

**DRAFT**  
**Tivoli Village Planning Board Meeting**  
**Minutes of Monthly Planning Board Meeting**  
**October 20, 2008**

**CALL TO ORDER/ DETERMINATION OF QUORUM**

Meeting was opened at 7:03 pm and a quorum was determined to be present for the conduct of business.

Planning Board Attendees:

Chairman Peter Sweeny  
Vice Chairman Harry Colgan  
Robert Roff  
Alternate: Domenic Scarpulla  
Alternate: Leigh Palmer

Also Present:

Mayor Tom Cordier  
Village Attorney Christine Chale  
Attorney Rebecca M. Blahut, McCabe & Mack, LLP  
Recording Secretary Marina L. Schmid

Absent: Gary DiMauro  
Navin Sharma

Chairman Sweeny stated that the Board was seating Alternates Leigh Palmer and Domenic Scarpulla as acting Board members for this meeting. Chairman Peter Sweeny had the Board review the minutes from the Public Hearing on August 18, 2008. Chairman Sweeny requested that a correction be made concerning page 2, line 25 and 26, stating they should be one paragraph. Also line 30 and 31 should be one paragraph. Also noted on page 4, line 13 the words Planning Board should be deleted and the word Assessment should be added after the word Enviromental and before the word Form. A motion was made by Harry Colgan and seconded by Domenic Scarpulla to accept the minutes as corrected. All in favor. Motion carried.

A motion was made by Harry Colgan and seconded by Leigh Palmer to accept the minutes from the August 25, 2008 continued Public Hearing. All in favor. Motion carried.

A motion was made by Harry Colgan and seconded by Robert Roff to accept the minutes from the Monthly Planning Board Meeting on August 25, 2008. All in favor. Motion carried.

Chairman Sweeny reported that he received a phone call from Board member Gary DiMauro who stated that he was recusing himself from tonight's meeting. Chairman Sweeny requested that Vice Chairman Colgan conduct the remainder of the meeting as he was also recusing himself from the meeting and left the meeting.

Vice Chairman Colgan reported that the Board has received an application for 69 Broadway requesting a site plan modification from Stuart Hannan.

Vice Chairman Colgan introduced to the Board, Rebecca M. Blahut, from McCabe and Mack, as representing applicant Stuart Hannan.

Harry Colgan showed the Board a survey the Building and Zoning Enforcement Officer had on file concerning said property that he wanted reviewed by the Board.

Vice Chairman Colgan and Board reviewed and discussed application, survey and a copy of the 99 year lease that the property and the Village have. He understands that there is a legal conflict concerning the parking lot and the lease

. The Vice Chairman stated that until this issue is resolved the Planning Board cannot move forward on the application.

Domenic Scarpulla questioned if it was legal and valid if it is not in the Deed?

Attorney Chale stated that it is a valid lease that is on record as a municipal parking lot that has been used, occupied and maintained by the Village. Attorney Chale noted that the Board of Trustees has discussed possibly modifying the lease.

Vice Chairman Colgan requested a recess at 7:30 pm to have an attorney/client discussion. It was requested that Attorney Blahut leave the room until the recess is over.

The Board reconvened at 7:42 pm

Vice Chair Colgan stated that the first order of business was to discuss the elements of the application. Attorney Blahut had given the ZBA a Full Environmental Assessment Form which the Planning Board was shown.

Attorney Chale asked if the Board was going to make a determination to act as Lead Agency. Also stated that it was a Type 1 action because it is unlisted and in an Historic District.

The Vice Chair is concerned that if the process moves forward there will be a deadline and he feels that the lease issues need to be resolved first and a more complete application be submitted and reviewed.

A discussion occurred with regards to the concerns on the external staircase, structures in parking lot, driveway access and parking.

Mr. Colgan stated that the Board does not have an application it can entertain at the present time. Also wants the legal issues on use of the land resolved by both parties. The Planning Board needs to keep the public interest and landowners interest in mind.

The Board requested of Attorney Blahut, that the applicant, Stuart Hannan, submit a clearer site plan at their next Workshop, November 10, 2008. The Board wants a clearer understanding of the use of the second floor and stairway accessibility.

Attorney Chale read a correspondence she had received from McCabe & Mack.

The letter stated that the Hannan site plan drawing was enclosed for the Boards consideration. Stated that since they are merely adding the stairway to the existing plan they believe this is sufficient for this application as there are no other physical exterior changes on this site. Also stated that if his client cannot meet the minimum square footage of 500 feet with two units they will pull back to one unit to meet the requirement. The parking will have to be worked out with the Board of Trustees.

Concerning this application, Mayor Cordier stated that the Planning Board can ask for an escrow account, paid for by the applicant, set up for expenses incurred for services of a professional planner who would be able to help with the process.

Vice Chairman Colgan stated that we may need an escrow for a planner but it will depend on what the Attorney comes back with. As it stands now it is incomplete. The Board needs more information. Discussion followed concerning what is lacking in the application. No action at this point. Willing to look at a amended site plan application with stairway and parking information more clearly defined with specific dimensions on the entire plan.

### **ADJOURNMENT**

A motion was made by Leigh Palmer to adjourn the meeting at 8:37 pm. Seconded by Domenic Scapulla. All in favor. Motion carried.

Respectfully Submitted,

Marina L. Schmid  
Secretary  
Planning Board