Zoning Board of Appeals DRAFT

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 3, 2015 at 5:00 pm. Members in attendance were Chair - Susan Snell, Ruth Ayres, Frank Leo, John Sansevere, and alternate – Ron Streek. Member Marcie Schwartzman was absent. 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.

Regular Agenda

20 Eagle Street (Barbara Luhmann) – Preliminary hearing for a home occupation

Ms. Snell reviewed the application for an art studio, home occupation at 20 Eagle Street. She stated that the application indicates that the art studio will have a gallery and that workshops for three to five individuals will be held. She further reviewed the hours of operation and the proposed parking.

Mr. Austin explained that there is physically room for five vehicles and described the location of each parking stall. He pointed out that these parking spaces included stacked spaces. He further pointed out that there are only two or maybe three spaces available without stacking the vehicles.

Mr. Sansevere stated that based on his experience on the board and the parking plans he has seen reviewed he does not feel that parking is an issue for this application.

Mr. Austin reminded the board that although on street parking is mentioned in the application, on street parking cannot be considered as part of required parking for any applicant.

Mr. Leo asked if the residence had any apartments or included any tourist accommodations.

Mr. Austin stated that although the garage has amenities that would be necessary for these types of uses they are specifically for the art studio and there are no apartments or tourist accommodations on site.

Mr. Sansevere stated that the Rigby's home occupation on the corner of Eagle Street and the previously proposed massage therapy business do or did not have sufficient parking to completely cover the demand.

Ms. Snell stated that the Rigbys have parking available and sufficient width in the driveway for two vehicles to pass. She continued to state that the proposed massage therapy business never got to the point of approval and no action was taken therefore, a decision on parking was never made.

Mr. Sansevere stated that most visitors to a home occupation will park on the street.

Ms. Snell concurred that often visitors will choose to park on the street as do some home owners, however, it cannot be guaranteed or counted in a parking plan.

Mr. Austin stated that there is sufficient room in the rear yard for four parking stalls.

Mr. Streek asked where the location of the proposed parking spaces.

Ms. Snell reviewed the site plan and the location of these proposed spaces.

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Mr. Sansevere stated that he does not have an issue with the parking and that he feels that they should wait for reaction from the public hearing before any additional discussion or determining that a change in the proposed parking plan was necessary.

Ms. Snell stated that she feels that the required parking should be based on the described use. She again reviewed the available parking stalls and stated that she feels that the three provided spaces would be adequate for the proposed use.

Ms. Luhmann stated that if necessary she could reduce the number of people participating in a workshop to help reduce the necessary parking. She explained that due to the type of workshop and space in the studio the maximum number of participants would be five.

Ms. Snell stated that there are not strict guidelines in the law to require a certain number of parking stalls for a home occupation but that logic dictates that the number of stalls should be based on the intensity of use.

A public hearing was set for Tuesday, April 7, 2015 at 5 PM or as soon thereafter as possible.

61 Lake Street (Mark & Jennifer Meehan) – Preliminary hearing for a 3-room tourist accommodation

Ms. Snell reviewed the application for a 3-room tourist accommodation at 61 Lake Street. She stated that there is at least one tree which she feels may need to be removed to accommodate the proposed driveway and parking area.

Mr. Austin stated that he had discussed the tree in question with the Meehans and that they would like to retain the tree if possible and are proposing to place a swoop in the driveway which will direct drivers around the tree.

Mr. Sansevere asked if there were enough trees on the property to allow the removal of the tree near the proposed driveway.

Mr. Austin stated that the property has a significant amount of trees and the tree could be removed without violation of the law.

Mr. Meehan arrived.

Ms. Snell stated that the distance between the garage and tree may not be great enough for the proposed driveway.

Mr. Meehan stated that he has an Expedition and he can get through that space. He further stated that his wife was retiring and she will be running the tourist accommodation.

Mr. Sansevere asked if they would be present when the home was rented.

Mr. Meehan stated that they are aware of the regulations regarding tourist accommodations and that someone would be there whenever the home is rented.

The board reviewed the proposed parking stalls, including location, traffic flow, and impact on the neighbors.

Mr. Sansevere asked Mr. Meehan if he has spoken to the neighbors regarding the plans for a tourist accommodation.

Mr. Meehan stated that he has not at this time.

Mr. Sansevere recommended that Mr. Meehan contact the neighbors before the public hearing notice is mailed. He explained that neighbors are often more receptive when they are spoken to directly and not surprised by notification from the Village.

Ms. Snell stated that based on the proposed plan and requested number of sleeping rooms a fourth parking stall needs to be added to the rear of the property. She further stated that due to the restrictive nature of the driveway, being narrow and with limited view, she feels that a turnaround space should be established to ensure that vehicles drive forward rather than back out of the driveway.

A public hearing was set for Tuesday, April 7, 2015 at 5 PM or as soon thereafter as possible.

5 Susquehanna Avenue (Lee Malone) – Preliminary hearing for a 1-room tourist accommodation

Ms. Snell reviewed the application for a one room tourist accommodation at 5 Susquehanna Avenue. She explained that this residence previously had a tourist accommodation which was approved in 1995 and was in use as such until 2014. Ms. Snell further stated that Ms. Malone indicated on an application for renewal that during the 2014 season the structure was used as a long term rental. She explained that the lapse in use as a tourist accommodation caused the previously issued special use permit to expire.

Mr. Austin stated that he spoke to Village Attorney, Martin Tillapaugh, regarding the situation and it was determined that the permit issued in 1995 was no longer valid due to the lapse in use. He explained that no complaints are on file regarding this tourist accommodation and that Ms. Malone is in the process of gathering all the required information to be in full compliance with the new law.

Mr. Leo questioned that fact that the long term use of this accessory structure was only during 2014.

Mr. Austin clarified that prior to 2014 the use was short term in the summer and long term over the off season.

Mr. Leo asked if the parking was adequate.

Mr. Austin reviewed the parking plan. He explained the proposed location of each space and indicated that a change in the originally established plan from 1994 was necessary due to a change in the law. He stated that the second driveway on the property, previously unused, would be utilized for the third parking stall.

A public hearing was set for Tuesday, April 7, 2015 at 5 PM or as soon thereafter as possible.

Minutes

Mr. Sansevere made a motion to approve the minutes from the January 6, 2015 meeting as submitted. Motion seconded by Mr. Leo and a vote had the following results:

AYES: Ayres, Sansevere, Snell ABSTAIN: Leo, Streek

Motion carried.

Meeting adjourned at 5:44 PM

Respectfully Submitted,

Jennifer Truax Deputy Village Clerk