

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 18, 2014 at 4:30 p.m. Members in attendance were Chair – Charles Hill, Richard Blabey, Eugene Berman, Chuck Knull and Richard Sternberg. Zoning Enforcement Officer – Tavis Austin and Deputy Village Clerk – Jennifer Truax were also present. There were two members of the public present.

Mr. Hill called the meeting to order at 4:31 p.m.

### **Regular Agenda**

#### **29 Pioneer Street (Lucy Townsend) – Preliminary review of proposed signage**

Ms. Townsend explained that the building where she ran The Firehouse Market, 59 Pioneer Street, has been sold and will be used for another purpose. She stated that she will be moving the business to 29 Pioneer Street and would like to move the existing sign to the new location. Ms. Townsend stated that unlike the current location where the sign projects from the building she would like to affix the sign to the railing as the business will be in the lower level, below ground, of the building where the Chocolate Studio was. Ms. Townsend stated that she understands that sandwich boards are not allowed in the Village and in addition to the sign on the rail would like to place a menu board sign at the entrance to the market at the bottom of the stairs. She continued to explain that she is aware that a complete application will be necessary and is prepared to submit an application for review at the April meeting if the board feels that the proposal might be acceptable. She stated that she does not want to waste anyone's time or any more money on pursuing signage that might not be acceptable.

Mr. Hill stated that the Planning Board looked at the signage of this building approximately one year ago when the Chocolate Studio applied for signage. He stated that the two existing rectangular signs required a variance. Mr. Hill stated that the signage proposed to be placed in the stairwell does not need approval as it cannot be seen from any public way. He continued to point out that the business would be entitled to place a placard in the building directory sign. Mr. Hill stated that the proposed sign on the railing could be considered a wall sign and asked the board how they felt about the sign being mounted to the railing.

Ms. Townsend stated that she feels that the sign will be more compatible on the railing than on the building as it does not match the existing signs on the building.

Mr. Blabey stated that there was a long and arduous discussion when the approval was given for the signage for the Chocolate Studio. He explained that although the signage is not being placed on a public street it is in an area where the public walks through regularly. He stated that he feels the area is semi-public. Mr. Blabey continued to state that in this case he feels the proposed location make more sense that mounting on the building. He explained that mounting the sign on the building could be confusing to potential patrons as it would not be located near any visible entrance. By mounting the sign on the railing it will help direct people down the stairs to the entrance and may eliminate the need for directional signage.

Mr. Austin stated that if the board would like to set a public hearing for the April meeting he will follow up with Ms. Townsend to ensure a complete application is submitted before next Tuesday.

A public hearing was set for 4:30 PM on Tuesday, April 15, 2014.

**19 Fair Street (Bernhard Viek) – review of parking plan for tourist accommodation renewal**

Mr. Hill reviewed the application describing the location of the property on the corner of Lake and Fair Streets. He explained that although there is a pathway and stairs on the rear of the residence that leads to the parking area, when approved, Mr. Viek requested that the plan would have the guest cross Fair Street, walk up the sidewalk, and cross Fair Street again at the corner of Fair and Lake Streets, due to the poor condition of the walk and stairs on the property. Mr. Hill explained that when the approval for the parking plan was given the Planning Board had requested that prior to the renewal of the permit they be given the opportunity to reevaluate the plan to ensure that it was working adequately and safely.

Mr. Austin stated that the tourist accommodation as well as a home occupation was approved two years ago but due to the home being in family trust, the tourist accommodation was not operated the first year. He stated that Mr. Viek did pay the renewal fee and operated the tourist accommodation during the 2013 season. He further stated that there have been no complaints or incidences relating to either the tourist accommodation or the home occupation. Mr. Austin stated that although the plan has guest crossing the street and using the sidewalk he believes that they most often use the walk on the property.

Mr. Hill stated that he spoke with Chief Covert and found that the police have not had to respond to any incidents at this location. He stated that the Planning Board could ask to review this plan annually but since there have not been any incidences he would recommend approval without annual review.

Mr. Austin stated that even without requiring annual review should any issues arise, a review will automatically be required.

Mr. Blabey made a motion not to require annual review of the parking plan for the tourist accommodation at 19 Fair Street, unless an incident occurs. Mr. Knull seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Knull, Sternberg

Motion carried.

**62 Main Street (Michael MacClintock facility supervisor for Community Bank) – proposed projecting sign**

Mr. MacClintock provided the board with additional representations including a diagram of the mounting brackets for the projecting sign(s).

Mr. Hill reviewed the application with the board. He explained that the bank has provided two options the first is to hang a projecting sign from the portico which would hang over the sidewalk. Mr. Hill stated that the sign meets all of the objective requirements, including the sign square footage limit for the business. He stated that the second option would be to place smaller signs in each of the side archways. Mr. Hill continued to state that the existing signage is recorded in the record as having maroon lettering with an antique white background with a flat luster.

Mr. MacClintock stated that the colors for the new would match the existing sign and the finish would be matte to eliminate any reflection.

Mr. Hill asked about the bracket that would support the proposed projecting sign.

Mr. MacClintock stated that the bracket would be constructed of aluminum and would wrap around the corner to provide enough support. He continued to state that it would be anchored with four lag bolts and would cover up two of the four inches of fascia board.

Mr. Hill stated that the area of the proposed projecting sign is 4.2 square feet and is within the regulations. He stated that the width of the proposed sign is 30 inches and asked Mr. MacClintock how far the sign would project from the building.

Mr. MacClintock stated that they would mount the sign as close to the building as possible, probably 2 – 3 inches from the building.

Mr. Hill stated that the two proposed signs would be considered suspended signs (wall signs), which would be mounted in the portico archways are 3.3 square feet each for a total of 6.6 square feet which is also within the sign law limits for total square footage of signage for the building as the existing wall sign is less than 30 square feet.

Mr. Sternberg asked if he was correct in inferring that either of the presented options are within the regulations.

Mr. Austin stated that it was true that either of the presented options are within the regulations. He continued to state that the Planning Board needs to make a decision on which signage is preferred, the projecting or the placement in the archways.

Mr. Hill concurred that the question for the board is a discretionary one as either option meets the objective requirements of the law.

Mr. Sternberg asked Mr. MacClintock which proposal was preferred by Community Bank.

Mr. MacClintock stated that when both proposed signs were shown to the regional vice president he preferred the projecting sign. He feels that it is more visible especially when driving down the street. He continued to state that he personally prefers the signs within the archways as he feels it fits the architectural feel of the building.

Mr. Austin stated that the silver color of the aluminum bracket for the projecting sign may be a sticking point for the board in regards to the projecting sign.

Mr. MacClintock stated that the aluminum bracket can be painted any color desired. He continued to state that it could even be painted two different colors to match the building and the sign if desired.

Mr. Blabey stated that at first he felt that signage in the archways would be the more appropriate option but after review he is concerned with the signs filling the archways and, will cause a loss in the ability to see and appreciate the architectural features of this unique building. He continued to state that he feels that the projecting sign would be a better option and would not be out of place as there are multiple projecting signs down Main Street.

Mr. Sternberg stated that this sign will project further over the sidewalk than the existing signs.

Mr. Hill stated that the sign law under section 227-1.B states that the intent of the law is to “(1) protect and enhance the Village’s historic structures.....(2) compatible.....to the building,....property....neighborhood, (3) minimize distractions.....” Mr. Hill stated that he feels that the proposed signs within the archways are more compatible architecturally, with regards to setbacks, and protruding into the public way.

Mr. Sternberg stated that he does not want to give up the architectural feature he is not in favor of the projecting signs projection into the public way.

Mr. Berman stated that he prefers the signs within the arches.

Mr. Knull stated that he prefers the projecting sign.

Mr. Austin asked Mr. MacClintock if a gap could be placed between the sign and the arch.

Mr. MacClintock stated that a gap can be left between signs and the structure.

Mr. Sternberg asked if a few inches could be left between them.

Mr. MacClintock stated that he believes that the proposed sign would leave a two inch space around the sign. He explained that the signs would be pressure mounted to prevent them from moving.

Mr. Blabey stated that with a gap around the sign which would allow for light to be present around the arch, the architectural features would not be disturbed to the same extent as if it were completely filled.

Mr. Sternberg made a motion to approve the option #2 of proposed sign for 62 Main Street, Community Bank, for signage to be placed in the arches of the portico with the understanding that a 2” space be left between the sign and the structure. The sign will use maroon with antique white background in a matte finish. Mr. Berman seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Knull, Sternberg

Motion carried.

### **Referral from Trustees proposed changes to the sign law**

Mr. Hill stated that at the last meeting on March 5, 2014 members of the board were provided with a copy of the proposed law, a flow chart of the review and approval process and a table which indicates what types of signs are allowed in what zones. Mr. Hill continued to state that based on the comments and questions from the March 5<sup>th</sup> meeting Mr. Berman wrote a draft response to the Trustees regarding the proposed changes. He stated that the original draft was circulated by email, and based on additional comments, the draft, as submitted tonight, was developed.

Mr. Berman reviewed the letter summarizing that the board felt that there is no issue in allowing the ZEO to take responsibility for the review and approval of the ministerial items relating to sign approvals. In addition the time line for the ZEO’s approval should be less than the allotted 21 days proposed, and that the discretionary review of signage should remain the responsibility of a board, not of a single person. He further stated that it is mentioned that maybe the Trustees

would prefer to have one board have the say on all discretionary reviews rather than the current configuration in which two board review discretionary items.

The board continued to review the draft letter as composed by Mr. Berman.

Mr. Blabey stated that it makes sense for one board to make all of the aesthetic decisions for the Village. He pointed out that with two boards making aesthetic decisions there is a chance that the work of one board could be undone by the other.

Mr. Austin stated that based on these recommendations there is no point in making any changes to the law as it does not streamline the process.

Mr. Sternberg stated that the ZEO should review and approve the objective portions of the sign. He stated that the ZEO should determine that the application meets the requirements of the law. He explained that from there a board should review the aesthetics. Mr. Sternberg stated that he does not think it is necessary to have two separate boards acting on aesthetic criteria of an application, whether it is for an exterior change to a structure or signs.

Mr. Austin stated that the sign law as currently written allows for that and therefore no change to the law would be required.

The board continued to discuss the need for a board (established group) of representatives to make the subjective decisions regarding sign applications.

Mr. Knull stated that he feels if the Pantone color chart is used, and the Village eliminates colors that they find offensive or out of character, then it may be possible to reduce the subjectivity of the approval.

Mr. Austin stated that the proposed law states that neon and similar intense colors should be avoided.

Mr. Berman stated that the statement is problematic because of the large range of color. He further pointed out that just because two colors are on an approved list does not mean that the colors will be compatible with each other.

Mr. Blabey stated that the problem with two separate boards making aesthetic decisions is that there is the possibility that HPARB may make a decision which requires the maintenance of specific trim molding and then when a sign is applied for the Planning Board makes a decision which allows the applicant to place a sign over the molding that HPARB felt was of historic significance. He stated that he feels that it makes sense for one board to make all of the subjective decisions regarding aesthetics.

Mr. Austin stated that it was his understanding that the Trustees are looking to change the law in a way that an applicant can come in and have their application reviewed and accepted without a board review.

Mr. Blabey stated that Trustee Allstadt was at the March 5<sup>th</sup> meeting and when asked if the Trustees wanted to allow the businesses to do anything visually, he replied that he did not feel that was the intent but that they felt that the process needs to be simpler and quicker so as not to continue to give the perception that the Village is difficult to work with.

Mr. Austin stated that he currently reviews applications to insure that the objective criteria has been met but the Board then reevaluates it.

Mr. Hill stated that there are situations in which the proposed sign meets the objective criteria but due to some circumstance aesthetically, the objective criteria needs to be modified.

Mr. Austin stated that there is a problem with a law that allows you to put up a sign which the board feels is not compatible with the requirements of that law.

Mr. Sternberg stated that the problem with any law is that when developed something always gets missed there is no possible way for the developers to think of every possible scenario.

Mr. Hill stated that he does not feel that it is necessary to refer the subjective portions of sign approvals to HPARB. He stated that the criteria listed in the purpose and intent portion of the law gives the Planning Board the tools to make these decisions. If it's too big, reduce it. If the color is not compatible, change it, if an historic feature is affected, figure out a way to work around it. He asked what would happen in a case where a variance is required and HPARB is doing the sign approvals.

Mr. Blabey stated that variances are objective not subjective and if a variance is needed that it would come to the Planning Board. He further stated that he feels that the Trustees should be given the information regarding the option to consolidate these decisions to one board. He continued to state that the Trustees need to look at all of the options, and effects, before making a decision. He pointed out that the Planning Board does not necessarily need to recommend the option but it should at least make the Trustees aware.

The board concurred that this option should be given to the Trustees.

Mr. Berman stated that he would revise the letter and circulate it by email for final questions and comments.

Mr. Knull stated that he still feels that some sort of color elimination should be looked at as it would make the board's decisions less subjective. He stated that a list of acceptable Pantone colors could be developed. He stated if this type of list is developed, it may eliminate the need for some applications to be heard by a board.

Mr. Austin pointed out that two acceptable earth tone colors used together may be offensive.

Mr. Berman stated that in order to develop a list of acceptable colors it would have to break the colors down into acceptable background colors and other acceptable colors.

Mr. Knull asked how many times do signs applications come in with colors that are inappropriate or do not work together.

Mr. Hill reviewed the Italian Ice signage which after installation many people, including the Board felt was intrusive. Also the yogurt business on Pioneer Street which was approved last year but which required the owner and Board to work cooperatively to come up with color combinations that will meet the owner's needs without being out of character with the neighborhood. Mr. Hill stated that it is often a balancing act.

Mr. Sternberg asked if any of the Board members remember the show from the 1960s called Prisoner. He pointed out that in that show everything was uniform. He continued to state that he thinks that everyone agrees that that is not what is wanted for the Village and if a color pallet is developed it may be so restrictive that the Village begins to look like that town or if left larger could create situations where aesthetically the colors do not work together. Mr. Sternberg stated that it only makes sense for a committee or board to make discretionary decisions on items such as color.

Mr. Hill stated that it is worth noting that over the last year 53 signs have been approved by the Planning Board, while only one has been denied.

Mr. Austin stated that based on the feeling that the compatibility of signs needs to be reviewed by a board then there is no reason to make any changes to the existing law.

Mr. Hill asked the Board what they want to recommend, if anything, in regards to acceptable sign colors.

Mr. Blabey stated that in theory it is a good idea to develop a list of acceptable colors but figuring out where to draw the line will be difficult.

Mr. Sternberg stated that a list of acceptable colors could be done but it is unrealistic to think that you could eliminate all colors which may be incompatible.

Mr. Knull stated that maybe neon could be eliminated.

Mr. Hill asked if the Board is okay with the elimination of colors as identified in the proposed law.

Mr. Hill pointed out that the page with the sign diagrams is missing from the proposed law and that Table 1 is full of errors.

Mr. Austin stated that the diagram page will be included it was just not available electronically and that the table was recreated as it could not be located. He pointed out that the public has commented that the table is confusing. Mr. Austin stated that the table may need to be redesigned.

### **Referral from Trustees proposed change to “Non-Conforming” text [300-50.B(2)]**

Mr. Blabey reviewed with the Board the handout regarding the proposed non-conforming use amendment. He stated that after a review of the law he finds that no law change is necessary for the property at 75 Chestnut Street to expand within the structure.

The board reviewed Mr. Blabey’s findings and its impact on the property at 75 Chestnut Street.

Mr. Austin stated that although this information may provide for the property at 75 Chestnut Street, it does not answer the question posed by the Trustees.

Mr. Blabey concurred that the findings would not take care of expansion at Bank of Cooperstown which would eliminate the residential use. He continued to state that the Bank may be able to argue that when the law was enacted the structure was completely commercial and therefore it may go back to its original use.

Mr. Hill stated that the request from the Trustees did not mention any specific property but just to look at the change in general.

Mr. Knull stated that although this determination works for one property it may not work for another.

Mr. Austin pointed out that Lakefront Hotel was required to get a Special Permit before proceeding with their changes even though they were a legally existing non-conforming mixed use.

Mr. Blabey stated that 75 Chestnut Street would not be modifying their use.

Mr. Austin stated that they would be changing the use of the second floor.

Mr. Blabey stated that the property only has one use which is mixed occupancy; nowhere does it say that the proportion of occupancy cannot be changed.

The Board discussed mixed occupancy and its meaning in relation to the law.

Mr. Austin stated that the Trustees asked if we care what happens inside a building as long as there is no effect on the neighborhood or exterior.

Mr. Knull stated that a building with two purposes should be allowed to flux the percentage of use depending on the occupants needs.

The Board continued to review the language of the proposed text change and what properties might be affected by the change.

Mr. Sternberg made a motion to recommend to the Trustees that the proposed change to "Non-Conforming" text [300-50.B(2)] be approved. Mr. Knull seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Knull, Sternberg

Motion carried.

Mr. Hill asked if non-conforming in this context just means for the principal use of if it also applies to the accessory use.

Mr. Blabey stated that non-conforming principal use would only have a non-conforming accessory use.

Mr. Hill stated that he feels that the Trustees should discuss what this might mean as it relates to the text change and effected properties within the Village. He continued to ask if the ZBA would give a use variance for parking if it was denied by the ZEO.

Mr. Austin stated that expanding parking would have an impact on the public therefore it would not be allowed. Mr. Austin shared Village zoning maps which have been overlaid to show the properties in which this law could have an effect. He explained that sixteen properties within the Village have a commercial tax zone but are located in a residential zone. He stated that eight of those sixteen properties have special use permits. One of example of an allowed use is apartments; two of the remaining properties are apartments. Mr. Austin stated if we then remove the properties occupied by Woodside Hall and Bassett, leaving only a few properties

which would be effected by this law including: Deysenroth's Funeral Home, Mohican Motel, AAA, NY Pizza and the Bank of Cooperstown. Mr. Austin stated that this was based on the tax code and there may be some error but it does provide a fairly good representation.

Mr. Austin pointed out that change in use from a two family residence to three family residence would be a change of use and that an increase in the number of rooms for a tourist accommodation would not fall under this law because it would require an increase in parking. The required parking will eliminate many of the changes which could be problematic.

Mr. Hill stated that the change of proportion of commercial in a residential property does not seem to be a problem with this text change. He asked if a change in the percentage of the residential portion would be a problem.

Mr. Austin stated that he does not believe that the text change allows that to happen. He stated that the only property he sees that being allowed at is Tillapaugh's Funeral home which has an established parking area; all other properties would require an increase in parking to meet the parking requirements as established in the law.

Mr. Hill stated that there are other options which could resolve this issue and not require a text change, such as reverting back to the original zoning district.

Mr. Austin agreed that the area could be rezoned.

Mr. Hill stated that another option would be a planned unit development.

Mr. Hill asked if the Board had any additional comments which should be provided in the recommendation to the Trustees and whether Mr. Blabey's determination should be included.

The board concurred that the Trustees should be provided with this information so that they can make the most informed decision.

### **Final Site Development Plan review of comments**

Mr. Hill provided the board with a written comparison and reviewed the comparison between the current and proposed law.

### **Harrison House (Templeton Foundation) – Change to parking flow**

Mr. Hill stated that an application to change the traffic flow of the parking area is expected next month. He stated that Bassett has indicated that the change is due to safety considerations in an area of heavy pedestrian use.

Mr. Austin shared with the Board the original circulation plans for this area. He stated that the only change to the plan is to reverse the exit and entrance. He stated that the number of parking stalls will not increase but that some areas of the lot will be restriped to conform to the traffic flow. Mr. Austin explained that the current exit requires vehicles to pull into the sidewalk area and it is reported that there have been incidences where accidents have narrowly been avoided. He further explained that by reversing the entrance and exit this area will become the entrance and the line of sight for the vehicle looking for pedestrians will be unobstructed as they will still be in the street. In addition the exit will be in an area with little pedestrian traffic and lighter traffic.

Mr. Sternberg made a motion to approve the request to reverse the exit and entrance at the Harrison House parking lot from what was designated in the original site plan. Mr. Blabey seconded the motion and the following discussion was held.

Mr. Hill stated that he would caution against jumping to any conclusions. He stated that when originally approved the decision was based on a professional study which determined that the current configuration was most effective and had the least amount of impact on traffic flow. He stated that he is not sure if pedestrian traffic was taken into consideration but he feels it is worth taking some time to review the situation and the details of the study which was done at the time of initial approval.

Mr. Sternburg stated that he can see Mr. Hill's point but the lines of sight are terrible with the current exit and even though it might have some impact on traffic flow the safety concerns with the current configurations are great.

Mr. Blabey stated that the traffic on the street in this area should be moving fairly slowly due to the impending curve.

The board discussed personal encounters with safety at this location.

Mr. Hill questioned whether this change was in part due to future plans for development which Bassett has not yet revealed.

Mr. Austin stated that even within the inner circles that he is involved in he has not heard any talk about development in this area.

AYES: Berman, Blabey, Knull, Sternberg

NAYES: Hill

Motion carried.

### **Minutes**

The board held over any action on the minutes from the February 18<sup>th</sup> and March 5<sup>th</sup> meetings until April 15<sup>th</sup>.

Meeting adjourned at 6:56 PM

Respectfully submitted,

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Jennifer Truax  
Deputy Village Clerk