

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 August 18, 2015 at 4:30 p.m. Members in attendance were Chair – Eugene Berman, Richard Blabey, Paul Kuhn, Joe Membrino and Richard Sternberg. ZEO Tavis Austin and Deputy Village Clerk – Jennifer Truax were also present. There were eight members of the public present.

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

### **Regular Agenda**

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

Mr. Austin reviewed the application and stated that included in the file is the information provided to the Board of Trustees for the special permit as well as the information provided to HPARB for the Certificate of Appropriateness. He further stated that an aerial photo has been provided to show the site plan. He explained that the site development plan review is required due to the necessary special use permit but the footprint will not change. He further stated that the areas which require review will not change with the proposed connector.

Mr. Berman stated that the board is required to hold a public hearing.

Mr. Blabey asked if the public hearing is necessary as there are no real changes that effect the existing site plan.

Mr. Kuhn stated that there is really no need for a public hearing for this project.

Mr. Austin stated that the only reason that the project is before the Planning Board is that the special use permit requires that any project with an exterior change have a full site plan review by the Planning Board. He pointed out that the same project, if it could be completed inside existing structures would not require a site plan review.

Mr. Blabey stated that since the site plan is not really changing and the site plan was previously reviewed and approved it seems redundant to spend time reviewing it again.

The board discussed how a special use permit triggers a site development plan review and situations in which this additional review is unnecessary.

Mr. Berman stated that under section 300-44.B a public hearing is required for this project.

Mr. Austin stated that the project has already undergone two public hearings, one by the ZBA and one by the BOT. He stated that no public comment was received at either hearing and that he does not personally feel that an additional public hearing is necessary.

The board reviewed the language of the law which states that *“The Planning Board shall authorize the setting of a public hearing....”* They discussed the language and if a public hearing is therefore required or optional. The board concurred that the language of this section of the law is poorly written.

Mr. Berman made a motion that the Planning Board set a public hearing for the September 15, 2015 meeting at 4:30 PM or as soon thereafter as possible for final site plan review of the application for a connecting structure at 1 Atwell Road. Dr. Sternberg seconded the motion and

a vote had the following results:

AYES: Berman, Kuhn, Membrino, Sternberg  
ABSTAIN: Blabey

Motion carried.

Dr. Sternberg made a motion to recommend that the Board of Trustees review the language of section 300-44.B and make clear whether a public hearing is required or is at the discretion of the Planning Board. Mr. Blabey seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Membrino, Sternberg

Motion carried.

Mr. Berman stated that he will prepare a request for the BOT.

**133 Chestnut Street (Matt McManus for McCarthy) – proposed new freestanding sign**

Mr. Austin reviewed the application for the new freestanding sign at 133 Chestnut Street. He stated that the sign complies with the required setbacks and sign dimensions. Mr. Austin further stated that DPW Superintendent, Brian Clancy reviewed the location. He explained that two locations have been identified which avoid the fiber optic cables, and do not block existing village signs. He stated that the preferred choice is the location closest to the road, for the purpose of increased visibility, and that the location does meet all standards of the law.

Mr. Kuhn stated that he prefers the location closer to the building. He asked if the location was of concern to the owner.

Mr. Austin stated that the owner prefers the location closer to the street.

Mr. Blabey asked if the property is in the commercial zone.

Mr. Austin stated that it is.

Mr. Blabey referred the board to section 227-3.A(4)(c) "*All parts of a freestanding sign must be four feet back from the curb where no sidewalk exists and one foot back from any existing sidewalk.*"

The board discussed the relevance of this section of the law to the proposed sign.

Mr. McManus stated that the sidewalk on the property was just installed to allow access between lots. He stated that they prefer option number one with the location closer to the street but have included option number 2 in the event that Dig Safe NY finds an issue with option number 1.

Mr. Austin stated that the sidewalk on the property is not a Village owned sidewalk. He stated that the law refers to Village sidewalks.

Mr. Kuhn asked if the visibility of the sign is important.

Mr. McManus stated that it is important. He explained that the location will receive a lot of deliveries and will host project meetings which will involve persons from other companies which may not be familiar with the Village.

Mr. Blabey stated that the distance from the sidewalk was developed as a safety feature for visibility of pedestrians by motorists.

Mr. Austin stated that although that is true the sidewalk in question is not Village owned. He stated that it becomes problematic to reference items such as sidewalks in the law without clear definitions.

Mr. Kuhn stated that there is no Village sidewalk in this area.

Dr. Sternberg made a motion to approve the freestanding sign for 133 Chestnut Street with the design as submitted with the applicant having the option of installation at either of the proposed locations. Mr. Kuhn seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Membrino, Sternberg

Motion carried.

**25 Railroad Avenue (Kennedy) – proposed new wall sign**

Mr. Austin reviewed the application for a new wall sign. He stated that the property will have multiple tenants and that the proposed sign meets the criteria for a wall sign and for a master signage plan. He stated that the proposed sign is less than 40 square feet. He explained that the applicant applied for a wall sign but is amenable to this being a master signage plan for the property and being able to fill the sign as occupants fill the building.

Mr. Kuhn stated that if the board approves the application as a master signage plan it would be unnecessary for the applicant to come back for approval each time a new business occupies the space.

Mr. Austin concurred with Mr. Kuhn.

Mr. Berman asked Ms. Susan Green and Ms. Jen Tesiero if they were able to obtain a photo.

They provided a photo for the file.

Dr. Sternberg made a motion to approve the master signage plan for 25 Railroad Avenue as submitted. Mr. Kuhn seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Membrino, Sternberg

Motion carried.

**124 Main Street (McManus for BTP) – proposed parking plan requiring site plan review**

Mr. McManus reviewed the application and apologized if any confusion was caused by the previous plan. He provided a new copy of the plans which he explained has been cleaned up from the previous proposal which was part of the larger hotel project.

Mr. Austin stated that the application is merely asking to expand the existing parking. He stated that due to the increase being greater than four parking stalls the law requires that a site plan review be completed.

Mr. Berman asked if the project requires SEQRA.

Mr. Austin stated that it is a Type II action, and discussed SEQRA Type II actions..

Mr. McManus stated that based on the requirements of SEQRA the proposed bridge structure over Willow Brook is not considered a structure for SEQRA purposes as it is not over the identified square footage. He explained that the "bridge" will be a concrete slab installed over the brook. He further stated that he has been in contact with and has statements from the Army Corp of Engineers and DEC. He provided copies of these correspondences to the Board.

Mr. Berman asked if the original plan was part of the hotel project.

Mr. McManus stated that it was but that they are just expanding parking and no other work is planned at this time.

Mr. Berman asked how many parking spaces the plan includes.

Mr. McManus stated that it includes 15 parking spaces. He explained that in addition to the parking spaces the proposed "bridge" will provide access to a transformer which is currently inaccessible on the other side of Willow Brook which needs work. He explained that 124 Main Street is currently providing electricity to the property at 134 Main Street as the transformer is unable to be serviced to appropriately provide power to both properties. He stated that when the work to the lot is complete NYSEG will be able to access the transformer and rectify this problem.

Mr. Membrino questioned the drawing and the amount of span the bridge will have.

Mr. McManus clarified stating that the slab which will be placed over the stream is 20' long and 10' wide.

Mr. Berman asked the dimensions of the parking stalls.

Mr. McManus stated that the stalls are 9' by 20' and that a 24' driving lane is provided.

Mr. Membrino asked why the plans indicate that the parking plan was for September through June.

Mr. McManus stated that the parking plan was originally proposed for September through June of the off season when the Hotel would not be in use for transient guests. He clarified that the hotel project was not moving forward but BTP would like to install the parking lot for use year round.

Mr. Membrino asked if there are any issues with easement.

Mr. McManus stated that BTP owns both properties and that there are not any issues with easement.

Mr. Membrino stated that the application indicates that the stream bank will not be disturbed but the proposal appears as if the stream will be disturbed.

Mr. McManus explained that the disturbance of the stream is based on the high water mark. He further explained that the bases will be constructed on both sides of the stream and the slab will be placed over the stream as to not disturb the stream itself.

Mr. Blabey asked Mr. McManus if 9' X 18' parking stalls had been considered. He stated that the smaller stalls are legally allowed and might be more beneficial to the applicant in providing additional spaces.

Mr. McManus stated that the proposed parking stalls provide a comfortable access and that the width is more problematic in this area.

The board further discussed NYSEG's need to access the transformer and how the project would allow this access and eliminate the current issue with power at 124 & 134 Main Street.

Mr. Blabey stated that during the previous review he had questioned the drains in the lot. He continued to state that he does not see drains in the proposed lot and asked how this had been resolved.

Mr. McManus stated that there are no proposed drains but the lot will be pitched and then run into Willow Brook. He explained that due to the size of the project run off is allowed to be directed into the brook.

Mr. Austin stated that 90% of the village's runoff water is also directed into the waterway.

The board discussed the threshold for individual projects being allowed to drain runoff into the waterways.

The board reviewed the requirement for a public hearing and the items which will require review for the final site plan.

Mr. Berman asked if 124 Main Street is currently in use.

Mr. McManus said it was not.

Mr. Berman asked why the applicant is spending money on a parking lot for a building that is not in use.

Mr. Lagan stated that the building is not currently in use and there are no plans for the immediate future. He further stated that the parking lot would provide for tenants parking for the increased number of long term apartments at 134 Main Street as well as parking for any future use of 124 Main Street.

Mr. Austin stated that although the applicant intends to use the parking for tenants at 134 Main Street parking for that property and its long term tenants is not required.

Dr. Sternberg made a motion that the Planning Board set a public hearing for the September 15, 2015 meeting at 4:30 PM or as soon thereafter as possible for final site plan review of the application for a parking lot at 124 Main Street. Mr. Kuhn seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Membrino, Sternberg

Motion carried.

**73 Main Street (Rebecca Bergford for Gene Marra)** – proposed new projecting sign

Mr. Austin reviewed the application for a new projecting sign at 73 Main Street. He stated that the sign meet the requirements of the law for projecting signs including height and square footage.

Ms. Bergford provided a new sketch of the sign indicating that the lettering on the sides of the sign would be vertical rather than horizontal. She further stated that the background of the sign would be gold and all text and graphics would be overlaid in black.

Mr. Kuhn made a motion to approve the projecting sign for 73 Main Street as presented. Mr. Blabey seconded the motion and a vote had the following results:

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

Dr. Sternberg asked Ms. Bergford if she is sure that the vertical lettering is the best option. He explained that he finds it more difficult to read.

Ms. Bergford stated that the design is the owner's and not hers. She explained that although she is aware that generally vertical lettering is used on long single word vertical signs, she feels the sign design will work.

### **Minutes**

Mr. Berman made a motion to approve the minutes from the July 21, 2015 meeting as submitted. Mr. Blabey seconded the motion and a vote had the following results:

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

### **Review Planned Development District Language (PDD)**

Mr. Berman provided the members of the board with a draft of a proposed PDD law. He explained that the BOT had hired a consultant to prepare a draft PDD law but the draft that was developed was nearly twice the length of this proposed draft and really did not fit the needs of the Village. He explained that he redrafted the proposal. He also discussed the steps required to amend the Zoning law and explained that the Planning Board must review a proposed amendment and make a recommendation to the BOT before the BOT can proceed.

The board discussed the reasons for a PDD law and how it would provide the opportunity to be flexible with a proposed development for both parties to be able to negotiate benefits by making exceptions to the law to receive other amenable benefits.

The board reviewed the development, Fernleigh Over, which was developed under the existing CDD law. They discussed the potential for individual property owners to use the proposed law to their benefit and the amount of acreage required for a PDD.

Mr. Membrino asked if the number of parcels within the Village which have the potential to utilize this law can be identified on the zoning map.

Mr. Austin stated that he would estimate that there are approximately 40 vacant or quasi vacant properties in the village currently which might have the potential to utilize this law.

The board discussed giving a recommendation to the BOT with the notation that minor edits might be made at the September meeting but that a final draft would be available before a public hearing at the BOT regular meeting.

The board reviewed terminology and clarification of portions of the law.

Mr. Kuhn left the meeting at 6:08 PM.

The board further discussed questions regarding baselines and continued to examine the verbiage of the law.

Mr. Blabey left the meeting at 6:27 PM.

The board discussed holding a special meeting for continued review of the proposed law. The board concurred that they could finalize their review at their regular September meeting and make a recommendation to the BOT at that time. Mr. Berman stated that this schedule would allow the BOT to set a public hearing at their September meeting for the October meeting.

Meeting adjourned at 6:39 PM

Respectfully submitted,

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Jennifer Truax  
Deputy Clerk