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

ZBA Agenda

August 4, 2025

Call to Order:

Review and Approval of Minutes:
July 7, 2025

PUBLIC HEARING:
Area Variance for width of a new single-family dwelling
27 Broadway
Frasier Fir Management LLC
parcel 134803.6175.04.622029.0000

Adjourn:

*Agenda is subject to change

VILLAGE OF TIVOLI
ZONING BOARD OF APPEALS
MINUTES
JULY 7, 2025

Present: Ethan Palmer, Karen Cleaveland, Mark Bennett

Absent: Jonathan Trombly, Elizabeth Kiefer, Bob Zises

Also Present: Warren Temple Smith, Noelle O'Shea, Gregg Haefelin

Call to Order

Ethan Palmer, acting as Chairperson, called the meeting to order at 7:01 PM on the 3rd floor of the Historic Watts de Peyster Hall, 86 Broadway, Tivoli NY.

Old Business

The first order of business was the review of minutes from April 7, 2025. Mark Bennet made a motion to approve. Karen Cleaveland seconded the motion. All in favor. Motion carried.

New Business

The next order of business was the construction of a single-family dwelling to be built on the lot at 27 Broadway, parcel # 134803.6175.04.622029.0000. Architect Warren Temple Smith presented the application to the board. The house design features a primary suite on the first floor causing the width of the building to be wider than the R-15,000 bulk regulations permit by 4'. The proposed building is 52' while the regulations allow for 48'. The applicants are seeking an area variance for the width. All minimum setbacks are exceeded.

The Zoning Board of Appeals will hold a public hearing to address the variance. On a motion by Karen Cleaveland, seconded by Mark Bennett, all in favor, the board set the date for the Public Hearing on August 4, 2025, at 7:00 PM at the Historic Watts de Peyster Hall, 3rd floor.

The applicant was instructed to mail a certified notice of the Public Hearing to all circumjacent properties located within 200 feet of the property line of the parcel. A site visit was scheduled before the August meeting at 6:30 PM.

Karen Cleaveland made a motion to close the meeting. Mark Bennett seconded it. All in favor. The meeting adjourned at 7:23 PM.

Respectfully submitted,

Kris Cleaveland

Village Clerk

NELSON POPE VOORHIS
environmental • land use • planning

MEMORANDUM

TO: Lisa Schwarzbaum, Chair
Village of Tivoli Planning Board

FROM: Adriana Beltrani, AICP
Meagen Zapatoski, AICP

RE: 27 Broadway- Site Plan
Parcel #: 19-514075; 19-512086

DATE: June 19, 2025

CC: Warren Temple Smith, R.A., Applicant Representative
Bonnie Day, Deputy Clerk/Planning and Zoning Secretary

We are in receipt of the following items:

- Application for Site Plan Review and/or Special Permit, signed and dated April 14, 2025
- Owner Consent Form, signed and dated April 14, 2025
- Short EAF, signed Warren Temple Smith, R.A., dated April 14, 2025
- Architectural plans for the Haefelin-O'Shea Residence, prepared by Warren Temple Smith Architects, LLC, dated October 10, 2024
- Site plan for Proposed Haefelin-O'Shea Residence, prepared by Warren Temple Smith Architects, LLC, dated October 15, 2024

The applicant is seeking site plan approval to construct a single-family dwelling, accessory garage, and in ground pool on an approximately 0.66 acre parcel located within the R-15,000 and Historic Overlay Districts.

Procedure/SEQR

1. A variance for building width may be required from the Zoning Board of Appeals.

2. Public Hearing. Per §231-22.2.G, the Planning Board should determine if a public hearing is warranted. If it is determined necessary, the Board may wish to schedule a hearing for the next meeting.

3. SEQR Classification. The construction of a single-family home is classified as a Type II Action. No further review under SEQR is required.

Zoning/Planning

1. Per the R-15,000 district bulk regulations, the maximum permitted building width is 48 feet, and the applicant is proposing a building width of 52 feet. The applicant will need to revise the proposed dwelling to meet this standard or receive a variance from the Zoning Board of Appeals.

2. The proposed in-ground pool must follow the requirements of §231-44 prior to installation. This includes the grading plan sign off by the zoning enforcement officer, and the design of a fence no less than four feet in height. The Planning Board should confirm that the location of the pool filtration system and filter pumps do not impact any neighboring properties.

3. Setbacks. §231-22.2. H(1)- While the proposed structures meet the setback requirements for the R-15,000 district, setbacks within the H-O district should be consistent with the surrounding properties within the range of permitted setbacks for the underlying zoning district. The structures adjacent to the west, and across Broadway have setbacks closer to the 20 foot minimum setback requirement where the proposed structure is set back 36 feet. Moving the structure closer to the property line is at the discretion of the Planning Board and applicant.

4. §231-22.2.H(4)(a): "In the H-O District, terms used throughout the Village of Tivoli Pattern Book that imply guidelines or recommendations shall be interpreted to mean required standards. For instance, the word "should" shall be interpreted to mean "shall"; the words "recommended" and "encouraged" shall be interpreted to mean "required.""

   [a] The Planning Board may waive any requirement of the Tivoli Pattern Book **upon written request from an applicant.** When determining whether to grant a requested waiver, the Planning Board shall consider the existing natural and constructed features of the site and the impact of the waiver on the historic character of the neighborhood and the H-O District.

   We note that a waiver request has not been received by this office, therefore comments relevant to the Pattern Book have been provided in comment #5.

5. Architectural drawings could be improved by:
   a. Adding color rendering to the building elevations to convey building materials and color.
   b. The inclusion of additional perspectives of the building elevations.
   c. Providing example/precedent images.

VILLAGE OF TIVOLI

HISTORIC WATTS DEPEYSTER HALL
PO BOX 397 ~ TIVOLI, NY 12583-0397

BUILDING & ZONING DEPARTMENT
EMAIL: BIZEO@TIVOLINY.ORG
OFFICE: 845.757.2021 ~ FAX: 845.757.5416

June 26, 2025

Gregg Haefelin and Noelle O'Shea
27 Broadway
Tivoli, NY 12583

RE: 12 North Road: 6175-04-622029-0000

Dear Gregg and Noelle:

A review of the application and plans for a single-family dwelling located in the R-15000/HO district has been denied based on Section 231, Atachment 8, District Schedule of Area and Bulk Regulation which state the maximum permitted building width is 48 feet, and the proposed building width is 52 feet. You can choose to revise the width of the proposed dwelling or apply for a 4-foot variance from the ZBA.

Sincerly,

Gary E. Beck Jr.
Building Inspector

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PO BOX 397 ~ TIVOLI, NY 12583-0397

BUILDING & ZONING DEPARTMENT
EMAIL: BIZEO@TIVOLINY.ORG
OFFICE: 845.757.2021 ~ FAX: 845.757.5416

Zoning Board of Appeals Application

Appeal #_____

Applicant: Frasier Fir Management, LLC

Mailing Address: P.O. Box 86

City: Germantown **State:** NY **Zip Code:** 12526

E-Mail Address: handcraftedbuilders@gmail.com

Phone Number(s): 845-453-4873

Property Owner: Frasier Fir Management, LLC

Property Street Address: 27 Broadway, Tivoli, NY

Tax Map Grid/Parcel 134089- 134803-6175-04-622029-0000 **Zoning District:** R15000 / HO

Zoning Ordinance (Local Law) Appealed: 231-22.2 Historic Overlay - Bulk Regulations

MINIMUM VARIANCE REQUIRED:
4'-0" for maximum building width (52'-0" requested vs. 48'-0" permitted)

Please check the type of appeal:
Type of Appeal: (x) Area Variance ( ) Interpretation
Decision of the Code Enforcement Officer: ( ) Interpretation

A previous area variance was submitted: Appeal: _____
Date: _____

Please respond to the following 1-5 questions. Provide a description of the proposed activity with regards to the following standards. (Attached additional pages as necessary).

1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?
No undesirable change will be created; the character of the neighborhood will be improved by the construction of a compatible residence on this vacant parcel.

2) Whether the benefit sought by the applicant van be achieved by some method, feasible for the applicant to pursue, other than an area variance?
No; the dimensions of the residence are compact, and a further reduction in width would render the layout impractical. Moreover, all minimum setbacks are exceeded.

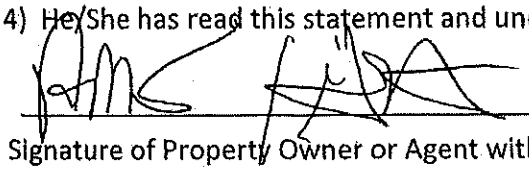
3) Whether the requested area variance is substantial?
The 4'-0" variance requested is not substantial.

4) Will there be an adverse effect or impact on physical or environmental conditions in the neighborhood or district?
No adverse impact will result from the grant of the requested variance.

5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance?
Yes, the difficulty is by definition self-created.

By His/her signature the Applicant acknowledges that:

1) He/She has read this application and is familiar with its content; and
2) He/She has read, is familiar with, and understands the requirements of the Village of Tivoli Code provision(s) affecting or regulating the project for which this application is made; and
3) He/She agrees to comply with the requirements of the Village of Tivoli Code provision(s) affecting or regulating the project for which this application is made including any general or special conditions of any permits or approvals granted by any board, agency, or department of the Village of Tivoli; and
4) He/She has read this statement and understands its meaning and its terms.



Signature of Property Owner or Agent with Authorization Letter

4-19-25

Date

Applicant(s) Signature:

Name:

_____

Print:

_____

Date:

_____

For Office Use Only:

Appeal Number: _____

Application Fee: _____ Date: _____

Escrow Fee: (if applicable) _____ Date: _____

VILLAGE OF TIVOLI

HISTORIC WATTS DEPEYSTER HALL ~ TIVOLI, NY 12583

- **Planning Board**
  - Office: 845.757.2021 ~ Fax: 845.757.5416
  - Email: villagehall@tivoliny.org ~ Web: www.tivoliny.org
- **Building & Zoning Department**
  Zoning Enforcement Officer, Code Enforcement Officer
  - Office: 845.758.4623 or 845.758.4603 ~ Fax: 845-758-9018
  - Email: bfennell@redhook.org or scole@redhook.org
  - Web: www.tivoliny.org

Owner Consent Form

To be filed when the applicant is not the building or property owner

Grid # 134803-6175-04-622029-0000 Permit #_____

Name of Applicant: Frasier Fir Management, LLC

Location: 27 Broadway, Tivoli, NY

Description of work to be performed: Represent owners before Village of Tivoli Planning Board and Zoning Board of Appeals as necessary in conjunction with a Building Permit application to construct a new single-family dwelling

I/We, Gregg Haefelin and Noelle O'Shea, owner(s) of the above land/building hereby give my/our permission to Warren Temple Smith, R.A. (applicant name) to submit the above identified application on my/our behalf and to represent to represent me/us in all proceedings before the Village of Tivoli Planning Board, Building Department and ~~Zoning Board of Appeals~~ concerning the reference application.

Owner's Signature

Owner's Signature

4-14-25
Date