch, side porch, rear deck and lighting details of the proposed White residence. All other plans and details of the Site Plan dated 13 Jan 2020 and signed 4 Mar 2020 remain in effect and are not superseded by this amended plan.”
2. The shed must be moved off of the property line. Show the new location and dimension the setbacks.
3. The front porch must be 6’ deep according to the pattern book. The plans indicate the porch is 5’ deep (4’8” inside the railings). Alternatively, the applicant can proceed with a 5’ porch by submitting a letter, in writing, to the planning board requesting a waiver from this requirement, citing existing conditions such as the current placement of the piers. Note the final front porch depth dimension on the site plan elevations.
4. Add notations to the elevations indicating front porch materials/colors.
5. Copy the front porch column detail (5” square column with base and capital) from the 13 Jan 2020 site plan to this amended site plan.

6. Add notations to the site plan indicating that all exterior lights are Dark Sky compliant (fully shielded or full cutoff) and no greater than 3000K. Provide cut sheets for the exterior lights.
7. Include a Tivoli planning board signing block to all sheets of the site plan.

At the third point, the applicants stated that the porch is being built at a depth of 6 feet as requested. Mike Billeci stated that he doesn't know why they are building porches without planning board approval. He stated that he finds it pretty disturbing and does not feel comfortable moving forward with conditional approval as planned if there is building occurring. The applicants need to make the changes to the site plan and return to the next meeting. He said he had drafted a conditional approval but he thinks that having a change to an incorrect drawing is too large of a condition to grant. He said it is moot because the applicants are currently building without approval.

Stephen White said that during the previous meeting Michele Greig had stated that the changes could be made conditions for the C of O and that it was ok to build.

Mike Billeci said that there was no rush since they were building anyway and that he didn't want to add large conditions such as making the drawing accurate.

Jennifer White asked if anything had been received from Praetorius and Conrad. No. Stephen White stated that the builder was dealing with all of the details except the landscaping.

Mike Billeci said that the landscaping plan that was received 10/26/20 was fine. The board agreed. The rest needs to be prepared by the 10 day deadline before the next meeting on 11/9.

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.

Mike Billeci stated that if Michele Greig had made the statement about the items being conditions of the C of O, then he apologizes.

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

Pamela Morin left the meeting because she had recused herself for 73-75 Broadway.

Mike Billeci went over a memo prepared by Michele Greig.

#3 The applicants are applying for a "dwelling unit" and if the space is used as "live/work" the site plan will need to be amended.

#4 There is adequate parking.

#5 Is there any exterior lighting. Navin Sharma answered no.

#6 The kitchenette must meet code and be reviewed by the BI.

#7 Add the HO district to the application in question 5.

#8 The recreation fee must be paid for a new dwelling unless the applicants can show that it had previously been a residence. The applicants presented an application from 1991 to make the second floor into an apartment for the business owner's use.

#9 The county has reviewed the project and returned it as a matter of local concern.

#10 A public hearing is not required. Lisa Schwarzbaum said last meeting they had discussed the potential desire to hold a public hearing. Mike Billeci stated that the more they discussed the project the less he felt it was necessary.

Discussion continued about the prior use of the building and the recreation fee. Mike Billeci stated that an application was not sufficient to show that the second floor had actually been used as an apartment. The applicants would need to find a building permit or an affidavit from a former tenant. Navin Sharma asked if it is possible that such documents might not exist anymore due to poor record keeping from the time. Laura Gail Tyler said that there was a signed statement in the file from the building inspector stating that the second floor would be used temporarily by the owner of the business but should not be rented. Mike Billeci said that they have waived the recreation fee for as little as aerial photos and suggested getting an affidavit from a tenant or landlord. The village lawyer will need to review it. Donna Matthews asked how substantial the recreation fee is. Lisa Schwarzbaum answered quite substantial. Navin Sharma reiterated the reason for the request for the change of use was due to financial hardship in renting the space.

Lisa Schwarzbaum asked if the patio would be used for the residential use. No.

Mike Billeci went over a resolution for conditional approval. The conditions are to revise the site plan to say that it is for "one studio apartment" with no interior walls proposed and to add a signing block to the plan. The only issues that needs to be resolved is whether the recreation fee needs to be paid and the applicants should establish the prior use.

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

Lisa Schwarzbaum made a motion to adopt the resolution for conditional approval. Donna Matthews seconded. All in favor. The resolution for conditional approval was approved.

Mike Billeci stated that he and Michele Greig had been working on some procedural changes for the Planning Board that they will present to the Village Board for approval soon. He said it is really policy. Donna Matthews said the changes will make things more uniform moving forward. Mike Billeci said that procedural changes should also be discussed. Some examples are to approve the minutes first and to read them before the meeting so there is no reading during the meeting. He also proposed appointing a rotating lead board member for each project who will interact with the consultants and write the resolutions. He has been the one doing it all. If there are still concerns after the changes are made, those concerns can be raised to the Village Board.

Donna Matthews made a motion to close the meeting. Lisa Schwarzbaum seconded. All in favor. The meeting ended at 7:51.

Respectfully submitted,

Laura Gail Tyler
Deputy Village Clerk