

Village of Tivoli
PO Box 397 • 86 Broadway
Tivoli, New York 12583
www.tivoliny.org

ZBA Agenda

July 7, 2025

Come to Order:

Review and Approval of Minutes:
April 7, 2025

Review of Business: Area Variance for construction of a new single-family dwelling
27 Broadway
Frasier Fir Management LLC
parcel 134803.6175.04.622029.0000

Adjourn:

*Agenda is subject to change

Village of Tivoli
Zoning Board of Appeals
Minutes
April 7, 2025

Present: Jonathan Trombly, Mark Bennett, Karen Cleaveland, Bob Zises

Absent: Elizabeth Kiefer, Ethan Palmer

Also Present: Bettina Mueller, Ken McCarthy

Call to Order

Jonathan Trombly called the meeting to order at 7:03 PM on the 3rd floor of the Historic Watts dePeyster Hall.

The first order of business was to review the minutes from the meeting on March 3, 2025. There were two edits requested by the Board to be made to the minutes. Mark Bennett made a motion to approve the minutes with the edits. Bob Zises seconded the motion. All in favor. Motion carried.

Old Business

The next order of business was to open the Public Hearing regarding the Area Variance for Mueller-McCarthy. Karen Cleaveland motioned to open the Public Hearing. Mark Bennett seconded the motion. All in favor. Motion carried. The Public Hearing opened at 7:10 PM.

The parcels involved in the Area Variance amendment application are:

12 North Road 6175.19.514075

14 North Road 6175.19.512086

The Board discussed the lot line adjustment that is involved in the Area Variance application. Both 12 and 14 North Road lots are reasonable for their neighborhood. Many of the parcels on North Road near the applicants' property and the lots on Pine Street are also under 1 acre, thus rendering them non-compliant.

The Board discussed the following parameters in order to decide if the variance should be granted. They decided there was no negative environmental impact or impact on neighbors. There aren't available alternatives to this problem. The change will be invisible to the eye.

Jonathan Trombly calculated that the change from the current lot size is 34% smaller for 12 North Road but it is only 18% out of compliance. The impact on future development is insignificant. This problem is, however, self-created. The benefit of the variance to the applicant outweighs any possible negative impact it may have.

The applicant sent notices about the Public Hearing regarding the Area Variance via Certified Mail to all neighbors, with one being returned to Mara Ranville. Bettina Mueller stated that she

spoke to her neighbor John Carmody and he mentioned he was considering requesting a variance for his adjoining lots. There were no further comments and no comments from the public recorded via mail or during the meeting.

Mark Bennett motioned to close the public hearing. Bob Zises seconded the motion. All in favor. The Public Hearing regarding the Area Variance for 12 North Road and 14 North Road was closed at 7:22 PM.

Jonathan Trombly then read aloud the Resolution Granting an Area Variance for Increased Non-compliance to the Minimum Lot Size Requirement as a Result of a Lot Line Adjustment. Karen Cleaveland made a motion to approve the Resolution. Mark Bennett seconded the motion. All in favor. Motion carried. Roll call: Jonathan Trombly: aye, Karen Cleaveland: aye, Mark Bennett: aye, Bob Zises: aye.

The applicants' next step is to return to the Planning Board, which has conditionally approved the lot line alteration based on the applicants' complete payment of fees and the granting of the variance. If a variance wasn't required, the Planning Board would have granted the lot line change without any zoning involvement.

Mark Bennett made a motion to close the meeting. Karen Cleaveland seconded it. All in favor. The meeting adjourned at 7:34 PM.

Respectfully submitted,

Kris Cleaveland

Village Clerk



MEMORANDUM

TO: Lisa Schwarzbaum, Chair
Village of Tivoli Planning Board

FROM: Adriana Beltrani, AICP
Meagen Zapatoski, AICP

RE: 27 Broadway- Site Plan
Parcel #: 19-514075; 19-512086

DATE: June 19, 2025

CC: Warren Temple Smith, R.A., Applicant Representative
Bonnie Day, Deputy Clerk/Planning and Zoning Secretary

We are in receipt of the following items:

- Application for Site Plan Review and/or Special Permit, signed and dated April 14, 2025
- Owner Consent Form, signed and dated April 14, 2025
- Short EAF, signed Warren Temple Smith, R.A., dated April 14, 2025
- Architectural plans for the Haefelin-O'Shea Residence, prepared by Warren Temple Smith Architects, LLC, dated October 10, 2024
- Site plan for Proposed Haefelin-O'Shea Residence, prepared by Warren Temple Smith Architects, LLC, dated October 15, 2024

The applicant is seeking site plan approval to construct a single-family dwelling, accessory garage, and in ground pool on an approximately 0.66 acre parcel located within the R-15,000 and Historic Overlay Districts.

Procedure/SEQR

1. A variance for building width may be required from the Zoning Board of Appeals.
2. Public Hearing. Per §231-22.2.G, the Planning Board should determine if a public hearing is warranted. If it is determined necessary, the Board may wish to schedule a hearing for the next meeting.
3. SEQR Classification. The construction of a single-family home is classified as a Type II Action. No further review under SEQR is required.

Zoning/Planning

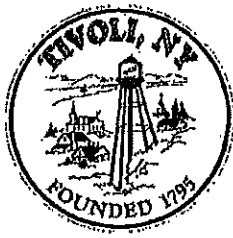
1. Per the R-15,000 district bulk regulations, the maximum permitted building width is 48 feet, and the applicant is proposing a building width of 52 feet. The applicant will need to revise the proposed dwelling to meet this standard or receive a variance from the Zoning Board of Appeals.
2. The proposed in-ground pool must follow the requirements of §231-44 prior to installation. This includes the grading plan sign off by the zoning enforcement officer, and the design of a fence no less than four feet in height. The Planning Board should confirm that the location of the pool filtration system and filter pumps do not impact any neighboring properties.

3. Setbacks. §231-22.2. H(1)- While the proposed structures meet the setback requirements for the R-15,000 district, setbacks within the H-O district should be consistent with the surrounding properties within the range of permitted setbacks for the underlying zoning district. The structures adjacent to the west, and across Broadway have setbacks closer to the 20 foot minimum setback requirement where the proposed structure is set back 36 feet. Moving the structure closer to the property line is at the discretion of the Planning Board and applicant.
4. §231-22.2.H(4)(a): "In the H-O District, terms used throughout the Village of Tivoli Pattern Book that imply guidelines or recommendations shall be interpreted to mean required standards. For instance, the word "should" shall be interpreted to mean "shall"; the words "recommended" and "encouraged" shall be interpreted to mean "required.""

[a] The Planning Board may waive any requirement of the Tivoli Pattern Book **upon written request from an applicant**. When determining whether to grant a requested waiver, the Planning Board shall consider the existing natural and constructed features of the site and the impact of the waiver on the historic character of the neighborhood and the H-O District.

We note that a waiver request has not been received by this office, therefore comments relevant to the Pattern Book have been provided in comment #5.

5. Architectural drawings could be improved by:
 - a. Adding color rendering to the building elevations to convey building materials and color.
 - b. The inclusion of additional perspectives of the building elevations.
 - c. Providing example/precedent images.



VILLAGE OF TIVOLI
HISTORIC WATTS DEPEYSTER HALL
PO Box 397 ~ TIVOLI, NY 12583-0397

BUILDING & ZONING DEPARTMENT
EMAIL: BIZEO@TIVOLINY.ORG
OFFICE: 845.757.2021 ~ FAX: 845.757.5416

June 26, 2025

Gregg Haefelin and Noelle O'Shea
27 Broadway
Tivoli, NY 12583

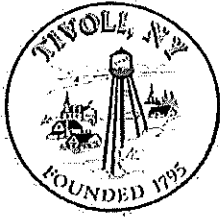
RE: 12 North Road: 6175-04-622029-0000

Dear Gregg and Noelle:

A review of the application and plans for a single-family dwelling located in the R-15000/HO district has been denied based on Section 231, Attachment 8, District Schedule of Area and Bulk Regulation which state the maximum permitted building width is 48 feet, and the proposed building width is 52 feet. You can choose to revise the width of the proposed dwelling or apply for a 4-foot variance from the ZBA.

Sincerely,

Gary E. Beck Jr.
Building Inspector



VILLAGE OF TIVOLI

HISTORIC WATTS DEPEYSTER HALL
PO BOX 397 ~ TIVOLI, NY 12583-0397

BUILDING & ZONING DEPARTMENT

EMAIL: BIZEO@TIVOLINY.ORG
OFFICE: 845.757.2021 ~ FAX: 845.757.5416

Zoning Board of Appeals Application

Appeal # _____

Applicant: Frasier Fir Management, LLC

Mailing Address: P.O. Box 86

City: Germantown State: NY Zip Code: 12526

E-Mail Address: handcraftedbuilders@gmail.com

Phone Number(s): 845-453-4873

Property Owner: Frasier Fir Management, LLC

Property Street Address: 27 Broadway, Tivoli, NY

Tax Map Grid/Parcel 134089- 134803-6175-04-622029-0000 Zoning District: R15000 / HO

Zoning Ordinance (Local Law) Appealed: 231-22.2 Historic Overlay - Bulk Regulations

MINIMUM VARIANCE REQUIRED:

4'-0" for maximum building width (52'-0" requested vs. 48'-0" permitted)

Please check the type of appeal:

Type of Appeal: (x) Area Variance () Interpretation

Decision of the Code Enforcement Officer: () Interpretation

A previous area variance was submitted: Appeal: _____

Date: _____

Please respond to the following 1-5 questions. Provide a description of the proposed activity with regards to the following standards. (Attached additional pages as necessary).

- 1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?

No undesirable change will be created; the character of the neighborhood will be improved by the construction of a compatible residence on this vacant parcel.

- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance?

No; the dimensions of the residence are compact, and a further reduction in width would render the layout impractical. Moreover, all minimum setbacks are exceeded.

- 3) Whether the requested area variance is substantial?

The 4'-0" variance requested is not substantial.

- 4) Will there be an adverse effect or impact on physical or environmental conditions in the neighborhood or district?

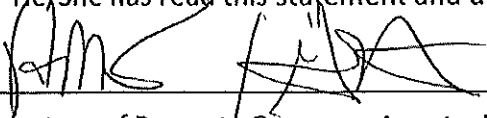
No adverse impact will result from the grant of the requested variance.

- 5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance?

Yes, the difficulty is by definition self-created.

By His/her signature the Applicant acknowledges that:

- 1) He/She has read this application and is familiar with its content; and
- 2) He/She has read, is familiar with, and understands the requirements of the Village of Tivoli Code provision(s) affecting or regulating the project for which this application is made; and
- 3) He/She agrees to comply with the requirements of the Village of Tivoli Code provision(s) affecting or regulating the project for which this application is made including any general or special conditions of any permits or approvals granted by any board, agency, or department of the Village of Tivoli; and
- 4) He/She has read this statement and understands its meaning and its terms.



Signature of Property Owner or Agent with Authorization Letter

4-19-25

Date

Applicant(s) Signature:

Name:

Print:

Date:

For Office Use Only:

Appeal Number: _____

Application Fee: _____

Date: _____

Escrow Fee: (if applicable) _____

Date: _____



VILLAGE OF TIVOLI

HISTORIC WATTS DEPEYSTER HALL ~ TIVOLI, NY 12583

- Planning Board
 - Office: 845.757.2021 ~ Fax: 845.757.5416
 - Email: villagehall@tivolinyny.org ~ Web: www.tivolinyny.org
- Building & Zoning Department
 - Zoning Enforcement Officer, Code Enforcement Officer
 - Office: 845.758.4623 or 845.758.4603 ~ Fax: 845-758-9018
 - Email: bfennell@redhook.org or scole@redhook.org
 - Web: www.tivolinyny.org

Owner Consent Form

To be filed when the applicant is not the building or property owner

Grid # 134803-6175-04-622029-0000

Permit # _____

Name of Applicant: Fraser Fir Management, LLC

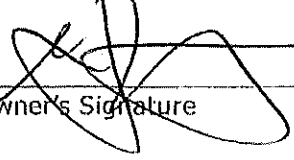
Location: 27 Broadway, Tivoli, NY

Description of work to be performed: Represent owners before Village of Tivoli Planning Board and Zoning Board of Appeals as necessary in conjunction with a Building Permit application to construct a new single-family dwelling

I/We, Gregg Haefelin and Noelle O'Shea, owner(s) of the above land/building hereby give my/our permission to Warren Temple Smith, R.A.

(applicant name) to submit the above identified application on my/our behalf and to represent to represent me/us in all proceedings before the Village of Tivoli Planning Board, Building Department and Zoning Board of Appeals concerning the reference application.


Owner's Signature


Owner's Signature

4-14-25

Date