

A special meeting of the Board of Trustees of the Village of Cooperstown was held at the Village Office Building, 22 Main Street, Cooperstown, New York on August 12, 2016 at 6:00 p.m. Members in attendance were Mayor Jeff Katz, Trustees Ellen Tillapaugh, Cynthia Falk James Dean, Bruce Maxson, Louis W. Allstadt and Richard Sternberg. Also in attendance were HPARB Chair Liz Callahan, Planning Board Chair Eugene Berman, Todd Hamula, Zaremba Group and Mike Tucker, vhb (representing CVS) and Village Clerk Teri Barown. There were twenty-two (22) members of the public present.

Mayor Katz called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

Mayor Katz thanked everyone for attending on a Friday evening. He stated that the Trustees will be weighing in on the special use permit for CVS at the former Cooperstown Motel site. He noted that the area is zoned commercial and the only reason this needs a special use permit from the Trustees is size. He noted allowable square footage is approximately 3,000 vs. the 9,500 square feet that CVS is seeking. He said the Trustees will be keeping in mind the various concerns already addressed at the SEQRA public hearing, i.e. traffic, pedestrian access and Badger Park.

He reminded everyone that HPARB will be weighing in on the architectural aspects and Planning Board will be reviewing site plan.

He said that tonight the Board will not comment on the fire this past week at the motel, whether CVS is a profitable business venture or not and whether the Village should have chain stores. He stated these issues are not relevant to the purpose of tonight's meeting.

Mayor Katz asked the Clerk to read the public hearing notice and stated that prior to opening the public hearing he would ask the representatives for CVS, Todd Hamula, Zaremba Group and Mike Tucker, vhb engineering to provide a brief presentation.

Mr. Hamula stated the footprint of the store will be approximately 9,500 square feet with 43 parking spaces and two entrances/exits proposed, one on Beaver Street and one on Chestnut Street. He stated that CVS feels that the drive-thru offers the Village a convenience that is not now available to them. He said that the site is attractive to CVS due to the traffic on Chestnut Street and the proximity to the hospital.

He stated that he learned of the fire at the motel Tuesday morning and as this was the day that was set for counting cars as far as turns in and out, it had to be postponed until next Tuesday.

He noted that there are currently only 8 stores with a 9,000 square foot footprint and they are relatively new. He said 8 stores have a non-prototype appearance. He stated in sending photographs of these stores to the Trustees he is aware that he will need to work closely with HPARB to design a "Cooperstown proto-type" building.

He said that he and Mr. Tucker established preliminary guidelines for the traffic study and received additional input from the Trustees provided from their July 25, 2016 meeting, which was incorporated into the traffic study.

He said the initial study was started the week after Induction weekend to get general counts. He stated the target days were Tuesday, Wednesday and Thursday. He stated that due to the fire the ins and outs have not been completed.

Mr. Hamula provided a concept drawing of a building that will be used as concept for a first impression with HPARB. He noted he realizes that this is a first draft. He noted revisions to the site plan will be made with a combined entrance to the park, smaller entrance to Chestnut Street and squaring the building.

Mike Tucker, vhb, reviewed preliminary information gathered from the initial traffic study conducted. He reiterated that the turning movement count is rescheduled for this coming Tuesday.

He stated some preliminary information is 12,800 cars a day on Chestnut, South of Beaver Street and approximate 10,000, north of Beaver. He noted 1,100 cars an hour in the mid-afternoon peak, south of Beaver and 900 an hour midafternoon peak, north of Beaver. He stated 3,700 a day on Beaver Street, with 300 an hour peak time.

Mr. Tucker stated that this would equate to 98 pharmacy drive-thru cars in a peak hour, minus 40% for a pass by trip which would drop the figure 59 drive thru during peak.

Public Hearing – Mayor Katz read the guidelines for public comment and opened the public hearing at 6:15 p.m. Correspondence was noted as received from Teresa Drerup and Scott Schwartz, copies of which are on file with the original minutes and in the project file. Copies of both were emailed to the Trustees ahead of tonight's meeting.

John Saphier, 89 Beaver Street, stated that a local bank applied for a drive thru years ago at the location across the street from the proposed CVS, which was denied by the Trustees. He stated that traffic has not lessened in the years since and only increased and asked why give a special use permit now, when it was denied then.

Jim Donley, 93 Chestnut Street, stated his concern is the traffic at this intersection is horrible now and adding anything will only make it more dangerous. He said that left turns into Stewarts, Taylors and Price Chopper make a difficult situation both for pedestrians and drivers. He said this will require major help if CVS is there also. He suggested a cut through from CVS to Price Chopper so traffic can exit onto Walnut Street. He said major help is needed by way of a traffic light or circle.

He noted that the hotel project on Main Street was turned down due to height. He said there is plenty of room to go up, but not out.

Ralph Snell, 23 Delaware Street, stated he submitted comments for the SEQRA public hearing, which were included in the project file, but he didn't see the letter mentioned in the minutes of that meeting. He noted concerns with traffic, number of parking spaces in excess of what is required by code and the potential for shortcutting through the site, particularly if a shared driveway is in place between CVS and Price Chopper.

Dan Naughton, 87 Grove Street, stated that since Gordy's gas station is no longer in this area of Chestnut, the traffic has been reduced from previous levels. He stated that he is often in Oneonta and never sees anyone in the drive-thru of a CVS competitor. He said he doesn't feel this will add traffic and is in favor of CVS in this location as he can walk to it.

Richard Blabey, 90 Grove Street, stated that there are counters on Grove Street and inquired if they were put in place by CVS. Mr. Tucker replied they were not.

Mr. Blabey stated he is in favor of smart people coming up with innovative solutions and hopes that the traffic data is analyzed this way. He asked that the Trustees focus on the overall concepts of what they want that won't tie the hands of the other boards.

Mr. Blabey stated he would like to see a crosswalk providing pedestrian access from Price Chopper/CVS to Stewarts.

Charlie Hill, 10 Eagle Street, stated he left a draft of the Environmental Impact Statement from 2004 regarding the Bassett Hall parking lot with the Mayor for the Board of Trustees review. He stated that this discussion reminds him of the Planning Board review of the parking lot and noted that if the Planning Board had made a decision before the traffic study was complete and analyzed they wouldn't have had the same results they did.

He stated that the Trustees should hire consultants, paid for by the applicant, to analyze the data from the traffic study. He urged the Trustees to wait for the traffic study results prior to making a decision on the special use permit.

Liz Swart, 87 Beaver Street, stated she is concerned regarding Mr. Hamula's comments regarding the idea of looking at combining the entrance exit of CVS and Badger Park. She said this area is where everyone walks to get in and out of the park. She asked how they will make it safe, as this is a very busy area during the winter months.

Eugene Berman, 63 Lake Street, stated he concurs with Mr. Hill regarding the importance of having the traffic study complete. He said the Trustees could grant the special use permit tonight with conditions of receiving a traffic study acceptable to the Board.

Hearing no further comment, Mayor Katz closed the public hearing at 6:30 p.m.

Mayor Katz stated that his nature is to allow Trustee discussion prior to a motion, but there has been a suggestion by Dr. Sternberg to put the motion as prepared in advance by Dr. Falk on the floor and have discussion regarding that motion.

Mr. Dean stated he did not agree with that and would like discussion first.

Mayor Katz asked what the pleasure of the board was regarding this. All but Mr. Dean concurred with placing the motion on the floor.

Dr. Falk made a motion to approve the following with motion with revisions as read (and indicated by bold print):

Motion to approve the special use permit for a CVS retail store of 9,657 square feet with a drive through pharmacy in accordance with 300-16 of the Village of Cooperstown Zoning Law with the following conditions:

In accordance with 300-16 (C) 2, which reads: "The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout, and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous."

- (1) The applicant must return to the Board of Trustees with a completed traffic study, site distance analysis, and drainage analysis for the site and surrounding streets before the location and configuration of entrances/exits to the parking lot and any necessary offsite mitigations to address different traffic patterns and/or increased traffic volume can be approved in conjunction with this special use permit. Such mitigations shall be at the expense of the applicant and may include: traffic signals, crosswalk signals, reconfigured roadways, or other means.
- (2) In accordance with NYSDOT recommendations, entrances/exits shall be limited to two traffic lanes.
- (3) The applicant must maintain sidewalks on Beaver Street and Chestnut Street
- (4) The applicant must provide improvements to allow safer pedestrian crossings of Beaver Street and of Chestnut Street to access the store
- (5) The applicant must provide designated pedestrian access to Badger Park due to increased vehicular traffic as a result of the new use, including the drive-through pharmacy
- (6) **The applicant must provide pedestrian connection from Beaver Street to CVS and Price Chopper.**

In accordance with 300-16 (C) 1, which reads: “The proposed use shall be of such location, size and character that it will be in harmony with its surroundings and with the appropriate and orderly development of the district in which it is proposed to be situated. The use shall not be detrimental to its site or to adjacent properties. The density of the surrounding area, such as lot size, distances between structures, amount of open space, street width and parking regulations, shall be carefully considered so as to maintain the integrity of the district.”

- (1) The applicant must treat any elevations that front or partially front Chestnut Street, Beaver Street, and/or the Badger Park entrance as public facades to be designed with consideration for aesthetics and historical compatibility. The building as a whole must meet the criteria of section 300-26 of the Zoning Law.
- (2) The applicant must limit exterior lighting to the minimum level required to provide safety and security with no interior or exterior lighting shining onto nearby residential properties.
- (3) The applicant must provide for landscaping, including trees, not only at the perimeter of the lot but interior to parking areas and in conjunction with commercial elevations, **understanding that that may reduce the number of parking spaces.**

In accordance with 300-16 (C) 4, which reads: “In addition to the general standards for special permit uses as set forth above, the approving board may, as a condition of approval of any such use, establish any other additional standards, conditions and requirements, including a limitation on hours of operation, as it may deem necessary or appropriate to promote the public health, safety and welfare and to otherwise implement the intent of this chapter.”

- (1) The applicant must provide for ongoing stormwater evacuation via existing or improved stormwater systems and without introducing above ground retention areas, which are believed to be potentially adverse to public health and safety in an area that encourages pedestrian access especially by children. A DEC-approved Stormwater Pollution Protection Plan must be in effect during demolition and construction.

- (2) To promote public welfare, the applicant must provide for the location of signage on the CVS property directing park users to the Badger Park entrance

Dr. Sternberg seconded the motion and discussion followed.

Dr. Sternberg stated that he had received the information he requested regarding CVS in store sales and agrees with approximately 60 turns in and out. He said he feels the added condition #6, would depend on cooperation from Price Chopper.

Mr. Allstadt stated he is in agreement with the motion and had requested that in number 1, mitigations be at the expense of the applicant, which was included.

Mr. Maxson stated that if the proposed store was at 3,000 square feet we would not be having this discussion and the look at the site seems to be in scale. He said he has no problems with HPARB and Planning Board conducting their reviews regarding architecture and site plan.

Mr. Maxson requested that pedestrian access across Chestnut Street, be added in condition Number 4 on the first page of the motion.

Dr. Falk noted that the comments as stated were in keeping with Mr. Blabey's comments from the SEQRA public hearing.

Following discussion, it was recommended to revise #4 on page one to add "as guided by the completed traffic study." at the end of the sentence.

Mr. Dean stated that he has a problem with the impact of the driveways on Chestnut and Beaver Streets. He said he feels that CVS will do more business at this location and how much more we do not know.

He said he thought that we would have a completed traffic study prior to being asked to make a decision on the special use permit. He said his biggest issue is how many cars are turning in and out.

He stated that he doesn't see how we can maintain a flow of traffic with the addition to this property.

Mayor Katz asked Mr. Dean if the language with possible mitigation doesn't make a difference.

Mr. Dean stated he doesn't feel we should be adding traffic lights.

Dr. Sternberg asked Mr. Dean if he doesn't feel this can work at all.

Mr. Dean stated he doesn't believe it can work and once it's done, it can't be undone. He said he has to call it as he sees it.

Dr. Falk stated that she has some of the same concerns as Mr. Dean and this is why she included language that the applicant must return to the Trustees for further approval.

Dr. Sternberg stated that he feels it would generate the same traffic if it had come in at the allowable size and there would not have been an opportunity for Trustee review.

He said it is not allowable for the Trustees to discuss the business model.

Ms. Tillapaugh stated she feels a lot of the parameters have been considered in the conditions of the motion. She stated in the added condition no. 6 regarding the sidewalk, she feels the concept of where the sidewalk is located is important. She also stated that in condition no. 3 on page 2, she would like to see the parking spaces down to 32.

Dr. Sternberg stated that in his analysis he felt that the parking could be reduced to 38 spaces.

Mr. Allstadt stated he would like to see the designers work that issue out.

Mayor Katz stated that if this project had come in at the allowable square footage the Trustees would not have had an opportunity to review. He said he looks at the larger size as a gift in that the Trustees can now take a look at it through the special use permit application and provide conditions.

He noted that the size of the store is smaller than the Price Chopper store located next door, lower in height than the motel currently on site and 1500 square feet larger than the current CVS.

He stated that constant theme concerns with this project are traffic, Badger Park and pedestrian access.

He stated that if this motion is approved and the special use permit is issued with conditions, he would encourage everyone to keep track of the Historic Preservation and Architectural Review Board and Planning Board meetings.

He stated that he can't speak to past denials and that we are not where we were 5 years ago. He stated past Boards were perceived as particularly anti-business. He said we need to change the perception that the Village is anti-business to that of a place to do business. He said it is important for the Village to be seen as a productive participant for those wanting to have a business.

Mayor Katz also noted that the Village can hire an outside consultant to analyze the traffic study at the expense of the applicant and that he would like the following added to the end of the paragraph for bullet no. 1 on page 1 "The Village may seek outside analysis of the traffic study at the expense of the applicant."

Dr. Falk made a motion to amend the previous motion with the addition to bullet no. 1 page 1 "The Village may seek outside analysis of the traffic study at the expense of the applicant", bullet no. 4 on page 1 at the end of the sentence add "as guided by the completed traffic study", add bullet no. 6 on page 1 "The applicant must provide pedestrian connection from Beaver Street to CVS and Price Chopper, bullet no. 3 on page 2 add at the end of the sentence "understanding that that may reduce the number of parking spaces." Dr. Sternberg seconded the amendment and a vote had the following results:

AYES: Katz, Tillapaugh, Falk, Maxson, Allstadt, Sternberg NOES: Dean Motion carried.

A vote on the original motion as amended above had the following results:

AYES: Katz, Tillapaugh, Falk, Maxson, Allstadt, Sternberg NOES: Dean Motion carried.

Dr. Sternberg made a motion to grant permission to Leatherstocking Sheep Dog Trials to place temporary direction signs at Chestnut and Beaver Street intersection and Beaver St. and Susquehanna Ave intersection in the public tree lawn only during their event. Mr. Allstadt seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Maxson, Allstadt, Sternberg Motion carried.

Dr. Sternberg made a motion to adjourn the meeting at 7:05 p.m. Ms. Tillapaugh seconded the motion and a vote had the following results:

AYES: Tillapaugh, Falk, Dean, Maxson, Allstadt, Sternberg Motion carried.

Respectfully submitted,

Teri L. Barown, RMC
Village Clerk
Village of Cooperstown