

**Village of Tivoli
Zoning Board of Appeals
Minutes
September 6, 2022**

Present

Jonathan Trombly;
Chairperson
Bob Zises

Karen Cleaveland
Mark Bennett
Ethan Palmer

Also Present

Melissa Bell, applicant

Call to Order

The meeting was held in the Historic Watts de Peyster Hall. It was opened at 7:00 PM.

New Business – Village of Tivoli/Tivoli Fire Company Signage

Jonathan Trombly began the meeting by asking the applicant, Melissa Bell, to introduce her project. She has a dental office at 25 Pine St. and would like to achieve two goals with a renovation to the rear of the building that will require an area variance for the rear set-back. First, she would like to enclose and perhaps expand by one foot an existing deck to create additional lab space. Second, she would like to relocate the rear entry door that services the accessible ramp to directly enter the reception area. The door currently connects to the ramp through the existing lab workspace. The property was purchased with an existing use variance for the dental practice and the deck and accessible ramp existed. She is requesting a 2 foot setback so the deck can be enclosed.

The property is in R15,000. The required rear set back is 25 feet and the required front set back is 20 feet. The property is existing non- conforming with a depth of 50 feet. The building is currently encroaching on the rear set back. The north corner is 7.5' from the rear property line. The south corner is 9.2' from the rear property line. The deck and ramp encroach an additional 5 feet.

Karen Cleaveland questioned whether there is another suitable location for the lab. Jonathan Trombly commented that there is a lot of space to either side of the building. Melissa Bell responded that the deck is unused space and is adjacent to the existing lab. The use will require access to the existing sink in the lab, and other areas of the building are allocated for other purposes such as a staff area. The new area will house a milling machine for crowns. She would like to be able to have an area behind a door to isolate the machine while it is running to keep down noise in the office.

Jonathan Trombly commented that the new entrance will need required clearances to be accessible. He suggested that she confirm that those requirements can be met by the amount of variance requested.

Jonathan Trombly commented that the applicant should resubmit a site plan with the footprint of the building, the existing rear set back and the proposed rear setback clearly indicated. The applicant submitted a survey with the distances to the two corners of the building indicated and altered plans from 2001. Ethan Plamer commented that she should submit fewer drawings with more information.

The amount of the variance was discussed. The applicant didn't want to request too much of a variance and sought comment from the board. Ethan Palmer commented that perhaps she should confirm the dimensional requirements of accessibility and let those determine the exterior dimensions. Jonathan Trombly explained that if she received the variance and the BIZEO found that it could not conform to accessibility, it could hold up the project by requiring another variance. Increasing the existing footprint of the deck was discussed. The deck is currently 5 feet deep. Mark Bennett questioned whether the variance is required if the existing footprint is enclosed. Yes. To keep 5 feet clear, the footprint will increase by a minimum of the wall thickness. Melissa Bell commented that at a minimum she would like to plan to increase the footprint to 6 feet.

Karen Cleaveland commented that the property is in a residential district. Mark Bennett asked about its zoning. Karen Cleaveland responded that it has a use variance.

A site visit was scheduled for 6:30 on October 3, 2022.

County review was discussed. Although the property is zoned residential, the use is commercial, so the variance is not subject to the exemption to county review. The board requested that the application be forwarded to the county for review with the altered site plan.

SEQR was discussed. Jonathan Trombly identified it as a Type II Action on the list in 617.5, #9, as an alteration to a facility under 4000 sq feet.

Mark Bennett made a motion to declare the action to be Type II. Bob Zises seconded. All in favor. The action was declared to be Type II.

Ethan Palmer made a motion to schedule a public hearing for the application at 7pm on October 3, 2022. Karen Cleaveland seconded. All in favor. The public hearing was scheduled.

Minutes

Ethan Palmer made a motion to approve the March 7, 2022 minutes. Mark Bennett seconded. All in favor. The minutes were approved.

Karen Cleaveland made a motion to close the meeting. Bob Zises seconded the motion. All in favor. The meeting was closed at 7:53 PM.

Respectfully submitted,

Laura Gail Tyler
Deputy Village Clerk