

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 2, 2016 at 5:00 pm. Members in attendance were Chair - Susan Snell, Ron Streek, Frank Leo (arrived at 5:10 p.m.) and Alternate Jane Gentile. Members Marcie Schwartzman and John Sansevere were absent. Also in attendance was Village Clerk – Teri Barown. One member of the public was present.

Ms. Snell called the meeting to order at 5:00 p.m.

Regular Agenda

91 Beaver Street (Coopers Mills House) – preliminary review for a Home Occupation

Mrs. Snell stated that she provided the Clerk with information by email that the applicant would need to provide and/or answer regarding his application. Ms. Barown forwarded the email on to the applicant.

Mrs. Snell stated that a home occupation is a secondary/incidental purpose to the primary purpose, which is a residence.

Mr. Curtis noted that he currently does not own the property, but has it under contract for purchase. He stated that he does plan to live in the house, but not right away. He said he was looking to open up the business first.

Mrs. Snell asked how long the gap would be between opening the business and moving in.

Mr. Curtis replied it would be at least a few months. He noted that if he could close on the property by the end of September, it would take a couple of months to prepare it for opening the business around December 1 and then he was thinking of moving into the house in the spring, possibly April 1.

Mr. Streek stated that he doesn't believe it could be a home occupation until both coincide.

Mrs. Snell stated that the law is clear that the primary purpose is that of residence, so to start the business first would go against the intent of the law. She stated that she would need to discuss this with the Village Attorney for his opinion.

Mr. Curtis noted that he has contingencies on the contract that if he is denied the home occupation, he will not proceed with the purchase.

He stated that he is unable to use it as a residence at this point, as it is not comfortable and there is a lot of work to be done on it. He stated that his business would not be a heavy use and no one would even know there is a business there. He stated there are generally 5 to 10 individuals a week who come to his current office.

He stated he would be using it more for business purposes in the near term and would not be ready to move in right away.

Mrs. Snell stated that the board could still set a public hearing for September for a special use permit for the home occupation and she will discuss with Mr. Tillapaugh for his opinion, on whether it could potentially be approved for the home occupation first with a concrete time set for the owner to take residency. She said she does feel that this stretches the intent of the law. She said that in addition to this issue, she thinks that there should be a timeframe to review the home occupation, as there has never been a business in this location.

Board discussed parking requirements with Mr. Curtis and an easement from the Village to a former owner, as this property borders on Badger Park. Mr. Curtis provided a portion of the deed describing the easement and Mrs. Snell will also review this item with the Village Attorney.

Following discussion, Mr. Streek made a motion that there needs to be a total of 4 parking spaces (9' x 18" each), two for the residence and two for the home occupation to be contained entirely on the property at 91 Beaver Street and not encroach on the easement area. Mr. Leo seconded the motion and a vote had the following results:

AYES: Snell, Streek, Leo, Gentile

Motion carried.

Mrs. Snell set the public hearing for September 6, 2016 at 5:00 p.m. or as soon thereafter as can be heard for the application for a home occupation at 91 Beaver Street. Ms. Snell stated that in addition to publication of the public hearing notice, notice needs to be sent to properties with a 400 foot radius.

Mr. Curtis noted that he has a requirement to pay for a home inspection and radon test within 14 days of signing the contract and asked if the determination could be made prior.

Mrs. Snell stated that within advertising requirements that a public hearing cannot be held prior to the September meeting of the ZBA. She stated that this is a decision he will need to work out with the owner.

Mrs. Snell noted to the applicant that the board will need a parking plan, clearly showing the 4 parking spaces are contained solely on the property at 91 Beaver Street. It was suggested that the applicant check with the Otsego County Real Property Tax office to see if adjacent neighbors and/or current homeowner have surveys on file, which would show the property lines.

Mrs. Snell stated any exterior changes would need to be reviewed by HPARB and signage for the home occupation would need to be reviewed by Planning Board.

Minutes – Mr. Leo made a motion to accept the minutes of the July 5, 2016 meeting as submitted. Mr. Streek seconded the motion and a vote had the following results:

AYES: Snell, Streek, Leo, Gentile

Motion carried.

The meeting adjourned at 6:03 p.m.

Respectfully Submitted,

Teri L. Barown, RMC
Village Clerk