

DRAFT
Tivoli Village Panning Board

Minutes of Monthly Planning Board Meeting
October 23, 2006

CALL TO ORDER/ DETERMINATION OF QUORUM

Meeting was opened at 7:01 pm and a quorum determined present for the conduct of business.

Planning Board Attendees:

Peter Sweeny
Gary DiMauro
Harry Colgan
Rob Roff
Alternate: Leigh Palmer
Alternate: Laura Gail Tyler

Also Present:

Peter Klose
Michael Nickerson
Stuart Hannan
Marie Welch
Christine Chale
Tom Cordier
Steve Buso
Cassie Carbone

BUSINESS SESSION

1. Review of past meeting minutes.
 - a. July 17, 2006: Gary DiMauro made a motion to approve minutes. Harry Colgan seconded the motion, and all members present voted in favor.

REGULAR SESSION

1. Charlie Russo; Route 9G. Represented by Marie Welch.
 - a. Marie Welch explained that Mr. Russo owns two adjoining lots and proposed moving the lot line to include the pond on the lot with his house.
 - b. Both lots are in the 3-acre zoning area, and neither lot will be less than 3 acres with the proposed change.

- c. Maps were presented and the Planning Board reviewed them.
 - d. Peter Sweeny asked that a map be presented at the Public Hearing that indicates the proposed house site and septic on the second lot.
 - e. A Public Hearing is to be set for the 3rd Monday in November unless otherwise rescheduled.
2. Black Swan; 66 Broadway. Represented by Michael Nickerson and Peter Klose.
- a. An application for an amended site plan was submitted and reviewed by the Planning Board.
 - b. A detailed sketch of the front porch with measurements was submitted and reviewed by the Planning Board.
 - i. Discussion about the measurements ensued.
 - c. Peter Klose submitted the EAF and said that all EAF questions were given a negative declaration.
 - d. Peter Sweeny pointed out that the application uses the phrase “intends to” repeatedly. Peter Klose responded that he had meant to remove all occurrences of the phrase “intends to” prior to submitting the application.
 - e. Peter Sweeny asked for clarification about the plans indicated in the application to put insulation in the rear floor area for noise.
 - i. Michael Nickerson responded that he plans to insulate the basement ceiling , under the 1st floor. This will reduce the noise coming from the rear door. He also said that he plans to install storm windows to insulate against noise.
 - ii. Peter Sweeny said that the Planning Board is not approving specific insulation methods, but emphasized that the Village Code needs to be adhered to.
 - f. Michael Nickerson and Peter Klose both agreed that there would be no exterior speakers.
 - g. Peter Sweeny asked about the plans for parameters for amplification.
 - i. Michael Nickerson responded that he has been in contact with a consultant in Rhinebeck about sound and amplification.
 - ii. Peter Klose said that they will adhere to the existing hours of operation parameters that are in the existing site plan, and that they will adhere to the Village noise ordinances as well.
 - 1. Peter Klose also reiterated that they are asking for the site plan change to include amplification and not just acoustic music.
 - h. Christine Chale noted that the existing site plan uses the term ‘acoustic’ for a reason and that the Planning Board needs to carefully consider noise mitigation measures before deciding to amend the site plan because the change would also affect other properties.
 - i. Tom Cordier asked the Planning Board if they remembered the circumstances of the original site plan parameters in terms of acoustic music, and noted that the Black Swan has many houses around it, which makes it a unique case.

- j. Laura Gail Tyler asked about the use of windows and doors throughout the seasons.
 - i. Michael Nickerson responded that the doors and windows stay closed all year, even in the summer when he uses air conditioning.
- k. The Board determined that a complete application is required before a public hearing can be scheduled.
- l. Peter Sweeny asked that an authority on acoustics be brought in to discuss noise mitigation.
- m. Peter Sweeny expressed that the uniqueness of the area is important in considering front porch service changes.
- n. Peter Klose indicated that the idea of serving food on the porch is to impose order on the porch and thus lessen the occurrence of people just congregating on the porch.
 - i. Peter Sweeny replied that with food service approval there would be no smoking allowed on the porch, which would then likely result in the smokers going out onto the sidewalk and street to smoke.
- o. Peter Sweeny also noted that the impacts of using the porch for dining versus bar-service only are different.
 - i. Michael Nickerson indicated that he is undecided if the porch would be for food service or just for bar service.
 - 1. Peter Sweeny responded that this is important information for the Planning Board to have prior to making a final decision.
 - 2. Harry Colgan said that there needs to be a thought-through description of what the porch will be used for and what can be done to mitigate the resulting impacts.
 - 3. Tom Cordier added that the Village would prefer the plan not result in smokers needing to go out onto the sidewalk to smoke, as that would likely cause complaints from neighbors. He added that the Village would like to see the smokers stay on the porch, or at least off of the sidewalk, even if that means no food service on the porch.
 - 4. Peter Sweeny also asked, in the event that there is food service allowed on the porch, where the tables will go when food service ends every night so that people will not congregate there.
 - 5. Peter Sweeny said that he feels that the Planning Board cannot approve a plan that forces smokers onto the sidewalk.
- p. Peter Klose said that at the next meeting, they will bring in a sound engineer and a more detailed plan in regard to the use of the porch.
- q. Peter Sweeny said that the Planning Board would like to hear from the sound engineer what he specifically intends to do to mitigate the noise.
 - i. Peter Klose agreed and said that the sound engineer will also comment on acoustic versus amplified music.

- r. The Planning Board found that the application for an amended site plan was incomplete as presented at this meeting.
 - i. The Board determined that a complete application is required before a public hearing can be scheduled.
- 3. Coast; 69 Broadway. Represented by Stuart Hannan.
 - a. An application for an amended site plan and an EAF were submitted and reviewed by the Planning Board.
 - i. The Board discussed the negative declaration on the EAF in regard to the question of noise.
 - b. Stuart Hannan said that he is requesting a verbiage change in the site plan from ‘acoustic’ to ‘entertainment –both acoustic and amplified’
 - c. Stuart indicated that he has already made numerous significant improvements to the doors, windows, and floors.
 - d. Peter Sweeny asked what the plans for live music are.
 - i. Stuart Hannan responded that plans are mainly for solo performers and duets.
 - ii. Stuart said that he has a more sophisticated sound system now and that he wants the site plan to be changed to allow for it.
 - 1. He noted that the only time they have had a problem with the noise was because the performers brought in their own amplifiers.
 - 2. He indicated that he will stay within the noise ordinances but would like the site plan to allow for both amplified and non-amplified music.
 - e. Peter Sweeny asked Steve Buso to speak to the changes and improvements to the property in terms of insulation.
 - i. Steve said that he was not the person who did the inspection to the property and that he will contact the person who did to validate the sound mitigation information.
 - f. Harry Colgan made a motion to accept the EAF and application as complete. Gary DiMauro seconded the motion, and all members present voted in favor.
 - g. Harry Colgan made a motion to set the Public Hearing for the 3rd Monday in November unless otherwise rescheduled. Gary DiMauro seconded the motion, and all members present voted in favor.

ADJOURNMENT

Since there was no further business to come before the Board, Gary DiMauro made a motion to adjourn. Harry Colgan seconded the motion, and all members present voted in favor. The meeting was adjourned at 8:34pm.

Respectfully Submitted,

Navin Sharma