Village of Tivoli

Zoning Board of Appeals

May 4, 2026 7:00 PM

Meeting Agenda

Call to Order

Old Business

Review and approval of minutes of August 4, 2025 meeting

New Business

Application for Interpretation

Michele Grieg, 45 Montgomery Street

Parcel ID 6174-06-496907-0000

Application for an Area Variance for Proposed Shed Construction

George Smith, 47 Montgomery Street

Parcel ID 6174-06-494901-0000

Adjourn Meeting

**Agenda is subject to change.*

VILLAGE OF TIVOLI

ZONING BOARD OF APPEALS

MINUTES

AUGUST 4, 2025

Present: Karen Cleaveland, acting Chairperson, Mark Bennett, Elizabeth Kiefer, Bob Zises

Absent: Jonathan Trombly, Ethan Palmer, Julia Liu

Also Present: Warren Temple Smith, Nicole O'Shea, Gregg Haefelin, Rebeca Patsey, Robert Sagerman, Bessina Harrar

Call to Order

Karen Cleaveland called the meeting to order at 7:00 PM on the 3rd floor of Historic Watts dePeyster Hall, 86 Broadway, Tivoli New York.

Old Business

The first order of business for the board was the review and acceptance of minutes from the July 7, 2025, meeting. On a motion by Elizabeth Kiefer, seconded by Mark Bennett, the board voted unanimously to accept the minutes. Motion carried.

Public Hearing

On a motion by Bob Zises, seconded by Mark Bennet, the board opened the public hearing at 7:02 on the area variance requested at parcel 6175-04-622029-0000. The proposed building width of a single-family dwelling would exceed the maximum allowed in the R15,000 and Historic Overlay districts. The house features a master suite on the first floor which causes the floor plan to expand horizontally 4' greater than the allowable width of 48'-0" to 52'0".

Elizabeth Kiefer read the public notice aloud. Karen Cleaveland confirmed that the applicant mailed certified notices of the public hearing to all circumjacent property owners, within a 200' radius from the lot line. Only one letter was returned as undeliverable, addressed to 23A Broadway. The architect Warren Temple Smith introduced the project to meeting attendees.

The board deliberated about the criteria listed in the application for the area variance. They ascertained that there would be no detriment or undesirable change to the neighborhood, instead that the neighborhood would be improved by the addition of a new dwelling on the long-time vacant parcel. The intended design of the building conforms to the guidelines in the Tivoli

Pattern Book and adheres to all other bulk regulations for principal buildings within the R15,000 and Historic Overlay districts. Further, all minimum setbacks are exceeded. The substantiality of the variance was established to be minor, with only an 8.3% increase beyond the mandatory maximum building width. With increased width of 4', the building footprint and total floor area fall within the required values. The board determined the action to be Type II under SEQR as there will be no negative effect on the physical or environmental conditions. The board decided that there is not an alternative available for the applicant to achieve the same floor plan without acquiring the area variance. While the issue was self-created, as most variances request are for such problems, a self-created hardship does not preclude the granting of an area variance.

The board opened the discussion to public comment.

Mark Bennett motioned to adopt the Resolution Granting an Area Variance for the Maximum Building Width at 27 Broadway. Elizabeth Kiefer seconded the motion. Roll call: Karen Cleaveland, aye; Mark Bennet, aye; Elizabeth Kiefer, aye; Bob Zises, aye. All in favor. The area variance of 4' for parcel 6175-04-622029-0000 was granted. The applicants' next step is to return to the Planning Board for a site plan review. The next Planning Board date is August 11, 2025, with another meeting following on August 25, 2025.

Adjournment of Public Hearing

On a motion by Elizabeth Kiefer, seconded by Bob Zises, all in favor, the board voted to close the public hearing at 7:21 PM.

Adjournment

Bob Zises motioned to adjourn the meeting. Mark Bennett seconded the motion. All in favor. The meeting was adjourned at 7:23 PM.

Respectfully submitted,

Kris Cleaveland

Village Clerk

paid $100
check #2403

VILLAGE OF TIVOLI

HISTORIC WATTS DEPEYSTER HALL ~ TIVOLI, NY 12583

Zoning Board of Appeals
- Office: 845.757.2021
- Email: villagehall@tivolinv.org
- Web: www.tivolinv.org

Application For Interpretation - Zoning Board of Appeals

Appeal # _____ Dated: 4/24/26

Complete the following application and submit to the Zoning Enforcement Officer together with the requisite fee.

I(We), Michele Greig residing at 45 Montgomery Street, Village of Tivoli, hereby gives notice of appeal from the decision of the Building Inspector/Zoning Enforcement Officer made on the 11th day of April, 2026, in refusing to issue a Building and Zoning permit on the ground that the same would be in violation of Section _____ of the Code of the Village of Tivoli.

Premises located at 47 Montgomery Street
Tax Grid # 494901
Zoning District R1S
Record Owner of Property August LT Muchitsch
Telephone # _____

Intended Use: accessory use shed

State grounds upon which appellant asserts that the order, requirement, decision, interpretation or determination of the Building Department/Zoning Officer as stated in paragraph 1 above is incorrect. (Attach additional pages if necessary)
Appealing the CEO's April 11, 2026 determination - more information to follow.

STATE OF NEW YORK
COUNTY OF DUTCHESS ss.:

The undersigned, being duly sworn deposes and says that he has read the foregoing document and knows the contents thereof and that the facts set forth therein are true to the best of his knowledge, information and belief.

Signed Laurie Kelelman
Attorney for Michele Greig

Subscribed and sworn to me this 24th day of April, 2026

Signed _____

Emily B Svenson
Notary Public

EMILY B SVENSON
Notary Public - State of New York
No. 02SV6385673
Qualified in Dutchess County
My Commission Expires Jan. 14, 2027

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

April 11, 2026

George Smith
849 River Road
Red Hook, NY 12571

RE: 47 Montgomery Street
ID #: 6174-06-494901-0000

Dear George:

The building permit application 2025-057 that was approved October 03, 2025, has been issued with a STOP WORK ORDER. The proposed 12'x 32' shed requires planning board approval per 231-22.2 Historic Overlay (H-O) District Section E.

Section 231-22.2 E. Site plan approval requirement. Within the H-O District, site plan approval shall be required for construction of any new **building**, and for construction of any addition to an existing building where the size of the addition will be 50% or greater than the existing building size.

Additionally, you have provided the planning board with dimensions that differ from those submitted with the original building permit application.

It will be necessary to verify the actual size of the structure prior to proceeding.

Regarding terminology, there are two definitions outlined below:

BUILDING, ACCESSORY
A building, the use of which is customarily incidental to that of a principal building, and which is located on the same lot as that occupied by the principal building.

BUILDING, ACCESSORY USE OF
A use customarily incidental to the use of a principal building not occupying more than 25% of the total above-ground-floor area of the principal building thereof, and in the case of a dwelling includes a home occupation only to the extent it is a permitted accessory use in the applicable district and in compliance with the provisions of § 231-31. The 25% area description does not apply to ADUs and hosted short-term rentals.
[Amended 8-14-2024 by L.L. No. 1-2024]

The definition of a **building accessory** does not stipulate any specific size requirements; however, within the Historic Overlay District, the maximum allowable footprint for a building is 750 sq.ft., and the total maximum building size permitted is 1300 sq.ft. The original application proposed a shed with an area of 384 sq.ft., which conforms to these established limits.

The definition of **building accessory use of** refers to an accessory use located within the principal structure; this application does not meet that criterion.

Once you have received site plan approval from the planning Board the Stop Work Oreo can be lifted.

Sincerly,

Gary E. Beck Jr.
Building Inspector

paid
$300
check #
6123

VILLAGE OF TIVOLI

HISTORIC WATTS DEPEYSTER HALL – TIVOLI, NY 12583

- **Zoning Board of Appeals**

Office: 845.757.2021 Fax: 845.757.5416
Email: pzsec@tivoliny.org Web: www.tivoliny.org

Application for Area Variance – Zoning Board of Appeals

Appeal # _____ Dated: 4/28/26

Complete the following application and submit to the Zoning Enforcement Officer together with the requisite fee.

I(We), GEORGE SMAR residing at 47 MONTGOMERY ST _____, hereby give(s) notice of appeal from the decision of the Building Inspector/Zoning Enforcement Officer made on the ___ day of _____, 20__, in refusing to issue a Building and Zoning permit on the ground that the same would be in violation of Section _____ of the Code of the Village of Tivoli, NY.

Premises located at 47 MONTGOMERY ST
Tax Grid #
Zoning District 115
Record Owner of Property
Telephone Number 518-249-8016

Reason for Appeal: EAST SIDE OF SHED NOT 10FT SETBACK TO PROPERTY OF PHIL & LIZA LEGARE

1. The granting of the variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties because: SHED WOULD BE IN CHARACTER OF HISTORIC BUILDINGS AND IS SET BACK FROM RD AS FAR AS POSSIBLE

2. Can the desired result be achieved by some means other than granting a variance? (If the answer is no, please explain) THE GRADE OF THE GROUND RISES TO THE WEST WOULD BE DIFFICULT TO EXCAVATE WITH CURRENT FOUNDATION

3. Is the variance requested substantial? (Please explain) AS THE FOUNDATION IS IN, DUE TO RECENT SURVEY RESULTS, IT WOULD BE MORE SUBSTANTIAL TO MOVE SHED FOUNDATION

4. Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district? (Please explain) IN MY OPINION, SHED WOULD BE A BEAUTIFUL BUILDING AMONGST OTHER HISTORIC BUILDINGS

5. Was the difficulty that you have with the area requirements of the law created by something you did? (Please explain) I PRESUMED THE IRON ROD TO THE NORTH EAST OF PROPERTY WAS MY BOUNDRY LINE, NOT UNTIL RECENT SURVEY DID I LEARN WHERE THE BOUNDRIES WERE

Variance request: The applicant requests the following variance from the Village of Tivoli Zoning Law:

Section _____ Pertaining to _____
From _____ To _____

_____
Applicant's Signature

_____
Applicant's Signature

47 MONTGOMERY ST SHED VARIANCE

AFTER MEASURING OFF OF OLD SURVEY PINS THAT HAD SLID DOWN THE HILL LIKE THAT OF A BOUNDRY FENCE POST, THE NEW SURVEY SHOWED I WAS NOT THE 10 FT SET BACK TO THE NORTH. IT ALSO SHOWED I HAD GONE OFF A IRON ROD TO THE EAST WHICH WAS DRASTICALLY OFF BY A MERE 20 FT.

MY PLAN NOW WOULD BE TO MOVE SHED FOUNDATION SOUTH TO SATISFY THE 10 FT SETBACK TO THE NORTH BOUNDRY AND TO ASK FOR A VARIANCE OF THE SETBACK TO THE EAST, WHICH I TALKED TO OWNER PHIL LEGARIE WHO HAS NO PROBLEM WITH LOCATION OF SHED TO HIS PROPERTY LINE.

George Smith 4/28/26

VILLAGE OF TIVOLI

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

BUILDING & ZONING DEPARTMENT
EMAIL: BIZEO@TIVOLINY.ORG
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849 River Road
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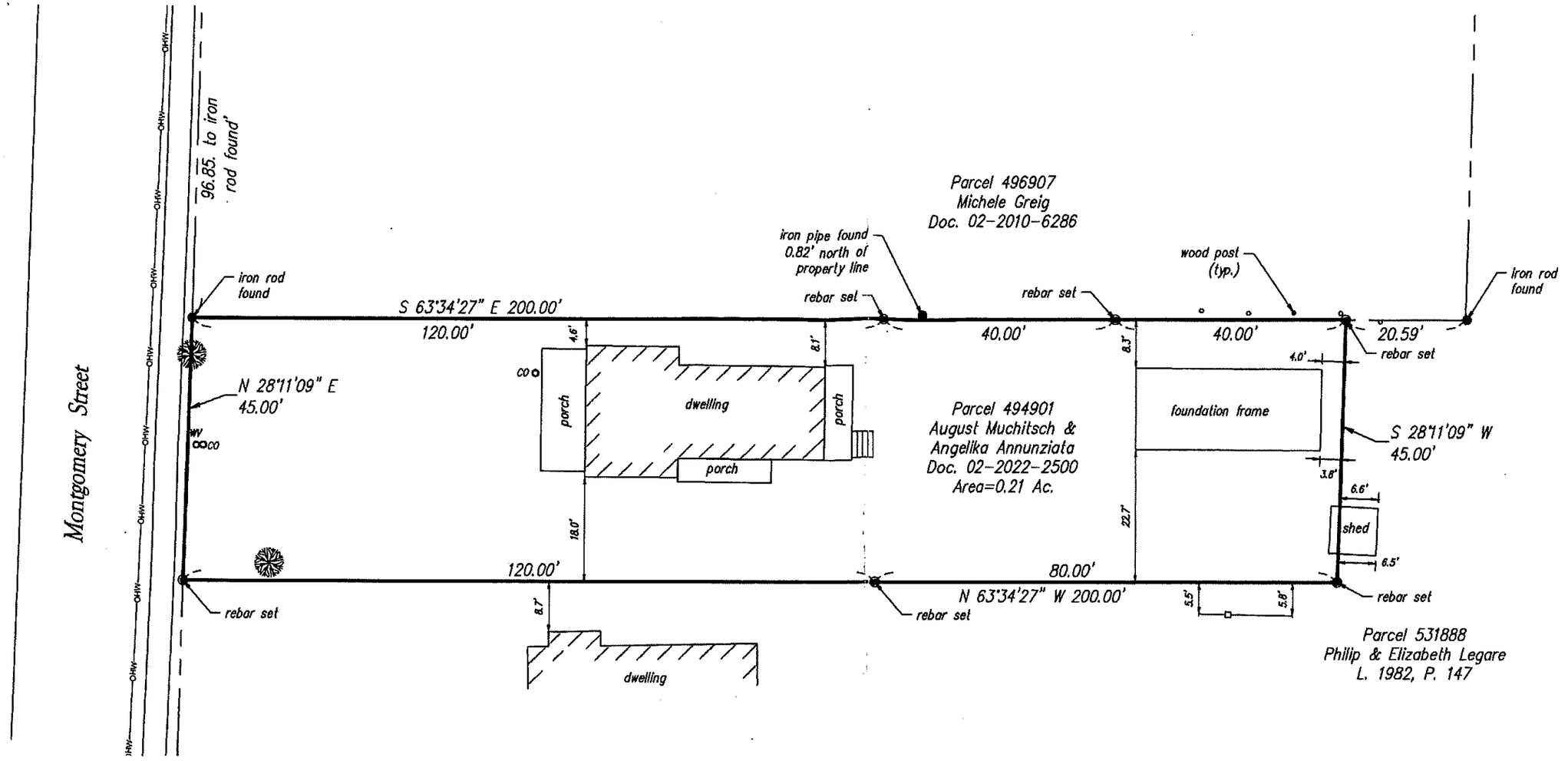
Sincerly,

Gary E. Beck Jr.
Building Inspector



20 0 20

SCALE : 1" = 20'

LEGEND

- IRON PIPE/STEEL REBAR
- CAPPED REBAR SET
- WV WATER VALVE
- CO CLEAN-OUT
- TREE
- UTILITY POLE
- OHW OVERHEAD WIRE
- WOOD FENCE
- BUILDING

GENERAL NOTES:

1. SUBJECT TO ANY AND ALL ENFORCEABLE COVENANTS, CONDITIONS, EASEMENTS, RESTRICTIONS AND AGREEMENT OF RECORD.

THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC

STATE OF NEW YORK CARNEY RHINEVAULT LICENSED LAND SURVEYOR 49097

CARNEY RHINEVAULT NYSLS No. 49097

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

MAP OF PROPERTY OF
AUGUST MUCHITSCH & ANGELIKA ANNUNZIATA
SURVEYED FOR
AMELIA LeGARE
SITUATE AT
47 MONTGOMERY STREET
VILLAGE OF TIVOLI
DUTCHESS COUNTY, NEW YORK

SURVEYED BY CARNEY RHINEVAULT
6 Main Street
Hyde Park, NY 12538
TEL (845) 229-8225

4/1/26	SCALE: AS SHOWN	PROJ NO. 26-114	SHEET 1 OF 1