

The regular meeting of the Historic Preservation and Architectural Review Board (HARB) of the Village of Cooperstown was held in the Village Office Building, 22 Main Street, Cooperstown, New York on April 8, 2014. Members in attendance were Chair – Teresa Drerup, Liz Callahan, Roger MacMillan, Ralph Snell, Wendell Tripp and alternate David Sanford. Also in attendance was Zoning Enforcement Officer – Tavis Austin and Deputy Village Clerk – Jennifer Truax. Three members of the public were present.

Ms. Drerup called the meeting to order at 5:02 PM.

Regular Agenda

46 River Street (Reverend Mark Michael for Christ Episcopal Church) – proposed informational displays

Mr. Austin stated that Mr. Hill, Planning Board Chair, contacted him today regarding this application. He stated that Mr. Hill felt that the application should be heard by the Planning Board rather than HARB as he feels that the application is for signage. Mr. Austin stated that after some discussion it was clear that it is the Zoning Enforcement Officer's responsibility to make this type of decision not the board chair and he feels that this application is for structures which would require the review of HARB.

Ms. Drerup reviewed the application and asked Reverend Michael if there is a drop off in grade behind the proposed location.

Reverend Michael stated that there is a moderate drop off in this location. He continued to state that the initial placement decision was made when there was still snow on the ground. He further stated that it is now his recommendation that the angled display structure be moved slightly toward Church Street as it will be a more conducive physical location for looking over the graveyard.

Ms. Drerup asked if the new location would align with the corner of the Cooper plot.

Reverend Michael concurred.

Ms. Drerup asked what information would be displayed in the structures.

Reverend Michael stated that a general map of the church yard with prominent graves noted as well as a display of photos and text regarding the history. He continued to explain that there would also be a space for rotating materials such as informational flyers.

Ms. Drerup stated that it appears that the location of the vertical structure will be perpendicular to the church and on a paved area. She asked if the structure would have informational displays on both sides.

Reverend Michael stated that only the front (east side) would be accessible and have a display. He continued to state that the paved area would only be enough to view the display and not to walk around it.

Dr. Tripp asked if the display can be read from River Street.

Ms. Drerup stated that the structure can be seen from the street but not read.

Mr. Snell asked if the structures would be lit.

Reverend Michael stated that there is no plan to light the structures but if the board feels that lighting would be appropriate it would be addressed.

Mr. Snell stated that he does not feel that lighting is appropriate, but that it would be best to avoid lighting the display. He then asked if the finish on the panels would be gloss or matte.

Reverend Michael stated that he does not know what the finish will be. He explained that they are working with DiNicola Designs to develop the display.

Mr. Snell stated that he would suggest a matte finish for all components including the glass or Plexiglas.

Mr. Sanford stated that Plexiglas is available in a non-glare finish.

Dr. Tripp made a motion to adopt the following resolution for a Certificate of Appropriateness:

Action by the Village of Cooperstown, Historic Preservation and Architectural Review Board

Resolution date: April 8, 2014

A resolution to approve the proposed informational displays at 46 River Street, Cooperstown, NY

WHEREAS the Historic Preservation and Architectural Review Board has made the following findings of fact concerning the proposed application:

- *A public hearing is not required;*
- *The requirements of SEQRA have been met for this action;*
- *The related structure at this address is listed as contributing in the Glimmerglass Historic District Nomination Form;*
- *The proposed work meets the criteria under Section 300-26.E. (2)(a), (2)(b), (3)(b), (3)(c), (3)(d) and (3)(e).*

Section 300-26 of the Zoning Law having been met with regards to the proposed informational displays at 46 River Street;

NOW THEREFORE BE IT RESOLVED, that we, the duly appointed members of the Historic Preservation and Architectural Review Board of the Village of Cooperstown do this 8th day of April 2014, determine that the proposed work at 46 River Street, Cooperstown, NY meets the criteria for work within the Historic and Architectural Control Overlay District as set forth in the Zoning Law of the Village of Cooperstown.

Ms. Callahan seconded the motion and the following discussion was held.

Mr. Snell asked if the board felt that the motion should specify that a matte finish should be used.

Dr. Tripp amended his motion to read - motion to adopt the following resolution for a Certificate of Appropriateness:

Action by the Village of Cooperstown, Historic Preservation and Architectural Review Board

Resolution date: April 8, 2014

A resolution to approve the proposed informational displays at 46 River Street, Cooperstown, NY

WHEREAS the Historic Preservation and Architectural Review Board has made the following findings of fact concerning the proposed application:

- *A public hearing is not required;*
- *The requirements of SEQRA have been met for this action;*
- *The related structure at this address is listed as contributing in the Glimmerglass Historic District Nomination Form;*
- *The proposed work meets the criteria under Section 300-26.E. (2)(a), (2)(b), (3)(b), (3)(c), (3)(d) and (3)(e).*

Section 300-26 of the Zoning Law having been met with regards to the proposed informational displays at 46 River Street;

NOW THEREFORE BE IT RESOLVED, that we, the duly appointed members of the Historic Preservation and Architectural Review Board of the Village of Cooperstown do this 8th day of April 2014, determine that the proposed work at 46 River Street, Cooperstown, NY meets the criteria for work within the Historic and Architectural Control Overlay District as set forth in the Zoning Law of the Village of Cooperstown with the following conditions:

- *All finishes including the glass will be matte.*

Ms. Callahan seconded the motion and a vote had the following results:

AYES: Callahan, Drerup, Sanford, Snell, Tripp Motion carried.

The board determined this project to be a minor alteration to the property.

Mr. Nate Miller, prospective Eagle Scout, working on this project arrived at the meeting.

Ms. Drerup asked Mr. Miller if he would like to speak regarding the project and inform the board of the scouts' role.

Mr. Miller stated that the scouts are working with the designers to develop this project and will be the ones who build and erect the structure.

53 Pioneer Street (Smithy- Pioneer Gallery) – Board determination of violation of the law's requirement for maintenance and repair to prevent deterioration of historic features

Ms. Drerup stated that she is concerned not only for the deterioration of the structure but also the safety of the public who pass by on the Pioneer Street sidewalk.

Ms. Callahan asked in what context this concern came to the board.

Mr. Austin explained that he forwarded an email originally received by Trustee Falk from Mr. Russ Honicker expressing concern that while HPARB reviews all exterior changes to properties within the Village it is allowing one of the oldest structures in the village to deteriorate.

Mr. Snell asked what it would take to make this structure safe.

Ms. Drerup stated that she feels that to determine what action needs to happen a structural engineer should be consulted.

Ms. Callahan stated that although she sees the concern for this property there are other structures within the Village which are in equal, if not worse, disrepair than 53 Pioneer Street.

Mr. Austin stated that although that may be true, no written complaint has been received regarding those properties.

Ms. Callahan stated that the structure in question is owned by a non-profit which is struggling and trying to sell the property. She asked if there is a way to encourage the repair of the structure without causing additional burden on the non-profit.

Mr. Austin stated that in the case of the 47 Beaver Street property, which continues to come light during these conversations due to its condition, the Village referred the structure to the County due to concerns for public health and safety. He explained that at this time the County has ruled that there is no issue for the public because the property owner has supported the porch roof, placed no trespassing signs on the property and roped off steps and other access points.

Dr. Tripp stated that the Beaver Street property became a concern prior to the preservation law and the only option was to file a complaint with the County to try to rectify the situation.

Ms. Drerup stated that based on the law it might be appropriate to make a determination regarding the Beaver Street property as well. She read section 300-26.J(2)...*"No owner or person with an interest in property shall permit the property to fall into serious disrepair, as such term is defined in Article XVI of this chapter, so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historic Preservation and Architectural Review Board, produce a detrimental effect upon the character of the neighborhood in which it is located, of the Village as a whole, or the life and character of the building, structure or property itself."*

Mr. Sanford stated that the condition of this structure is definitely affecting the neighborhood.

Mr. Snell asked what power the board has to make this determination. He referred the board to page 25 of the Zoning Law and stated that he does not see where power has been given to HPARB to make these types of decisions.

Mr. Austin stated that it is his understanding that HPARB is the only body in the Village that can make a determination about structures in relation to section 300-26.J(2). He continued to state that if the board finds the property to be in a state of serious disrepair it would go through the same process as the 98-100 Chestnut Street property which was previously cited.

Mr. Snell asked if there was a friendly way to approach the need for repair, rather than actually to fine the property owner.

Mr. Austin stated that the board will only make a determination as to whether or not the property is in a state of serious disrepair. Once that determination is made it is up to a judge to determine if the owner is in violation and what course of action or fine will be assessed.

Ms. Callahan asked if there is a way for the board to bring the concerns to the owner without moving toward any legal action.

Mr. Sanford asked if the owner is aware of the complaint.

Mr. Austin stated that he is not aware of whether or not the owner has been informed of the complaint. He stated that they have not been notified by the Village.

Dr. Tripp stated that the concerns need to be addressed. He stated that this is a property of great historic significance and of great interest to the public. He stated that there are many avenues which can be pursued to work towards saving the building and its historic features.

Ms. Drerup asked if the board should make a recommendation to the Board of Trustees.

Mr. Austin stated that this concern would not go to the Trustees but if HPARB makes an affirmative finding then it would go to the court for an assessment of any violation.

Mr. Sanford stated that it might be more productive to go to the Smithy and inform them of the complaint and ask them to provide a plan of action to rectify the situation.

Ms. Drerup stated that she is concerned that the stone wall is bulging more than previously.

Mr. Sanford stated that if there are safety concerns they should be referred to and addressed by County Codes. He further stated that HPARB is only concerned with the appearance.

Ms. Callahan looked up the property on the internet and stated that it appears that an engineering study has been done.

The board further discussed the Village's liability regarding the safety issues surrounding this property and the public and the Village's responsibility to bring this concern to County Codes. The board stated that although there are some architectural features which are deteriorating or in serious disrepair the safety issues are a bigger concern especially with the proximity of the building to the sidewalk.

Ms. Drerup made a motion determining the porch and front façade of 53 Pioneer Street not to be in compliance with section 300-26.J (2). The board is of the opinion that the public safety issues are of greater concern and that Mr. Austin, ZEO should draft a letter to the property owner and copy the Otsego County Codes Office which addresses these concerns. Ms. Callahan seconded the motion and the following discussion was held.

Mr. Snell stated that he is not sure that this board has the power to make this determination.

Mr. Sanford stated that it is important that this action be taken to protect the liability of the Village.

Mr. Austin stated that he would speak with Mr. Tillapaugh, Village Attorney, regarding HPARB's authority to make such a determination.

The board further discussed the determination of a violation, the definition of serious disrepair and how this and other violations should be handled.

Mr. Austin stated that he would review the letter with the Village Attorney and as part of the letter he would request a response from the Smithy within 30 days of receipt. He continued to state that he would keep the board apprised of the actions regarding this property.

Mr. Snell asked if the board felt that this action could be under the board's authority to determine.

Dr. Tripp stated that there is nothing in the law which forbids this action.

A vote had the following results:

AYES: Callahan, Drerup, MacMillan, Snell, Tripp Motion carried.

Minutes:

Ms. Callahan made a motion to approve the minutes of the March 11, 2014 meeting as presented. Dr. MacMillan seconded the motion and a vote had the following results:

AYES: Callahan, Drerup, MacMillan, Sanford, Tripp
ABSTAIN: Snell Motion carried.

Other Business:

Ms. Drerup informed the board of another grant from the Preservation League for updating the Village property survey, which Trustee Falk has informed her of.

Ms. Callahan stated that she is not sure that the new grant can be used in conjunction with the CLG grant which was just applied for as they are both from State funds.

The board discussed the possibility of applying for the additional grant and its timing in relationship to the grant recently applied for.

Ms. Callahan made a motion to recommend that the Board of Trustees approve applying for this additional grant as long as it is determined to be acceptable should the initial grant be awarded to the Village. Dr. MacMillan seconded the motion and a vote had the following results:

AYES: Callahan, Drerup, MacMillan, Snell, Tripp Motion carried.

Ms. Drerup stated that she is finalizing the response to the recent CLG audit of the board. She explained that one area which was cited was the need for ongoing trainings. She recommended that the board review the NPS Preservation Briefs, one per month, for discussion at the monthly meetings.

The board agreed.

Mr. Snell asked Ms. Drerup to send the web link for the briefs by email.

Ms. Drerup stated that the other area of concern was acceptance of incomplete applications and the board helping to make design changes at meetings. She stated that she feels that the board has already begun to work towards correction this deficiency, noting that they have had several applications in which the board asked for clarification or more information.

Meeting adjourned at 6:11 PM.

Respectfully submitted,

Jennifer Truax
Deputy Village Clerk