

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 August 5, 2014 at 5:00 pm. Members in attendance were Chair Susan Snell, Frank Leo, John Sansevere, and Marcie Schwartzman. 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 5:03 p.m.

Ms. Snell stated that Ms. Ayres will not be in attendance at the regularly scheduled September meeting. She continued to stated that due to needing to recuse herself it is necessary that all other members of the board be able to attend the September meeting in order to have a quorum. She asked the members if they would be in attendance at the September 2, 2014 meeting.

Mr. Leo and Mr. Sansevere stated that they would be out of town that week and unable to attend.

The board discussed other meeting dates and times.

Ms. Schwartzman made a motion to change the regular September 2014 meeting from September 2 at 5 p.m. to September 9 at 4 p.m. Mr. Sansevere seconded the motion and a vote had the following results:

AYES: Leo, Sansevere, Schwartzman, Snell

Motion carried.

### **Regular Agenda**

**32 Delaware Street (Susan Snell for Erin McKay)** – Preliminary review for an area variance in the side yard setback

Ms. Snell recused herself at 5:06 p.m.

Ms. Schwartzman reviewed the application for an attached garage at 32 Delaware Street noting that the garage will intrude 2.5' into the required side yard setback.

Mr. Austin stated that a law change in 2013 requires a total side yard setback of 20 feet. He explained that this property has 6 feet on one side which, according to this law, would require 14 feet on the side with the proposed garage. He stated that prior to this law the side yard setbacks were 10 feet per side. He explained that in either situation the proposed garage would require a variance.

Ms. Schwartzman asked how the new setback law had been left out of the codified zoning law.

The board discussed the codification process and the need to have the law re-codified annually.

Mr. Austin stated that the intent of the setback law change was to reduce the number of variances for garages and other similar structures placed within the setbacks. He explained that the ZBA routinely grants variances for these types of structures to be placed within the setbacks as the members feel that the placement is logical for the structure use and maximum benefit of the property; therefore, it only makes sense to change the law to allow for this without requiring a variance.

