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The regular meeting of the Historic Preservation and Architectural Review Board (HPARB) of the Village of Cooperstown was held in the Village Office Building, 22 Main Street, Cooperstown, New York on Tuesday, February 10, 2016. Members in attendance were Chair – Teresa Drerup, Brian Alexander, Liz Callahan, Roger MacMillan and David Sanford. Also in attendance Deputy Village Clerk – Jennifer Truax. Seven members of the public were present.

Ms. Drerup called the meeting to order at 4:30 PM.

Regular Agenda

Minutes:

Dr. MacMillan made a motion to approve the minutes of the December 8, 2015 meeting as submitted. Mr. Sanford seconded the motion and a vote had the following results:

AYES: Callahan, Drerup, MacMillan, Sanford

ABSTAIN: Alexander

Motion carried.

Mr. Alexander made a motion to approve the minutes of the January 12, 2016 meeting as submitted. Ms. Callahan seconded the motion and a vote had the following results:

AYES: Alexander, Callahan, Drerup

ABSTAIN: MacMillan, Sanford

Motion carried.

Dr. MacMillan made a motion to approve the minutes of the February 4, 2016 meeting as submitted. Mr. Sanford seconded the motion and a vote had the following results:

AYES: Alexander, Callahan, MacMillan, Sanford

ABSTAIN: Drerup

Motion carried.

124 Main Street (Altonview Architects for BTP Cooperstown LLC) – Proposed roof replacement

Ms. Drerup recused herself at 4:32 PM.

Dr. MacMillan reviewed the application for roof replacement at 124 Main Street.

Mr. Ofer stated that the only visible exterior change will be the west wall of the structure, along the alley. He stated that the angle of the roof will change minimally. He further stated that there would be no other visual change to the structure.

Ms. Callahan 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: February 9, 2016

A resolution to approve the proposed roof replacement at 124 Main Street, Cooperstown, NY

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

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- *A public hearing is not required;*
- *The requirements of SEQRA have been met for this action;*
- *The structure is listed as non-contributing in the Glimmerglass Historic District Nomination Form;*
- *The proposed work will not have a significant impact on visual features of the structure;*
- *The proposed work meets the criteria under Section 300-26.E. (3)(a), (3)(b), and (3)(c).*

Section 300-26 of the Zoning Law having been met with regards to the proposed roof replacement at 124 Main 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 9th day of February 2016, determine that the work at 124 Main 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.

Mr. Alexander seconded the motion and a vote had the following results:

AYES: Alexander, Callahan, MacMillan, Sanford Motion carried.

The board determined this action to be a minor alteration for reporting purposes.

76 Fair Street (Altonview Architects for Scott & Jennifer Schwartz) – proposed partial demolition of existing residential structure and new addition

Ms. Drerup reviewed the application. She explained that the new plan will retain the oldest portion of the structure which is part of the existing streetscape. She stated that the only proposed changes to this portion of the residence is to remove the second front door and replace it with a matching window, remove the porch railing to give the appearance of more height, and the removal of the two unsupported chimneys. She continued to state that the proposed addition would be to the rear of the garage and go straight back which will increase the current setbacks and provide green space for the family. Ms. Drerup stated that she does not feel a variance will be required as the proposed addition would only be required to meet the 5'-15' side yard setbacks given the property width.

Dr. MacMillan asked if only the “greenhouse” would be demolished.

Ms. Callahan clarified that the middle section of the existing structure including the greenhouse would be part of the demolition.

Ms. Drerup reviewed the portions of the existing residence proposed to be demolished.

Mr. Sanford asked what window would be used to replace the door on the front of the residence.

Ms. Drerup stated that the residence already has replacement windows. She stated that an Integrity “insert” window would be used and that they are hoping to be able to reuse shutters from the rear of the residence. She continued to state that the front portion which will be retained currently has aluminum siding and they are currently unsure of the condition of any siding under the existing aluminum siding.

Ms. Callahan asked what the materials for the siding will be.

Ms. Drerup stated that it would be painted cedar clapboard.

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Ms. Callahan stated that she feels the proposed partial demolition and new addition is a better alternative than the initially proposed complete demolition and rebuild. She stated that the most historic portion of the residence is being retained and the plans are more in keeping with the law. Ms. Callahan continued to state that the law does not provide a clear cut determination as to when a public hearing is required. She stated that she feels that for this property a public hearing should be held, if for nothing more than to promote transparency.

Dr. MacMillan concurred. He reminded the board that once they accept the application as complete they will have 62 days to render a decision.

Mr. Ofer stated that he understands that the law regarding requiring public hearings for demolitions is currently slated to be changed. He expressed that he does not feel a public hearing is necessary for this project, especially as the law requiring public hearings is changing.

Ms. Callahan stated that there is a proposal to change the law regarding the requirements of public hearings for demolitions; however, the board is obligated to act under the current law until the proposed change has been adopted.

Mr. Ofer stated that he does not understand what the board has to gain by requiring a public hearing. He further stated that the board has already set precedence regarding public hearings for partial demolition by not requiring them in the pasts

Ms. Drerup read the definition of demolition and stated that during the past seven years HPARB has not required public hearings for partial demolitions.

Dr. Schwartz asked if there have been any applications for partial demolitions in the past.

Ms. Callahan stated that during her tenure on the board she does not recall reviewing an application for partial demolition.

Dr. MacMillan read the definition of demolition and stated that based on the current law the board must hold a public hearing for all demolitions, whole or in part.

Dr. Schwartz stated that she is just trying to understand why based on the new plans they are being required to have a public hearing. She stated that they are retaining the oldest portion of the structure and are only proposing a partial demolition.

The board reviewed the requirements for public hearings and reviewed past applications for partial demolitions.

Dr. Schwartz stated that the proposed partial demolition is for the "non-historic" portion of the residence.

Ms. Drerup stated that the proposed partial demolition is for the less historic portion of the residence which is not seen from the public way.

Mr. Alexander asked if there have been any previous applications for partial demolitions.

Mr. Sanford stated that there have been applications for partial demolitions but public hearings have not been required.

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Mr. Alexander asked if in the past public hearings have not been required for partial demolition why it is being required for this application.

Mr. Sanford stated he does not believe a public hearing is necessary based on previous precedent. He further stated that is one reason the law is being amended.

Dr. MacMillan stated that the law has not been changed at this time and the board must follow the current requirements of the law.

Mr. Sanford stated that the minutes reflect that public hearings have not been required for partial demolitions in the past including everything from windows, to steps, to porches, etc.

Ms. Callahan stated that the proposed demolition, although partial, is more significant than windows or front steps. She continued to state that she does not remember a demolition of this proportion during her time on the board.

Mr. Schwartz asked if 101 Walnut Street was required to have a public hearing.

Mr. Drerup clarified that she thought he was referring to 8 Walnut.

Ms. Callahan stated that the application for 8 Walnut Street was initially for a knee wall but as work began structural issues were uncovered that were problematic to the structural integrity of the building.

Ms. Drerup concurred that 8 Walnut was a systematic rebuild which became problematic and required special reviews. She continued to state that a similar situation occurred at the May residence in Lakeland Shores but that through a special meeting the board was able to hold a public hearing for this property.

Mr. Ofer asked if these property owners were cited for not going through the appropriate process.

Ms. Drerup stated that stop work orders were issued until the situation could be resolved.

Ms. Callahan read section 300-26.D (1)(c) which states *"If an application involves demolition, the Board shall hold a public hearing on the application. On all other applications, no public hearing is required, but the Board, in its discretion, may require a public hearing on any application where the Board deems a public hearing would be helpful in obtaining more information for rendering a decision, where a significant exterior alteration is proposed, where an application may present public controversy, or where other circumstances warrant it."* Ms. Callahan stated that the original application did see significant public controversy, and the proposed partial demolition and addition are both significant exterior changes to the property. She continued to state that she feels that requiring a public hearing is appropriate based on these factors.

Mr. Schwartz asked how "significant" is defined.

Ms. Callahan stated that no set percentage or number is given, it is discretionary. She stated that a couple of letters opposing the initial demolition were received, and there was attendance at both the first and second public hearing.

Mr. Schwartz stated that those in favor did not necessarily attend therefore the outcry would be skewed.

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Dr. MacMillan stated that he did not put on record previously, as he felt it was not relevant, the fact that at least three separate residents contacted him regarding their opposition to the proposed demolition but did not attend the second public hearing because he was able to inform them that the application had been withdrawn.

Dr. Schwartz stated that she does not feel it is appropriate to require a public hearing based on possible public outcry for the previous application demolition. She stated that this is a completely new application and only a partial demolition.

Dr. MacMillan stated that the public hearing allows for both sides to be heard. He stated that it is the board's obligation to adhere to the law and pay attention to what the public has to say.

Mr. Schwartz stated that the board cannot assume that the residents do not want the project based on a statement by the local press which headlined "Public Outcry."

Ms. Callahan stated that the members of the board all know how to weigh the media. She further stated that no decision is made based on an article in the newspaper. She continued to explain that she feels a public hearing is needed to ensure transparency and confidence in the law.

Mr. Ofer stated that his understanding of the law is that HPARB has purview over the street view. He further stated that the proposed work at 76 Fair Street will save the historic street view and remove the 1960s construction. He stated that the proposed plans are exactly how HPARB would want to see them. Mr. Ofer stated that it is not just about how much change is occurring but its relationship to the street view.

Ms. Callahan stated that this project will educate the public on the role of HPARB. She further stated that the public hearing may hold up the project for a month or so but in the long run it could save significant time if someone were to question the actions of the board and file a lawsuit regarding the property which holds the project up for an extended period of time.

Mr. Alexander asked for clarification on when public hearings have previously been required.

Ms. Drerup stated that in general public hearings have only been required for complete demolitions.

Mr. Alexander stated that the law does give the board discretion which would trump everything else and allow them to hold a public hearing if they feel it necessary for any reason.

Ms. Drerup stated that the Board of Trustees have requested that HPARB provide parameters for setting public hearings for demolitions as part of the proposed law change. She stated that the board would be reviewing this later in the meeting.

Ms. Callahan made a motion to set a public hearing for 4:30 PM or as soon thereafter as possible on Tuesday, March 8, 2016 for the partial demolition of 76 Fair Street. Mr. Alexander seconded the motion and the following discussion was held.

Mr. Alexander stated that the law needs to be clear on what will trigger a public hearing. He stated that it is not fair to an applicant to be held to standards which are discretionary.

Ms. Callahan concurred that the law needs further clarification.

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Ms. Drerup stated that the section 300-26.D(1)(c) gives four criteria under which the board could require a public hearing (1) obtaining more information, (2) significant alterations, (3) public controversy, (4) other circumstances. She asked if Mr. Alexander felt the reason for the public hearing should be cited.

Mr. Alexander stated that citing a reason would be appropriate but there is nothing to define significant.

Mr. Sanford stated that the wording might be amended to state significant to the street view.

Ms. Callahan amended her motion to read motion to set a public hearing for 4:30 PM or as soon thereafter as possible on Tuesday, March 8, 2016 for the partial demolition of 76 Fair Street due to the significance of the exterior alterations. Mr. Alexander seconded the motion and a vote had the following results:

AYES: Alexander, Callahan, MacMillan, Sanford Motion carried.

10 Beech Street (Sheila Hall) – proposed demolition of existing structure

Ms. Drerup returned to the board at 5:10 PM.

Ms. Drerup reviewed the application for the demolition of the existing structure at 10 Beech Street. She asked Ms. Hall if there was any proposed replacement structure.

Ms. Hall stated that there is not a replacement structure proposed that it would remain green space.

Ms. Drerup asked if the closest residence was on the same lot.

Ms. Hall stated that they are two separate lots but she owns both of them.

Dr. MacMillan asked when the structure was last used.

Ms. Hall stated that the previous owner stated that they did not know of it ever having been occupied so that would place its last use at least 20 or more years ago.

Ms. Drerup stated that due to the application being for a complete demolition it would require a public hearing.

Ms. Callahan made a motion to set a public hearing for 4:30 PM or as soon thereafter as possible on Tuesday, March 8, 2016 for the demolition of existing structure at 10 Beech Street. Dr. MacMillan seconded the motion and a vote had the following results:

AYES: Alexander, Callahan, Drerup, MacMillan, Sanford Motion carried.

Ms. Hall asked if the board would need additional information prior to the public hearing.

The board concurred that no additional information would be necessary.

Mr. Sanford suggested that she check with Mr. Clancy, DPW superintendent to ensure there is not water or sewer service which needs to be disconnected.

16 Susquehanna Avenue (Peter & Kristen French) – proposed work to existing exterior porch

Ms. Callahan asked Mr. French to explain what portions of the porch would be repaired. She stated that the application indicates post and decking but the additional material included railing and spindles.

Mr. French reviewed the application and indicated that the work would include a post, decking, railing and spindles.

Ms. Callahan asked if all of the materials would be composite.

Mr. French stated that it would all be Trex.

Ms. Callahan asked what profiles the spindles would be.

Mr. French stated that they would match what was currently on the existing porch.

The board reviewed the specific design of each component of the proposed work. They asked Mr. French to provide only the pages from the Trex documentation which indicate the exact design of the proposed materials to be retained for the record.

Mr. French did so.

Ms. Drerup questioned the replacement of the pilasters.

Mr. French stated that they are not removing the ends which are attached to the residence. He stated that only the deteriorated corner post would be replaced.

Ms. Drerup asked if the brackets would be retained, removed or replaced.

Mr. French stated that they would be retained and reinstalled.

Mr. Sanford clarified that the proposed work is basically a repair with a change in material.

The board concurred.

Dr. MacMillan 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: February 9, 2016

A resolution to approve the proposed porch repairs at 16 Susquehanna Avenue, 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 structure 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), (2)(c), (3)(a), (3)(b), (3)(c) and (4)(f).*

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Section 300-26 of the Zoning Law having been met with regards to the proposed porch repairs at 16 Susquehanna Avenue;

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 9th day of February 2016, determine that the work at 16 Susquehanna Avenue, 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.

Mr. Sanford seconded the motion and a vote had the following results:

AYES: Alexander, Callahan, Drerup, MacMillan, Sanford Motion carried.

The board determined this action to be a minor alteration for reporting purposes.

33 Nelson Avenue (Redpoint Builder for Mary Griffen) – proposed window replacement

Ms. Callahan asked why the choice of replacement window was six over six.

Mr. Horvath stated that the residence currently has many style windows including Prairie style, one over one and four lights in the attic. He stated that Ms. Griffen wants a gridded window and with no consistency in the existing windows this was her preference.

Ms. Drerup stated that one over one would be more appropriate. She asked Mr. Horvath if the existing windows were deteriorated.

Mr. Horvath stated that they are not deteriorated but that they are single pane and not energy efficient.

Dr. MacMillan stated that the proposed windows to be replaced cannot be seen from the street.

Ms. Drerup stated that the view from the public way is limited. She continued to state that given the number of style windows in the residence one over one would be more appropriate as a replacement as they are simpler.

Mr. Horvath stated that he agrees but his client would like six over six.

Ms. Drerup stated that the Glimmerglass Historic District Nomination Form indicates that the structure was built in 1886 making it possible that two over two would have been original.

Mr. Horvath stated that he believes that the nine over two over one windows may have been original to the structure.

Ms. Callahan agreed.

Mr. Horvath stated that Ms. Griffen is older and the replacement windows will not only increase energy efficiency but provide easier operation.

Mr. Sanford asked if the proposed windows are thermo-pane.

Mr. Horvath stated that they are.

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Dr. MacMillan stated that he is okay with the proposed window replacement.

Mr. Horvath stated that he is open to other grid patterns but knows that Ms. Griffen will not be okay with one over one. He reviewed the existing windows and their placement on the residence through photographs on his phone.

Ms. Drerup suggested a clear bottom sash with whatever configuration works on the top sash.

Ms. Callahan suggested six over one would be appropriate.

Ms. Drerup asked Mr. Horvath to clarify the make and model of the proposed windows.

Mr. Horvath stated that they are Marvin Integrity wood-Ultrex SDL.

Dr. MacMillan 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: February 9, 2016

A resolution to approve the proposed window replacement at 33 Nelson Avenue, 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 structure 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), (2)(c), (3)(a), (3)(b), and (3)(c).*

Section 300-26 of the Zoning Law having been met with regards to the proposed window replacement at 33 Nelson Avenue;

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 9th day of February 2016, determine that the work at 33 Nelson Avenue, 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 condition:

- *The light pattern of the windows be six over one.*

Mr. Sanford seconded the motion and a vote had the following results:

AYES: Alexander, Callahan, Drerup, MacMillan, Sanford Motion carried.

The board determined this action to be a minor alteration for reporting purposes.

31 River Street (Redpoint Builders for the McCoy Family) – proposed window replacement

Ms. Drerup reviewed the application and stated that the bay window is specifically called out in the Glimmerglass Historic District Nominating Form. She asked Mr. Horvath if he would be building a new window to match the existing.

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Mr. Horvath stated that was correct. He clarified that he would match the muntin size with mahogany and used vintage glazed glass to build the window and place a storm window on the exterior.

Ms. Drerup asked Mr. Horvath if he knows why there is currently no window.

Mr. Horvath stated that he does not believe there was ever a window in the structure. He stated that a photograph from the 1880s does not show any glass in this area and the interior originally had a flight of stairs.

Ms. Drerup stated that the Glimmerglass Historic District Nomination Form indicates the structure was built in 1853.

Mr. Horvath stated that he has information stating that the structure was built in 1840s with the addition in 1915.

Ms. Drerup stated that the Glimmerglass Historic District Nomination Form stated that the brick used were remnants of brick from the Mohican Lodge after it burnt. She stated that the nomination form indicates that it was built in 1853 with the addition added in 1903.

Mr. Horvath stated that information makes sense as some of the brick is visibly charred.

Ms. Drerup stated that this residence is an example of the addition being historic in its own right. She asked Mr. Horvath why they were proposing to remove the glass block.

Mr. Horvath stated that the owners do not like the glass block and that you cannot see out of them.

The board reviewed the Mr. Horvath the details of each of the proposed window replacements.

Ms. Drerup asked about the glass block openings on the rear (east side) of the structure.

Mr. Horvath stated that he will be back for replacement of those in the future. He explained that these three openings would view the river and the McCoys plan to make changes in this area to enhance this space in the future.

Mr. Sanford stated his belief that the glass block is not original, but was added for security purposes when artworks were stored in the basement.

Ms. Drerup questioned whether the existing east basement window is four over four.

Mr. Horvath explained that the original window is six over six but the storm window and the exterior bars on the opening make it appear as if it is four over four. He stated that he feels that the original windows were six over six.

Ms. Drerup asked if there are any photos of the residence at the NYSHA Library.

Mr. Horvath stated that he did not look.

Ms. Drerup stated that the basement window changes are not visible from a public way.

Mr. Sanford 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: February 9, 2016

A resolution to approve the proposed window repair and replacement at 31 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 structure 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), (2)(c), (3)(a), (3)(b), and (3)(c).*

Section 300-26 of the Zoning Law having been met with regards to the proposed window repair and replacement at 31 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 9th day of February 2016, determine that the work at 31 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.

Dr. MacMillan seconded the motion and a vote had the following results:

AYES: Alexander, Callahan, Drerup, MacMillan, Sanford Motion carried.

The board determined this action to be a minor alteration for reporting purposes.

Mr. Alexander left the meeting at 5:52 PM.

62 Grove Street (Ralph Wilkins for LPP Mortgage LTD.) – proposed window replacement

Ms. Drerup stated that she has been in contact with Mr. Wilkins and provided him with feedback about the proposed work. She continued to state that he chose to postpone the application for this evening and look at some other options for repair rather than replacement.

Other Business:

Ms. Drerup stated that she searched the law for reference to the words public hearing. She showed the members of the board a page of citations found in the law for those words. She stated that she feels that the law needs to be changed to provide consistency among all of the boards for decisions following or with the need for a public hearing.

Dr. MacMillan stated that the ZBA has 62 days from the close of the public hearing but HPARB only has 62 days from the acceptance of an application.

Ms. Drerup suggested that the board recommend that the Planning Board review the law and unify the length of time for which a board has to make a decision.

The board concurred.

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Ms. Drerup stated that Trustee Falk has requested that parameters be set for determining when a public hearing will be required for applications received by HPARB. She stated that the trustees feel that the law as proposed is too vague.

The board discussed possible parameters including deterioration, non-contributing, non-residential, etc.

Ms. Callahan stated that often the more specific the parameters the more issues arise. She further stated that in some cases an accessory structure might be more historic than a residential structure and creating guidelines as to exactly what will warrant a public hearing will be difficult as each case is different and it is hard to anticipate every possible scenario.

Ms. Drerup stated that the board may have to consider square footage or percentage of a structure.

Mr. Sanford suggested that the street view or historic significance may be a determining factor.

Ms. Drerup stated that many of the structures would not be individually listed on the National Register of Historic Places if they were not located within a historic district.

The board concurred that more time to develop criteria was necessary and deferred to the March meeting for further discussion.

Ms. Drerup asked the board to review the law regarding screening of rooftop mechanicals.

The board reviewed section 300-29 of the Zoning Law, specifically the sentence "*All exposed mechanical and electrical equipment located on the tops of buildings shall be buffered.*"

The board recommended that the Planning Board look at clarifying this statement to determine if it truly means all or just those located over the legal structural height limit.

Meeting adjourned at 6:16 PM.

Respectfully submitted,

Jennifer Truax
Deputy Village Clerk