

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 February 4, 2014 at 5:00 pm. Members in attendance were Ruthe Ayres, Frank Leo, John Sansevere, Marcie Schwartzman and Susan Snell. Also in attendance was Zoning Enforcement Officer – Tavis Austin and Deputy Village Clerk – Jennifer Truax. Two members of the public were present.

Ms. Snell called the meeting to order at 5:02 p.m.

### Public Hearing

**36 Delaware Street (Joseph Wyckoff)** – Public hearing for addition to the residential structure within the side yard setbacks

Ms. Snell reviewed the request for area variances in the side yard and opened the public hearing at 5:03 p.m. She asked for public comment and there was no comment at this time.

Mr. Austin stated that one neighbor had come into the office to review the plans and that the biggest concern they had was regarding drainage and the loss of permeable surface.

Mr. Wyckoff stated that he spoke with the Kevlins today and discussed the drainage. He further stated that there is no loss of green space as the proposed garage will be built where there is currently asphalt.

Ms. Snell asked Mr. Austin if the Kevlins had any objection to the project.

Mr. Austin stated that they did not have any objection to the variance.

Ms. Snell stated that Mr. Wyckoff has submitted written responses to the Area Variance Test. She read the responses for the record.

Ms. Schwartzman asked if the project has been approved by HPARB.

Mr. Austin stated that HPARB has reviewed the plans and there is a consensus that the project will be approved. He explained that their biggest concern was with the attached garage and whether it fits the character of the structure and neighborhood; however, they seemed to be of the opinion that the garage would be approved. He explained that a decision was not made at the January HPARB meeting because he had accepted the application which said that the new materials would “match” existing and HPARB asked “match what.” HPARB has asked that Mr. Wyckoff provide a detailed material list of what exactly the materials will be.

The board discussed the nature of this variance, as is true in the case of most if not all variances, being self-created.

Ms. Schwartzman made a motion to grant two area variances for 36 Delaware Street. The first being a 1’ (one foot) variance into the ten foot side yard setback on the south side of the property to construct a garage. The second is for a 3’ 8” (three foot eight inch) variance into the ten foot side yard setback on the north side of the property to construct a second story addition over the existing foot print as shown on plans dated 12/30/2013. Ms. Ayres seconded the motion and a vote had the following results:

AYES: Ayres, Leo, Sansevere, Schwartzman, Snell

Motion carried.

## Other Business

Ms. Snell shared with the members of the ZBA that the Board of Trustees is currently looking at a modification to the zoning law to allow an existing non-conforming use to expand the use within the structure. She continued to state that Mr. Hill, Planning Board Chair has requested that the ZBA give their opinion on the effect of this change and what action if any should be included to handle parking as it relates to the expansion.

Mr. Austin read both the current law regarding expansion of a nonconforming use as well as the proposed law. *Current 300-50(B)2: Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building. Proposed change to: Any nonconforming use may be extended throughout any parts of the building in which it is located, but no such use shall be extended to occupy any land outside such building.*

Ms. Snell stated that one example of a business who could expand under the proposed law change is NY Pizzeria.

Mr. Austin explained that the question being asked by Mr. Hill is, if the use is allowed to expand, how would we handle parking. Mr. Austin further stated that if an existing building currently uses ½ of the structure for manufacturing and expands to use the entire structure it would require that the parking requirement be evaluated as the law requires a certain number of parking spaces for every so many square feet, therefore in reality the use is expanding outside the structure due to the increase in the number of required parking spaces. He further stated that in a business like NY Pizzeria they could expand seating onto the second floor without increasing the physical total number of seats available but just provide more room for the customers. This increase in use would only be an interior expansion.

The board discussed the effect these types of scenarios would have on parking and that even if there was no increase in the number of available seats NY Pizzeria is looking to increase business by making carry out service more convenient therefore the use density may increase.

Mr. Austin stated that if you remove the Bassett and Clark properties from the scenario there are only four properties which have nonconforming uses. Given that this is such a handful of properties the impact would be minimal.

The board continued to discuss how the possible expansion of a nonconforming use may affect the neighborhood, including parking and street traffic.

Mr. Sansevere stated that the properties in this location of Chestnut Street include AAA, NY Pizzeria and the Bank of Cooperstown, which really create their own commercial zone regardless of the fact that they are technically in a residential zone.

Mr. Austin stated that his initial proposal to the Trustees was to develop a zone called "neighborhood commercial" that would encompass areas of the village like this one on Chestnut Street.

The board discussed what a "neighborhood commercial" zone would look like and how it would impact residential properties around it.

Ms. Snell stated that she is not sure that no impact will be experienced with any expansion of a nonconforming use within a structure. She stated that in some way it will affect parking demand and possibly use density.

**Minutes**

Ms. Schwartzman made a motion to approve the minutes from January 7, 2014 as submitted. Ms. Ayres seconded the motion and a vote had the following results:

AYES: Ayres, Schwartzman, Snell

ABSTAIN: Leo, Sansevere

Motion carried.

Meeting adjourned at 5:35 PM

Respectfully Submitted,

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Jennifer Truax  
Deputy Village Clerk