

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 June 16, 2015 at 4:30 p.m. Members in attendance were Chair – Eugene Berman, Richard Blabey, Paul Kuhn, and Richard Sternberg. Zoning Enforcement Officer – Tavis Austin and Deputy Village Clerk – Jennifer Truax were also present. There were four members of the public present.

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

Minutes

Dr. Sternberg made a motion to approve the minutes from the May 19, 2015 meeting as submitted. Mr. Kuhn seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Sternberg

Motion carried.

Public Hearing

25 Lakeview Drive South (Susan Snell, architect for the Booker family) – Public Hearing for site plan review for a new construction in the Waterfront Development Overlay district

Mr. Berman opened the public hearing at 4:31 PM and asked for public comment. There was no public comment at this time and Mr. Berman stated that he would hold the public hearing open and continue with the agenda to allow for parties who may be late to arrive.

Regular Agenda

149 Main Street (Webster) – proposed re-facing of existing wall and projecting signs

Mr. Austin reviewed the application and explained that the applicant is requesting to re-face the signs from Alex & Ika's with the new business name. He stated that all dimensions and placement would remain the same the signs would just have new copy.

Mr. Berman stated that the projecting sign is not the required 8' above the sidewalk.

Mr. Austin stated that although it is not 8' above the sidewalk it is not in a location that a pedestrian can walk under the sign as this area is "chained" off.

Mr. Kuhn stated that it would have been nice if Mr. Webster had applied and obtained a permit prior to the installation of the signs.

Mr. Austin stated that he spoke to Mr. Webster prior to the re-facing of the sign and Mr. Webster indicated that he would not put in an application until after the announcement of the new restaurant. He further stated that Mr. Webster had expressed that he would be willing to pay a fine if necessary. Mr. Austin continued to state that once written notice of the violation was given to Mr. Webster he complied with Mr. Austin's time constraints for the application's submission.

Mr. Blabey made a motion to approve the wall and projecting signs for 149 Main Street as submitted. Mr. Kuhn seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn

NAYES: Sternberg

Motion carried.

Dr. Sternberg stated that although he feels that the new signage looks great and it meets the criteria of the sign law he is voting against the application due to the lack of complying with the law. He stated that he does not feel anyone is above the law and everyone needs to comply with the law and the appropriate process.

Mr. Berman stated that although he agrees that no one is above the law and that all parties need to comply with the law and process the Planning Board is a regulatory board and has no jurisdiction over enforcement.

Dr. Sternberg stated that since the Planning Board is a regulatory board he changes his vote from nay to abstain.

Mr. Kuhn stated that the way Mr. Webster choose to facilitate the re-facing of the signs is not a good way to do business. He stated that the Planning Board is very receptive and has a quick turnaround rate and there is no reason for any business not to follow the appropriate steps for approval of signage.

19 Fair Street (Viek) – proposed freestanding signage for a home occupation and tourist accommodation

Mr. Austin reviewed the application stating that Mr. Viek has permits for both a home occupation of canoe and kayak rental as well as a tourist accommodation at his residence. He stated that Mr. Viek proposes to combine signage for both businesses into one “master signage plan.” He explained that both businesses would be named on one sign fashioned to look like one of the DEC signs as seen in the application and placed at the existing driveway. He stated that the square footage of the one sign would be equal to the combined square footage of the two allowed signs for the businesses. He further stated that no other signage would be displayed on the property.

Mr. Blabey questioned the legality of the allowed square footage for the separate uses being combined to create one larger sign.

Dr. Sternberg stated that as a master sign plan the two entities could be combine in one sign and would still conform.

Mr. Austin explained that it is merely a matter of combining the allowed square footage for signage for a home occupation and for a tourist accommodation to determine the total square footage of signage allowed for those uses on that property.

Mr. Blabey stated that he would like to know where in the law that is allowed. He stated that the intent of the law regarding signage for TA and home occupations was to limit the signage in residential districts. He further asked what would prevent a home owner from having six home occupations and a tourist accommodation and have one very large sign, of combined square footage amounts.

Mr. Austin stated that Mr. Viek could legally install one post and mount signs for both businesses on that post. He explained that although the signs would be separate they would have the same square footage of signage.

Mr. Blabey asked if the law regulates the number of tourist accommodations or home occupations which can occupy one residence.

Mr. Austin stated that it does not but each use requires a review by the ZBA and the granting of a permit. He explained that there are regulations regarding parking, etc. that would limit the number of home occupations in any given residence.

Mr. Blabey asked the number of residences in the village which currently have multiple home occupations.

Mr. Austin stated that he does not know that number.

Mr. Kuhn stated that it is conceivable. He pointed out that the Rigby family has two home occupations and a tourist accommodation in their residence.

Mr. Austin stated that it is conceivable but the law is silent on the issue.

Dr. Sternberg stated that he feels that one combined sign is more visually appealing than multiple signs. He asked if the sign would really look like a DEC sign which is wood and has painted indented letters.

Mr. Austin stated that it would and reviewed the design proposal.

Dr. Sternberg stated that he does not feel there are any aesthetic issues if they actually constructed what is being proposed but without a concise plan as part of the application it is difficult to know that this is what will be created.

Mr. Kuhn stated that he would like to see the proposed sign prior to its installation.

Dr. Sternberg suggested approval as presented with the condition that the sign be seen by the board prior to installation.

Mr. Berman made a motion to table the application for a new freestanding sign at 19 Fair Street until such time that the applicant provides an accurate image of the proposed sign. Dr. Sternberg seconded the motion and a vote had the following results:

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

Mr. Blabey stated that the law should be reviewed for clarification on multiple signs being allowed in the residential district. He stated that the intent was to limit the amount of signage in the residential district and he does not want to see individuals being able to slice and dice the law to get around the law.

Dr. Sternberg made a motion to add the review of the sign law, specifically signage for tourist accommodations and home occupations, to the July 21, 2015 agenda. Mr. Berman seconded the motion and a vote had the following results:

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

1 Atwell Road (MIBH) – trustee referral – special use permit for hospital connector

Mr. Austin reviewed the application by MIBH for a connector between two existing buildings located on top of an existing structure. He explained that due to the hospital being located in a residential district it requires a special use permit for the proposed addition. He further stated that the proposed addition does not change the footprint of the structures, the required parking etc. He explained that the proposed addition is just a “hallway” which connects two existing building which will allow access to additional elevators.

Dr. Sternberg asked if the application requires a public hearing.

Mr. Austin stated that the application will require three public hearings, one by the BOT for the special use permit, one by the ZBA for the height variance and one by the Planning Board for the site plan review.

Dr. Sternberg asked what the role of the board is today.

Mr. Berman stated that the Planning Board needs to review the application and determine whether or not it is complete.

Mr. Kuhn stated that he feels that the application is complete.

Mr. Austin stated that the application is technically not complete for site plan review but it seems obscure since the site is not changing.

Mr. Kuhn stated that as a practical matter the proposed addition will only be seen from a limited number of locations.

Dr. Sternberg stated that the site is not changing and asked if the board could accept the site plan previously submitted and approved.

The board reviewed the application and the process required for the special use permit. The board continued to review section 300-42 objectives pertaining to site plan review and this application.

Mr. Berman made a motion to report to the Board of Trustees, based on the application as submitted, that the project appears to adhere to and meet the objectives of the law as cited in section 300-42. Mr. Blabey seconded the motion and a vote had the following results:

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

Continuation of Public Hearing

Continuation of 25 Lakeview Drive South (Susan Snell, architect for the Booker family) – Public Hearing for site plan review for a new construction in the Waterfront Development Overlay district

Mr. Berman asked if there was any public comment. There was no public comment and Mr. Berman closed the public hearing at 5 PM.

Dr. Sternberg questioned the 17 foot setback where 20 feet is required.

Mr. Austin stated that the applicant has received a variance from the ZBA to encroach 3 feet into the setbacks at that point.

Mr. Berman asked Ms. Susan Snell, architect for the project, to review the site plan.

Ms. Snell stated that the application is for a new single family residence to be built on a vacant lot within the Lakeland Shores Development. She stated that the property is fairly long and parallels the street. She stated that the setbacks are large but have been met with the exception on one variance for three feet which has been granted. She explained the resident design and the parking areas. Ms. Snell further reviewed the proposed tree removal and stated that one of the two trees indicated on the plans will probably be removed due to its proximity to construction and the second may need to be removed due to poor health. She stated that an arborist will be looking at the tree and providing a statement as to the health of the tree. She explained that the property owners intend to plant additional trees with their landscaping.

Mr. Berman asked Mr. Forbes, project engineer, to review the storm water drainage plan.

Mr. Forbes stated that there is an existing roadside ditch which will be utilized along with a dry well. He pointed out sediment control which would be in place during construction and indicated that village staff had been involved in the review of the storm water plan.

Ms. Snell stated that the sewer lines were relocated to accommodate the build.

Dr. Sternberg made a motion to approve the final site plan for 25 Lakeview Drive South as submitted. Mr. Kuhn seconded the motion and a vote had the following results:

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

Mr. Berman provided for the record a copy of the publication notice for the public hearing.

Other Business

Dr. Sternberg questioned the tree law and what the legal process was when a property owner was removing a dead or diseased tree.

Mr. Austin reviewed the current law and stated that Village Attorney Martin Tillapaugh has stated that a statement from a tree professional, not the applicant, must be received. Mr. Austin further stated that he should be notified of any tree removal prior to the removal regardless of the reason.

Mr. Berman stated that he meet with the Tree Committee and requested input about the tree law. He stated that once the recommendations from the Tree Committee are received the Planning Board will be taking an in depth look at the law regarding tree removal.

Mr. Berman stated that Local Law 16 of 2014 amended the requirements for a Site Plan Review. He stated that the law previously required a site development plan for all "principal" use but the amendment to section 300-41(A) deleted the word "principal." As currently worded, section 300-41(A) requires a site development plan for all uses. He suggested that the board review this change to the law for discussion at the July meeting.

Mr. Austin stated that it now refers to all uses which require a site plan review except those uses listed in the law.

Mr. Berman stated that the new wording seems to still follow the site plan review standards but he feels it would be beneficial to review and discuss this change at the July meeting.

Dr. Sternberg asked if there is any preparatory material that the board should review prior to the meeting.

Mr. Berman stated that he would email the members any materials that he can.

Meeting adjourned at 5:25 PM

Respectfully submitted,

Jennifer Truax
Deputy Clerk