

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 April 15, 2014 at 4:30 p.m. Members in attendance were Chair – Charles Hill, Richard Blabey, Eugene Berman, Chuck Knull, Richard Sternberg and alternate – Paul Kuhn. Zoning Enforcement Officer – Tavis Austin and Deputy Village Clerk – Jennifer Truax were also present. There were two members of the public present.

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

Public Hearing

29 Pioneer Street (Julie Barown for Lucy Townsend) – Public hearing for a variance for a proposed permanent sign and regular review of placard for the building directory sign

Mr. Hill opened the public hearing at 4:30 p.m. and asked Ms. Barown if she would like to present the proposed sign.

Ms. Barown provided the board with color copies two different designs for the proposed building directory sign. She explained that Ms. Townsend prefers the sign with the arrow.

Mr. Hill stated that the public hearing is for a variance for the placement of the 2' X 3' sign on the railing. He further stated that the sign being described by Ms. Barown is a new 9" X 30" placard for the building directory sign.

Mr. Austin stated that the original design proposal is in the file and has a white background but after it was reviewed by Mr. Hill contact was made with Ms. Townsend regarding the fact that it may not be compatible with the existing placards on the building directory sign. He further stated that this is why there are two new proposals tonight.

Mr. Hill stated that the law clearly indicates that the building directory placards must be similar in color and font. He asked Ms. Barown if the proposed placard is the same size as the other placards on the sign, 30" X 9".

Ms. Barown stated that it would be those dimensions.

Mr. Hill asked Ms. Barown if there was a preferred design for the placard.

Ms. Barown stated that Ms. Townsend prefers the design with the arrow.

Mr. Blabey stated that he prefers the design with the arrow as well. He further indicated that during review of the previous placard for the Chocolate Studio, he recommended an arrow be added.

Mr. Knull, Mr. Hill and Mr. Kuhn all concurred.

Dr. Sternberg made a motion to approve the building directory placard for The Firehouse Market at 29 Pioneer Street with the design as submitted with the directional arrow. Mr. Knull seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Knull, Sternberg

Motion carried.

Mr. Hill asked if there was any public comment regarding the placement of the 2' X 3' oval sign on the building railing. There was no public comment and Mr. Hill closed the public hearing at 4:42 p.m.

Mr. Austin stated that the surrounding properties were notified in writing of the public hearing as required by law and that no questions or comments have been received.

Mr. Hill asked the board if they had any questions or comments.

Mr. Berman made a motion to grant a variance for the placement of the 2' X 3' sign on the railing, near the store entrance, at 29 Pioneer Street. Mr. Knull seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Knull, Sternberg

Motion carried.

Mr. Hill told Ms. Barown that in addition to the approved signs Ms. Townsend may have a 1.5 square foot directional sign at this location to direct customers to the door. He further stated that any signs in the stairwell, which cannot be seen from a public way, do not need Planning Board approval.

Regular Agenda

131 Main Street (Phillips Construction for Martha Daverio) – proposed wall and projecting signs

Mr. Hill reviewed the application and shared photos of the building and the proposed sign locations. He further stated that although there are two store fronts the law allows only 40 square feet of signage for the building, not for each business.

Mr. Austin stated that the proposed signs will be well under the threshold.

Mr. Hill stated that it may be under the threshold depending on how the board chooses measure the sign. He stated that the proposed signs are each 2' X 6' and given the existing wall signage on the property the proposed signs would cause the total square footage to be over what is allowed.

Mr. Phillips stated that he does not think anyone was aware that the proposed sign may be over the allowed square footage. He explained that they felt that filling in the entire area would be more aesthetically pleasing.

Mr. Hill asked the board what is considered a sign, the whole insert or just the text.

Mr. Austin asked if the board was measuring the square footage of the whole insert or the small rectangle around the advertising portion of the insert.

Mr. Hill stated that in the past the board has considered the whole panel as the sign. He further stated that given the measurements of the existing building signage and the proposed signage for this store front the building would be over the allowed square footage by 5 square feet. Mr. Hill proposed that in order to reduce the square footage the signs could be trimmed down by 2" on both the top and bottom to come into compliance. He suggested that due to the sign being

trimmed down the applicant might consider painting the building panel black or use a trim molding around the sign.

Mr. Knull stated that if there is not a business using the other store front in this building the current signage could be removed and the proposed signage would be under the allowed 40 square feet.

Mr. Phillips stated that there is a business in that store front, although not the same business as indicated on the signage but he does not know their plan for signage for their business.

Mr. Hill stated that the existing signage on the right hand side of the building is approximately 19 square feet, leaving 21 square feet available, to the applicant.

Mr. Blabey stated that if the panels above the windows are considered signs then the panels below the windows should be considered signs. He stated that he feels that a sign is symbolism and text that inform or advertise. He further stated that visually the eye is drawn to the small block of text on the black background or "wall" and that he does not feel that the proposed background should be considered a sign.

Mr. Berman stated that to trim two inches off the top and bottom of the proposed panel/sign would be less aesthetically pleasing than as proposed.

Dr. Sternberg suggested that a motion be made to approve the wall signage as presented, based on the fact that the design is a cleaner visual option than any other option presented. It is his opinion that rather than break up the background and proposed text he recommends either granting a variance or considering only the area of the text in measuring the sign.

Mr. Kuhn stated that he would hate to require the business apply for a variance, as it will delay the placement of the sign by a month, and the tourism season is beginning at this time.

Mr. Hill stated that from the discussion it appears that the members of the board wish only to include the text as the sign in this case.

Mr. Berman stated that in this specific case he feels that it is appropriate to just use the square footage of the text rather than of the panel to base the decision. He stated that the proposed insert fills the panel but there is only a small portion of that insert which is a sign.

Mr. Blabey stated that the lines above and below the store name seem to delineate the portion of signage. He further stated that the rest of the sign is just to fill or match the panel.

Mr. Hill concurred that visually it would be more appealing to cover the whole panel inside the existing molding.

Dr. Sternberg made a motion to approve the application for wall signs for "Baseballisms" at 131 Main Street, with the square footage of the sign to be determined using only the area of the text and not to include the blank area which fills the panel. Mr. Berman seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Knull, Sternberg

Motion carried.

Mr. Hill reviewed the application for a projecting sign. He asked Mr. Phillips if the existing bracket would be utilized for the hanging of the projecting sign.

Mr. Phillips stated that the existing bracket would be used and that the bracket is mounted 12' above the sidewalk.

Mr. Hill stated that a minimum clearance of 8' must be maintained under the projecting sign and that the outermost portion of the sign be no more than 39" from the face of the building.

Mr. Blabey made a motion to approve the design and location of the projecting sign for 131 Main Street as submitted. Dr. Sternberg seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Knull, Sternberg

Motion carried.

31 Beaver Street, Harrison House (Templeton Foundation) – Motion for a Site Plan Amendment regarding the parking flow, and a change to the previously approved site development plan

Mr. Hill explained that a motion was made at the March 18, 2014 meeting to allow the traffic flow (enter – exit) on this property to be reversed. He stated that after review of the law he finds that due to the initial approval being through a Site Development Plan, it requires, in order for the motion to be legal, an amendment to the Site Development Plan based on very specific criteria. He referred the board to the appropriate portion of the law and reviewed what was necessary to proceed. He stated that a letter was submitted from Mr. Jonathan Flyte on behalf of Templeton Foundation requesting this change, a public hearing is not required, but a motion needs to be made which amends the existing Site Development Plan.

Mr. Berman asked how it is determined that no public hearing is required.

Mr. Hill stated that according to the Zoning law, section 300-47, the Planning Board determines if a public hearing is required. He stated that in situations where complaints have been filed, or the board feels that the public may have some objection, a public hearing would be required but in this case no complaints have been filed and it will not have a large impact on the public.

Dr. Sternberg asked what defines a planning professional.

Mr. Austin stated that in his opinion that the Planning Board would need to determine if Mr. Flyte's letter is from a planning professional as most often this letter would be from an engineer or architect. In this case there were a number of complaints which were reviewed and are being addressed by their own design team.

Dr. Sternberg stated that when someone says "lawyer" people know what that means, so in general when someone says "planning professional" what type of degree we would expect to see.

Mr. Austin stated that typically with a site plan you would be talking about an engineer but it would depend on what was being designed.

Mr. Hill stated that if the members of the board are uncomfortable excepting the letter from Mr. Flyte as an adequate statement to meet the requirements of the law, it can be requested that they provided a statement from an engineer.

Mr. Berman stated that he is comfortable with the letter which has been provided as the only change is to the traffic pattern.

Mr. Austin stated that there is no indication of the traffic pattern on the site plan.

Mr. Hill stated that the traffic pattern was indicated and filed with the site development plan application.

Mr. Austin stated that there was no indication on the signed copy of the site plan.

Mr. Blabey stated that the only change is to switch the entrance and exit with each other and that he does not see a problem with accepting the letter submitted by Mr. Flyte.

Mr. Knull asked what Mr. Flyte's title is.

Mr. Austin stated that he is the Vice President of Corporate Support Services and Facilities Planning.

Mr. Blabey stated that Mr. Flyte is being paid to do this job and he feels that a degree is not necessarily required in this situation.

Mr. Blabey made a motion regarding the traffic pattern change to the site plan at 31 Beaver Street, no public hearing is required, the letter from Mr. Jonathan Flyte, Vice President of Corporate Support Services and Facilities Planning, indicates the scope of the project, and that the motion to approve the proposed changes at the March 18, 2014 meeting constitutes an amendment to the original site development plan previously approved by the Planning Board. Mr. Knull seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Knull, Sternberg

Motion carried.

21 Railroad Avenue (Valerie Hitt /Mike Manno) – Wall sign as part of the master signage plan

Mr. Austin stated that, other than the Grove Street property which put a plan in place recently, this is the only property which has a master signage plan. He stated that a master signage plan is supposed to keep all signage on a building in harmony. Mr. Austin explained that this business has been working with him for over a year and started with a banner and is finally submitting a sign drawing.

Mr. Hill stated that the original master signage plan was approved in 2005. He shared with the board the original drawings which indicate the size, location and other details of each sign. He further stated that the proposed sign is sign number 4 on the master signage plan. He read the details as provided on the plan which indicates the exact size of the sign and that the background must be black. He further explained that each sign in the plan has a specific set of criteria and unless applied for no modifications to these conditions may be made. Mr. Hill stated that the only items that the Planning Board can regulate are the font and the color of the lettering.

Mr. Austin stated that based on the details of the master sign plan he does not believe that the Planning Board has the right to dictate anything other than the required background color and sign size. He further stated that if the Planning Board had wanted something more specific like font style and color it would have needed to be clearly indicated in the plan.

Mr. Hill stated that the Planning Board should review for font and color as the proposed color could be neon pink.

The board discussed what can and cannot be preapproved and what needs to be indicated in a master sign plan to ensure that incompatible colors, etc. are not used.

Mr. Austin asked the board to determine what, if any, signs in a master signage plan, would need to come to the board for further approval.

Mr. Berman stated that he does not feel signs can be approved ahead of time.

Mr. Hill stated that this property has a variety of different fonts being used.

Mr. Austin asked the members of the board if they have noticed the new Bassett sign recently placed on this building. He stated that as he drove into the meeting this evening he noticed the new blue and white sign.

Mr. Hill stated that he had not noticed and that Mr. Austin should make contact with Bassett.

Mr. Blabey stated that the point of a master signage plan is to make the facilitation of new signs easy. He further stated that the board sets the minimum requirements at the time of the original approval and items which have not been specified, such as font and font color, can then not be regulated by the board. He asked if the new Bassett sign meets the minimum requirements set forth in the master signage plan.

Mr. Austin said he does not believe so but that it is sign number six of the master signage plan and could be easily determined.

Mr. Hill read the requirements set forth for sign number six and stated that it does not meet the requirements.

Mr. Knull stated that the sign being reviewed tonight has only two criteria which the board can look at based on the master signage plan, size and background color. He further stated that if the board had wanted to have further control it would have need to be indicated in the plan.

Mr. Kuhn, as a member of the Planning Board at the time of the original review, stated that he feels that the minutes would also only indicate that the items being specified are controlled.

Mr. Blabey stated that based on the master sign plan the Planning Board has no action to make tonight as the proposed sign meets the pre-established guidelines.

The board discussed how to prevent there being areas of a master sign plan which may create a distasteful sign as well as how to handle violations of a master sign plan.

Sign Permit Checklist

Mr. Austin provided the board with a tentative check list for sign permit applicants. He asked the board members to review the list and email him suggested additions.

Mr. Hill stated that the list needs to be very specific or the applicants will not provide what is necessary.

Proposed Changes to the Commercial District

Mr. Hill provided the board with a copy of the original memo from the Economic Development & Sustainability Committee (EDSC) as well as a color coded map of the commercial districts. He explained that the committee would like the comments regarding the proposed changes prior to their April 23rd meeting.

Mr. Hill stated that the only currently permitted uses in the Commercial District are single family residences, two family residences, public parks and playgrounds and municipal uses; everything else requires a special use permit.

Mr. Blabey stated that it is ironic that in the commercial district the only permitted use is residential. He continued to state if that is what the Village wants, the area should be rezoned to residential. Mr. Blabey explained that the current law was probably a reflexive action and the pendulum swung too far and needs to be moved back to a reasonable place.

The board discussed residential uses in the commercial district, the location of existing residences within the commercial district, and what the Village would like the commercial district to be. They further reviewed each of the listed possible uses and made a recommendation as to whether or not the use should be permitted, permitted by special use permit or removed from the list and not permitted at all.

Mr. Hill stated that he would put together a summary and forward it to the EDSC and the Board of Trustees.

Minutes

Mr. Blabey made a motion to approve the minutes of February 18, 2014 as submitted. Dr. Sternberg seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Sternberg

ABSTAIN: Knull, Kuhn

Motion carried.

Mr. Berman made a motion to approve the minutes of March 5, 2014 as submitted. Dr. Sternberg seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Kuhn, Sternberg

ABSTAIN: Knull

Motion carried.

Mr. Knull made a motion to approve the minutes of March 18, 2014 as submitted. Mr. Blabey seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Knull, Sternberg

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ABSTAIN: Kuhn

Motion carried.

Meeting adjourned at 6:37 PM

Respectfully submitted,

Jennifer Truax
Deputy Village Clerk