

Village of Tivoli
PO Box 397 ▪ 86 Broadway
Tivoli, New York 12583
www.tivoliny.org

Planning Board Agenda

May 20, 2024

Approval of Minutes:

March 25, 2024 Planning Board Meeting

April 8, 2024 Planning Board Meeting

Public Hearings:

Open Village of Tivoli - Lot Line Consolidation

Close Village of Tivoli - Lot Line Consolidation

Open 63 Broadway – Change of Use

Close 63 Broadway – Change of Use

New Business:

12 North Road – Lot Line Alteration

Other Business:

Resolution for Village of Tivoli Lot Consolidation

Resolution for 63 Broadway – Change of Use

Adjourn:

VILLAGE OF TIVOLI PLANNING BOARD
MEETING MINUTES

MARCH 25, 2024
7:00 PM

WATTS DE PEYSTER HALL

Present: Lisa Schwarzbaum, Chairwoman; Andrew Tejerina, J.P. Ward, Wendy Hansen, Donna Matthews

Absent: Pamela Morin

Also Present: Mayor Joel Griffith

Lisa Schwarzbaum called the meeting to order at 7:00 pm.

Mayor Joel Griffith, the applicant, is requesting a lot line consolidation of four parcels of the Village of Tivoli's land. The village is seeking this consolidation process in order to expand the firehouse. The plan is to expand the firehouse westward, but this would disrupt parcel property lines. Mayor Griffith is requesting to fuse these parcels to create a municipal campus so that firehouse construction could expand beyond its designated property lines.

Mayor Griffith brought completed survey maps of the four parcels of land. The attending members of the board reviewed these maps. Lisa Schwarzbaum said there needs to be a public hearing to move the lot consolidation through.

Donna Matthews underlined that it is important the firehouse gets what it needs to serve the community. Lisa Schwarzbaum agreed, emphasizing the need to follow planning and building protocol so that the board can support the firehouse's plan to expand and increase its resource capabilities.

At 7:19, Lisa Schwarzbaum made a motion to conclude the meeting. This motion was followed by Wendy Hansen and seconded by J.P. Ward.

Submitted,

Lucinda Standefer, Planning Board Secretary

Draft Village of Tivoli Planning Board Minutes

April 8, 2024

PRESENT:

Lisa Schwarzbaum; Chairwoman

Andrew Tejerina

J.P. Ward

Pamela Morin

Donna Matthews

ABSENT: Wendy Hansen (Alternate) and Amy Breedlove (Alternate)

ALSO PRESENT: Natalie Sosnowski

The meeting began at 6:58 p.m. on the 3rd floor in the Historic Watts de Peyster Village Hall.

MINUTES: Lisa Schwarzbaum began by asking the Planning Board if everyone had a chance to review the Minutes of the 12/11/23 meeting. Donna Matthews made a motion to approve The Minutes of the December 11, 2023 meeting; 2nd by Pamela Morin. All in favor; none oppose.

The Minutes of the March 25, 2024 meeting were not available at this time.

NEW APPLICATIONS:

Bad Times Bar - 63 Broadway – Tax Map Parcel No. 134803-6175-18-492044

Site Plan approval request – Change of Use of an existing building or site

Applicant: Natalie Sosnowski

The applicant proposes to replace the retail business with a restaurant/bar business using the same retail footprint that currently exists to provide a quiet place for people to come and relax.

The Planning Board and Applicant discussed building layout, lighting, seating, hours, and parking requirements.

Donna Matthews made a motion to set a Public Hearing May 20, 2024 for Natalie and The Bad Times Bar; 2nd by Pamela Morin; all in favor, none oppose.

CONTINUED APPLICATIONS:

Village of Tivoli - Lot Line consolidation

Pamela Morin made a motion to set a Public Hearing May 20, 2024 for **Village of Tivoli - Lot Line consolidation**; 2nd by J.P. Ward; all in favor, none oppose.

Separate public hearings for the Village lot line consolidation and the Bad News Bar were set for the next Planning Board meeting on Monday, May 20, 2024, at 7pm.

ADJOURN: Pamela Morin made a motion to close the meeting. 2nd by Andrew Tejerina. All in favor; none oppose. The meeting closed at 7:24 P.M.

Respectfully submitted,

Bonnie Day, Deputy Clerk

Resolution Granting Approval to the Final Subdivision Plat for Village of Tivoli Lot Consolidation

Name of Project: Village of Tivoli Lot Consolidation

Name of Applicant: Village of Tivoli Board of Trustees

Whereas, the applicant has submitted an application for Final Subdivision Plat approval dated March 14, 2024 to the Village of Tivoli Planning Board to consolidate four Village-owned parcels located at 1 Tivoli Commons, 2 Tivoli Commons, 8 Tivoli Commons, and Broadway (Tax Parcel Nos. 6175-18-444038; 6175-18-427035; 6175-18-438036; and 6175-18-437013) to form a single parcel consisting of a total area of \pm 4.721 acres in the General Business (GB) and Historic Overlay (H-O) Zoning Districts in the Village of Tivoli, Dutchess County, New York; and

Whereas, the applicant has submitted a Final Subdivision Plat entitled "Lot Line Alteration Prepared for The Village of Tivoli" prepared by Dustin H. James PLS dated February 13, 2024; and

Whereas, in 2020, the Village of Tivoli Board of Trustees proposed the subject lot consolidation as part of an action that included a Tivoli Fire Station Expansion and a Local Law to extend the GB District and amend the Zoning Law for Cultural Facilities and Municipal Uses; and

Whereas, on March 18, 2020, the Village of Tivoli Board of Trustees, as lead agency, adopted a Negative Declaration for that action and determined that the project would not result in any significant adverse environmental impacts and a Draft Environmental Impact Statement need not be prepared; and

Whereas, on May 20, 2024, the Planning Board opened a duly noticed public hearing on the Final Subdivision Plat at which time all interested persons were given the opportunity to speak, and the Planning Board closed the Public Hearing on May 20, 2024; and

Whereas, the Planning Board has deliberated on the application and all the matters before it.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board has determined that no new residential building lots or dwelling units will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision Plat approval to the Village of Tivoli Board of Trustees in accordance with the plans and specifications heretofore enumerated subject to the following conditions:

- A. The Planning Board authorizes the Chairwoman or her authorized designee to sign the Subdivision Plat after compliance with the following conditions:

- (1) The applicant shall pay to the Village of Tivoli any outstanding fees due and owing for the review of this application.
- (2) The applicant shall pay any and all outstanding escrow balances for consultant review.
- (3) The applicant shall submit Subdivision Plat drawings for stamping and signing in the number and form specified under the Village of Tivoli's Land Subdivision Regulations, including all required P.E. and L.S. stamps and signatures.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chairwoman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Village Clerk, and a copy sent to the applicant; and

On a motion by _____, seconded by _____, and a vote of _ for,
_ against, _ absent, _ abstaining, this resolution was _____ on
_____, 2024.

Resolution Certified, Filed with the Village Clerk and Mailed to the Applicant

Bonnie Day, Clerk to the Board

Date

Resolution Granting Site Plan Approval to Bad Times Bar

Name of Project: Bad Times Bar

Name of Applicant: Natalie Sosnowski

Whereas, the applicant has submitted an application for Site Plan approval to the Village of Tivoli Planning Board to convert an existing retail use to a restaurant with a bar in an existing building located at 63 Broadway (Tax Parcel No. 134803-6175-18-492044) in the General Business (GB) and Historic Overlay (HO) Districts in the Village of Tivoli, Dutchess County, New York; and

Whereas, the applicant has submitted a map of the property, signage details, and a floor plan (undated) prepared by the applicant; and

Whereas, since the applicant proposes no changes to the exterior of the building other than a sign and sign lighting, the Planning Board has determined that the submitted materials will suffice for Site Plan review; and

Whereas, the Planning Board has reviewed the Site Plan submission materials against the requirements of Article IX of the Village of Tivoli Zoning Law and has found that the proposal complies with all applicable sections of the Zoning Law; and

Whereas, and the Planning Board has reviewed the Site Plan submission materials against the requirements of § 231-22.2 of the Zoning Law and has found that the proposal is consistent with the requirements of the H-O District and the *Tivoli Pattern Book*; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board on May 20, 2024 determined that the proposed project is a Type II Action that meets the threshold found in 6 NYCRR 617.5(c)(18) and, therefore, SEQOR does not apply; and

Whereas, due to the location of the property within 500' of a County Road, the Site Plan application was referred to the Dutchess County Department of Planning and Development for review under General Municipal Law § 239m and the County Planning Department issued a review letter dated _____ which determined the project was a matter of local concern; and

Whereas, on May 20, 2024, the Planning Board opened a duly-noticed public hearing on the Site Plan application, at which time all interested persons were given the opportunity to speak and the Planning Board closed the Public Hearing on May 20, 2024; and

Whereas, the Planning Board has deliberated on the application and all the matters before it.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board has determined that no new residential building lots or dwelling units will be created, and thus deems not applicable to this application the requirement for set-aside of recreation or other open space land or the alternative payment of a cash-in-lieu-of-land recreation fee.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Site Plan approval to Natalie Sosnowski to convert an existing retail use to a restaurant with a bar in accordance with the plans and specifications heretofore enumerated upon the following conditions:

- A. The Planning Board authorizes the Chairwoman or her authorized designee to sign the Site Plan submission materials after compliance with the following conditions:
- (1) The applicant shall submit a manufacturer's cut sheet of the proposed lighting fixture demonstrating that it is a full cut-off fixture with an uplight rating of U0 (or a DarkSky seal of approval) and a maximum color temperature of 3000 Kelvin.
 - (2) The hours of operation shall be limited to 4 pm to 10 pm daily.
 - (3) The bar shall be limited to a total of six (6) seats; four tables with a total of 16 seats shall be permitted in the interior; outside are permitted a maximum of three tables on the porch totaling six (6) seats, a table on the front yard with four (4) seats, and four (4) tables each for two people on the back porch.
 - (4) The Site Plan submission materials (the map of the property, signage details, and floor plan) shall be dated and shall include a signature block for the Planning Board.
 - (5) The applicant shall pay to the Village of Tivoli any outstanding fees due and owing for the review of this application.
 - (6) The applicant shall pay any and all outstanding escrow balances for consultant review.
 - (7) The applicant shall submit the Site Plan submission materials for stamping and signing in the number and form specified under the Village's Zoning Law.

When the above conditions have been satisfied, three (3) sets of the above referenced plans shall be submitted for endorsement by the Planning Board Chairwoman or her designee. One (1) set will be returned to the applicant, one (1) set will be retained by the Planning Board, and one (1) set will be provided to the Building Department. The applicant must return to the Planning Board for approval of any desired changes from the endorsed plans.

- B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy (CO):
- (1) All proposed improvements shall have been completed in accordance with the approved Site Plan.
- C. The following are general conditions which shall be fulfilled throughout the construction and operation of the project:
- (1) The applicant shall continue to comply with all conditions imposed by any of the outside agencies in their permits and approvals.

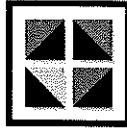
BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chairwoman or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Village Clerk, and a copy sent to the applicant.

On a motion by _____, seconded by _____, and a vote of _ for, _ against, _ absent, and _ abstaining, this resolution was _____ on _____.

Resolution Certified, Filed with the Village Clerk and Mailed to the Applicant

Bonnie Day, Clerk to the Board

Date



FOUR CORNERS
PLANNING

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Innovative Planning
for Traditional Towns

To: Lisa Schwarzbaum, Chairwoman
Village of Tivoli Planning Board

From: Michèle Robinson Greig, AICP

Date: May 8, 2024

Subject: North Road Lot Line Alteration

For the captioned project we have reviewed a Sketch Plan based on a survey entitled “12 North Road” prepared by Robert L. Campbell LS dated April 20, 2018, and an Application for Lot Line Alteration dated April 1, 2024. We offer the following comments for the Planning Board’s consideration. These comments should not be considered all inclusive. We may have additional comments as further information is provided for our review.

1. **Proposed Project** The applicant proposes to adjust the lot line between two adjacent parcels (both under the same ownership) located at 12 and 14 North Road. The parcels are located in the R-1A and Historic Overlay Districts. The project requires Subdivision approval from the Planning Board.
2. **SEQR.** The proposed project is a Type II action pursuant to 6 NYCRR 617.5(c) (16) since it involves an individual lot line adjustment. Type II actions are not subject to review under SEQR. We will prepare a resolution classifying the project as a Type II action once a subdivision plat has been submitted.
3. **Lot Line Location.** The lot line is proposed to be moved south to a location approximately 30 feet from the existing one-story dwelling at 12 North Road. The applicant has asked whether the lot line could be located 20 feet from the dwelling.

The property is located at the corner of North Road and Pine Street. Section 231-18 of the Zoning Law states, “On a corner lot, there shall be provided a side yard on a side street equal in depth to the required front yard.¹ A rear yard shall be

¹ The Zoning Law does not refer to the side street yard as a front yard, just a yard “equal in depth” to a front yard. In other words, the yard on the side street is still a **side** yard.

provided on each corner lot and the property owner shall elect which yard is the rear yard.”

The required front yard for a lot in the R-1A District that fronts on Pine Street is a minimum of 20 feet and a maximum of 30 feet. The existing setback is 26.3 feet, which is within the allowable range.

The required rear yard setback in the R-1A District is 25 feet. If the applicant selects the yard behind the one-story dwelling (where the driveway is located) as the rear yard, the side yard would be located north of the dwelling.

In the R-1A District, the Zoning stipulates, “There shall be two side yards with a total width of not less than 30 feet. The width of the narrower of the two side yards shall not be less than $\frac{1}{3}$ of the total of the two side yards.” The side yard along Pine Street is 26.3 feet. If the side yard north of the one-story dwelling is 20 feet, the two side yards would total 46.3 feet, a third of which would be 15.4 feet, which would meet the requirement.

4. **Lot Width.** In the R-1A District the required lot width at the street and at the building line is a minimum of 75 feet and a maximum of 125 feet. If the lot line alteration results in a lot that does not meet this requirement, an area variance would be required.
5. **Lot Size.** The required minimum lot size in the R-1A District is one (1) acre. Both lots are less than one (1) acre and are therefore nonconforming. The proposed project would increase the size of the parcel at 14 North Road, which is currently ± 0.22 acres, and decrease the size of the parcel at 12 North Road, which is currently 0.476 acres. One lot would be brought it into greater conformity with the requirement, while the other lot would become less conforming. The Code Enforcement Officer should determine whether an area variance would be required for the lot that will be made less conforming.
6. **Public Hearing.** A public hearing on the subdivision application is required.