

**Village of Tivoli  
Planning Board Meeting Minutes  
September 17, 2012**

**Call to Order / Determination of Quorum**

The meeting, held at the Historic Watts dePeyster Hall, was opened at 7:03 P.M. and a quorum was determined to be present for the conduct of business.

Planning Board Attendees:

Chair Mike Billeci  
Ginger Grab  
John Hallstein  
Donna Matthews

Also Present:

Applicant Jake Stortini  
Applicant Tim Voell

Public:

David Cleaveland  
Karen Cleaveland  
Radley Glasser  
Mona Herman  
Pamela Morin  
Zubin Sharma  
Cindy Stortini  
Tina Wright  
Elizabeth Young

Absent:

Leigh Palmer

**Old Business**

**76 Broadway (Murray's) - Site Plan Amendment:** Chair Billeci stated the reason for tonight's public hearing was to discuss the speakers and lights on the back patio of Murray's. Murray's previously received approval for specific lights and speakers. When the Code Enforcement Officer went to inspect to give them their Certificate of Occupancy, he found the lights and speakers had been changed. The applicants were given a choice to change the lights and speakers back to what was approved, or amend their site plan. They chose to amend their site plan.

Public Hearing: Ginger Grab made a motion to open the public hearing at 7:07 pm, seconded by John Hallstein. All in favor. Motion carried.

Mona Herman, 6 Madalin Court: She asked what the Code Enforcement Officer's objection was to the lights and speakers. Chair Billeci stated their site plan was approved only for specific lights and speakers. The CEO found that the lights and speakers that were there did not match their approved site plan.

David Cleaveland, 72 Broadway: Clarified that the applicants violated their site plan when they made the changes on their own. He stated that they should have gone before the Planning Board before making the changes. Mr. Cleaveland stated that the Board allowed the lights and speakers to remain in violation of their site plan. He also noted that they had a function there on August 6, 2012 with no mass gathering permit and that they charged a cover. He showed the Board a picture taken at night of the lights in back of Murray's.

Mr. Cleaveland also stated that there are lights from 76 Broadway that shine into a back room of his home. These are two flood lights that are over the upstairs staircase. He was advised by Chair Billeci to take the issue to the Code Enforcement Officer.

Karen Cleaveland, 72 Broadway: She stated that she has had to tolerate the Black Swan and that Murray's should comply with their site plan. She stated that there is no gate to keep people from migrating to the back of Murray's. They have simultaneous dining which is in violation of their site plan. Ms. Cleaveland stated that she is concerned that whatever is set now will stay with the business in the future even when there are new owners.

Tina Wright, 68 Broadway: She stated that she is glad that the Village has Murray's and that it is a nice place. She wants it to do well. However, she does not want it to become another Black Swan, which started out like Murray's and turned into the bar it is today. Ms. Wright does not want bands in there or to have it not closing when it's supposed to. She stated that she can hear the music three doors down but that it's ok as long as it stops by 10:00 pm.

Applicant Jake Stortini expressed his frustration about having to come before the Planning Board again. Chair Billeci pointed out that they were in violation of their site plan and that is the reason they needed to return to the Planning Board. Ginger Grab explained that the Board is not trying to harass him, but just sticking to the site plan that was agreed upon two months ago. Mr. Stortini acknowledged that residents do not want Murray's to turn into the Black Swan and he stated they do not run their business like the Black Swan.

Elizabeth Young, 13 Spring Street: She stated that she was at Murray's the night that Tuba Skinny played and said that it was tastefully done. She is a regular patron of Murray's and she said she applauds the owners of Murray's for the effort they make. She understands that residents don't want Murray's to become another Black Swan but she thinks that this is more a question of law enforcement. She also suggested that maybe they could put the outside lights on a dimmer.

John Hallstein moved to close the public hearing at 7:46 pm, Ginger Grab seconded, all in favor. Motion carried.

Donna Matthews asked if the Board was going to address the flood lights. Chair Billeci stated that he believes the original site plan for 76 Broadway stated that the existing lights would be modified or shielded so they would not shine on other properties, but that is not what is before the Board for approval tonight. He stated we would talk to the Code Enforcement Officer about this.

The applicant stated his reasons for putting up the string lights. He stated that the lights they were approved for were extremely bright. The two in-ground speakers that they were approved for had to be turned up too loudly to be heard all over the patio. This is why they changed the lights and speakers.

Ginger Grab asked if the speakers could be mounted at a certain angle, pointed at the ground, and if this could be put in the site plan. The applicant replied yes.

Mr. Stortini stated that presently the speakers are angled about 40 degrees in toward the patio and angled 25 degrees down. They are 7.5 feet up off the ground.

Chair Billeci stated that he was nervous about the speakers being as high as they are, that there is still too much possibility of sound being carried over the fence. He asked the applicant if they would consider changing the height of the speakers as well as the angle. The applicant stated that it would be disruptive to his customers to lower the speakers. He stated that they tried it in the past and it didn't work.

A discussion followed. Ginger Grab moved that the Board accept the speakers on the patio facing 25 degrees down and 40 degrees in toward the patio at the present height, no higher. Donna Matthews seconded. Vote: Ginger Grab – yes, Donna Matthews – yes, John Hallstein – yes, Mike Billeci – no. Motion carried.

Next topic was the lights. Donna Matthews stated that she did not find the string lights to be objectionable. Ginger Grab and John Hallstein agreed.

Donna Matthews made a motion that the overhead string lights which are presently in place are acceptable for the site plan. Ginger Grab seconded. All in favor. Motion passed.

Chair said that we need to get this in writing before final approval. The applicant will bring a site plan amended with the new specifications to the next Planning Board meeting on October 15, 2012.

### **New Business**

**8 Friendship Street - Building Permit:** Applicant Tim Voell wants to put a deer fence on his property. He brought in an example of the deer fence. He showed the Board a picture of Foster Reed's fence which he said is the same material as his fence.

The applicant was informed that he would need to return to the Board with another application for the picket fence and stockade fence. Mr. Voell was asked if he has spoken to his neighbor at 10 Friendship Street and he replied that he had not.

The Board advised the applicant to see Code Enforcement Officer Steve Cole about the picket fence and stockade fence. Mr. Voell stated that Steve Cole had no specific objections to the fences.

The Board agreed after seeing the pictures that the deer fence looked unobtrusive. John Hallstein made a motion to approve the deer fence to run the south side from the neighbor's wood shed to the southeast corner of the property and run the eastern perimeter to the northeast corner of the property. Ginger Grab seconded. All in favor. Motion carried.

The Board reviewed the minutes from the August 20, 2012 Planning Board Meeting. The phrase *agreed to let the applicants keep these lights and speakers up, even though they are in violation of their site plan,* was replaced with *noted that if they left the lights and speakers up it would enable the Board to get the feedback...* Ginger Grab moved to approve the minutes as amended, Donna Matthews seconded. All in favor. Motion carried.

### **Adjournment**

Ginger Grab moved to close the meeting at 8:37 PM. Donna Matthews seconded. All in favor. Motion carried.

Respectfully submitted,

Claire Roff, Planning Board Secretary