

**Village of Tivoli
Zoning Board of Appeals
Minutes
October 3, 2022**

Present

Jonathan Trombly; Chairperson
Bob Zises
Karen Cleaveland
Mark Bennett
Ethan Palmer
Elizabeth Kiefer, alternate

Also Present

Melissa Bell
Stephen Shore
Ginger Shore
Peter Sweeny

Call to Order

The meeting was held in the Historic Watts de Peyster Hall. It was opened at 7:05 PM.

Minutes

The minutes from September 6, 2022 were reviewed. A change in the description of the requested 2 foot rear set back at 25 Pine St. was amended by adding the length of the property line affected. Ethan Palmer made a motion to approve the minutes as amended. Mark Bennett seconded. All in favor. The amended minutes from September 6, 2022 were approved.

Old Business – 25 Pine St. Rear Set Back Area Variance

There was a site visit attended by the ZBA before the meeting.

Jonathan Trombly began by asking the applicant if there was any new information. A new site plan had been submitted but nothing new for the meeting.

The Dutchess County Planning had returned their review and determined that it is a matter of local concern.

Jonathan Trombly read the notice in the newspaper of record. Six out of 8 of the return cards for the required noticing of neighbors were received.

Mark Bennett made a motion to open the public hearing. Ethan Palmer seconded. All in favor the public hearing for an area variance for the rear yard set-back at 25 Pine St. No members of the public were present for the hearing.

Jonathan Trombly asked the applicant to introduce the application.

Melissa Bell explained that they would like to expand an existing deck by a foot and enclose it to contain a lab room and an accessible entryway into the reception area of the office. The deck and ramp exist on

the rear of the building. The building is existing, non-conforming as the required rear set back is 25 feet and the required front set back is 25 feet and the parcel is 50 feet deep.

Observations from the site visit were discussed. Karen Cleaveland commented that it was hard to know where the property line was without having it staked. Jonathan Trombly commented that the dwelling on the adjacent property was not directly behind the building but was farther to the south, closer to Broadway.

Jonathan Trombly led a discussion about the 5 criteria to consider. Mark Bennett stated that he thought there was no undesirable change to the neighborhood. Ethan Palmer stated that the change was on the rear of the building and the neighboring house was at a distance from the area to be changed. The size of the addition was discussed in relation to the existing roof overhang. The existing deck is 5 feet wide but the proposed addition is 6 feet wide.

Karen Cleaveland stated that the proposed addition might be a benefit to the neighbor because the entrance will be moved farther north, farther from the neighboring house, than its current location, and by enclosing the deck, noise will be contained and blocked and traffic might be lessened. The use of the entrance was discussed. It is not a main entrance; it is an accessible entrance, and it is also used for deliveries and by staff.

Alternatives were discussed. The ramp is currently in place so relocating an accessible entrance would be onerous. The proposed addition is also adjacent to the current lab and it would be difficult to reallocate space in the floorplan to relocate it.

Whether the change is substantial was discussed in reference to the amount of the change to existing conditions. Jonathan Trombly questioned how to quantify the impact of enclosure. Mark Bennett stated that it is a minimal change to the footprint. Ethan Palmer stated it is a minimal change.

The portion of the deck that is covered was discussed. Melissa Bell stated that the current portion of the deck that is covered and the proposed addition are less than the total area of the deck that was originally covered when the property was purchased.

The board agreed there is no physical or environmental effect and the hardship is self-created because it is a change desired by the applicant.

Karen Cleaveland questioned whether the certified letter was received by the adjacent property owner. The mailing was signed for by the party on file for the property.

The board members all agreed the benefit to the applicant outweighs the detriment to the community. Karen Cleaveland stated that she is glad a set back of 2 feet remains. Jonathan Trombly stated that the additional foot requested bringing the addition to 6 feet is necessary to ensure that accessibility can be achieved. Anything less might have rendered the entrance not accessible.

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

Jonathan Trombly read the resolution.

Mark Bennett made a motion to approve the resolution granting a variance to the minimum rear set back of 23 feet to create a 2 foot rear set back. Bob Zises seconded. All in favor. The resolution was approved and the variance was granted.

New Business – 53 Montgomery - Maximum Footprint and Maximum Building size Area Variance

Jonathan Trombly recused himself. Ellie Kiefer was made a voting member of the board. Karen Cleaveland was the chair for the remainder of the meeting. The applicants, Stephen and Ginger Shore were present along with their architect, Peter Sweeny.

Peter Sweeny introduced the project. The property is in the R15,000 and HO district. The applicants propose to add an addition onto the house as part of a renovation to create a ground floor living space to enable them to age in place and avoid the stairs. An existing sunroom will be converted into a bedroom, and a bathroom and laundry area will be added. Currently the laundry is downstairs in the basement. The HO district has a maximum allowable footprint of 1750 sq. ft. and a maximum allowable building size of 2600 sq. ft. The existing dwelling is existing non-conforming with an existing foot print of 1812 sq. ft and an existing building size of 3042 sq. ft. The parcel is sizable, 5.84 acres (15,000 sq. ft. minimum). The proposed addition will add 278 sq. ft. to the footprint and to the building size and will contain a bathroom and laundry area. All other bulk regulations and set backs are conforming.

The addition is proposed on the north side of the house at the rear corner. The south side was not an alternative because the driveway is located there and the rear to the east was not considered because the rear has extensive gardens, brick walls and a patio that the applicants would like to retain. Landscaping is planned around the proposed addition and the proposed roof line is low to be inobtrusive.

There was a discussion about the intentions of the size limitations included in the HO bulk regulations. Peter Sweeny stated that he was involved in the creation of that zoning and the intent was to prevent big houses on small piano key parcels. Karen Cleaveland stated that she was involved in the creation of the Village's Masterplan and the trend at that time had been to demolish older, small houses and to replace them with large new ones. There was a desire to preserve the older houses in Tivoli and to prevent Megahouses.

Karen Cleaveland asked the applicants how many rooms are on the first floor of the house. There are two in the front and a kitchen on the back. Karen Cleaveland asked if any of those rooms could be used as a ground floor bedroom. A front space that is used as a library was considered, but it is quite small. The addition is really to make space to move the laundry up from the basement. The future use of the upstairs was discussed. The applicants said that it would be used when children and grandchildren come to visit.

Mark Bennett made a motion to declare the action Type II for SEQR because it is an area variance for a residential property. Ethan Palmer seconded the motion. All in favor. The action was declared to be Type II.

A site visit was discussed. It was determined that members can walk by on their own because the house and the proposed building site can be seen from the sidewalk. The proposed location is not near a property line.

Ethan Palmer made a motion to schedule a public hearing at the next meeting on November 7, 2022 at 7pm. Ellie Kiefer seconded the motion. All in favor. A public hearing was scheduled for Monday, November 7, 2022 at 7 pm.

Karen Cleaveland stated that she will not be able to attend the next meeting and Jonathan Trombly has recused himself. Other board members stated that they will be present.

Ethan Palmer made a motion to close the meeting. Ellie Kiefer seconded the motion. All in favor. The meeting was closed at 8:05 PM.

Respectfully submitted,

Laura Gail Tyler
Deputy Village Clerk