

A regular meeting of the Planning Board of the Village of Cooperstown was held in the Village Office Building, 22 Main Street, Cooperstown, New York on February 18, 2014 at 4:30 p.m. Members in attendance were Chair – Charles Hill, Richard Blabey, Eugene Berman and alternate – Richard Sternberg. Zoning Enforcement Officer – Tavis Austin and Deputy Village Clerk – Jennifer Truax were also present. There was one member of the public present.

Mr. Hill called the meeting to order at 4:39 p.m.

Regular Agenda

Minutes

Mr. Blabey made a motion to approve the minutes of January 21, 2014 as submitted. Mr. Berman seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill

ABSTAIN: Sternberg

Motion carried.

55 – 57 Grove Street (Jason Tabor) - Proposed new wall and projecting signs as part of a total building signage plan for the property

Mr. Hill reviewed the application for wall and projecting signs on the existing building which is 116 feet long. He reviewed the placement of the wall and projecting signs on the illustration provided by Mr. Tabor and reviewed the dimensions and colors. He asked the board to review the last page of the sign law to make a determination on how to figure the square footage of the wall sign given its shape.

Mr. Blabey stated that the semi-circle portion of the sign identifies the physical address of the property. He stated that he does not feel this is truly part of the sign as everyone has the right to visually display the address. He clarified stating that the first portion of the sign or the semi-circle identifies the building address and the second or rectangular portion of the sign advertises the occupants.

Mr. Austin stated that street number – name signs shall not exceed two square feet. The semicircle is 3.5 or 4.5 square feet depending on how it is measured.

Mr. Hill stated that in this case it is a moot point as the requested sign is less than the allowed square footage. He stated that the only reason to determine the exact square footage is to establish the square footage in the event that there is a request for additional signage in the future. He further stated that the board could choose to state for the record that the wall signage is within the 40 square foot range, which is acceptable.

Mr. Austin requested that a determination be made as to the exact square footage of the sign to avoid confusion or issues in the future.

Mr. Sternberg stated that he feels this sign would be classified as an “odd shaped sign”. Therefore the total square footage would be 36.5. (This square footage was calculated using the smallest rectangle method.)

Mr. Hill stated that he believes it might also be considered 35.5 square feet, using the area of a circle method of calculation.

Mr. Sternberg reviewed the law on figuring the square footage and shared how he figured the total square footage and again stated it would be 36.5 square feet.

Mr. Hill asked what would be displayed in the placard area if not all rentable spaces within the building were occupied.

Mr. Tabor stated that the existing tenant's signs would be located in an equal or symmetrical way within the proposed wall sign.

Mr. Hill asked if the font, style and size would remain the same throughout the sign, regardless of the length of the business name.

Mr. Tabor stated that the style and size of the font would always remain the same. He explained that there is enough room within the proposed margins for each tenant's placard to have up to three lines of text at the proposed font height of 2.5 inches.

Mr. Sternberg asked if the interior boxes would remain a fixed size.

Mr. Tabor stated that they would remain a fixed size.

The board further reviewed the ability to fit text with the proposed 2.5 inch height within the proposed margins of the interior boxes.

Mr. Hill stated that with a total building sign plan there would be no need for new tenants to come to the Planning Board for sign approval as long as they complied with the characteristics established by the Board for the total building sign plan.

Mr. Tabor asked if tenants could come to the board for approval to place their business logo on the sign should they choose.

Mr. Sternberg stated that if the board is allowing the logo for "Principal," then they need to consider all logos.

Mr. Austin asked if adding the logo will require coming back to the Planning Board for approval.

Mr. Blabey referred to section 227-3.A(2)(e) of the sign law and stated that although the law regulates size, color and font it does not mention logos. He stated that he does not feel that making business owners come back for approval of their logo, if they are meeting all of the other required components approved for the sign plan, is business friendly. He stated that he does not feel that the Planning Board should be a barrier for business owners.

Mr. Austin concurred and stated that even a neon yellow logo added to an interior box would not have a huge impact.

Mr. Hill asked the board if they felt allowing any logo was acceptable.

Mr. Blabey stated that as long as the font, outside of the logo, was as approved for the signage plan, it is not in the public interest to deny the logo.

Mr. Berman stated that a business owner should be allowed to use their logo. He stated that customers may not recognize the business without its "brand" logo.

Mr. Sternberg asked why color needs to be designated. He stated that if a business's color of choice is red, then why must they use blue.

Mr. Austin explained that when applying for a sign plan for a building, the building owner sets the color, font, size, excreta to be used on all signage as approved by the Planning Board in advance. He further explained that by doing this, the occupants of the business do not have to apply to the Planning Board for sign approval for each new tenant, as long as they follow the guidelines established and the property owner has a uniform look for the property.

Mr. Hill shared the total sign plan for the 21 Railroad Avenue Property, noting the characteristics as established in the total sign plan approval.

Mr. Blabey stated that the board needs to remember that whatever they choose to approve for the master plan is good for eternity. He further stated that at any time a tenant can apply to have something other than what was approved for the master plan.

Mr. Blabey made a motion to approve the master wall sign plan for 55 Grove Street as indicated in exhibit A, 36.5 square feet, font being Helvetica and 2.5 inches in height, and color being PMS 294 Blue. The business logo may vary in color and shape. Mr. Sternberg seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Sternberg

Motion carried.

Mr. Hill reviewed the requests for projecting signs. He pointed out the location of each of the proposed signs and shared the bracket design. He continued to state that some of the locations do not allow for the required eight foot clearance as required by law. Mr. Hill stated that in conferring with Mr. Tabor he indicated that he is willing to place planter boxes below any sign which does not allow for the eight foot clearance. This would prevent individuals from walking under these signs which are hung lower than required. Mr. Hill asked Mr. Tabor what the height of the font for the projecting signs would be.

Mr. Tabor stated that the font height would always be 3 inches regardless of the text. He further stated that the maximum number of lines for font would be five. Mr. Tabor asked if the board would also consider allowing Smooth Operators to keep their existing sign and not require them to go to the expense of having a new sign made.

Mr. Sternberg suggested to Mr. Tabor that he may want to consider having a new sign made for Smooth Operators to provide consistency for the building.

Mr. Hill stated that the existing sign is grandfathered but if the sign is changed it would need to come into compliance with the approved plan.

The board discussed the location of the planters and if they would be movable.

Mr. Tabor stated that the planters would be of such a size that it would be possible to move them, but with great difficulty.

Mr. Sternberg made a motion to approve the location of five projecting signs for 55 Grove Street, to be 36" X 34" as submitted, with the font to be Helvetica and 3 inches in height and the color to be PMS 294 Blue. In any location where the projecting sign hangs below the required 8 feet in height planter boxes or a similar structure will be installed to prevent persons from walking under the projecting signs. Mr. Berman seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Sternberg

Motion carried.

Referral from Trustees change to "Non-Conforming" text [300-50.B(2)]

Mr. Hill provided the members of the board information regarding the proposed law change. He explained that the proposed amendment is fairly simple but some questions have arisen. He reviewed the existing law and the proposed change.

Mr. Austin stated that Village Attorney – Martin Tillapaugh's questions have now been answered. He stated that question number 1 "Does the proposed change agree with the intent of the nonconformities and noncompliance provisions of the Zoning Law?" Mr. Austin stated that this answer depends on how you "read" the intent. He explained that it is based on the direct impact to the neighborhood.

Mr. Austin stated that when looking at question 2b "would additional parking needs for expanded nonconforming uses be required," the answer is yes, but if an expansion requires adding additional parking spaces then the expansion would be expanding outside of the footprint and therefore not allowed. However, if the expansion only requires the use of existing parking whether or not it has been utilized, then it would be allowed under this proposal. He continued to state that this explanation negates question 2a "could the nonconforming use expand to the extent that it replaces an existing permitted use from occupying a portion of the structure."

Mr. Austin stated that 2c "would the owner be permitted to expand outdoor use for the nonconforming use (patio, terrace, recreation area, etc.)", would be an outdoor use and the proposed law states within the building therefore it would not be allowed.

Mr. Hill asked if the wording of the proposed change means just the use of structure or does it include the existing nonconforming use of structures and land.

Mr. Austin stated that expanding outside would mean expansion of the foot print. He stated that if you live next to a non-conforming property, as long as the increase is not more noticeable than prior to the expansion more than likely you will not have any issue. However, if the expansion of the non-conformity is on the exterior or into the exterior such as with a patio it would have a definite impact and likely be an issue for the neighbor.

Mr. Austin stated that 2d "how do we treat exterior enhancements for nonconforming uses, such as awnings, umbrellas, canopies, etc." would be handled by HPARB regardless of the use.

Mr. Blabey stated that the issue arose due to NY Pizzeria who would like to expand the existing first floor business into the second floor. He stated that they are looking not to increase the seating within the business but to move existing seating to the second floor to allow for additional space in the entrance for takeout customers and those ordering at the counter. This expansion within the structure would not impact parking.

Mr. Hill asked Mr. Austin if he knew of other nonconforming properties which might choose to expand.

Mr. Austin shared a map of the Village which indicates all non-conforming properties. He reviewed where the properties currently are and which ones have the potential to expand under the proposed law change.

The board reviewed the map and properties which may be affected by the proposed change.

Mr. Hill provided the board the history of the current NY Pizzeria building and explained that since it was built in 1929, it has always contained some kind of grocery, coffee shop or other food establishment on the first floor. He further stated that when built the property was residential, but in 1942 it was rezoned to commercial (business), then in 1963 it was rezoned back to residential.

The board discussed whether or not this change might affect multifamily homes. They continued to discuss the fact that the wording of the change could be done in a way to ensure that exterior nonconforming use expansion is not permitted.

Mr. Hill stated that the Planning Board has been asked to review the proposed change but the board is not required to give an official recommendation, but a "report." He suggested that the board work over the next month to put together list of items the Trustees should consider when making a decision regarding this proposed law change.

Due to Board of Assessment Review being scheduled for 6 PM, the meeting was adjourned without review of the proposed Site Development Plan Review changes.

Meeting adjourned at 5:53 PM

Respectfully submitted,

Jennifer Truax
Deputy Village Clerk