

**Village of Tivoli**  
**Zoning Board of Appeals**  
**Minutes**  
**November 7, 2022**

**Present**

Ethan Palmer, Acting Chair

Bob Zises

Mark Bennett

Elizabeth Kiefer, alternate

**Absent:**

Jonathan Trombly; Chairperson

Karen Cleaveland

**Also Present**

Stephen and Ginger Shore

Peter Sweeny

Kurt and Shawn Fischer

Doris and Tony Formby

**Call to Order**

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

**Old Business – 53 Montgomery St. – Area variances for maximum footprint and maximum building size in the HO District**

Ethan Palmer began the meeting by stating that he was the acting chair and that Ellie Kiefer would be a voting member of the board. He stated that the public hearing for 53 Montgomery was the main item of business and asked about the return receipts for the notice. 14/16 return receipts had been received. He then read the public notice.

Mark Bennett made a motion to open the public hearing for two area variances at 53 Montgomery St. Ellie Kiefer seconded. All in favor. The public hearing was opened.

Ethan Palmer asked the applicants to introduce the project and whether there was any new information. There were no changes. Peter Sweeny described the project. The applicants desire to create single floor living by creating a bedroom on the first floor and by adding space to move the laundry up from the basement and to create a bathroom and closet. The house is existing non-conforming as it exceeded the HO maximum sizes when the HO district was created. The addition is 278 sq. ft. and is on the rear northeast corner of the house.

Bob Zises asked about the accessory building on the south side of the property and its use. Stephen Shore answered that the upstairs is his studio and the downstairs is storage.

Stephen Shore commented that the intent is to landscape the new addition to the house with evergreen landscaping to shield its location. His wife had two knee replacements and the goal is to eliminate the use of stairs for the bedroom upstairs and the laundry downstairs in the basement.

Bob Zises asked whether an elevator had been considered as an alternative to avoid additional square footage in excess of the HO maximum.

Peter Sweeny answered that an elevator is not an easy alternative in a traditional, historic house. A lot of space would be lost on both floors.

Tony Formby resides at 69 Montgomery and commented that he has no objection to the project and thinks it looks fine.

Shawn Fischer commented that she lives next door to 53 Montgomery and also thinks that it looks fine and has no objections.

Mark Bennett commented that he does not think the addition will be noticeable.

Bob Zises repeated that his issue with the application is that other alternatives were not explored and that by allowing a dwelling to exceed the maximum, it would set a precedent for oversized houses to be constructed in Tivoli.

Ethan Palmer commented that one thing that is particular to the application is the large size of the parcel.

Peter Sweeny responded that when the bulk regulations were being created for the HO district, all the properties were surveyed in Tivoli and a "sweet spot" was adopted for general size. There are plenty of houses that exceed that size and this house predates the adoption of the HO district.

Mark Bennett commented that the zoning is just an average. Although a creep in size is undesirable, there is a lot of variation and diversity in the houses in Tivoli.

There was more discussion about alternatives. Ellie Kiefer asked for the minutes to reflect Bob Zises' objections. He would have liked to have seen a study of an elevator. Mark Bennett and Ethan Palmer stated that they think that an elevator is too onerous. Peter Sweeny stated that an elevator would destroy the fabric of the historic house and that it is a fine alternative until there is a fire and someone with limited mobility needs to evacuate. He stated that the requested addition is a proportionally modest request to which Bob Zises agreed. There was discussion about whether the requirements for an elevator would itself require some sort of addition to the original house in height or square footage. Ethan Palmer stated that the application was discussed in last month's meeting. It is not a request for a large new room; it is just a utilitarian space, just utilities, and seems to be a better use of space than elevator mechanicals.

Bob Zises asked to confirm the use of the space and whether it is a bedroom. Stephen Shore answered that an existing space is being converted to the bedroom; the addition is a bathroom, laundry and closet.

Ethan Palmer stated that the variances are a result of the additional square footage requested. The ZBA needs to protect the character of the Village. He stated that he believes the character of the Village has been considered in the design of the addition and that it is a low impact, modest approach to achieving the applicants' goals.

The board discussed the five criteria to execute the balancing test for granting the variances, and a resolution was crafted.

Bob Zises stated again that he believes that to increase the size of an oversized dwelling, more support is needed to show that other options have been explored.

Ellie Kiefer made a motion to close the public hearing. Bob Zises seconded. All in favor. The public hearing was closed.

The drafted resolution was reviewed.

Mark Bennett made a motion to accept the resolution granting the variances to allow an additional 278 sq. ft. to be added to the existing non-conforming dwelling bringing the total building size to 3320 sq. ft. and the total footprint to 2090 sq. ft.; Ellie Kiefer seconded. All in favor. The resolution was accepted and the variances were granted.

## **Minutes**

The minutes from October 3, 2022 meeting were reviewed.

Ellie Kiefer made a motion to approve the October 3, 2022 minutes. Mark Bennett seconded. All in favor. The minutes were approved.

Bob Zises made a motion to close the meeting. Ellie Kiefer seconded the motion. All in favor. The meeting was closed at 8:15 PM.

Respectfully submitted,

Laura Gail Tyler

Deputy Village Clerk