

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 July 5, 2016 at 5:00 p.m. Members in attendance were Chair – Susan Snell, John Sansevere, Frank Leo, Marcie Schwartzman, Ron Streek and alternate Jane Gentile. Zoning Enforcement Officer, Sheila Serbay was also present. There were 7 members of the public present.

Ms. Snell opened meeting at 5:02 pm and announced two Public Hearings on the agenda.

### **Public Hearings**

#### **1.12 Susquehanna Ave. - application for Tourist Accommodation – 2 bedroom**

Ms. Snell opened the public hearing at 5:02pm.

Ms. Schwartzman recused herself.

Ms. Snell announced the first application; request for a Tourist Accommodation at 12 Susquehanna Ave.

Ms. Snell asked if anyone had any comments.

Ms. Pam Washburn, 42 Elm Street, introduced herself.

Ms. Snell asked if her property was located at the back property line.

Ms. Washbourn stated Yes.

Ms. Washburn stated the she wanted to maintain the quality of the neighborhood. She further stated that her concern was that the Dunn property would be rented to Dreams Park visitors and wanted clarification if it would be a summer rental or for full time residents.

Ms. Snell asked what was meant by resident.

Ms. Snell defined the meaning of resident as defined for Tourist Accommodations is anyone who occupies an accommodation for less than 30 consecutive days. Tourist accommodations are required to be owner-occupied and owner-operated.

Mr. Sansevere stated that there were also other regulations that included parking spaces, fire inspections, and bed taxes.

Mr. Sansevere qualified the living arrangements as he understood them to be....a two family residence.

Mr. Dunn further clarified the living arrangements in the two apartments. His family lives in the second floor apartment and the first floor apartment will be the Tourist Accommodation. It includes two bedrooms. “ We plan on one booking at a time for the 2 bedroom”.

Ms. Snell asked if the entire first floor is being used for the Tourist Accommodation. Mr. Dunn said it was.

Ms. Snell stated that a Special Usage Permit states that a driveway must be 10 ft. in width. Mr. Sansevere stated that he drove by and it seemed to be to standard.

Ms. Snell passed plans around to Board Members.

Mr. Streek asked for the maximum number of people in the rental. Mr. Dunn stated a maximum of 3.

Ms. Snell asked if there had been a measurement for the width of the driveway. Ms. Serbay stated that she did not have a measurement.

Ms. Schwartzman stated, as her role as a neighbor, that she is friendly with the present owners. She spoke with the Village Attorney who stated that a permit could be tailored to allow for specifics. An example is that not more than 10 people are permitted to reside on a premise at one time.

Ms. Snell suggested that we should reiterate the law.....clarifying that it be owner occupied, not having more than 10 people, etc.

A discussion continued among the Board Members.

Mr. Peter Finch, 30 Susquehanna Ave., gave his opinion to leave the law as it is. New owners should deal with any changes that apply to them at the time.

Mr. Sansevere stated that any motions should follow our traditional form. " Board must remain consistent".

Ms. Snell stated as a general rule there are annual renewals for those with Tourist Accommodations. Absent of complaints, it remains on auto-pilot unless it lapses. Then if it wants to begin again, it starts over again with whatever rules are then in force. Ms. Snell closed the Public Hearing at 5:30

Mr. Sansevere made a motion for a 2 bedroom Tourist Accommodation permit be granted as stated in the application under current laws contingent on the driveway being 10 ft wide.

Ms. Snell asked if Mr. Sansevere would consider adding clarity within his motion. Mr. Sansevere state No. "The Board cannot start a precedent here".

Mr. Dunn asked that if the driveway is not 10 ft. but had 8 ft. that is not a hard surface, "What then?".

Mr. Gentile, Otsego County Code Enforcement, asked what can the owner expect if the driveway measures less than 10 ft. "He needs to know".

Mr. Streek seconded the motion.  
AYES: Sansevere, Streek  
OPPOSED: Gentile, Leo, Snell

Mr. Streek stated that the motion did not display Board unity.

Ms. Snell entertained a new motion.

Mr. Leo made a motion that the application for a 2 bedroom Tourist Accommodation at 12 Susquehanna Ave., Cooperstown, NY be approved by the ZBA on July 5, 2016 with the contingency that the driveway be 10 ft. in width.

Ms. Serbay is to measure driveway.

Mr. Sansevere seconded the motion.

AYES: Sansevere, Leo, Streek

Opposed: Gentile, Snell

Motion passed.

Ms. Snell said that she had no objection to the application, but thought that reiterating some of the major Tourist Accommodation requirements in the motion would be very helpful.

Ms. Schwartzman rejoined the board.

2. **14 Delaware St.** – Variance for 4'6" in rear yard for a 24' x 24' garage to be built 5' 6" from back property line.

Ms. Snell asked Ms. Serbay several specific questions regarding the location of the potential new garage, starting point for measurements, and intended distance of garage from existing fence.

Ms. Serbay stated that the extreme right corner pin in the ground was the starting point with a total of 10 ft into the property becoming the back line of the garage.

Ms. Snell reiterated the setbacks of the property which are 5 ft setback on the right (north) side of the property and 10 ft. in the rear.

Ms. Serbay agreed with those stated setbacks.

Ms. Snell determined that no variance was required. The proposed garage will be 5' from the north side property line and at least 10' from the rear property line.

Ms. Holly Hren, 85 Chestnut, asked Ms. Serbay and Ms. Snell a few questions that did not apply to the setback discussion.

Ms. Snell stated that no variance was required and that therefore there would not be a public hearing on this application.

Minutes:

Mr. Leo made a motion to accept the minutes of June 5 as is.

Mr. Sansevere seconded the motion.

AYES: Snell, Sansevere, Leo, Streek, Schwartzman.

Ms. Serbay explained to the Board that she has met with Martin Tillapaugh to discuss the advisability of Board members visiting properties. There are potential issues with liability of walking on private property and concerns that the applicant may feel pressure to allow it. Ms. Serbay and Mr. Tillapaugh advise that Board members should not walk on private property when reviewing applications.

Ms. Snell stated that if the Board members cannot access backyards, etc. to see the conditions, they will need to rely on the Owner and Ms. Serbay to provide enough photographs and other information to explain the conditions fully.

Meeting Adjourned: 6:15