

Tivoli Village Zoning Board of Appeals

Minutes of Monthly Zoning Board of Appeals Meeting November 27, 2006

CALL TO ORDER/ DETERMINATION OF QUORUM

Meeting was opened at 7:00pm and a quorum determined present for the conduct of business.

Zoning Board of Appeals Attendees:

Hildegard Edling
Karen Cleaveland
Mike Braun
Mike Leedy
Emily Majer
Susan Rogers (alternate)

Also Present:

James Simmons
Robert Zises
Jonathan Trombly
Mary Chang
Kenneth McCarthy
Bettina Mueller
Robert Petersen
Marian Davis
Dr. Anita Micossi
Tom Cordier
Steve Buso
Cassie Carbone

Absent:

Mike Hayes (alternate)

BUSINESS SESSION

1. Review of past meeting minutes:
 - a. September 25, 2006: One correction was deemed necessary: change of the month of the minutes from 'August' to 'September'. Mike Leedy made a motion to approve minutes with specified change. Karen Cleaveland seconded the motion, and all members present voted in favor.
2. Mail:

- a. Hildegard Edling read a letter dated November 24th, 2006 from Mike Hayes. The letter stated his resignation from the Zoning Board of Appeals.
 - i. Hildegard asked the other Board members to consider a replacement for the position.
3. Hildegard Edling discussed the Accessory Apartment information that she distributed to the Board a few weeks ago and asked the Board to further review it for discussion at the next meeting.

PUBLIC HEARING

1. James Simmons, 18 North Road –Rear. Application for an Area Variance.
Presented by James Simmons.
 - a. Hildegard Edling read aloud the Public Hearing Notice and opened the Public Hearing at 7:15pm.
 - i. An Area Variance is sought to allow less than the minimum 50' frontage for parcel access. Mr. Simmons is seeking parcel access off of Memorial Drive to make a building lot. 25.27' is the current frontage.
 - b. Mr. Simmons submitted the return receipts form the certified notices of this Public Hearing.
 - c. The Board reviewed the plans and maps of the application
 - i. Hildegard noted that DePyster Street is a 'paper road.' Mr. Simmons said that the street is not mentioned in the deed.
 - d. All Board members present have visited the site but have not yet done a thorough walk through it. Hildegard said that she would like the Board to go as a group with Steve Buso present to answer questions.
 - i. A group site visit by the Board was scheduled for 8am on Saturday, December 2, 2006.
 - e. Hildegard noted that Memorial Drive is a dead-end and there are resulting snow-removal issues.
 - f. Hildegard also noted potential drainage issues and these issues were discussed by the Board. Steve Buso noted that the property drains to the west and that portion of the property closest to Memorial Drive is at the low-point on the property.
 - i. The Board discussed the issue of constructing a driveway that won't further aggravate drainage issues.
 - ii. Mike Leedy discussed his current drainage in the area.
 - iii. Karen Cleaveland asked about the relevance of the drainage issues on the Boards' decision. Hildegard explained that because the Planning Board will not have to be a part of the decisions regarding future house built on the property, the Zoning Board of Appeals needs to consider the impact of this application on drainage and neighbors.

- iv. Hildegard asked where a proposed house would go on the property. Steve Buso responded that a house could go anywhere on the property as long as it adhered to setback regulations.
 - 1. Steve told the Board that they could write some suggestions and cautionary flags into their decision to be kept in the property file so that the Code Enforcer can consider it when working with a potential builder in the future.

g. Public comment:

- i. Robert Zises, 22 North Road:
- ii. Mr. Zises said that he looked at the survey and could not tell exactly where the center of the property is.
 - a. Mr. Simmons responded that there is a flag at the center and also at each corner of the property.
 - i. Hildegard asked Mr. Simmons to be sure that all the flags are visible before the Board visits the site.

iii. Jonathan Trombly, 11 Pine Street:

- 1. Mr. Trombly asked about the history of the property and asked if it has always been land-locked.
 - a. Mr. Simmons responded that his grandfather used to own the property and that as far as he knows it has always situated in this way.
- 2. Mr. Trombly asked about the general pattern of building and development in the Village. He also asked about the appropriateness of new larger houses being built in front of smaller ones.
 - a. Hildegard said that the inter-municipal task force is looking in that issue currently. She reiterated that the property is R-1 and so only 1 house can be built on it.
 - b. Mr. Trombly asked what can be done to appeal the regulations and noted that while the lot is able to be built on, it does not have enough frontage.
 - i. Hildegard noted that the Village cannot leave a parcel land-locked and that the Board is there to facilitate the best situation possible.

iv. Robert Zises, 22 North Road:

- 1. Mr. Zises asked what standards and requirements can be put on future development on the property.
 - a. Hildegard responded that the best the Board can do would be to suggest that the house be in a particular distance and suggest the positioning of the house.
 - i. Hildegard said that the Board needs to investigate how far they can go in terms of

suggestions and/or stipulations in the decision.

v. Kenneth McCarthy, 14 North Road:

1. Mr. McCarthy stated that this proposal does not benefit any of the adjoining properties and added that a variance should not be granted lightly.
 - a. He said that he does not wish to go against Mr. Simmons but that he has to look out for his best interest.
2. Hildegard reiterated that the Village cannot deny access to a parcel.

vi. Robert Petersen, 20 North Road:

1. Mr. Petersen asked where the potential house would connect to the sewer.
 - a. Mr. Simmons responded that it would connect at Memorial Drive.
2. Mr. Petersen asked about drainage in regard to driveway placement.
 - a. Hildegard said that that will be worked out after the survey and site visit.

vii. Marian Davis, 16 North Road:

1. Ms. Davis commented about drainage. She talked about how the past development around her house has affected the drainage on her property and said that she worries about how a house on this property will further affect her property.

h. The Public Hearing was adjourned to Tuesday December 12, 2006 at 7pm.

ADJOURNMENT

Since there was no further business to come before the Board, Mike Braun made a motion to adjourn. Mike Leedy seconded the motion, and all members present voted in favor. The meeting was adjourned at 8:06pm.

Respectfully Submitted,

Catherine Carbone
Planning/Zoning Secretary
For
Emily Majer
Secretary