

Tivoli Village Zoning Board of Appeals

Minutes of Monthly Zoning Board of Appeals Meeting July 28, 2008

CALL TO ORDER/ DETERMINATION OF QUORUM

Meeting was opened at 7:05 pm and a quorum determined present for the conduct of business.

Zoning Board of Appeals Attendees:

Michael Braun, Chairman
Joseph Cicileo
Karen Cleaveland
Donna Griffith
Laura Gail Tyler

Also Present:

Mayor Thomas Cordier
Village Attorney Christine Chale
Village Trustee Susan Ezrati
Zoning Enforcement Officer Steve Buso
Domenic Scarpulla

Absent:

Robin Logan (alternate)
Vin Roca (alternate)

BUSINESS SESSION

After review a motion was made by Karen Cleaveland and seconded by Donna Griffith to approve the minutes from the April 28th 2008 meeting. All in favor. Motion carried.

After review of the minutes from June 30, 2008, a correction was made with the spelling of Karen Cleaveland's name. A motion was made by Karen Cleaveland and seconded by Donna Griffith to approve the minutes as corrected from June 30, 2008. All in favor. Motion carried.

Chairman Braun reported the receipt of a letter from McCabe & Mack LLP stating that they have been retained by Stuart Hannan and have requested the matter concerning Mr. Hannan be adjourned until the August 25, 2008 ZBA meeting. Chairman Braun stated that their request was granted.

Village Attorney Chale submitted the Village of Tivoli's application for a Variance at the terminus of County Route 78 right-of-way and the Hudson River Waterfront. The packet included Variance and /or Interpretation Request, letter authorizing the Village of Tivoli to seek any necessary site plan, subdivision or other development approvals on the behalf of CSX Transportation, Inc., EAF, SEQR, CAF and a copy of the Resolution adopted on July 16, 2008 by the Board of Trustees concerning the Village of Tivoli as Lead Agency.

As noted by Attorney Chale, each Board (Planning and ZBA) has 30 days to object to the Village being Lead Agency and then the Village can proceed with review of plans.

The Planning Board has set a Public Hearing date of August 18th, 2008 for Subdivision of the CSX Waterfront Parcel and a workshop for August 11th, 2008 to review the Local Waterfront Revitalization Project (LWRP) and give recommendations to the Village Board.

Discussion occurred concerning the map and subdivision. Attorney Chale stated that there will be an area easement and an emergency access easement to connect the 2 parcels. Also stated that the Planning Board will have to discuss and decide if Diana Street is adequate access.

Mayor Cordier explained the project and showed its footprint. He stated he would like to have purchase agreement in place by September 1st, 2008 as there is no grant monies unless the property is owned by the applicant.

Karen Cleaveland stated her concern with the access to Tivoli Bays being more limited and netting of Herring will be a thing of the past. Also mentioned was the question of how affected the views would be.

After a short discussion a motion was made by Karen Cleaveland and seconded by Laura Gail Tyler to accept and consent to the Village of Tivoli Board of Trustees serving as Lead Agency on this action. All in favor. Motion carried.

On a motion by Laura Gail Tyler and seconded by Karen Cleaveland a Public Hearing date was set for August 25th, 2008 at 7:30 pm. All in favor. Motion carried.

On a motion by Laura Gail Tyler and seconded by Karen Cleaveland it was decided that before the Public Hearing, the Board would conduct a site visit at 6:00 pm with the regular monthly meeting to follow at 7:00 pm back at Village Hall. All in favor. Motion carried.

Zoning Enforcement Officer Steve Buso reported to the Board the following:

1. He rejected a Building Permit Application for a front and side setback for non-conforming use in an R1A Zone from Jonathan Trombly and Mary Chang, 11 Pine Street. The applicant will be submitting an appeal to the Board.
2. Informed the Board that resident Kathleen Mandeville has been advertising her property for various events. This is not acceptable for residential use in

his opinion. He stated that she should file for a special permitted use from the ZBA for a conference center. He will deny and refer her to the ZBA for a Special permit. Joseph Cicileo stated that Board of Health approval is needed before any permit could be issued.

ADJOURNMENT

On a motion by Donna Griffith and seconded by Joseph Cicileo the meeting was adjourned at 8:25 pm

Respectfully submitted,

Marina L. Schmid
Secretary,
Zoning Board of Appeals