

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 March 15, 2016 at 4:30 p.m. Members in attendance were Chair – Eugene Berman, Paul Kuhn, Joe Membrino and David Pearlman. Member Richard Blabey was absent. Zoning Enforcement Officer – Albert Keck and Deputy Village Clerk – Jennifer Truax were also present. There were five members of the public present.

Mr. Berman called the meeting to order at 4:30 p.m.

### **Regular Agenda**

#### **21 Leatherstocking Street (Joe Festa and Gary Kiss) – Proposed signage for home occupation**

Mr. Berman reviewed the application for a sign for the home occupation at 21 Leatherstocking Street. He stated that the statute allows for one sign not to exceed 3 square feet for home occupations. He further stated that a special permit from the Zoning Board of Appeals will need to be granted for the home occupation and that any approval for signage tonight would be conditional on successfully obtaining a special permit for the home occupation. Mr. Berman asked Mr. Kiss if he had a preferred sign design of those submitted.

Mr. Kiss stated that he understands that a special permit will be required and has applied to the ZBA for a special permit for the home occupation. He continued to state that he prefers design number four as submitted for the proposed sign.

Mr. Berman made a motion to approve the sign design number for the home occupation at 21 Leatherstocking Street as submitted contingent on the receipt of a special permit from the ZBA for the home occupation. Mr. Membrino seconded the motion and the following discussion was held.

Mr. Kuhn asked where the proposed sign would be located.

Mr. Berman reviewed the proposed sign location as submitted.

Mr. Kiss stated that the sign would be secured to the porch railing with two angled brackets as indicated in option one.

Mr. Membrino stated that based on the fact that all proposed sign are conforming would it be appropriate to grant a broad approval which included the applicant's choice of any of the designs as submitted.

Mr. Kuhn stated that he would be in favor of that option.

Mr. Berman amended his motion to approve a sign for the home occupation at 21 Leatherstocking Street, with the applicant having a choice of one of the four sign designs as submitted and contingent on the receipt of a special permit from the ZBA for the home occupation. Mr. Membrino seconded the motion and a vote had the following results:

AYES: Berman, Kuhn, Membrino, Pearlman

Motion carried.

**9 Railroad Avenue (Randy Smith)** – Proposed signage to celebrate 75<sup>th</sup> anniversary of business

Mr. Smith explained that this year marks the 75<sup>th</sup> anniversary of Sperbeck's Grocery which was started by his great grandfather. He stated that they would like to place a banner below the existing sign to commemorate the long history of the store which is in its fourth generation of operation. He stated that he is here tonight for review and understands that additional information may be required and that approval may not happen this evening. He continued to state that they would like to have the approval in time to have the sign in place by mid-May.

Mr. Kuhn referred to section 227-6 Specific provision, B.(21)(b)(2)(a)(1)(g). He stated that his section allows for personal celebration signage which does not exceed 65 square feet.

Mr. Membrino stated that the proposed signage would not be for a personal celebration but rather for the celebration of a business.

Mr. Berman stated that the business is allowed a combined square footage of wall signage not to exceed 40 square feet. He asked Mr. Smith what the dimensions of the existing wall signage are.

Mr. Smith stated that it is less than 20 square feet. He stated that the sign is no more than 7 feet long by less than 2 feet high.

The board discussed the facilitation of the celebratory sign as an additional wall sign and the dimensions of both the existing sign and proposed banner.

Mr. Berman asked that Mr. Smith take exact measurement of the existing sign to be reviewed at the next meeting. He further asked Mr. Smith to provide a scale drawing to include the existing and proposed signage. Mr. Berman pointed out that proposed signage must be at least 8 feet above "ground" level.

Mr. Smith stated that he is sure there is at least eight feet of clearance between the bottom of the proposed sign and the ground. He explained that the stairs are covered so the ground would be the sidewalk.

Mr. Keck questioned whether or not banners are allowed.

Mr. Smith stated that the proposed sign is a banner but that it would be secured to the building and would not flap around too much.

Mr. Pearlman stated that he does not feel a banner would be inappropriate as it is obvious that it will be temporary.

Mr. Berman stated that he is not sure if the sign must be rigid.

Mr. Kuhn stated that banners are defined in the law.

Mr. Berman stated that they are also referenced. He continued to state he is not sure exactly what the law is regarding the use of banners.

Mr. Membrino suggested that if the sign must be rigid that maybe it could be affixed to a rigid plywood backing and then secured to the building.

Mr. Smith stated that would be feasible.

Mr. Pearlman asked if it would be more appropriate to have the sign on the side of the building rather than the front.

Mr. Smith stated that although it would be more visible during the street fair in May he feels that the best location would be the store front.

Mr. Berman stated that since more information is necessary to make a decision, including exact dimensions and a drawing which is to scale, he will review the law and inform Mr. Smith of any regulations regarding the use of banners and any other restrictions which may apply to this type of signage.

**19 Fair Street (Bernard Veik) – Advisory on business directional placard**

Mr. Berman reviewed the request for a business placard on the Village directional sign located at Main Street and Hoffman Lane.

Mr. Kuhn asked if that sign is currently full.

Mr. Berman stated that it is not full but the sign law limits the location of businesses which can place placards at that location. He cited section 227-3(A)(5)(a) which states *“Businesses located on Pioneer, Chestnut and Main Street west of Chestnut Street and Doubleday Court may place one six-inch-by-twenty-four-inch two-sided placard on the Village-owned business placard holder at the appropriate location on Main or Chestnut Street.”*

Mr. Keck pointed out that the Glimmerglass Queen Tour boat is currently advertised on the holder in question and is a greater distance from the holder than Mr. Veik’s business.

Mr. Kuhn stated that he believes that some of the existing placards were in place prior to the current sign law.

Mr. Berman further cited section 227-6(D)(2)(d)(1) which states *“The placard holders are to be affixed at the following locations: The intersection of Hoffman Lane and Main Street for the businesses located on Hoffman Lane and Stagecoach Lane.”* Mr. Berman pointed out that these two sections of the law clearly regulate exactly what business may have placards and where they are to be placed. He explained that given the details of the law the Planning Board may not grant this request.

Mr. Veik asked if he could apply for a variance.

Mr. Berman reviewed the criteria for a variance and stated that this request would not qualify for a variance. He stated that the only option would be for the Board of Trustees to make an amendment to the law.

Mr. Kuhn questioned why a variance could not be requested.

Mr. Berman reviewed the criteria and stated that the request is self-created and that the law is very specific on what business may use these sign holders.

Mr. Membrino stated that the geographic scope does not allow for a variance in this scenario.

Mr. Berman concurred and stated that a sign's size or location on the property owner's property could be granted a variance but a placard holder sign variance cannot be granted based on the property's geographic location.

### **Review of Zoning Law sections; 300-12 & 300-13**

Mr. Berman stated that Mr. Keck brought to his attention a mistake in Zoning Law sections 300-12(C)(3)(b) and 300-13(C)(3)(b). He provided the board with a copy of the statutes and a copy of page 5 of the Board of Trustees' March 25, 2013 minutes. He continued to state that on March 25, 2013 during Board of Trustees' review and approval of Local Law 5 of 2013, Trustee Falk recommended changing the word "exceed" to the words "be less than" in both sub-sections. He stated that the Trustees approved Trustee Falk's recommendation, but the change is not reflected in the current Zoning Law.

Mr. Membrino stated that based on this information it appears that the law was just published incorrectly.

Mr. Berman concurred and stated that the Planning Board should recommend that the Trustees correct the error.

The board concurred.

Mr. Berman made a motion to recommend that the Board of Trustees take whatever action necessary to correct the error in Zoning Law sections 300-12 and 300-13 to change the word "exceed" to the words "be less than" as set forth in the Board of Trustees March 25, 2013 minutes. Mr. Membrino seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Membrino, Pearlman

Motion carried.

### **Other Business:**

Mr. Berman stated that HPARB has asked the Planning Board to look at the current law and if possible recommend uniformity in the amount of time boards have to take action on an application. Mr. Berman provided the members of the board with information that HPARB's chair, Teresa Drerup, provided, that indicates different places in the law where boards are given time restraints to act on an application.

Ms. Truax explained that two recent HPARB demolition applications that required a special meeting due time restraints in the Zoning Law. She explained that the law requires HPARB to take action within 62 days from the acceptance of a complete application. She stated that the two applications required public hearings which were set for the next regularly scheduled meeting. Because HPARB did not have a quorum at the next meeting no action could be taken and the public hearings and actions were held over till the following month. However, since both of those months had 31 days if the board had waited till their next scheduled meeting the 62 day time limitation would have passed and the application would have been approved based on lack of action in the required time period. Ms. Truax stated that board member Dr. MacMillan caught the issue and a special meeting was called to act on the applications. She explained this situation brought to light that other board's timeclocks begin running at the opening of the public hearing and give them 62 days from the public hearing rather than the acceptance of the application giving them more flexibility in the time line. Ms. Truax stated that

HPARB has noted that there are many different timeclocks depending on the board and the action and are requesting that the Planning Board review these difference and see if there is a way to make it a more unified timeclock for all boards.

Mr. Berman stated that he would like to take some time to study both the Village law and State law to explore whether or not a more uniform timeline could be implemented. He stated that he will provided details regarding state law to the members by email for review prior to the April meeting.

Mr. Membrino asked if the state has a resource center to assist with these matters.

Mr. Berman stated that the NYS Department of State has a local government division that can provide guidance.

### **Minutes**

Mr. Berman made a motion to approve the minutes from the January 19, 2016 meeting as submitted. Mr. Pearlman seconded the motion and a vote had the following results:

AYES: Berman, Kuhn, Membrino, Pearlman

Motion carried.

Meeting adjourned at 5:21 PM

Respectfully submitted,

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Jennifer Truax  
Deputy Clerk