

Tivoli Village Zoning Board of Appeals

Minutes of Monthly Zoning Board of Appeals Meeting May 29, 2007

CALL TO ORDER/ DETERMINATION OF QUORUM

Meeting was opened at 7:00pm and a quorum determined present for the conduct of business. Due to the absence of Hildegard Edling, Karen Cleaveland presided over this meeting.

Zoning Board of Appeals Attendees:

Karen Cleaveland
Mike Braun
Mike Leedy
Laura Gail Tyler
Donna Griffith (alternate)

Also Present:

Christine Chale
Jim Simmons
Lara Simmons
Linda M. Murray

Absent:

Hildegard Edling
Joe Cicileo (alternate)

BUSINESS SESSION

1. Karen Cleaveland introduced Donna Griffith as the new Alternate to replace Susan Rogers. Due to the absence of Hildegard Edling, Donna will be a voting Board member at this meeting.
2. Karen discussed the need for a new Zoning Board of Appeals Secretary, and said that the Board will likely determine the new Secretary at the next meeting.
3. The Board discussed training and certification requirements and opportunities: New York State enacted legislation requiring 4 hours of training per year for municipal Planning and Zoning Board members.
4. Review of past meeting minutes.
 - a. April 23, 2007: Christine Chale discussed a misunderstanding regarding the Jim Simmons application being withdrawn. The Board deemed that the application had never been withdrawn by the applicant and that they did not have the jurisdiction to take an action on the application. Mike

Braun made a motion to amend the April 23, 2007 minutes to reflect this. Mike Leedy seconded the motion and all members present voted in favor.

5. James Simmons, 18 North Road –Rear. Application for an Area Variance. Presented by James and Lara Simmons, and their lawyer, Linda M. Murray.
 - a. Jim Simmons has submitted an application for an Area Variance to allow less than the minimum 50' frontage for parcel access. Mr. Simmons has been denied a Building Permit for a 900 square foot house on his lot.
 - b. Linda M. Murray of Gellert & Klein, P.C.
 - i. Ms. Murray introduced herself and presented maps and plans regarding the application.
 1. Ms. Murray discussed De Pyster Street and noted that it is a paper street never accepted for dedication by the Village.
 2. Ms. Murray presented and distributed letters and reports with details of the application and history of the parcel. She also asked that these documents be submitted as evidence at the Public Hearing.
 - a. The documents and reports presented included:
 - i. A letter from Ms. Murray.
 - ii. A map of the parcel.
 - iii. A Title Report from River City Abstract.
 - iv. 2 letters from Elizabeth Barrett Dachs of Euell Real Estate.
 - v. A Letter from Michael Nowicki of Ecological Solutions, LLC.
 - b. Ms. Murray noted that the Simmons parcel has been in existence and in the Simmons family for over 100 years and that it preexists any zoning.
 - c. Ms. Murray also argued that prior to the development of Tivoli Acres, the Simmons property had sufficient frontage.
 - d. Ms. Murray also discussed a theoretical right-of-way on Anita Micossi's deed at 22 North Road.
 - c. Christine Chale suggested that the Board not continue with deliberations at this meeting, but instead determine if the application is complete and set a date for a public hearing.
 - d. The Board discussed the necessity for an Environmental Assessment Form and determined that a long Environmental Assessment Form was not required because it is a Type 2 action.
 - e. The Board deemed the application to be complete. Mike Leedy made a motion to accept the application as a Type 2 Application. Laura Gail Tyler seconded the motion and all members present voted in favor.
 - f. The Board discussed the existence of past reports, documents, and letters from previous hearings and determined that because this is a new application, the prior documentation and letters would not apply to this case unless they are resubmitted.

- g. Ms. Murray requested that the Public Hearing be set for Monday, June 11 rather than the regular monthly date of the 4th Monday of the month, due to availability issues.
 - i. The Public Hearing was set for Monday, June 11, 2007 at 7pm following a 6:30pm site visit. Notices for this meeting need to make clear that any documentation previously submitted will need to be resubmitted to apply to this application.

ADJOURNMENT

Since there was no further business to come before the Board, Mike Leedy made a motion to adjourn. Laura Gail Tyler seconded the motion, and all members present voted in favor. The meeting was adjourned at 8:05pm.

Respectfully Submitted,

Catherine Carbone
Planning/Zoning Secretary
For
Karen Cleaveland