

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 January 19, 2016 at 4:30 p.m. Members in attendance were Chair – Eugene Berman, Richard Blabey, Paul Kuhn, Joe Membrino and David Pearlman. Deputy Village Clerk – Jennifer Truax were also present. There were no members of the public present.

Mr. Berman called the meeting to order at 4:32 p.m. He welcomed Mr. David Pearlman as a new member of the Planning Board, taking over the vacancy left by Dr. Richard Sternberg who was recently appointed to fill a vacancy in the Board of Trustees.

Mr. Berman also informed the members that Zoning Enforcement Officer, Tavis Austin, resigned in early January. He explained that in the absence of a ZEO the office staff will be accepting application and notifying the board chair who will review the application for placement on upcoming agendas.

The board discussed the role of enforcement and how enforcement would be handled.

Mr. Berman stated that the board does not have any enforcement authority. He added that the Zoning Law give the Board of Trustees that role.

### **Minutes**

Mr. Berman made a motion to approve the minutes from the November 17, 2015 meeting as submitted. Mr. Blabey seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Membrino

ABSTAIN: Pearlman

Motion carried.

### **Regular Agenda**

#### **Review of Village Tree Laws**

Mr. Berman provided the members of the board with copies of the memorandum presented to the Board of Trustees in November regarding the proposed changes to the tree law as agreed upon by the Planning Board at their November meeting. He stated that he was able to attend the November 2015 BOT meeting and shared that two changes were recommended to the proposed law change by Trustees. He stated that Trustee Falk suggested that the law be titled "Trees in the Public Right of Way." He further stated that the language regarding trimming of privately owned trees impeding village property should be retained, but moved to a different Chapter.

The board reviewed the document provided by Mr. Berman indicating proposed amendments of Chapter 240, 258 and 300 of the Village Code.

Mr. Blabey stated that trimming of branches are also a safety issue.

Mr. Berman stated that the draft local law would move the enforcement portion of the tree law to chapter 240. He further stated that permission to remove privately owned trees is the only item that should be handled under Zoning. He stated that if a variance is required it would be addressed by the ZBA or if there is a Site Plan Review, tree removal would be addressed by the Planning Board.





The board discussed this case.

Mr. Berman stated that Trustee Falk asked that the Planning Board provided a recommendation for review by the Trustees.

Mr. Pearlman suggested that the current definition be changed to state "any form of compensation."

Mr. Membrino stated that the appropriate term would be "consideration" rather than compensation.

Mr. Berman concurred. He stated that compensation usually refers to a monetary exchange whereas consideration could be any exchange, including but not limited to services or, goods.

Mr. Membrino asked if the terms hotel and motel are defined in the law.

Mr. Berman stated that they are.

Mr. Membrino suggested that any term which is defined should be capitalized as a general reference to the definitions.

The board reviewed the definitions of hotel, motel, transient, and dwelling. The board further discussed whether or not the existing definitions were appropriate.

Mr. Berman suggested that the board recommend to the Board of Trustee that although the Planning Board feels that the term "for compensation" in the Tourist Accommodation definition is sufficient, it recognizes that it has not had the opportunity to research the "sharing economy" or accommodations reserved through entities such as Airbnb. He further stated that since Trustee Falk and Village Attorney Martin Tillapaugh have expressed concerns regarding the sufficiency of the current definition, the Planning Board should recommend that the Board of Trustees consider whether an expansive definition of "For Compensation" should be added to § 300-84. In addition to the payment of money, the definition could include any barter, exchange or trade, the giving of any good or service, and the giving of any tangible or intangible having any value or usefulness.

Mr. Membrino made a motion to recommend Mr. Berman's summary of action as stated to the Board of Trustees consideration. Mr. Kuhn seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Membrino, Pearlman

Motion carried.

Meeting adjourned at 5:37 PM

Respectfully submitted,

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Jennifer Truax  
Deputy Clerk