

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 December 16, 2014 at 4:30 p.m. Members in attendance were Chair – Eugene Berman, Richard Blabey, Paul Kuhn, and Richard Sternberg. Member Chuck Knull was absent. Zoning Enforcement Officer – Tavis Austin 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

**54 Main Street (Lucy Townsend – LM Townsend Catering)** – proposed window/wall sign and a projecting sign

Ms. Townsend provided updated renderings of the proposed signage. She explained that the idea for the business comes from the fact that food trucks are not allowed in the village and this business will serve foods which are often served from food trucks. She shared the details of the sign to be placed on window as well as the projecting sign.

Mr. Austin stated that as Zoning Enforcement Officer he has made the decision that the one sign is a window sign and therefore does not require review. He further stated that the projecting sign is within the legal limits for signage but the existing bracket places the sign less than eight feet off the sidewalk. Mr. Austin explained that the projecting sign is hung in an area where the railing for the building steps prevent people from walking under the sign and therefore the existing height should be acceptable.

Mr. Sternberg asked how the determination that the sign is a window sign and not a wall sign was made.

Mr. Austin stated that due to the sign being attached to the window it falls within the definition of a window sign even though it meets the definition of a wall sign as well.

Mr. Berman referred the board to section 227-6 (A) (19) of the Sign law which deals with window signs.

Mr. Blabey stated that window signs were a topic of extensive discussion when the sign law was rewritten. He explained that the board, at that time, discussed what constituted a window sign, interior or exterior placement, a display versus a sign, if the law should only allow a certain percentage of a window to be covered and if a glass door was also considered a window sign for the purpose of signage.

Mr. Sternberg stated that the Corn Dog Company sign was recently discussed and reviewed by the board. He asked why this was not considered a window sign.

Mr. Austin stated that the Corn Dog Company sign was reviewed due to its illumination. He explained that the sign itself was fine only the illumination was an issue. He continued to state that although he has made the decision that the sign is a window sign but the board has the right to make a different interpretation and overrule his decision.

The board reviewed the section of the law and the definitions regarding wall and window signage.

Mr. Austin stated that the other business located in that building, Green & Green Law Office, is developing a wall sign. He further stated that should the board determine this sign to be a wall sign they will also need to make a determination as to why it is a wall sign versus a window sign so that he has clarification for future applications and what the square footage of the sign is so that Green & Green Law Office will know how much signage they are allowed.

Mr. Kuhn stated that the sign is within the limits of a wall sign.

Mr. Austin stated that since the adoption of the most recent sign law, he has not paid any attention to anything in the windows or on the doors of the business district. He pointed out that most signs on the windows and doors meet the definition of a wall sign. He explained that the only real difference in this application is that it is a ridged material secured to the framing rather than a cling.

Mr. Sternberg asked what would prevent an owner from constructing a large window to use exclusively to get around the sign law.

Mr. Austin stated that any change to a building including adding or changing windows would be reviewed by HPARB.

Mr. Blabey stated that most business owners appreciate the use of storefront windows for natural light, allowing people to look in and determine if it is a store they would enjoy visiting, and added security. He further stated that if the concern is a business covering 100% of the glass with signage he does not feel that, in the majority of the cases, this will happen as it is not a benefit to the business.

Mr. Sternberg made a motion to determine that the sign as presented for installation on the window at 54 Main Street is a window sign. Mr. Blabey seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Sternberg

NAYES: Kuhn

Motion carried.

The board reviewed the application for a projecting sign.

Mr. Blabey stated that the board recently allowed Mr. Jason Tabor to place a projecting sign at less than the required height with the condition that something be placed underneath the sign which would prevent traffic of any kind passing underneath the projecting sign. He continued to state that the railing for the steps on this building serve that purpose in this situation.

Mr. Berman stated that should the railing be removed the sign would be in violation.

Mr. Blabey made a motion to approve the projecting sign for 54 Main Street as submitted with the understanding that the railing must remain in place to prevent traffic from passing under the projecting sign which is installed at a height which is less than the required distance from the sidewalk. Mr. Sternberg seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Sternberg

Motion carried.

**Minutes:**

Mr. Kuhn made a motion to accept the November 18, 2014 minutes as presented. Mr. Sternberg seconded the motion and a vote had the following results:

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

**Other Business:**

Mr. Berman reported that an ad hoc committee including members of the Board of Trustees, the ZBA, and the Planning Board has been preparing a draft PUD/PDD (planned unit development/planned development district) Zoning law amendment. He explained that Mr. Matt Rogers was retained to develop the law but decided that Mr. Roger's draft was too long and complex for the Village's needs. The committee is continuing to work on the development of the law and he will circulate the draft of the law once the revisions are complete.

The board discussed the purpose for a PUD and how it would affect the application process.

Mr. Berman informed the board that Local Law 16 of 2014 concerning Zoning law amendments has been passed by the Board of Trustees. He explained that the Zoning law amendments were originally included in the proposed Hospital Zone law but after some controversy the Trustees separated out the portion regarding the Hospital Zone and proceeded to pass the zoning law modifications.

Mr. Sternberg asked if the Hospital Zone was defeated.

Mr. Berman stated that the law regarding the Hospital Zone has been tabled at this time due to a large number of objections.

Mr. Blabey explained that Local Law 16 of 2014 took care of many minor issues throughout the Zoning law which the Planning Board has reviewed and passed on with recommendations to the Trustees over the last 5 or so years. He stated that an example of one of those recommendations was to decrease the required size of a parking space from 20 to 18 feet.

Meeting adjourned at 4:59 PM

Respectfully submitted,

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Jennifer Truax  
Deputy Clerk