

A regular meeting of the Zoning Board of Appeals of the Village of Cooperstown was held in the Village Office, 22 Main Street, Cooperstown, New York on April 5, 2016 at 5:00 pm. Members in attendance were Chair - Susan Snell, John Sansevere, Ron Streek and Marcie Schwartzman. Member Frank Leo was absent. Alternate Member Jane Gentile was also present. Also in attendance were Al Keck Interim Zoning Enforcement Officer and Village Clerk – Teri Barown. Five members of the public were present.

Ms. Snell called the meeting to order at 5:01 p.m. and welcomed new alternate member Jane Gentile and Sheila Serbay who will begin employment on April 19 as the new Zoning Enforcement Officer.

Public Hearings

66 Susquehanna Avenue (Emily Cooperstein) – applicant seeks a special permit for a two sleeping room tourist accommodation.

Ms. Snell opened the public hearing at 5:03 p.m. There were no public comments from those present.

The applicant reviewed the map showing the four required parking spaces. Ms. Snell stated that the dimensions shown demonstrate that four parking spaces will fit the space. It was noted that floor plans were provided at the previous meeting.

The Otsego County inspection certificate was provided and copied for the file.

Ms. Snell read one emailed comment from James Reid, PhD. He stated that he would like to see the application rejected as he feels there is inadequate space for parking, there is illegal parking in this section of Susquehanna Avenue, Bassett employees park in this section of Susquehanna Avenue, making entrance and exit to driveways difficult, the Clark Gym is under construction and there are large trucks coming and going all the time and the likely target for this use is Dreams Park.

Ms. Snell stated that in addressing his concerns there is adequate parking on the property to accommodate the required four parking spaces and illegal on-street parking is an issue for the Police. She stated that renting to Dreams Park is not a problem as this is permitted under a tourist accommodation.

Discussion was held regarding whether this residence was ever two-family at one point in time. Ms. Cooperstein stated she doesn't believe so, but understands it was used for a daycare.

There were no further comments, and Ms. Snell left the public hearing open for a time.

Ms. Snell opened the following public hearing at 5:12 p.m.:

15 Leatherstocking Street (David Pearlman and Nancy Potter) – applicant seeks a special permit for a one bedroom tourist accommodation.

Ms. Snell reviewed that the site plan was submitted at the previous meeting, and that now the property folder contains the house plan layout showing where the room to be rented will be located.

There was not public comment on this application.

Ms. Snell also noted that there is adequate parking for the three required spaces and the layout is in the file. She left the public hearing open and returned to the application for 66 Susquehanna Avenue.

Ms. Snell closed the public hearing at 5:20 p.m. for 66 Susquehanna Avenue – applicant seeking a special permit for a two sleeping room tourist accommodation.

Mr. Sansevere made a motion to approve the special permit for a two sleeping room tourist accommodation at 66 Susquehanna Avenue through October 31, 2016 and subject to annual renewal by November 1 with the parking as shown on the map in the property folder. Mr. Streek seconded the motion and discussion was held.

Ms. Snell reiterated to Ms. Cooperstein that the property must be owner occupied when guests are on the premises. She stated that this was placed in the tourist accommodation law and is the best precaution that operation not disturb the neighborhood.

Ms. Cooperstein asked for clarification regarding not being able to leave if someone is renting.

Ms. Schwartzman stated that the owner needs to be on premises whenever a guest is on the premises.

Ms. Snell stated that in the past individuals have rented under this provision and stayed overnight elsewhere and this is why the language in the law was adopted so as to prevent that situation from occurring.

A vote on the motion had the following results:

AYES: Snell, Schwartzman, Streek, Sansevere, Gentile Motion carried.

Ms. Snell closed the public hearing at 5:20 p.m. for 15 Leatherstocking Street – applicant seeking a special permit for a one bedroom tourist accommodation.

Mr. Streek made a motion to approve the special permit for a one bedroom tourist accommodation at 15 Leatherstocking Street through October 31, 2016 and subject to annual renewal by November 1. Mr. Sansevere seconded the motion and a vote had the following results:

AYES: Snell, Schwartzman, Streek, Sansevere, Gentile Motion carried.

Regular Agenda

21 Leatherstocking Street (Gary Kiss) – preliminary hearing for a home occupation.

Ms. Snell noted that the applicant is seeking studio hours for a yarn business and that the driveway has been extended to accommodate up to six cars and applicant stated it is two cars wide. A drawing showing the parking was placed in the property folder.

Ms. Snell stated that retail sales of goods is restricted from home occupations unless they are produced on the premises (Zoning Law Section 300-17(b)(6)).

Mr. Kiss stated that it is produced on the premises as he and his partner weave, spin and dye the yarn at their home. Ms. Snell stated under those circumstances a home occupation would be permitted.

Mr. Kiss provided a site plan showing the area where the home occupation would be located. He stated that it was to be contained in approximately 600 feet of the basement.

Ms. Snell determined the required parking under the law and stated unless there were objections otherwise it would be noted at two parking spaces for the residence and one parking space for the

home occupation. She reminded the applicant parking can be stacked for the house, but not the business.

Ms. Snell set a public hearing for Tuesday, May 3, 2015 at 5:00 p.m. or as soon thereafter as can be heard for a special permit for home occupation at 21 Leatherstocking Street.

75 Fair Street (Roseanne Fredriksen Vavasis) – preliminary hearing for a two sleeping room tourist accommodation.

The parking plan submitted by the applicant was reviewed and the Board determined that there was not adequate parking for a two sleeping room tourist accommodation as four parking spaces are needed and only three would fit.

The applicant agreed to change her application from two sleeping rooms to one sleeping room.

Ms. Snell set a public hearing for Tuesday, May 3 at 5:00 p.m. or as soon thereafter as can be heard for a special permit for a one sleeping room tourist accommodation at 75 Fair Street.

43 Delaware Street (Angelica and Orion Palmer) – preliminary hearing for a one sleeping room tourist accommodation.

The applicant was not present and Mr. Keck reviewed the application.

Ms. Snell requested that either Mr. Keck and/or Ms. Serbay inspect the garage to make certain there is space available inside to park a car, as this is being stated in the application as a way to meet the required parking. She also requested that a house layout be obtained showing where the sleeping room will be located. She stated that the county inspection is in the file. Mr. Keck stated that the applicant is aware that it needs to be owner occupied.

Ms. Snell set the public hearing for 43 Delaware Street – special permit for a one sleeping room tourist accommodation for Tuesday, May 3, 2016 at 5:00 p.m. or as soon thereafter as can be heard.

Minutes – Ms. Schwartzman made a motion to approve the minutes of the February 2, 2016 Zoning Board of Appeals meeting. Mr. Sansevere seconded the motion and a vote had the following results:

AYES: Snell, Schwartzman, Sansevere ABSTAIN: Streek, Gentile Motion carried.

The meeting adjourned at 5:45 p.m.

Respectfully Submitted,

Teri L. Barown, RMC
Village Clerk