

Tivoli Village Zoning Board of Appeals

Minutes of Monthly Zoning Board of Appeals Meeting January 22, 2007

CALL TO ORDER/ DETERMINATION OF QUORUM

Meeting was opened at 7:04pm and a quorum determined present for the conduct of business.

Zoning Board of Appeals Attendees:

Hildegard Edling
Karen Cleaveland
Mike Braun
Mike Leedy
Susan Rogers (alternate)
Laura Gail Tyler (alternate)

Also Present:

Jonathan Trombly
Mary Chang
Robert Petersen

Absent:

Emily Majer

BUSINESS SESSION

1. Hildegard welcomed Laura Gail Tyler as a new member of the Zoning Board of Appeals.
2. Hildegard also noted that Susan Ezrati is the new Village Board liaison to the Zoning Board of Appeals.
3. Hildegard read aloud a letter dated January 11, 2007 from Jim Simmons requesting a postponement of the January 22, 2007 Zoning Board of Appeals meeting, to allow his attorney time to prepare all necessary information. The letter was accepted and the case was re-scheduled for the February 26, 2007 meeting.
4. Review of past meeting minutes.
 - a. November 27, 2006: Mike Leedy made a motion to approve the minutes. Mike Braun seconded the motion, and all members present voted in favor.
 - b. December 12, 2006: Mike Leedy made a motion to approve the minutes. Karen Cleaveland seconded the motion, and all members present voted in favor.

5. Hildegard discussed training: New York State enacted legislation requiring 4 hours of training per year for municipal Planning and Zoning Board members. Training dates and topics were discussed.
6. Hildegard discussed Oaths of Office for 2007 for the Zoning Board members. Terms are expired in 2007 for Laura Gail Tyler, Mike Braun, Karen Cleaveland, and Susan Rogers.
7. Open Meeting Laws in regard to electronic communication was discussed.
8. Hildegard discussed the Village Ethics Code for Mike Braun in regard to the Simmons case, due to the fact that Mike Braun has contracted with Jim Simmons to plow his driveway. Hildegard said that after reviewing the Ethics Code with Zoning Board of Appeals attorney Christine Chale, it was determined that Mike Braun does not need to recuse himself from the Jim Simmons case that has come before the Board. Requirements for recusal were discussed.
9. James Simmons, 18 North Road –Rear.
 - a. Hildegard discussed Richard Cantor’s suggestion at the December 12, 2006 meeting, for the adjacent property owners to purchase the property.
 - i. A prior similar case was discussed and it was noted that Mr. Cantor’s suggestion would be a viable option if done by a specific method.
 - b. Applicable materials relative to this case were reviewed by the Board, and Hildegard noted the types of issues the Board needs to look for at the next continuation of this Public Hearing.
 - i. Hildegard discussed the letter to Jim Simmons and the 5 points that need to be proven by Mr. Simmons, which include:
 1. Whether there is an undesirable change.
 2. Whether the benefits by the applicant can be achieved by another feasible method.
 3. Whether the requested Area Variance is substantial.
 4. Whether the proposed Area Variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.
 5. Whether the difficulty was self-created.
 - ii. Mr. Cantor’s letters to the Board, following the last Public Hearing, were discussed.
 1. Mr. Cantor noted in his letter the issue of the property line of the street and the assumption made that it continues to the property line of Zises & Simmons.
 - a. Hildegard said that this assumption is something that will need to be proven to the Board by Mr. Simmons and his attorney.
 - iii. Hildegard discussed other issues that need to be addressed for this case, including the SEQR form that needs to be submitted.
 - iv. Other items in the case file were discussed, including letters submitted by neighbors at the last Public Hearing.

ADJOURNMENT

Since there was no further business to come before the Board, Mike Leedy made a motion to adjourn. Mike Braun seconded the motion, and all members present voted in favor. The meeting was adjourned at 7:55pm.

Respectfully Submitted,

Catherine Carbone
Planning/Zoning Secretary
For
Emily Majer
Secretary