

05-03-16

Zoning Board of Appeals
DRAFT

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 May 3, 2016 at 5:00 p.m. Members in attendance were Chair – Susan Snell, John Sansevere, Frank Leo, Jane Gentile, and Marcie Schwartzman. Member Ron Streek was absent. Zoning Enforcement Officer Sheila Serbay was also present. There were twelve members of the public present.

5pm Ms. Snell opened meeting and announced three Public Hearings and three regular applications were on the agenda.

Public Hearings

1. 21 Leatherstocking St. (Fest & Kiss) - Home occupation for fiber arts studio and yarn company.

Ms. Snell opened the public hearing at 5:01. She read the application and explained the difference between home occupation for a business vs. other businesses. Asked public for comments/questions.

Kathy Clancy, 19 Leatherstocking –next door neighbor-supported application as did her husband, Brian Clancy.

Erin and James Richardson, 22 Leatherstocking, also supported the application.

2. 75 Fair St. – (Vavasis) – Tourist accommodation- A review of the request for a one bedroom TA.

Ms. Snell opened the public hearing at 5:04.

Ms. Snell passed plans to board members.

Mr. Connolly, neighbor – 73 Fair St .- opposed the request. He had several adverse comments based on inconveniences experienced in the past from renters in the two-family house, such as renters parking in his driveway, noise from renters while on the porch, and possibility of too many people staying on premises.

Mr. Connolly wanted to know who would be responsible for any damages done to his fence or property from people pulling into his driveway.

Mr. Sansevere asked if/how Mr. Connolly would know that there would be problems. He also stated that remedies for problems would be contacting the owner, ZEO or the police. There were questions from Mr. Connolly regarding the term owner occupied and felt that the owner should reside on the property year round.

Ms. Snell explained the guidelines of the Special Permit. The owner occupancy is only required during the time when the property is rented as a Tourist Accommodation. She encouraged the owner and neighbor to have a dialogue to remedy concerns.

Mrs. Connolly addressed Ms. Vavasis regarding her intentions for the rental. Ms. Vavasis explained that after investing much personal time and money in the property, she did not want it destroyed by unruly renters.

Ms. Snell explained that most problems arose from owners who do not live on the property. Owner occupancy is required to provide an effective safeguard for impending problems. This provides a balance for those who rent their property and neighbors.

Ms. Snell defined/clarified the term owner occupied for Mr. Connolly.

Mr. Sansevere again suggested contacting the owner, the ZEO or the police if there were problems.

Mr. Leo asked for additional information regarding the driveway concern.

Mr. Sansevere suggested that the neighbor mark their driveway.

Ms. Vavasis said that she would notify renters.

Mr. Connolly continued to explain his inconveniences resulting from transient people...parking, loud talking, etc. would change his quality of life. He wanted to be reassured of some recourse.

3. 43 Delaware St. (Palmer) Tourist accommodation and one parking space.

Ms. Snell opened the public hearing at 5:21.

Mr. Sansevere asked if Sheila Serbay visited the property.

Ms. Serbay confirmed that she had and all requirements for parking and the garage were met.

Margaret Duffy- neighbor – 41 Delaware St. supported the application.

Rich McCaffrey- neighbor – 20 Delaware St. supported the application.

As reported by the owner, Mr. Palmer, John Haden who was not present also supported the application.

Ms. Snell asked for questions/comments.

The 3 public hearings were closed at 5:30

1. **21 Leatherstocking** - Ms. Schwartzman made a motion to approve a Special Permit for a Home Occupation for a textile business as proposed.

Mr. Sansevere seconded the motion and a vote had the following results:

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

2. **75 Fair St.** – Mr. Leo asked that it be revisited.

Ms. Snell checked the law regarding tourist accommodation permit. Read statute 300.17 (4)

Ms. Snell stated that the permit must be renewed annually. If not, the owner would be in violation. Complaints go to the ZEO.

Mr. Leo asked if the neighbor was now satisfied with the driveway issue.

Discussion among board members felt that the owner and neighbor had discussed it and seemed somewhat agreeable.

Ms. Schwartzman stated that problems arise from transient people living in residential areas. Mr. Sansevere did not see this as a problem since the laws permitted owners to rent and there were remedies for problems.

Statements from the public were that the neighbor should post a sign in their driveway to avoid intrusion.

Ms. Snell asked if the front of the house was Fair St.? Reasoning was that the owner might consider giving a key to a door that would reinforce usage of the correct parking area. She also suggested that the owner notify guests of parking area and to be mindful of loud talking at night.

Ms. Vavasis questioned what takes away another's quality of life?

Ms. Snell suggested that the owner be sensitive to the neighbor regarding noise.

Ms. Schwartzman stated that the permit goes with the house/property although it must be reviewed annually. She felt that homeowners should not be helping other to make money. She asked Ms. Serbay as ZEO what was her input?

Ms. Serbay stated that if the law allows for property owners to rent, personal preferences should not interfere.

Mr. Sansevere made a motion to approve 75 Fair St. tourist accommodation for one bedroom as proposed.

Mr. Leo seconded the motion and a vote had the following results:

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

3. 43 Delaware St. – Ms. Snell asked if anyone needed to review the file.

Mr. Sansevere made a motion for tourist accommodation - one sleeping room with parking approved by ZEO to be approved.

Mr. Leo seconded the motion a vote had the following results:

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

Regular Agenda.

1. 47-49 Elm St. (Jennings). – Shed/Variance- Mr. Jennings explained reason the need for a backyard variance instead of a side yard request.

Questions were asked by Ms. Snell and Mr. Sansevere regarding neighbors. Ms. Snell recommended that Mr. Jennings get written statements of agreement with the variance request, if possible, for the file.

Mr. Jennings was instructed by Ms. Snell to respond in writing to check list in law and return to ZEO. Ms. Snell read statute 300.66 (c) (1) (6) and set next appearance for Public Hearing on

June 7th at 5 pm.

2. **20 Glen Ave.** (Eichler) – Shed/Variance - Ms. Snell stated that the only required variance for this application was for the east side....5'8" variance. This is based on Grove St being designated the primary front elevation with a 20' set back, Glen Ave having a 10' setback, the north property line setback being "as established" and the east property line having a 10' setback.

Board members discussed the potential option for where shed could be place to avoid variance. S. Serbay stated that an existing stub from a tree would interfere.

Applicant was instructed to complete the required list of questions and return them to ZEO. Public Hearing set for June 7th at 5 pm.

3. **83 Pioneer St.** (Richtsmeier) – Shed/Variance – Owner requested relief on rear line. Owner asked to verify the rear boundary for members to review. Public Hearing set for June 7th at 5 pm.

Minutes: Mr. Leo made a motion to approve the minutes of April 5, 2016 Zoning Board of Appeals meeting. Ms. Schwartzman seconded the motion. All approved.

Meeting Adjourned at 6:45pm