

A regular meeting of the Zoning Appeals Board of the Village of Cooperstown was held in the Village Office Building, 22 Main Street, Cooperstown, New York on January 3, 2017 at 5:00 p.m. In attendance:

- Members: Chair, Susan Snell / Frank Leo / Ron Streek
- Others: Zoning Enforcement Officer, Jane Gentile / Village Clerk Mikal Sky-Shrewsberry / (3) members of the public

Ms. Snell Opened the Meeting at 5:06 PM

Public Hearing (1 item)

Ms. Snell Opened the Public Hearing at 5:07 PM

1. **John Sansevere, 76 Chestnut Street, Cooperstown, New York-** hearing for approval to install six foot high stockade fence in secondary front yard setback.

John Sansevere was represented by Joe Marmorato

Corrections to the wording of property description on the agenda were made

- address was written as 76 Main St / corrected to 76 Chestnut
- last line of variance request was written as 10' variance / corrected to 2' variance

Board Discussion of History Regarding Variance Request

- Previously presented to HPARB for approval
- HPARB gave conditional approval. Conditions are as follows:
 - Fence set back min distance of 5' from road
 - Existing wire fence shall be removed
 - Finished side will face Cooper Lane
- There was no zoning officer at the time and the need for a height variance was not flagged
- Previous chair of HPARB (Teresa Drerup) conveyed 2 personal objections to Susan Snell by phone which were shared with the ZBA
 - concerned about the location
 - whether it would allow for the 5' required right of way for 2 passing cars and snow removal
- Ms. Snell is concerned that HPARB may not have had complete info on the extent of the right of way when making their decision and may have overstepped their authority in requiring the 3 conditions (above)
- Requested that the ZEO contact the village attorney, Martin Tillapaugh, about the legality of HPARB's requirements. If they are lawful, the ZEO will consult with HPARB to see if they can be modified based on the Streets Committee review.
- Mr. Streek stated that the ZBA is only concerned with the 2' height variance and not the setback distance

Discussion of who owns the fence was initiated by Joe Marmorato

Board noted:

- Existing fence is on village property
- John Sansevere plans to remove it
- Removal has no effect on the decision of the ZBA
- ZBA is reviewing for additional height only

Ms. Snell read the 5 sections of John Sansevere's variance application form

- Ms. Snell and Ms. Gentile discussed the differences in wording of the requirements on the form and the actual village requirements
- Ms. Gentile explained that circumstances has required her to use NY State requirements at the time of the forms creation.
- Both agreed forms should be updated to reflect the actual village code
- Neither the Board nor the Public expressed any concerns or additional comments in response to the application as read or the criteria in the Zoning Law

Public Hearing Closed: 5:27pm

Regular Agenda (3 items)

1. John Sansevere, 76 Chestnut Street, Cooperstown, New York, for a variance from **Section 300-84** for the placement of a six foot high fence in the secondary front yard setback on the property. The property is located in the R-3 Residential District and has a secondary front yard setback of 10'. As specified a required open space unoccupied and unobstructed by any structure or portion of a structure from: Forty-eight inches above the general ground level of the graded lot upward in a front yard. As proposed the fence will be located on the property line within the required setback and is seventy-two inches above the general ground level; therefore, a two foot high variance is requested.

Motion to approve John Sansevere's application for a variance from Section 300-84 for the placement of a six foot high fence in the secondary front yard setback subject to the conditions imposed by HPARB

- Motion made by Mr. Streek / Seconded by Mr. Leo
- Vote: AYES (3): Snell, Streek, Leo / OPPOSED (0)
- **MOTION APPROVED**

2. The Preliminary Hearing of Ed Landers, 8 Glen Avenue, for a change in existing tourist accommodation special use permit from two one (1) bedroom transient apartments to three one (1) bedroom transient apartments. This will allow the 1 bedroom apartment previously rented long term to be rented short-term.

Mr. Landers was NOT present

Relevant history of property explained by Ms. Snell

Ms. Snell indicated that she wanted to exercise some caution because it is such a large structure she wants to make sure that there is no actual expansion. There is a schematic floor plan in the Village file showing the layout and location of the 3 apartments.

Ms. Snell and Ms. Gentile discussed concerns and noted there is no indication of expansion and parking requirements are met.

Once approved bed tax and county code will need to be checked

Hearing Set for ZBA Feb Meeting @5pm or ASAP thereafter

Notices need to be sent to everyone within 400' as per (300-16)

- Discussion of whether requirements are for everyone within 400' or 500' because article 14 (300-49) indicates 500' which is in conflict with (300-16).
- Ms. Snell and Ms. Gentile agree:
 - Requirement is actually 400'
 - Village attorney needs to be asked about article 14 to resolve the conflict.

3. Review of Minutes for December 6, 2016 Zoning Board of Appeals meeting.

Motion to approve the minutes as submitted

- Motion made by by Mr. Leo / Seconded by Mr. Streek
- VOTE: AYES (3): Snell, Streek, Leo / OPPOSED (0)
- **MOTION APPROVED**

Other Business

Discussion Regarding Rental Property at 25 Chestnut Street

Mr. Leo would like Trustees to clarify owner/operator operation rules regarding owners living at adjacent properties.

Ms. Snell requested that Ms. Gentile talk to the village attorney about this. Will be addressed at a future meeting after Ms. Gentile gets clarification.

Discussion of Ms. Gentile's project RE rental permits and Airbnb properties that is currently in process

Ms. Gentile noted:

- At least 10 properties are without permits
- She is still in the process of identifying Airbnb properties.

Mr. Leo said he will be out of town for the Feb, Mar and Apr meetings.

Will fly back if anything really important comes up.

Meeting Closed at 5:48