

**Village of Tivoli
Zoning Board of Appeals
Draft Minutes
August 2, 2021**

Present

Jonathan Trombly; Chairperson
Bob Zises
Karen Cleaveland
Mark Bennett
Ethan Palmer

Elizabeth Kiefer, alternate

Also Present

Alexandr Neratoff; 80 Broadway applicant
Mayor Joel Griffith; 2 Tivoli Commons applicant
Ralph Torchia; 2 Tivoli Commons applicant
Gail Torchia

Call to Order

The meeting was held in the Historic Watts de Peyster Hall. It was opened at 7:06 PM.

Old Business – 80 Montgomery St. – Area variance for side set back

Jonathan Trombly began by asking for the scheduled public hearing to be opened. Mark Bennett made a motion to open the public hearing for an area variance at 80 Montgomery St. Karen Cleaveland seconded. All in favor. The public hearing was opened at 7:07.

Jonathan Trombly asked if everyone had a chance to visit the site. Bob Zises commented yes, but it was too overgrown. Alexandr Neratoff said he cleared it by 6pm for the 6:30 site visit. Jonathan Trombly asked if anyone had any comments or questions from the site visit. No.

No members of the public were present for the public hearing.

Karen Cleaveland commented that the request was just extending the building, not making it wider. Mark Bennett asked for clarification about lengthening the building beyond the last variance granted. Alexandr Neratoff stated it was adding 10 sq. ft. to the previous variance. Jonathan Trombly commented that very little area was involved. He stated that there was a jog in the plans, and as the ZBA is required to grant the minimum variance required, the variance should be worded to account for the jog rather than granting more of a variance. The portion that jogs in has less of an encroachment than the amount granted in the previous variance.

Jonathan Trombly read over a drafted resolution to grant the variance. The sheet numbers of the plans and revision date were added to the resolution.

Ethan Palmer made a motion to close the public hearing. Mark Bennett seconded. All in favor. The public hearing was closed at 7:21.

Ethan Palmer made a motion to accept the resolution granting the variance to create a narrower set-back being 6'-4" for a distance of two feet at the easterly encroachment and being 8'-0" for a distance of six feet and ten inches at the westerly encroachment (as shown on the submitted plans, Z-101.03); Mark Bennett seconded. All in favor. The resolution was accepted and the variance was granted.

New Business – Village of Tivoli/Tivoli Fire Company Signage

Jonathan Trombly asked the joint applicants to introduce the application.

Mayor Joel Griffith stated that the Village and Fire Company would like to replace the existing Fire Department sign with a self illuminated, programmable sign. Ralph Torchia said the sign is for informational purposes for the village and for emergencies. With the current sign only one message can be displayed at a time and the current sign is subject to vandalism which is bad for the fire company's morale. The sign will be a boost to morale and to fundraising.

Three variances are requested for the sign: to be self-illuminated, to be larger than 15 sq. feet (as the current sign is already larger than allowed), and to not be open for 3 feet along the bottom.

Mark Bennett asked if the sign has the capacity for video and moving images. Yes, but that is not the reason the sign is desired. Karen Cleaveland asked for clarification that there will not be a lot of movement. She asked about scrolling messages and images such as fireworks. Mayor Joel Griffith answered that movement should be minimal, perhaps a slideshow type change of messages. Mark Bennett commented that the sign has the capability for movement but that it will rely on the discretion of the operator to operate it in a minimal fashion.

Bob Zises questioned whether allowing the sign would set a precedent for other such signs in the village. Mayor Joel Griffith commented that there was no other entity in the village that has the same role as the fire company. Advertising is not the same as life saving activities.

Ralph Torchia commented that while volunteerism is down across the country, the Tivoli Fire Company is thriving. The sign will help with recruiting, fundraising and morale.

Karen Cleaveland commented that when work was done on the Master Plan, a big concern was making sure that Tivoli did not have self-illuminated signs or flashing lights. Mayor Joel Griffith agreed that Tivoli has a different aesthetic that everyone would like to preserve but that no other entity in Tivoli can claim to have the same need for this type of sign as the Fire Company. The sign is in front of an active Fire Department that already regularly has large red trucks exiting with lights flashing and sirens blaring.

Mark Bennett asked if the Fire Department and the Village are separate entities, and Jonathan Trombly asked if the parcels are separate. Mayor Joel Griffith explained that the Village owns the parcels. The Village owns the equipment and the building but the Fire Company is the volunteers. It takes both to have the Fire Department: the stuff and the people.

Mark Bennett commented that the operation of the sign would be an agreement with the Village and Fire Company. Mayor Joel Griffith said they would be willing to agree to terms to mitigate the impact.

Ethan Palmer asked what the programming capabilities are of the sign (brightness, animation, scheduling) and what other forms of communication are used by the Fire Company. Mayor Joel Griffith answered that the Fire Company uses Facebook and Village emails. Ideally the sign will be illuminated during the day, dimmed at dusk and will be turned off at a similar time as the restaurants turn off their lights.

Karen Cleaveland asked how to quantify "dim." Jonathan Trombly commented that there are a lot of details that the board is not equipped to assess.

Mark Bennett commented that the board would be leaving the operation up to the mayor. Karen Cleaveland pointed out that the mayor will change.

Bob Zises asked about receiving comments from surrounding neighbors. There will be a required public hearing with notices sent to properties within 200 feet.

Jonathan Trombly asked how the sign will be controlled and who would control it. Ralph Torchia answered by laptop or cell phone and only 1-2 people, either the chief or someone on the board. Messages can be added instantly. Currently the sign is subject to having letters stolen or rearranged. The Village approval of the slate of Fire Company officers was discussed.

Karen Cleaveland asked if the current sign is lit all night. Yes. Mayor Joel Griffith commented that the new sign will be smaller than the current sign and tasteful. Mark Bennett questioned the material at the base of the proposed sign (granite); he stated that perhaps brick would match better. Mayor Joel Griffith stated that the granite is intended to match the same material on the planned, new, expanded building. Ethan Palmer asked if the sign is a part of the expansion. No.

Other self-illuminated signs in the area were discussed including Livingston. The size of the sign versus clarity was discussed. Ellie Kiefer stated that functionality should be limited, and Ethan Palmer questioned how to limit it. Mayor Joel Griffith stated that 75% of the sign's capability does not interest the Village and Fire Company.

The specs for the sign and the bidding process for the Village were discussed. Ralph Torchia explained the need to get three bids; all of the signs are basically the same with small variations. Jonathan Trombly asked about the progress of that process. The Village cannot get bids without approval. Three variances are required, but the variance for having the bottom 3 feet be closed might not be required because it is possible to have the bottom open. It was just thought that it looked better on a solid base. Mayor Joel Griffith asked if the specs need to be set to hold the public hearing. Knowing the maximum size was discussed.

Mark Bennett reiterated that the issue is the control of the sign.

Having a demonstration of the sign at the public hearing was discussed. Karen Cleaveland commented that she is concerned about noticing the public hearing beyond the neighbors within 200 feet. The public hearing is noticed on the Town Crier, at three points in Village Hall, in the Condos and in the paper.

The date for the public hearing was discussed. The next regular ZBA meeting falls on Labor Day.

Karen Cleaveland made a motion to schedule a special meeting and hold a public hearing for the application on Monday, September 20 at 7pm. Mark Bennett seconded. All in favor. The public hearing will be at 7 pm on September 20 in Village Hall.

A site visit was discussed with a demonstration of the sign. Ralph Torchia will schedule with a sales person to demonstrate the sign at 6:30 on September 20.

SEQR was discussed. Jonathan Trombly proposed that item 9 (the expansion of an accessory use) on the list of Type II actions related to the action.

Ethan Palmer made a motion to declare the application to be a Type II action. Bob Zises seconded. All in favor. The action was declared to be Type II.

There was discussion about how to draft conditions to limit the function of the sign. The applicants were asked to propose how they would limit its use.

Minutes

The minutes from June 5, 2021 were reviewed but were not approved pending a more precise description of the jog in the variance area.

Mark Bennett made a motion to close the meeting. Ethan Palmer seconded the motion. All in favor. The meeting was closed at 8:28 PM.

Respectfully submitted,

Laura Gail Tyler

Deputy Village Clerk