

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 July 15, 2014 at 4:30 p.m. Members in attendance were Chair – Charles Hill, Eugene Berman, Richard Blabey, Richard Sternberg and alternate – Paul Kuhn. Member Chuck Knull was absent. Trustee – Cynthia Falk, Zoning Enforcement Officer – Tavis Austin and Deputy Village Clerk – Jennifer Truax were also present. There were two member of the public present.

Mr. Hill called the meeting to order at 4:36 p.m.

Regular Agenda

29 Pioneer Street (Lucy Townsend / Firehouse Market) – Proposed change to directory sign

Mr. Hill reviewed the application to replace the previously approved directory sign for Firehouse Market within the existing sign holder on site.

Ms. Townsend explained that in haste the first sign was designed and put into place as they tried to get the market opened and advertise their new location. She explained that the proposed sign is of higher quality and will be metal rather than plastic like the existing sign.

Mr. Hill asked Ms. Townsend if the proposed sign colors would exactly match those colors approved for the existing sign/

Ms. Townsend stated that they would.

Mr. Berman made a motion to approve the replacement of the existing directory sign with a new sign as submitted. Mr. Blabey seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Sternberg Motion carried.

Mr. Hill asked what the policy for the removal of signage from a vacant business.

Mr. Blabey stated that although there may not be any formality about the removal of signage but due to the maximum allowed signage, there is a need for vacant business signage to be removed and that it would ultimately be the landlord's or property owner's responsibility to remove the signage of a former tenant. He continued to state that the Planning Board could condition that new signage may not be placed until the old signage is removed.

Mr. Austin stated that he had been in contact with the property owner regarding the removal of the previous business's signage. He stated that the property owner believed that the business owner would return to remove the signage but when they did not Mr. Austin asked the property owner to remove the sign and the property owner complied.

Institutional Zone/Zoning Amendments: Review Per Trustee Request

Mr. Hill provided a clean copy of the proposed amendments as well as additional review materials. He reviewed section I.C of the proposal on page two regarding yard and height requirements. During the review of the proposed maximum height [section I.C(4)], Mr. Hill asked the board to review page two of the additional materials. He explained that the diagram shows the difference between a 1':1' and a 1':1.5' ratio in horizontal setback to height.

Mr. Blabey stated that although it is a great representation and may reflect a “typical residence” it does not depict what the maximum residential structure is allowed to do by law. He explained that the residence could have a 30 foot wall height and a flat roof, creating the same visual effect as a larger building such as the hospital.

The board reviewed and discussed the differences in the proposed ratios.

Mr. Austin stated that the intent of this section of the law is to provide the same visual feel on both sides of the street, regardless of the structure type.

Mr. Blabey stated that he does not feel that the ratio of height to setback should be any more restrictive in the hospital zone than any other zone within the Village.

Dr. Falk stated that the Hospital Zoning Committee is okay with either choice. She stated that some members may feel stronger about one option than the other but the consensus was that they could accept either option.

Mr. Blabey stated that the massive feeling created by a structure is related to more features than just the height. He stated that the mass, distance from the street, and design all play a role in this feeling.

Mr. Sternberg stated that he has seen development where the façade of the structure appears to be townhouses but behind that façade is a much more massive building. He further stated that this kind of architectural design would be very reasonable on a residential street.

Mr. Blabey stated that if the façade is broken up, then the massive feeling is less intense.

Mr. Hill stated that HPARB will review all design features of any proposed structure. He explained that the law will provide limits on height and the ratio of height to setback.

Mr. Blabey asked from what point the setback is measured from.

Mr. Hill stated that the law references street line or street right of way. He stated that in the Village, most times, that point would be the inside edge of the sidewalk.

The board discussed what constituted street line and how that point should be identified in the law.

Dr. Falk pointed out that due to this being a historic Village there are properties in which the property line is actually in the street.

Mr. Kuhn arrived at 5:10 PM.

Mr. Blabey stated that the point from which the measurement begins is very important.

Dr. Falk stated that in the majority of cases the measurement would begin at the edge of the Village’s right of way.

Mr. Hill referred to board to section 300-28.F of the current law which reads *“All required front yard depths shall be measured from the designated street line, front lot line or existing street line, whichever is a greater distance from the center line of the public street abutting the lot in question...”*

AYES: Berman, Blabey, Hill, Kuhn, Sternberg Motion carried.

The board reviewed Article VII Accessory Parking and Loading Requirements.

Mr. Sternberg questioned how the new parking requirements would affect Bassett's existing parking.

Mr. Austin explained that the existing parking has been documented and that number of spaces must be retained at all times. He further pointed out that any new construction which results in the need for additional parking would require adding parking and that the current number of stalls, even if over the newly proposed requirements, could not be counted as parking for the new construction.

Mr. Hill provided the board with a copy of the Memorandum of Understanding being proposed between the Village and Bassett regarding the existing and any future parking requirements.

Mr. Blabey asked what the basis for the determination of required parking for uses like manufacturing had been determined and how mixed use buildings would be handled.

Mr. Austin stated that the requirements are based in part on the existing law. He explained that a property with mixed use the parking would be determined based on the square footage of each use. He continued to point out that should a property owner object to the required parking they may appeal a decision.

The board discussed the parking requirements for each use as proposed.

Mr. Hill made a motion regarding Article VII Accessory Parking and Loading Requirements section 300-33 Requirements for Minimum Off-Street Parking to recommend as proposed. Mr. Sternberg seconded the motion and the following discussion was had:

Mr. Blabey stated that he does not see the parking requirements as fixable at this time.

Mr. Kuhn stated that the board cannot quantify everything but the proposed parking requirements are a good start in this area.

Mr. Blabey stated that small businesses reject New York State due to over regulation.

A vote had the following results:

AYES: Berman, Blabey, Hill, Kuhn, Sternberg Motion carried.

The board reviewed section 300-34 of Article VII Accessory Parking and Loading Requirements.

Mr. Sternberg made a motion regarding section 300-34 of Article VII Accessory Parking and Loading Requirements to recommend as proposed with the change to the last sentence of 300-34.A.2 to read "Submission and approval of a complete parking plan may be waived if the intent of such can be met with a written statement." Mr. Berman seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Kuhn, Sternberg Motion carried.

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Motion carried.

Mr. Sternberg pointed out that there is a typographical error throughout where referring to "street scape." He stated that this is one word "streetscape" and should be corrected as such.

Mr. Hill provided the board with a copy of an email from Dr. Falk which requests a statement regarding residential character after the height section of the proposed law. He further stated that he spoke with Ms. Drerup, chair of HPARB regarding this and she feels that the addition of this statement is unnecessary. He stated that Ms. Drerup stated that a decision from HPARB is much harder for someone to challenge and has been upheld by the courts.

The board concurred that the addition of this statement is not necessary.

Mr. Hill stated that he would put together a report of their recommendations for the Board of Trustees.

Public Notice Modification: Review per Trustee Request

Mr. Austin reviewed the current notification requirements and the proposed changes to the public hearing notification requirements. He explained that this change was prompted by the recent change to the commercial district where written notification was not provided to property owners. He stated that the required notification and publishing of the notice in the paper was done.

Mr. Hill provided the board with a copy of the proposed language, and summary of the required notifications for different types of public hearings. He pointed out that he is not sure that it is necessary to require specific written notification to all properties within 100' of an affected parcel, as the law allows any board to choose to notify more property owners than the law requires if they choose to do so.

Mr. Austin stated that there is nowhere in the law where notification is required for a law change. He stated that it does set requirements for text changes (amendments) but the Zoning Map in itself is a law and there are no requirements for notification when there are changes to the map.

The board discussed this proposed change.

Mr. Hill recommended that Village Attorney, Martin Tillapaugh, be contacted for his expertise on this matter.

Mr. Blabey stated that he does not think this proposed change requires Mr. Tillapaugh's consultation.

Mr. Hill stated that Mr. Tillapaugh should review the wording on how it is applied and its consistency throughout the law.

Mr. Sternberg made a motion regarding Article XVI Amendments, Section 300-78 Public hearing; notice of hearing, to recommend as proposed with referral to the Village Attorney for consistency within the law. Mr. Kuhn seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Kuhn, Sternberg

Motion carried.

Minutes

Mr. Berman made a motion to approve the minutes of June 17, 2014 as submitted. Mr. Sternberg seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Kuhn, Sternberg

Motion carried.

**137 Main Street (Vincent Carfagno / Cooperstown Cigar Company)9 Pioneer Street –
Proposed wall signage**

Mr. Hill asked Mr. Carfagno if there was something the board could help him with this afternoon.

Mr. Carfagno stated that he had submitted a sign application for Cooperstown Cigar Company.

Mr. Hill stated that he was not on the agenda and asked if his application had been complete.

Mr. Carfagno stated that he had turned in a complete application.

Mr. Austin stated that a complete application has not been received. He stated that Mr. Carfagno's application was received on July 10, two days after the deadline. He further stated that he met with Mr. Carfagno and informed him that he had missed the agenda deadline and that the following items were needed to complete the application. Mr. Austin stated that he informed Mr. Carfagno that he needed to submit information on the method of attachment, photos of the building, photos of the existing signage, photos of the adjacent buildings, and the square footage of all existing signage.

Mr. Carfagno stated that he has described the proposed sign in detail and the location is the same spot that has held signage for this property for years.

Mr. Hill asked the square footage of the proposed sign and of all of the wall signage at this location.

Mr. Carfagno provided the size of the proposed sign and stated he is not exactly sure of the square footage of the existing signs but feels it is over the allowed amount. He stated that there has always been a sign in this location so it shouldn't matter if the building is over the square footage for signage with this sign added as the building has previously approved for additional signage.

Mr. Sternberg stated that approving a sign is more complicated than an applicant may realize. He further stated that the board is willing to entertain the application but cannot just be thrown pieces of information and asked to make special consideration to the law. He explained that the board needs time to review the information and consider the request especially since it appears that the proposed sign will not meet the law.

Mr. Hill stated that he has been by the building and that the store front is very pleasant in appearance.

Mr. Kuhn asked what the total allowable square footage for the building is.

Mr. Austin stated that the building is allowed up to 40 square foot of wall signage.

Mr. Berman pointed out that a photo of the building which shows all existing signage has not been provided.

Mr. Austin stated that based on the sign records for the property and the new proposed sign size the total square footage for the building if this sign were to be approved would be 51.78 square feet.

Mr. Sternberg stated that if the sign met all of the requirements and does not need a variance he would be fine with granting approval but if it needs a variance or any other special consideration then a review is not appropriate.

Mr. Blabey asked if the building would qualify for the extra wall signage for larger buildings as defined by the law.

Mr. Austin stated that the parcel is 54 feet wide.

Mr. Hill stated that given the width of the building it does not qualify for extra wall signage.

Mr. Kuhn stated that as a body the board tries to be helpful and he understands that there was a timing issue as it relates to the submission of the application but the application seems simple and he does not want to see the applicant and business penalized.

Mr. Hill asked if the sign would fit inside the existing molding of the proposed location.

Mr. Carfagno stated that the sign would be inside and not cover the molding. He further shared the three different sign designs and details of each.

Mr. Blabey stated that all of the proposed signs are appealing. He stated that there is not any information regarding the other signs on the building.

Mr. Kuhn pointed out that this is the theater building and the marquee is on the front of the building.

Mr. Austin stated that it seems that the board is satisfied with the proposed sign design. He further stated that the concern becomes the required variance for the square footage of all signage on the structure. He stated that it can be dealt with but the board would need to do so carefully as another building on Main Street was denied a sign variance for signage in an area where signage had previously been placed.

Mr. Blabey asked what business was previously advertised on this section of the building.

Mr. Carfagno stated that the Sandlot Kid was in that location until the end of 2012 and the location did not have an occupant in 2013.

Mr. Berman pointed out that the application was not complete and because of such Mr. Austin was unable to review the application to determine if it meets the requirements.

Mr. Austin stated that the board has a few options in this scenario. He stated that should the board choose not to act on the application and Mr. Carfagno decided he needed a sign

regardless of the board's decision and put it in place without approval he would be issued a violation but would not be required to take the sign down. Mr. Austin would then file with the court and wait for a court date which would take a minimum of 30 days, but often longer, for the case to be heard. By the time the case is heard the tourist season will probably be over and Mr. Carfagno would take the sign down and no longer be in violation. He continued to state that the application could be treated in a similar manner to Mr. Bill Rigby where the applicant receives approval for the sign design and is allowed a temporary sign until a public hearing is held and action on the proposed variance is made. He explained that in the case of the second scenario Mr. Carfagno would be required to submit a complete application for the August meeting and a public hearing would be held in September.

Ms. Truax suggested that the board could also choose to set a public hearing tonight for the August meeting with the condition that Mr. Carfagno must provide the additional materials necessary to complete the application by a specific date, such next Tuesday, July 22nd.

Mr. Carfagno stated that he does not understand what is lacking from having a complete application.

Mr. Hill reviewed the application with Mr. Carfagno and pointed out the items that were missing.

Mr. Hill made a motion to grant conditional approval for the proposed Cooperstown Cigar Company wall sign while a variance is sought with the condition that all the required documents to complete the application be received within one week (by July 22, 2014). The sign, as indicated as option 3, may be installed in the proposed location but may not overlap the architectural elements, including the molding around the proposed sign location. A public hearing is set for 4:30 PM or as soon thereafter as possible for August 19, 2014 at which time the board will consider and make a determination on the complete application for a variance. Mr. Sternberg seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Kuhn, Sternberg

Motion carried.

Mr. Austin informed Mr. Carfagno that should the board deny the signage at their August meeting the sign would have to be removed and the Village in no way accepts any responsibility for expense which may incur to produce, hang or remove the signage.

Mr. Hill reviewed the elements of the application with Mr. Carfagno and indicated which items were still needed to complete the application.

Meeting adjourned at 7:14 PM

Respectfully submitted,

Jennifer Truax
Deputy Village Clerk