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 March 4, 2014 at 5:00 pm. Members in attendance were Ruthe Ayres, Frank Leo, and Susan Snell. Also in attendance was Zoning Enforcement Officer – Tavis Austin and Deputy Village Clerk – Jennifer Truax. No members of the public were present.

Ms. Snell called the meeting to order at 5:04 p.m.

19 Fair Street (Bernhard Viek) – Annual Tourist Accommodation renewal

Ms. Snell reviewed the renewal application for 19 Fair Street. She asked Mr. Austin to provide an overview of the Tourist Accommodations and its history on this property.

Mr. Austin stated that the initial approval was granted two years ago. He explained that at that time Mr. Viek was not the listed property owner but the property was in the family. He stated that as a condition of the approval Mr. Viek was required to obtain ownership, and have the parking plan as approved by the Planning Board installed. Mr. Austin further stated that there have not been any complaints regarding the use of this property and Mr. Viek has paid the required renewal fee each year.

Mr. Leo asked who has to pay renewal fees.

Mr. Austin stated that all approved Tourist Accommodations are required to pay a \$100 per room fee for the annual renewal of their permit, unless their accommodation was approved under the previous law and therefore they are exempt from the fee. He further stated that hotels are not considered Tourist Accommodations.

Ms. Snell stated that the Planning Board, during their initial review, had requested that the parking and pedestrian walkway plans be reviewed at the time of renewal.

Mr. Austin stated that there have not been any complaints regarding this property's use. He stated that he does not feel that it is necessary for the Planning Board to review the plans that they approved for this property as no issues have been noted.

Mr. Ayres asked if the tourist accommodation has been in use.

Mr. Austin stated that the first approval was near the end of the tourism season and had limited use. He further stated that in 2013 the tourist accommodation as well as the home occupation were both in operation and no complains or issues were reported.

Mr. Leo asked how many rooms are available for tourist accommodations.

Mr. Austin stated that there are four rooms.

Ms. Snell asked the board how they felt about the request from the Planning Board for the applicant to have the parking and walkways reviewed at the time of renewal. She stated that she was inclined to respect the request and refer it to the Planning Board for review.

Ms. Ayres asked if the applicant really is required to go back to the Planning Board for review.

Ms. Snell stated that the Planning Board had requested that they have the opportunity to review the parking plan upon renewal of the application.

Mr. Austin explained that one of the questions which had arisen in regards to the plan was the fact that the plan for occupants of the tourist accommodation to walk from the parking area to the entrance of the home was to leave the parking area, cross Fair Street, walk up the sidewalk, cross Fair Street again at the corner of Fair and Lake Street, and then enter the home from the Lake Street entrance. Mr. Austin stated that he is not sure that renters are truly using this planned walk but rather as is human nature walking through the back yard and up the lawn to the residence. Mr. Austin stated that the Planning Board did not feel that this pedestrian walkway was a safe way of travel for renters.

Ms. Snell stated that the Planning Board does play an important role in determining the parking plan for a proposed tourist accommodation; however, she feels that they may have been a little overzealous in requesting additional review at the time of renewal. She continued to state she would like to respect their request. Ms. Snell stated that being it is March the applicant does have time for the review prior to the opening of the tourism season.

Mr. Leo stated that he does not see any reason to require the applicant to have his parking plan reviewed by the Planning Board. He explained that the applicant has paid the required renewal fee and no issues or complaints have been noted during the accommodations operation.

Ms. Snell asked what the ZBA or applicant has to lose by honoring the Planning Board's request for review.

Ms. Ayres stated that she does not feel either party has anything to lose by honoring the request. She further stated that she does feel the request is a little redundant and that consideration to the redundancy should be considered with future applications.

Ms. Snell stated that she would recommend referring the renewal to the Planning Board with a statement which clearly indicates that no issues or complaints have arisen for this tourist accommodation, home occupation, or the parking plan.

Mr. Austin suggested that the ZBA approve the renewal with the condition that the previously approved parking plan be reviewed by the Planning Board. He continued to point out that in the proposed law changes regarding tourist accommodations the Planning Board will not have any part in the review process and that the ZBA will do the entire review for tourist accommodations. He further stated that no review will be required with renewals unless there has been a complaint or issue.

The board discussed items that should be complete and set prior to approval of tourist accommodations such as ownership, parking plans, etc. and that in the future no review is necessary if no complaints or issues arise.

Ms. Snell made a motion to approve the renewal of the tourist accommodation for 19 Fair Street following the Planning Board's review of the parking plan in accordance with the Planning Board's request for such review at the time of the initial approval. The ZBA notes that no complaints or problems have been filled in regards to this tourist accommodation. Ms. Ayres seconded the motion and a vote had the following results:

AYES: Ayres, Leo, Snell Motion carried.

Minutes

Ms. Ayres made a motion to approve the minutes from February 4, 2014 as submitted. Mr. Leo seconded the motion and a vote had the following results:

AYES: Ayres, Leo, Snell

Motion carried.

Meeting adjourned at 5:41 PM

Respectfully Submitted,

Jennifer Truax

Deputy Village Clerk