

**Village of Tivoli  
Zoning Board of Appeals  
Draft Minutes  
January 4, 2021**

**Present**

Jonathan Trombly – Chair  
Karen Cleaveland  
Mark Bennett  
Bob Zises

**Also Present**

Alexandr Neratoff

**Absent**

Ethan Palmer

The meeting was held as a remote meeting due to the pandemic; it opened at 7:02.

Mayor Joel Griffith explained the procedure for an online meeting and public comment and started the live stream for the meeting.

**80 Montgomery St. - Area Variance for Side Set Back for a front porch and Area Variance for Minimum Total Side Yards**

Jonathan Trombly began the meeting by stating that there were a few things that need to be clarified and that likely no decision would be made at the meeting. He asked about the noticing of the public hearing. The certified mail notice had been sent and 3 out of 13 of the receipts were received. The notice was published in the Daily Freeman.

Jonathan Trombly stated that the property had not been staked for the site visit, so the applicant will stake it for board members to see the footprint of the building. He asked if board members had been by the property to view it. Bob Zises commented that he had been there, but it was hard to judge because it wasn't staked. Mark Bennett said that he went by and he understood the property and knew the building. Alexandr Neratoff said he can stake it over the week-end. He will notify the Deputy Clerk when complete so that she can notify the board members.

Jonathan Trombly stated that the board was working to get clarification on the status of the building. It is currently listed as vacant land on the county website. He questioned the effect that might have on the status of the 2005 variance. The board will work with the village attorney to resolve those questions. The applicant is responsible for the fees associated with reviews required by the board and money will need to be put into escrow.

Alexandr Neratoff stated that he already has funds in escrow with the planning process. It seems like the reviews are redundant and he is paying for the same things multiple times. He questioned whether there is a way to consolidate that process. He also questioned how the demolition of the house, leaving the foundation in place, will negate the variance.

Jonathan Trombly stated the need to clarify the application. Is it a renovation, a new building, etc. He doesn't want to proceed without a clear understanding of the concepts involved.

Alexandr Neratoff stated that the foundation is partially there. He didn't ask to change the classification of the property but he did ask for the taxes to be adjusted.

Karen Cleaveland asked if he intends to build on the existing foundation that is currently on the property. Yes, that portion of the foundation is from 2004; the older portion of the foundation was a rubble foundation and will be replaced with concrete. About 50% of the house will be on the new foundation.

Karen Cleaveland made a motion to declare the application a Type II for SEQR. Mark Bennett seconded. All in favor. The application was declared to be Type II.

Mark Bennett made a motion to open the public hearing. Bob Zises seconded. All in favor. The public hearing was opened at 7:18.

Alexandr Neratoff briefly described the project. The application is to extend an existing side set back encroachment which was previously extended with a variance to the rear of the building. The original house did not have a front porch. He intends to rebuild the volume of the house that existed in 2005 with a new front porch and side entrance. 8 feet of the front porch will encroach a distance of 3'8" into the north side set back. The south side entrance which is 15'2" from the southern side property line will cause the total side yards to be less than the minimum required of 30 feet.

Jonathan Trombly asked if there were any other questions. Mark Bennett asked for clarification on the drawings of what the southern side structure is. Is it a bulkhead door? No, it is a small porch/side entrance. Bob Zises asked if the drawing of the garage included were related to the variance requested. No, they are not a part of the application; the garage is within the zoning regulations.

Karen Cleaveland made a motion to continue the public hearing until the next meeting on February 1, 2021. Bob Zises seconded. All in favor. The public hearing was continued until February 1, 2021 at 7pm.

Karen Cleaveland requested that the staking of the building be made with bright colors to be visible.

**Minutes**The board reviewed the minutes from the October 5, 2020 and December 7th meetings.

Bob Zises made a motion to approve the minutes from October 5, 2020. Mark Bennett seconded. All in favor. The minutes were approved.

Karen Cleaveland made a motion to approve the minutes from December 7, 2020. Bob Zises seconded. All in favor. The minutes were approved.

Karen Cleaveland asked about the number of neighbors that the applicant had been required to notice within 200 feet of the property. It was 13 but one PO address provided was not valid and there were two listings for Kaatsbaan. She also asked if many of the names were full time residents.

Karen Cleaveland 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