

**Village of Tivoli  
Zoning Board of Appeals  
Draft Minutes  
September 20, 2021**

**Present**

Jonathan Trombly; Chairperson  
Bob Zises  
Karen Cleaveland  
Mark Bennett  
Ethan Palmer  
Elizabeth Kiefer, alternate

**Also Present**

Mayor Joel Griffith; 2 Tivoli Commons applicant  
Ralph Torchia; 2 Tivoli Commons applicant  
Gail Torchia  
Dylan Griffiths  
Glenn Baker  
Thomas Crisci Sr.  
Thomas Crisci Jr.

**Call to Order**

The meeting was held in the Historic Watts de Peyster Hall. It was opened at 7:04 PM.

**Minutes**

The minutes from June 7, 2021 and August 2, 2021 were reviewed. A change in the description of the dimensions for the area encroaching the north side set back at 80 Montgomery was amended on the June 7 minutes.

Karen Cleaveland made a motion to approve the June 7, 2021 minutes. Ethan Palmer seconded. All in favor. The minutes were approved.

Mark Bennett made a motion to approve the August 2, 2021 minutes. Karen Cleaveland seconded. All in favor. The minutes were approved.

**Old Business – Village of Tivoli/Tivoli Fire Company Signage**

There was a site visit attended by the ZBA and public with a demonstration of an illuminated sign before the meeting.

Jonathan Trombly began by discussing the noticing for the public hearing scheduled for the meeting. The certified mailing for the neighboring properties was completed. 9/13 receipts were returned. The notice in the newspaper of record was delayed and was not published with the required 5 days notice. It was published on Friday, 9/17. Therefore the public hearing will be opened and continued to a second meeting, and it will be re-noticed in the newspaper for the next ZBA meeting.

Mark Bennett made a motion to open the public hearing. Ethan Palmer seconded. All in favor the public hearing for three area variances for a sign at the Tivoli Fire Department was opened.

Jonathan Trombly read the notice for the public hearing and 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. It will be located in the same spot and will have a 4 ft. by 8 ft. digital area for messaging. 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.

Jonathan Trombly asked for public comment. There initially was no comment. Thomas Crisci Sr. asked if the board would like comments in favor of the sign as well as against it. Jonathan Trombly explained that the board must weigh the benefit of the sign against the detriment it might cause, so yes, the board would like to hear both. He stated that in the last meeting, the factors listed in favor of the sign were that it would be more responsive for messaging and quickly edited, that multiple messages could be utilized, that there had been tampering with the lettering on the marquee sign.

Thomas Crisci Sr. added that the new sign would allow for emergency messaging. The old sign is outdated and there is no time in an emergency to go change the letters on it. He is the one who changes the letters and it requires short messages; he would like to see the new sign. If it is an issue of fairness to other businesses, the fire company provided a public service that no other business does.

Ethan Palmer asked if there are other forms of messaging for the Fire Company. Thomas Crisci Jr. answered yes, there is a facebook page and an instagram page. The mayor also uses the village email list.

Jonathan Trombly asked if there is a sense of how many people see the facebook page and how many people are on the email list. Thomas Crisci Jr. answered that 25% of the followers of the Facebook page are probably Tivoli residents because many other people across the country follow the page. Mayor Griffith answered that there are 470 people on the email list. If there is an emergency, he will do an email blast. He believes that there should be multiple forms of communication to reach as many people as possible.

Thomas Crisci Jr. commented that the new sign will benefit older residents who do not use smart phones and who drive past the sign who perhaps live in the development or Provost Park.

Karen Cleaveland asked if the location of the sign has been questioned. Perhaps there is a location such as along Broadway in the Village approach that would serve more people.

Thomas Crisci Jr. responded that it would be vandalized in that location. The firehouse has security cameras on it that can monitor the sign. There has been past vandalism.

Mark Bennett commented that there seemed to be two issues: safety and communication (emergency messaging and social/organizational messaging).

Bob Zises asked if it opens the door to other establishments to ask for self-illuminated signs such as a church or a doctor's office. Mayor Griffith said that the ZBA oversees variances and controls the door. No other establishment can show the same need for public safety messaging. Jonathan Trombly said the uniqueness would be written into the variance decision.

Ellie Kiefer also pointed out that there is a difference between public and private. Thomas Crisci Sr. agreed and used the fire siren as an example of something that exceeds the noise level allowed by code but is exempt from following the code because it is for public safety.

Karen Cleaveland asked if the Fire Department had a generator to operate the sign for emergency messaging if the power was out. Yes.

Jonathan Trombly asked the mayor if the Village is exempt from the ZBA process. Mayor Griffith answered that the Village did not need to go through the process, but wanted to participate in it to protect the community with mutually agreed upon conditions. He has no desire to have videos of screaming eagles displayed on the sign.

Mark Bennett asked if the applicants were preparing those conditions. There was a discussion about who should propose the conditions.

Laura Gail Tyler commented that if the ZBA had any observations from the site visit that they should be stated for the minutes. Karen Cleaveland stated that the blue backgrounds used as a sample for text were too bright.

Karen Cleaveland asked who would control the content on the sign. She referenced a message on the Hyde Park sign to "check you stove before leaving home." Thomas Crisci Jr. responded that those messages are not always common sense to everyone and need messaging. He said that 2-3 "higher ups" in the Fire Company would control content. Mayor Griffith commented that the content of the current sign has not been questioned. It will be informational, not random messages.

Mayor Griffith asked if there were any questions about the other two variances. Jonathan Trombly responded that the self-illumination is the big issue. As for the size, there is weight given in favor of the variance to the fact that the current sign is already over the maximum size, and there seems to be some flexibility to the base. He would just like more feedback from the community.

Mark Bennett commented that the illumination is the issue and the board needs advice about how to mitigate that and put it into the resolution. Jonathan Trombly commented that the ZBA is charged with granting the minimum variance and with the illumination it either is or isn't illuminated. He questioned limiting the sign for emergencies only. Ethan Palmer and Ellie Kiefer stated that it is also a public resource, a place of information and community engagement and communication are compelling reasons for it. Ethan Palmer suggested defining the programming such as a list of categories of messaging. Ellie Kiefer added defining the number of messages.

A discussion followed about conditions and included hours of operation, color, brightness and number of messages. Mayor Griffith stated that the sign will be used 365 days/year but not 24 hours/day.

There was a discussion about having a period of adjustment for the conditions, how to write that into the variance and who might write the conditions. Jonathan Trombly stated that once the variance was granted, it was granted. More discussion ensued about what factors to limit. Jonathan Trombly stated that the issues needed to be isolated: backgrounds (the black background from the site visit was preferable), pictures or no pictures, color or no color. He questioned whether there are other types of signs that are alternatives such as the “flip/slap” type of sign used for train schedules. He again stated that the board had no public feedback and that the lack of comment now was not a reflection of whether residents would care once it was installed.

Ethan Palmer said that everyone is in agreement that the emergency messaging is of value; the discussion is really about aesthetics which is a more difficult conversation. Perhaps the frame around the sign is also a factor to make it not feel like Times Square.

Thomas Crisci Sr. said that color would be used because even if only the Fire Company logo was displayed, it is in color.

The illumination level was discussed including translating nits to footcandles and lumens. The Lighting Nuisance code was discussed, but as illuminated signs are not permitted in the village, the light levels quoted reference exterior lights on the property. The code references an allowable amount of light that can be at the property line. It was stated that the floodlights on the firehouse probably already exceed that allowable amount, so it would be difficult to measure how much the sign contributes. Blocking the light from the sign to the east and the west was discussed. Glenn Baker stated that perhaps different illumination levels can be used for emergency and informational messaging. Ethan Palmer stated that as the ambient light dims, less illumination is needed for the sign to be readable, so it is relative. The manufacturer stated that a light sensor can be used to make the sign responsive to ambient light. Mayor Griffith stated that the demonstration showed that the sign can be dimmed down to 0 percent illumination, so the illumination can be mitigated through dimming.

Jonathan Trombly asked if the applicants had any questions about what the board was asking for. Mayor Griffith stated that he understands that the board does not design for the applicant and they will work on conditions.

Mark Bennett made a motion to continue the public hearing until the next regular ZBA meeting on October 4, 2021 at 7 pm. Karen Cleaveland seconded. All in favor. The public hearing was continued until October 4, 2021.

The board continued to discuss the quality of the sign and limitations. The board brainstormed a list of categories to limit:

Hours of operation, seasonal adjustments  
Color (as related to time of day)

Brightness (as related to time of day and season)  
Messaging/content, emergency/informational messaging  
Number of messages at a time  
Movement (video/slideshow/scrolling)  
Images  
Message background  
Message Font

Karen Cleaveland suggested having the hours of operation the same as the noise ordinance, having the sign dimmed to zero percent from 10pm – 7am.

Karen Cleaveland made a motion to close the meeting. Ethan Palmer seconded the motion. All in favor.  
The meeting was closed at 8:43 PM.

Respectfully submitted,

Laura Gail Tyler  
Deputy Village Clerk