

A special meeting of the Planning Board of the Village of Cooperstown was held in the Village Office Building, 22 Main Street, Cooperstown, New York on March 5, 2014 at 4:30 p.m. Members in attendance were Chair – Charles Hill, Richard Blabey, Eugene Berman, Richard Sternberg and alternate Paul Kuhn. Trustee – Louis Allstadt and Deputy Village Clerk – Jennifer Truax were also present. There were no members of the public present.

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

Mr. Hill stated that this meeting was called for the members of the Planning Board to discuss and begin to formulate an idea of how they would like to respond to the Trustee's proposed changes to the Sign Law, with this accomplished it will be easier to come to a consensus at the regular meeting on March 18.

Mr. Hill introduced Mr. Kuhn as an alternate to the Planning Board and stated that Mr. Jim LaCava will also be joining the board as an alternate. He stated that Mr. Sternberg has been appointed as a member to replace Mr. Jensen who resigned his position. Mr. Hill thanked Mr. Jensen for his five years of service on the Planning Board.

Mr. Hill explained that the proposed law changes were prepared by Trustee – Ms. Cynthia Falk and ZEO – Tavis Austin. He further explained that there are three changes to the existing law, the first is to give the ZEO the authority to approve sign permits, the second to remove all references to business directional signs, and the third to remove all references to vending. Mr. Hill stated that the removal of the business directional sign references is due to the sidewalk replacement project which will begin this spring. He stated that there are plans to replace the signs but the details of the replacement have not been determined at this time. Mr. Hill stated that the vending law for private property was reviewed by the Planning Board in 2012 when the sign law was reviewed and adopted. He stated that at that the Trustees were reviewing the language for vending on public property but nothing was ever put in place. He further explained that the Trustees are currently looking at the vending law as a whole.

Mr. Hill stated that he did not have any prior knowledge of these proposed changes until such time as the Trustees referred it to the Planning Board at their February meeting. He stated that the Planning Board may choose to respond if they want but no response is necessary. Mr. Hill stated that he asked Mayor Katz why the change in the law to allow the ZEO to approve signage and Mayor Katz responded that if an applicant wants to put up signage that is legally within the limits of the law then it should be as simple as the ZEO approving the sign.

Mr. Hill stated that he was informed that the Sign Law is not part of the Zoning Law and therefore the Planning Board's review is not required. He stated that he does not feel that this is correct explaining that section 300-30 of the Zoning Law reverts to the "Supplementary requirements for signs" and then refers to sign law.

Mr. Berman stated that he disagrees. He explained that 227 is a part of Village Law not the Zoning Law and therefore would not be under the same requirements.

Mr. Hill stated that he spoke to Village Attorney – Martin Tillapaugh who stated that he is inclined to think that the Sign Law is part of the Zoning Law.

Mr. Blabey stated that the Planning Board spent almost two years drafting the sign law pay close attention to every detail. He further stated that it is only appropriate that the Planning Board review any proposed changes to the law.

Mr. Hill asked the members of the board if they were in favor of reviewing and responding to the proposed sign law changes.

The members of the board unanimously approved that review and response should be done by the Planning Board.

Mr. Blabey stated that there are three points of change in the proposed law, two of which he feels are noncontroversial. He stated that both the removal of reference to directional signs and the vending are technical issues which are fine. He stated that he feels that the key issue to be reviewed is the ZEO taking responsibility for sign approval which is currently a committee decision.

The members of the board concurred.

Mr. Berman stated that he also feels that the appeal process also needs to be addressed.

Mr. Hill asked the board how they would like to proceed to review the proposed changes. He stated that the review could be to look at the law in pieces or look at an overview. He provided the board with a handout he prepared labeled "Sign Review and Approval Process" which gives an outline overview of the sign approval process.

The board reviewed the handout and each step in the process noting that the final phase is discretionary.

Mr. Kuhn asked Trustee Allstadt what the objective of the Board of Trustees is in having the ZEO become responsible for approval of signage.

Trustee Allstadt stated that he cannot speak for the members of the BOT but his feeling is that if the standards are written down then it should be a simple review and approval without requiring a board's review and in addition this is in response to the community who has indicated that the process is too slow.

Mr. Hill stated that he does not think that the process is currently slow. He stated that after some research he found that since 2012 all but one sign permit application took only one meeting.

Trustee Allstadt stated that although they only took one meeting it was still a multiple step process with several interactions with the ZEO prior to going before the board.

Mr. Hill stated that the Planning Board works diligently to try to review and approve the applications in one meeting.

Trustee Allstadt stated that just looking at the outline the first step which would take place with the ZEO is logical, the second step is a review to ensure that the standards are met and then the application goes to the Planning Board for review.

Mr. Hill stated that he believes that after an application is received the ZEO reviews it and only contacts the applicant if there is an issue or there are required items that are missing. He stated that in two years the Planning Board has made 49 motions in which all but one application was approved. He continued to explain that that one application was approved at a special meeting

the following week once the applicant had provided a new color scheme. He further stated that there has only been two denials of which he feels one was purely a mistake by the applicant who had applied for eight directional signs when he law only allows each business to have one and the board did approve one sign for the business. He explained that the other sign which was not approved was a menu board sign which the applicant withdrew his application once it was indicated that he was over the allowed amount of square footage and had the same sign within sight of the proposed sign.

Mr. Blabey stated that these are all good facts and relevant information but the Board needs to discuss the purpose and intent of the discretionary section of the law. He asked what the Village is trying to achieve with the sign law and if the Village's purpose for the law has changed. He referred to tourist areas such as Lake George and Old Forge and asked if this was the type of Village we are looking to have. He stated that some people feel that the sign law is too restrictive on businesses yet others feel that it is necessary to retain the character of the Village. He stated that before the Planning Board or Trustees can make a good decision about the proposed changes they need to be clear on the purpose and intent of the law. Mr. Blabey stated that expediting the process may affect the ability to preserve the historic character of the Village.

Mr. Hill stated that the discretionary review of signage provides for the maintenance of the character of the Village.

Mr. Blabey stated that before the board can make any conclusions they need to know if that is still where the Village wants to be.

Trustee Allstadt stated that he believes that the Trustees are looking for a balance between preservation and process.

Mr. Hill stated that on page 2 of the sign law (section 227.1) the Legislative Purpose and Intent is clearly indicated. He stated that he feels that the Planning Board was successful in creating a balance between the needs of the businesses and the communities desire for preservation when they developed the law.

Mr. Blabey asked if the Village can have faith that one individual can successfully and consistently make these subjective decisions. He stated that although the current ZEO may be very consistent and successful in meeting the needs of the businesses and community in the future he may leave and a new successor would be making those decisions which may or may not be similar to the current ZEO and thereby may create conflict. As a board we may disagree but have to come to some middle ground in each decision which helps keep a balance.

Mr. Hill stated that with just one individual making the decision they might lean either towards a more strict interpretation of Historic Preservation or allow businesses to freely proceed with signage however they choose. He additionally stated that political influences could also effect decisions.

Mr. Kuhn stated that giving this responsibility to just one individual would mean that any one hired as the ZEO would have to have an aesthetic eye and have the education to understand the balance between commerce and preservation.

Mr. Blabey suggested that it might be more appropriate to turn the responsibility of the subjective "Compatibility Phase" over to HPARB as they are the board who is already tasked with insuring any exterior change to a property is compatible with the neighborhood.

Mr. Kuhn stated that he does not understand why the board would want to give up five viewpoints for one when making these kinds of decisions. He continued to state that the proposed law does not necessarily provided for a quicker decision.

Mr. Berman stated that he agrees that non-subjective items like size and shape could be made easily by the ZEO. He continued to state that the problem arises when one individual must look at a subjective component like aesthetics. He further stated that the ZEO is ministerial not discretionary. Mr. Berman stated that if the standards regarding character and aesthetics could be written into the law then there would not be any need to have a board the ZEO could just check off whether or not the application meets the law but this is not something that can be spelled out in a law effectively.

Mr. Blabey stated that the Planning Board looked at trying to make the aesthetic part of the law non-subjective but that would mean limiting businesses to a set color palette, etc. which the board did not feel would be effective for the businesses or community.

Mr. Sternberg stated that the problem with providing those types of limits to aesthetics within the law is that although the color maybe on the approved list when put in combination with other colors or the surroundings it may become garish. He stated that his understanding is that the really issue is how to speed up the process as it appears that the perception is that the process is not fast enough.

Mr. Kuhn asked of the 49 approved signs how many those applications were changed in some way by the Planning Board.

Mr. Hill stated that there were four signs which required variances, all of which were approved. He continued to state that approximately 20 signs had minor changes as a result of working though the sign proposal with the applicant. He explained that the changes may have been suggested by the board or an applicant sees some portion in a different way as the application is being discussed but in the end it is a collaborative effort to provide the best for the business and the village.

Mr. Blabey stated that there have been a number of cases where the colors have been toned down, or intensified based on the suggestion of the board which created a more appealing sign. He stated that the board is trying to allow the business to draw attention to itself while also minimizing distraction. He further stated that the majority of the time the applicant is looking to have an attractive sign that draws attention to the business but is not distasteful.

Mr. Hill stated that there seems to be a conflict between the Trustees desire to make the process less timely and the amount of time being given to the ZEO to make a decision. He explained that on page 11 of the proposed law, section (3) gives the ZEO 14 days to make a determination that the application is complete and then in section (5) the ZEO is given 21 days of the complete application to make a decision. In all the ZEO could take up to 5 weeks to give the applicant a decision. In generally the Planning Board is approving applications in six weeks or less. He further stated that if the applicant has provided all the necessary information the time spent at the meeting can be minimal as well.

Mr. Berman stated that he feels that a review of the aesthetics, independent of the ZEO, is necessary. He stated that the fact that the Village currently has two boards reviewing aesthetics may be a problem as "one voice" might be more appropriate.

Mr. Hill pointed out that the criteria used by HPARB, is the same criteria which is being used by the Planning Board for the aesthetic review of signs.

Mr. Kuhn stated that the compatibility phase is completely subjective. He suggested that maybe a survey regarding the application process which questions the applicant's satisfaction, the timeliness of review, etc. would be a good way to assess the process and needed changes, if any. He stated that he does not know if the Trustees would wait for such a survey but more information is always helpful. He how many complaints had been received.

Trustee Allstadt stated that he does not know who or how many complaints have been received but the perception seems to be that the process is to timely and cumbersome.

Mr. Blabey stated that it is always helpful to gather data to help make an informed decision.

Mr. Hill stated that historic integrity is an area which is a struggle for the board. He shared examples of signs where the board and applicant were challenged to find the right balance such as Little Bo'tiques.

Mr. Kuhn stated that he feels that the Planning Board did a great job with the development of this law. He continued to state that the way the law is written the ZEO should be able to do all of the review except that of compatibility.

Mr. Hill stated that may be the solution would be to have the ZEO do all of the review prior to the meeting and provide a report to the Board; therefore, only requiring the Board to review the compatibility portion of the application.

Mr. Kuhn reviewed the time allowance in the proposed law for the ZEO to make a decision and the time it takes for an application to go through the board. He stated that in the worst case scenario it would take the applicant six weeks to complete the review process through the board but a lot of the time it is 30 days or less. Mr. Kuhn continued to point out that based on the proposed law the ZEO would be given up to five weeks to do the job the Planning Board is currently doing in six weeks or less.

Mr. Hill stated that often the biggest problem is that the applicant has not provided all of the necessary information. He stated that the application could be improved to ensure that the applicants understand exactly what is required. He further stated that the current technology has made it even easier for applicants to provide the needed information. He stated that he feels that the discretionary decision is best made by a board.

Mr. Berman stated that if the aesthetics were clearly defined so they were not subjective then the ZEO could make decisions, otherwise it would be appropriate for the ZEO to review all the objective standards and leave only the aesthetic qualities for the Board to review.

Mr. Blabey stated that if the ZEO is given this responsibility he does not see why the application cannot be determined complete in seven days rather than fourteen.

Trustee Allstadt stated that he believes that fourteen days may have been used to ensure there is not an issue such as illness or vacation which would cause the ZEO to not comply with the law and have the acceptance done in the timeframe required.

Mr. Hill asked Trustee Allstadt how many hours per week the ZEO works.

Mr. Allstadt stated that the ZEO is part time and would work less than 20 hours per week. He stated that Ms. Truax may better be able to answer that question.

Ms. Truax stated that she does not know how many hours per week the ZEO works for the Village. She pointed out that he does have regular office hours each week but is not always in the office during that time.

Mr. Hill suggested that in the event that a sign application is submitted while the ZEO is out for an extended number of days the application could be immediately referred to the Board.

Trustee Allstadt stated that it seems like these two time frames, the notification of a complete application and the determination could be combined into one time frame of three weeks or so.

Mr. Blabey stated that sometimes applications are drawn out due to the applicant not provided the materials in a timely fashion.

Trustee Allstadt stated that the time frame would not start until a complete application is received.

Ms. Truax stated that as a staff member who works with applicants at the counter and the board she feels that some of the perception of the process being slow maybe due to a lack of communication between staff and the applicant. She further stated that she also has seen situations in which the applicant becomes frustrated with the level of detail being required by the board, such as determining the "color of white."

Mr. Blabey stated that color is one of the issues and that is why the applicant is asked to provide a true representation of the proposed sign.

Mr. Sternberg stated that requiring the use of the Pantone system of color identification would be an easy way to ensure that all parties understand the color being used.

Mr. Hill suggested that a paint sample with the brand and color name would also be appropriate.

Mr. Kuhn stated that he was a member of the Planning Board when the sign for Italian Ice was approved. He stated that although the sign has faded some over time the colors as presented were not the same as the colors used in the sign. He stated that the sign was/is disturbing to many and it is quite garish.

Mr. Sternberg stated that the use of the excepted Pantone color chart would relieve this issue.

Mr. Berman stated that the use of the Pantone color chart is an excellent idea.

Mr. Sternberg stated that the use of the system would elevate the possible problems caused by the loss of the color chip, fading of materials, difference in printing, etc.

Mr. Hill stated that he would draft a letter to be forwarded to the Trustees regarding this referral. He asked the board what they felt should be included in the letter.

Mr. Sternberg stated that the application process should clearly indicate what is required to speed the approval process, the ZEO could or should determine if the application is complete and that the physical standards have been met, and that the Planning Board should have the final review to determine compatibility.

Trustee Allstadt stated that a new application may be necessary and although it may seem like more work initially it may elevate problems and speed the process in the long term.

Mr. Blabey stated that it should indicate that the Planning Board has no issue with the changes to vending or directory signage.

Mr. Berman stated that on page 11 of the proposed law it mentions that a public hearing may be required. He explained that he is not sure that the requirement of a public hearing should be discretionary.

The board discussed reasons behind why a public hearing might be necessary.

Mr. Hill asked the members of the Planning Board to email any additional thoughts and comments to him. He further stated that he would compose a letter to the Trustees and circulate it prior to the next meeting.

Mr. Kuhn asked if the Planning Board should ask the Trustees to give them a final review of the business directional signs.

Trustee Allstadt stated that it is all still in the concept phase but the intention is to create uniformity through colors and theme throughout the downtown area to include business directional, information signs and street signs.

Mr. Hill stated that he feels that the unification of the signage in the downtown area is a good idea. He stated that in other villages he has seen large maps on the street signage to indicate attractions, etc. which could be very helpful if it could be developed appropriately.

The board further discussed the development of a more precise application and finding an appropriate balance between aesthetics and business promotion.

Mr. Hill stated that he would formulate a draft letter and circulate it via email, for the board's review, prior to the March 18, 2014 meeting.

Meeting adjourned at 5:56 PM

Respectfully submitted,

Jennifer Truax
Deputy Village Clerk