

**Village of Tivoli
Planning Board Meeting Minutes
April 22, 2013**

Call to Order / Determination of Quorum

The meeting, held at the American Legion, was opened at 7:01 P.M. and a quorum was determined to be present for the conduct of business.

Planning Board Attendees:

Chair Mike Billeci
Leigh Palmer
Ginger Grab
John Hallstein

Also Present:

Trustee Joel Griffith
Trustee Susan Ezrati
Attorney Chris Chale
Planner Michele Greig

Public:

Dave Cleaveland
Eileen Digan
Marc Hildenbrand
Mona Herman
Jake Stortini
Jesse Feldmus

Absent:

Donna Matthews

Old Business

American Legion Lot Line Alteration: Ginger Grab moved to open the public hearing at 7:03 pm, Leigh Palmer seconded. All in favor. Motion carried. Michele Greig showed the changes to the lot line on the map and explained them to the Board and others in attendance. There was no public comment. Ginger Grab moved to close the public hearing at 7:06 pm. John Hallstein seconded. All in favor. Motion carried.

A resolution granting subdivision approval to Village of Tivoli / American Legion was presented to the Board (see attached). Michele Greig explained the resolution to the Board. Chair Billeci asked the Board if there was any discussion. There was no more needed. Leigh Palmer made a motion that the Board accept the resolution granting the subdivision approval to the Village of Tivoli / American Legion as specified in this draft resolution with the following conditions:

- A. Granting of two area variances from the Zoning Board of Appeals: 1) from a 20 foot lot width at street to permit a lot with a 25 foot wide access easement from Broadway (§ 231-22); and 2) from Village Law § 7-736 to permit the creation of a lot with access from a 25 foot wide easement.
- B. Payment to the Village of Tivoli of any outstanding fee amounts and reimbursement due and owing for the review of this application.
- C. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Village's Land Subdivision Regulations, including all required P.E. and L.S. stamps and signatures.
- D. Revise the plat as follows:
 - Delete the phrase "Proposed 25" on Parcel A near the southern property boundary.
 - Revise Note #3 so it reads "Parcel C, C1, C2 and C3 may revert to the Village of Tivoli pursuant to the terms and conditions of the deed from the Village of Tivoli to the American Legion."

Ginger Grab seconded the motion. All in favor. Motion carried.

Special Permit and Site Plan for bus shelter on Pine Street: Trustee Joel Griffith appeared before the Board representing the Village of Tivoli. Trustee Griffith stated the following: For many years the Village of Tivoli has been without a formally designated bus stop. The default location has been the south side of Broadway in front of the Village Post office. There are two large buses which service passengers in and out of the Village, the Dutchess County LOOP bus and the Bard College shuttle. There are two significant problems these vehicles have created by the current location by the Post office: traffic congestion and excessive late night noise created by passengers waiting for the Bard shuttle. With several popular businesses and the Post Office on this stretch of Broadway, for many hours of the day there are cars parked on both sides of the street. The LOOP and the shuttle, which cannot pull to the curb due to the parked cars, come to a full stop in the lane for as long as it takes to discharge, and then board passengers. Some less-patient motorists drive around the buses in the wrong lane against traffic. Additionally, the width of these large buses is such that they often straddle the double yellow line and effectively block both lanes of Broadway. Thus, these buses create a nuisance and even a danger for other motorists in the corridor. And one might add pedestrians as well because the buses block sight lines for pedestrians crossing the street. But the paramount reason congestion on Broadway is a problem is because this is the route through which all our fire trucks, ambulances and first responders must travel. When one of these buses is stopped on Broadway, the road is impassible for our vital emergency vehicles. And when emergency vehicles need to get through, one would not want to retard, let alone prevent, their passage. For years now, people who reside along Broadway between Feroe Avenue and the Post Office have suffered greatly from late night noise created by groups waiting in front of the Post Office for the Bard Shuttle. To be kept awake in one's own home by outside noise is deeply disturbing, for it to be a chronic occurrence, which goes on for weeks, months, and even years, is something no one should have to endure. And this is precisely what residents near the Post office have had to live with. The Village Board finds this unacceptable and wants to move the bus stop to a less densely populated, more remote location, where noise will disturb as few people as possible. In an effort to ameliorate these negatives the Village Board of Trustees has identified the need to

establish a formal bus stop at another location in the Village and has spent over a year deliberating at public workshops and meetings, the best, or perhaps, the “least worst” location. The Village has taken advantage of a Dutchess County program which makes new bus shelters available to municipalities throughout the county for free. The county program was established to enhance the county LOOP bus service. Red Hook is also presently acquiring one from the county. After considering many possible locations and the pros and cons of each, the Village of Tivoli would like to establish a formal bus stop on the north side of Pine Street in front of the water tower. The Board understands that there is no perfect place in the Village, but after evaluating possible locations throughout the Village, has decided the Pine Street location is the best option, and undoubtedly an improvement over the current situation. The Pine Street site moves the stopped buses off of Broadway, alleviating traffic congestion and improves the egress of our emergency vehicles. Being located on the edge of the park, a large open space, it minimizes the number of residences in close proximity to any late night noise of passengers waiting for the shuttle. Finally, anticipating possible objections to this new location, let it be noted that the new stop is one short block from the old stop. The distance separating them takes between one and two minutes by foot. The new site will significantly improve the congestion and noise problems while having minimal negative impacts, if any at all, on the business which may be frequented by the bus passengers. Fortunately, Tivoli is so tiny that any point in the Village is a quick, easy walk from any other.

Leigh Palmer moved to open the public hearing at 7:22 pm. John Hallstein seconded. All in favor. The Chair asked for comments from those present.

Mona Herman, 6 Madalin Court:

- The public hearing should have been held before the bus stop was put up
- SEQR should not have been done before the public hearing
- The original deed to the park states that it can be forever used for recreational purposes only
- Where the water tower stands is a separate lot but part of the park and that can only be used for water tower use
- The Village is using this as a guise to run electricity to the park and the water tower
- The bus stop is illegal because of the park deed and because of residential zoning and the noise it will bring to the area
- The park closes at 10:00 pm so it's illegal because of that
- The bus pulls over to the curb on Broadway and does not impact emergency vehicle traffic
- The bus stop is a danger to the children in the park because the drivers let the buses idle
- The pole that is already there is illegal so the light should not be attached to it

Marc Hildenbrand, Tivoli Fire Chief:

- There have been numerous times that the buses have blocked emergency vehicles going both ways
- Fumes are less acceptable in the business district than in the park
- There is a lot less traffic in the park area
- Would like to see the bus stop illuminated

Jake Stortini, 76 Broadway (Murray's):

- Moving the bus stop one block away isn't going to solve the problem
- The problem is noise
- Needs more enforcement
- People park in front of the Post Office for longer than 15 minutes
- There should be no parking between the 2 driveways
- There should be a specific bus loading zone
- Students will be cutting through the lot instead of walking around the block
- Doesn't understand why it's moving from a GB district to a residential area

Jesse Feldmus, 76 Broadway (Murray's):

- The issue is noise
- Moving the Bard shuttle bus will not solve the problem of the students
- Students will gather in the park and the sound will reverberate in the park
- Thinks a better location would be in front of the ATM machine
- The noise is being moved to a residential district
- This will have a big impact on Tivoli in the future

Dave Cleaveland, 72 Broadway

- Believes the bus stop needs to be moved or have more enforcement
- Bard bus stops in the middle of the road, over the double line and blocks traffic
- It's a safety issue
- There needs to be a set time and set place for the bus to stop
- Bard yellow bus idles anywhere from 5 to 45 minutes

Eileen Digan, 12 Memorial Drive

- Disappointed that the Board didn't get the proper approvals and public hearing first
- Doesn't think the Village should have to fight lawsuits, it's wasteful
- Thinks the stop should be moved someplace else
- This will invite students to play basketball at 1, 2 or 3 am

Trustee Joel Griffith then spoke in response to the above comments. Regarding the appearance that the Village put the bus stop up before starting this process, as he understands it, the Village does not necessarily have to seek Planning Board approval. However, the Board thought it was important. The Village Board was getting tremendous pressure from residents to move the bus stop. The County donated the shelter to the Village so we put it up. Then they paused and decided to do this in the most open and appropriate way. And while it has been built as a shelter, it does not have light and is not operating as a bus stop. Susan Ezrati stated that the Village Board did have a public hearing as to where the bus stop should go. Trustee Griffith continued: the Board has been discussing this for over a year as to where the bus stop should go and many other locations have been considered. It has been given a lot of thought and there is no location and is not going to upset somebody. This has been determined to be the "least worst". The main things for the Board to consider are the congestion and the egress of the first responders. Even if the bus stop is moved in front of the Post Office, there are still going to be buses along the Broadway corridor. The noise issue has become a secondary issue now that the time has been cut for the Bard shuttle. It won't fix the noise problem, but it's a piece of it. The

park is an open space and there are fewer residents than on Broadway. As for the lighting, the plan is not to use any of the Wi-Fi unit or any of its infrastructure. The Village intends to wire the lamp post to the Central Hudson streetlight that is on the corner. Bard donated a lamp post to be used. This will be put about 10 feet east of the shelter since the current light is on the west side. The north side of Pine Street is in the R15 residential zoning district and passenger bus stop is listed as a special use. That's why we're having a public hearing. He hopes that the adjustment for everyone will be minor. It takes a minute and a half to walk to the new location from the old one.

Leigh Palmer asked if the spot was considered between the Post Office and the other driveway. Trustee Griffith responded that it would still be on Broadway even if they are pulling over to a designated stop. Regarding SEQR designation, Trustee Griffith stated that because of the small footprint, it's exempt from SEQR.

Trustee Ezrati stated that if the Planning Board is concerned about any questions raised tonight, she recommends the Board speak to Chris Chale. Trustee Ezrati's understanding is that the water tower sits on a separate parcel from the park.

Ginger Grab moved to close the public hearing at 8:11 pm. Leigh Palmer seconded. All in favor. Motion carried.

Chair Billeci thanks everyone for their comments and stated that the Board had a lot to think about and would not be making a decision on this tonight.

The Board reviewed the minutes from the March 18, 2013 Planning Board Meeting. Leigh Palmer moved to approve the minutes as presented. Ginger Grab seconded. All in favor. Motion carried.

The Board reviewed the minutes from the April 8, 2013 Planning Board Workshop. Ginger Grab moved to approve the minutes as presented. John Hallstein seconded. All in favor. Motion carried.

Adjournment

Leigh Palmer moved to close the meeting at 8:23 PM. John Hallstein seconded. All in favor. Motion carried.

Respectfully submitted,

Claire Roff, Planning Board Clerk