

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 May 19, 2015 at 4:30 p.m. Members in attendance were Chair – Eugene Berman, Richard Blabey, Paul Kuhn, and Richard Sternberg. Village Attorney – Martin Tillapaugh, Zoning Enforcement Officer – Tavis Austin and Deputy Village Clerk – Jennifer Truax were also present. There were ten members of the public present.

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

### **Regular Agenda**

#### **Minutes**

Mr. Berman noted a mistake in the number of public present and asked that the sentence regarding the number of public present be amended to be thirteen members of the public present.

Dr. Sternberg made a motion to approve the minutes from the April 21, 2015 meeting with the correction indicated by Mr. Berman, changing the number of members of the public present to thirteen. Mr. Kuhn seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn, Sternberg

Motion carried.

Mr. Kuhn stated that he learned from a previous board chair that the best and most efficient way to get through this type of meeting is for all of the board members to come to the meeting having reviewed the files in advance and seeking answers to any questions prior to the meeting. He explained that all members being prepared shortens the time spent on items and is a benefit to board members and the public alike.

Mr. Berman stated that member Charles Knull has resigned from the board. He continued to state that his time on the board has been appreciated and that he will be missed.

Mr. Berman informed the board that the Trustees have asked that the Planning Board review all village laws regarding trees. He explained that with the codification of the village law it has been discovered that there are areas of conflict which need to be addressed. Mr. Berman stated that he feels that a complete policy should be developed rather than just fixing conflicting areas. He explained that he has begun gathering information by meeting with the village tree committee and asking for their input and recommendations. In addition, he has contacted Ellen Pope of Otsego 2000 for another perspective. Mr. Berman stated that once this information has been obtained he will provide it to the members of the board for their review.

Mr. Kuhn stated that the law as written is intended for outlying areas such as in a township where there are a greater number of trees per property.

Mr. Austin stated that loosely speaking there are approximately 3 – 4 trees per property in the village.

Mr. Kuhn stated that his property has only one tree.

Mr. Austin stated that there are some properties which have 30- 40 trees.

Mr. Kuhn pointed out that the law needs to take into consideration both of these scenarios.

**25 Lakeview Drive South (Susan Snell, architect for the Booker family)** – referral from the Board of Trustees for a new home in the Waterfront Development Overlay district

Mr. Berman stated that at the April meeting the Planning Board made a recommendation to the Trustees regarding the site plan for a single family residence at 25 Lakeview Drive South. He explained that the Planning Board may not set a public hearing or complete the final site development plan until the Trustees have made a decision regarding the special use permit. He suggested that the board consider a motion to hold a public hearing and final site plan review at their June meeting with the condition that the special use permit be granted.

Mr. Berman made a motion that the Planning Board set a public hearing for June 16, 2015 at 4:30 PM or as soon thereafter as possible for the final site plan review of the application for a single family residence at 25 Lakeview Drive South with the condition that it be held only if the Trustees grant a special use permit. Mr. Kuhn seconded the motion and a vote had the following results:

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

**88 Chestnut Street (Smirk)** – proposed special use permit for a hotel, referral from trustees

Mr. Austin reviewed the application and explained that the applicant is requesting a special use permit to convert the single family home which is already a legally established bed and breakfast with four sleeping rooms into a hotel with six sleeping rooms. He explained that the owner currently occupies the third floor of the structure and in converting the third floor into living space was required by county code to install a sprinkler system and other safety equipment which would be required for a hotel. He continued to state that the parking plan that the Planning Board had previously approved for the tourist accommodation meets and exceeds the requirement for parking for the proposed use.

The board reviewed the existing parking for 88 Chestnut Street.

Mr. Berman stated that a site plan review is not required for this application.

Mr. Kuhn stated that review of the parking plan is required. He questioned whether or not there is sufficient room to maneuver a vehicle if there are ten vehicles in the parking area.

Mr. Austin stated that the parking plan as presented was the plan approved for the tourist accommodation. He explained that the plans presented were removed from the existing file and added to this application.

Mr. Berman stated that the board may choose to approve the plan as presented or require modifications.

Mr. Kuhn stated that space number 10, and possibly space number 9 could interfere with traffic flow.

Mr. Blabey stated that when this plan was approved the required parking spaces were 20 feet deep and now only 18 feet is required.

Mr. Austin stated that the plan does exceed the minimum requirements.

Mr. Kuhn asked if the existing parking area is paved.

Mr. Smirk stated that it is paved.

Mr. Kuhn asked if they intended to line the parking area to designate parking spaces.

Mr. Smirk stated that the parking area is already lined to delineate parking spaces.

Dr. Sternberg made a motion to recommend the special use permit with the parking plan as submitted and to approve the parking plan contingent on the special use permit being granted. Mr. Kuhn seconded the motion and the follow discussion was held.

Mr. Berman suggested that the motion should include a provision granting the Zoning Enforcement Officer the authority to sign off on the parking plan as submitted if the Board of Trustees grants a special use permit.

Mr. Blabey stated that he is not sure that the Planning Board should make any recommendation for or against the special use permit as that is in the jurisdiction of the Trustees. He explained that the community reaction to the recommendation of a hotel may not be favorable in a residential district even though the property is already an established bed and breakfast.

Mr. Kuhn stated that there is already precedence for hotels in this area. He stated that there are hotels next door and up and down Chestnut Street.

Mr. Blabey stated that based on the wording of the motion he feels that it appears that the Planning Board is in favor of the hotel. He asked if this was the intention of the board.

Mr. Kuhn stated that he does not feel the board is influencing the Trustees decision. He further stated that the existing bed and breakfast is already permitted.

The board further discussed the wording of the motion, their role as a board, and the location and existing use of the property.

Mr. Austin stated that based on the criteria of the law "A – G" the application meets the parameters. He agreed that the public might find it a bit odd that a hotel is granted for a residential property on Chestnut Street without much difficulty but a hotel on Main Street undergoes scrutiny. He continued to state that the difference is that the property on Chestnut Street has already been developed with this use and is just expanding slightly and meets the requirements of the law, whereas, the proposed property on Main Street will require extensive development to meet the law.

Dr. Sternberg amended his motion to read: that based on the required review the Planning Board finds the application to be in compliance with the law and recommends the approval of the special use permit. If a special use permit is granted by the Board of Trustees the Planning Board finds that the parking plan is acceptable as submitted and grants the Zoning Enforcement Officer the authority to sign off on the parking plan as submitted. Mr. Kuhn seconded the motion and a vote had the following results:

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

**20 Eagle Street (Luhmann)** – proposed freestanding and wall signage in a residential district for a home occupation

Mr. Austin reviewed the application for signage at 20 Eagle Street. He stated that Ms. Luhmann was recently granted a Special Use Permit for a home occupation and is now requested signage for that use. Mr. Austin stated that based on the law the residential property is not allowed both wall and freestanding signage for a home occupation.

Mr. Berman suggested tabling this agenda item until later in the meeting in case the applicant is running late.

**134 Main Street (Yuantje Song/Ferrara)** – proposed new projecting and wall signage

Mr. Austin reviewed the application and explained that the applicant is proposing 20 square feet of wall signage on the eastern side of the front of the building and the relocation of the existing bracket for a projecting sign. He stated that the proposed signs meet all of the criteria of the sign law and allows for equal signage for a second business should one occupy a portion of the building.

Mr. Kuhn stated that the signs are very tasteful, do not conflict with surrounding buildings and that he like the use of traditional Asian style lettering.

Mr. Berman made a motion to approve the projecting and wall signs for 134 Main Street as submitted. Mr. Kuhn seconded the motion and a vote had the following results:

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

**69 Main Street (Florczak)** – proposed wall signage on approved awning

Mr. Austin reviewed the application for signage on an awning already approved by HPARB. He stated that the wording on the sides and front of the awning constitutes wall signage and requires the Planning Board's approval. He explained that the sides of the awning would be considered projecting signs and they total 3 square feet, while the front of the awning would be considered a wall sign and total 4 square feet. He stated that the awning will be mounted to be 8 feet above the sidewalk at the lowest point and meets all requirements of the sign law.

Dr. Sternberg asked how the square footage of the signs are determined in this situation.

Mr. Austin stated that the square footage is determined by forming a square around the wording.

Dr. Sternberg made a motion to approve the projection and wall signs on the awning at 69 Main Street as submitted. Mr. Kuhn seconded the motion and a vote had the following results:

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

**103 Main Street (Weir)** – proposed menu board sign on Village menu board

Mr. Austin reviewed the application for a menu board. He stated that the applicant has a right to a menu board sign and that it complies with the law.

Mr. Kuhn stated that he was under the impression that the menu board signs were going to be removed.

Mr. Austin stated that he has been informed that although there is a possibility that these signs will be removed that interested parties may apply for signage but that no reimbursements will be give if the signs boards are removed from Main Street.

The board reviewed the proposed sign and discussed the graphic design with the applicant.

Dr. Sternberg made modifications to the graphic with the applicant's permission.

The applicant concurred with the changes.

Dr. Sternberg made a motion to approve the menu board sign for 103 Main Street with the amendments as made to the original application. Mr. Blabey seconded the motion and a vote had the following results:

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

**106 Chestnut Street (Utica Signs)** – proposed re-facing of freestanding signs

Mr. Austin reviewed that application and stated that the replacement is basically sign for sign with minor changes to the design.

Dr. Sternberg made a motion to approve the re-facing of the existing freestanding signs at 106 Chestnut Street as submitted. Mr. Kuhn seconded the motion and a vote had the following results:

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

**Continuation of 20 Eagle Street (Luhmann)** – proposed freestanding and wall signage in a residential district for a home occupation

Mr. Austin again reviewed the application for signage at 20 Eagle Street and explained that the proposed signage exceeds what is allowed by law. He stated that the board can choose to approve one or the other of the two proposed sign. He further stated that the applicant could choose to request a variance for the second sign.

Mr. Berman referred the board to Sign Law section 227-3.B.1(b) that designates the allowed signage for a home occupation within a residential structure.

Mr. Kuhn asked about the freestanding sign at the Rigby's home occupation.

Mr. Austin stated that he is not sure if the sign law has changed since that approval was granted. He stated that the Rigby's sign was granted a variance for location but he is not sure about the size of the sign.

The board discussed what size and types of signs are allowed for a home occupation.

Ms. Luhmann stated that the freestanding sign on the porch would only be present when the studio is open.

The board continued to discuss the legally allowed signs and square footages.

Mr. Blabey stated that the business is legally allowed an open sign of up to one square foot without approval.

Ms. Luhmann stated that the framing of the proposed freestanding sign is adjustable and that she could reduce the size to one square foot although it would be fairly small.

Mr. Berman stated that the wall sign also exceeds what is allowed by the law. He pointed out that the proposed sign is 4 square feet where only 3 square feet is allowed.

The board discussed ways to reduce the size of the wall sign and the option of applying for a variance.

Ms. Luhmann stated that she would reduce the open sign to one square foot and the wall sign to three square feet.

Dr. Sternberg made a motion to approve the wall sign for 20 Eagle Street with the condition that it be no more than 3 square feet in size. Mr. Kuhn seconded the motion and a vote had the following results:

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

### **99 Main Street (Drerup for Ferrara) – proposes site plan modification**

Mr. Austin reviewed the application to use the three established parking stalls for the Wax Museum to expand the existing restaurant use. He explained that in 1995 the ZBA made a determination that the originally required six parking stalls could be reduced to three parking stalls. These parking stalls were established and required for use by the Wax Museum. Mr. Austin stated that Mr. Ferrara has been cited several times over the past few years for the violation of this use but is applying for modification based on an amendment to the zoning law. He explained that the zoning law now allows for required parking to be obtained through a lease which Mr. Ferrara has obtained and provided as part of the application. In doing so he has released his obligation to hold those three parking stalls at 99 Main Street and would like to expand the existing restaurant use into the parking area.

The board reviewed the lease and the requirements of the law regarding off-site parking. They continued to discuss parking requirements for new and established businesses specifically restaurants and whether the restaurant at 99 Main Street complies with the parking requirements.

Village Attorney, Martin Tillapaugh, informed the board that the lease, provided, is a valid contract.

Mr. Austin reviewed the law regarding parking and stated that the restaurant at 99 Main Street, even if allowed to expand into the parking spaces, is in compliance.

Mr. Blabey asked about the proposed structures.

Mr. Austin stated that the structures are not permanent but will be reviewed by HPARB.

Mr. Blabey asked how the lease will be followed up on and enforced in five years.

Mr. Austin stated that it will be difficult to do so but that if approved he will set a calendar reminder in Outlook and should it still be the email program of choice it would remind the ZEO of the need to follow up on the lease.

Mr. Berman made a motion to approve the site plan modification for 99 Main Street to expand the restaurant use as submitted, through the relocation of the existing required parking to an off-site location. Mr. Blabey seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Kuhn,

ABSTAIN: Sternberg

Motion carried.

### **Other Business**

Mr. Austin reviewed upcoming projects to include relocation of job trailers on Mill Street to Walnut Street and relocation of McCarthy's construction offices on Mill Street to the Mang building.

Meeting adjourned at 5:42 PM

Respectfully submitted,

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Jennifer Truax  
Deputy Clerk