

A **REGULAR MEETING** of the **ZONING BOARD OF APPEALS** of the Village of Cooperstown was held in the Village Office Building, 22 Main Street, Cooperstown, New York on **June 4, 2019 at 5:00 p.m.**

**IN ATTENDANCE:**

- **Members Present: (4):** Marcie Schwartzman (acting chair) / Frank Leo/Dave Wood / Joe Perdue / Denise Hollis (alternate)
- **Members Absent: (1):** Susan Snell (Chair)
- **Others Present:** Zoning Enforcement Officer, Jane Gentile (ZEO) / Mikal Sky-Shrewsberry (Clerk PT) / (5) Member(s) of the Public / (1) Reporter
- Note: Joe Perdue has someone interested in assuming the 2nd alternate position

**MARCIE SCHWARTZMAN OPENED THE MEETING at 5:00 PM**

**PUBLIC HEARING: (0) ITEMS**

**REGULAR AGENDA: (5) ITEMS**

**1. 13 RAILROAD AVENUE (Terracentia Properties / Jon McManus)**

- (a) Preliminary meeting for a zoning variance from Section 300-33 Requirements for minimum off-street parking
- (b) Declare project an unlisted action for SEQR and establish Board as lead agency
  - **REPRESENTATIVE PRESENT**
    - o Gene Marra / Jon McManus
  - **DISCUSSION**
    - o Project Description
      - Marcie Schwartzman stated
        - o Expanding on their campus
        - o Putting in extra space for storage and to support manufacturing
        - o Current proposal needs additional parking for warehouse/manufacturing employees
          - 13 Total Space Required
            - o Business as exists is required to have 5 spaces
            - o Additional warehouse/manufacturing space requires 8 spaces
      - Gene Marra stated
        - o Tasting bar /Retail space in distillery is not getting as much tourist business as expected
        - o Need for production has greatly increased
        - o Proposing to add space on back of building
          - Does not impinge on any setback requirements (NO setback issues)
          - Parking is the issue
      - Parking
        - o Jon McManus stated
          - Will need to provide a minimum of 9 and maximum of 13 spaces
            - o 9 Employees will be needed for each shift so need at least 9 spaces at a time
          - Warehouse portion of the space is for long term storage and does NOT require constant movement of product so employees are seldom needed to work this space
          - Employees are mostly needed for the manufacturing area which is a much smaller portion of the space
          - Would like this to be taken into consideration when the ZBA decides how many spaces it will actually require
          - Is ready to submit SQRA application
        - o Marcie Schwartzman stated

- ZBA discretion over required parking is restricted by the law
- o Jon McManus stated
  - Current plan as submitted shows 8 spaces
  - Can fit 13 spaces if required (as per sketch in file)
    - o Spaces in back will be tight and will be for employees only
      - Planning to put in a sign to state parking in back is "for employees/deliveries only"
      - Jane Gentile (ZEO) stated
        - o The owner is allowed to post a sign stating this without ZBA permit
        - o Required amount of retail parking will be available on the upper level
- o Board members and Jon McManus reviewed the proposed space locations as shown on the sketch
- o Jane Gentile stated
  - Allowed to grant a limited number of spaces for compact cars
  - Since retail business has greatly decreased believes only one additional space may be needed
- o Setbacks for Parking
  - Jane Gentile (ZEO) stated
    - o Parking requirements can be met by using any of the setback areas except the front setback
    - o Full site plan review will have to be conducted and approved by the Planning Board
      - Planning Board site plan review is required when over 4000 square feet
    - o ZBA should be lead agency for SEQR
      - Marcie Schwartzman stated
        - o Other Boards will need to approve ZBA as lead agency for SEQR
- o Variance for Parking
  - Marcie Schwartzman stated
    - o ZBA needs to decide on the number of required spaces and if a variance is needed
  - Jane Gentile (ZEO) stated
    - o No variance is needed if 13 spaces are put in
    - o Public hearing is NOT needed if variance is NOT needed
- o Public Hearing
  - Public Hearing set for July 2, 2019 at 5pm
  - Jon McManus will bring plans showing locations of 13 spaces
  - Jon McManus stated
    - o he wants to keep the public hearing scheduled for next month
    - o will notify in writing if reduction of parking spaces is NOT needed
    - o expects public hearing for SEQR to be in July

- **(0) MOTIONS**

- **NEXT STEPS**

- o **Public Hearing** for SEQR and possible parking variance: **July 2, 2019 at 5pm (#1)**

## 2. 10 MAIN STREET (010 Main St LLC / Jon McManus)

- (a) Preliminary meeting for a zoning variance from Section 300-24 Waterfront Overlay District requirement to allow for an addition to the existing garage as submitted
  - **REPRESENTATIVE PRESENT**
    - o Jon McManus
  - **DISCUSSION**
    - o Variance request
      - Jon McManus stated
        - o Forgot to take waterfront overlay protection district restrictions into account when planning garage addition
        - o Will end up being approximately 49' from edge of river with a margin of error

- If slope were taken into account would not be a problem but zoning law does not allow slopes difference to be factored in so variance is needed
- Taking slope into consideration places it 80-90 feet from the river
- o Application for variance (with answers to the 5 questions) has been filled out and submitted
  - Explains mitigation proposal
- Jane Gentile (ZEO) stated
  - o Entire existing garage is currently within the Overlay setback (49' as the crow flies)
  - o Alternatives to variance
  - o Jane Gentile stated
    - Only other place to put this structure is in the front of the house
- o Mitigation Proposed
  - Jon McManus stated
    - o Would like to base mitigation requirements on DEC calculation for a major storm event
    - o Will create a system that will catch calculated amount of runoff and run to DEC rain garden
      - Rain Garden will meet all DEC design requirements and specs
      - Rain Garden will NOT be officially DEC approved
    - o Design of mitigation system will be for the entire structure - not just the addition
      - Overall water quality would improve over existing
  - Marcie Schwartzman stated
    - o Clear documentation that the goals of the setback will be met through the proposed mitigation plan would play an important role in determining approval of the variance

- **(0) MOTIONS**

- **NEXT STEPS**

- o **Public Hearing: July 2, 2019 at 5pm (#2)**

### 3. 28 ELM STREET (Ellen Pope)

- (a) Preliminary meeting for a zoning variance from Section 300-17.1B.(1) requirement to allow a short term rental special use permit in a multiple family dwelling
- (b) Preliminary meeting for a short term rental special use permit per Section 300-17.1

- **REPRESENTATIVE PRESENT**

- o Ellen Pope

- **DISCUSSION**

- o Description

- Apartment To Be Converted

- o Wants to convert 1 unit of 4 unit multi-family home to short term rental
  - Unit to be converted is tiny studio (10' x 19' including bathroom/kitchen areas)
  - Located on driveway side of dwelling
    - o Showed Board sketch of the dwelling
  - Studio apartment is currently rented to CGP grad students in the winter and opera in the summer
    - o Ellen Pope stated it is too small for effective and comfortable long term rentals
      - Sometimes remains unoccupied because of this
      - Loses \$
    - o Short term rental would ideally be to Bassett nurses and occasional AirBnB
      - Will NOT rent to DreamsPark
    - o Requirements for short term rental met
      - Owner occupied
        - o Ellen Pope lives in the dwelling and works in the Village so will be available at regular times and overnight when guests are renting as required by the law
      - Jane Gentile (ZEO) stated

- o Meets the code for rental of a bedroom (not too small)
- o Other units in dwelling
  - 2 rental apartments in front
  - Largest unit of the dwelling is Ellen Pope's home
- o Will require 2 things from ZBA
  - Variance to allow short term rental in a multi-family dwelling
  - Permit for short term rental
- Frank Leo and Marcie Schwartzman both stated that the proposed change is antithetical to the intent of the Village's new housing laws which are intended to increase the amount of available long term housing
  - o Ellen Pope stated this unit is not effective for long term housing because it is so small
- **(0) MOTIONS**
- **NEXT STEPS**
  - o **Public Hearing: July 2, 2019 at 5pm (#3)**

**4. 82 BEAVER STREET (Sydney and Anthony Scalici)**

(a) Preliminary meeting for a Home Occupation special use permit per Section 300-17B

- **REPRESENTATIVE PRESENT**
  - o Sydney Scalici / Anthony Scalici
- **DISCUSSION**
  - Permit for Home Occupation
    - o Planning to use part of garage as office space for counseling
  - Parking
    - o Business will require an additional parking space
      - Total of 3 Parking spaces (2 for the house + 1 for the business)
      - Two spaces for the house can be stacked
      - Space for the business must NOT be stacked
    - o One space will be in the garage
      - Half of garage will be used for parking
  - Structure/Site Modification
    - o Footprint remains as it currently exists-Everything required will fit
    - o Adding a covered landing outside the door
      - Goes before HPARB for approval (not relevant to ZBA)
- **(0) MOTIONS**
- **NEXT STEPS**
  - o **Public Hearing: July 2, 2019 at 5pm (#4)**

**5. 36 DELAWARE STREET (Luke Wyckoff)**

(a) Preliminary meeting for a zoning variance from Section 300-12C(3)(b) requirement of five (5) foot side yard for the replacement of an 8'-4"x10'-4" shed with a 12'-0"x11'-10" shed which is 3'-6" from property line

- **REPRESENTATIVE PRESENT**
  - o NO REPRESENTATIVE PRESENT
- **DISCUSSION**
  - o Coming before ZBA because want to enlarge a preexisting structure on a concrete slab that is already within the setback
    - Existing structure is slightly smaller than the existing 12' concrete slab that it sits on
    - Wants to fill the entire 12' of the slab
  - o Jane Gentile (ZEO) stated
    - Located 3 1/2 ' from property line
      - o Width of property is less than 60'

- o Allowed to have as little as 5' if property has enough room on the other side for a 15' setback
- Original structure and slab within setback are preexisting
  - o Not sure whether a variance for the addition is actually needed or not
  - o Technically adding an additional 4' but the slab is already there so in some ways the footprint is not changing
- Neighbors
  - o Adjoining neighbor (Jim Kevlin) has sent in letter stating he does NOT object to the proposed changes
  - o Only people that will be sent notices to this type of public hearing are immediately adjoining neighbors
    - This property has 3: Jim Kevlin / Badger Park (Village) / 2nd neighbor
- ZBA only approves size/location
  - o HPARB approves design
- o Marcie Schwartzman stated
  - Egress is not an issue
- **(0) MOTIONS**
- **NEXT STEPS**
  - o **Public Hearing: July 2, 2019 at 5pm (#5)**
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**6. MINUTES REVIEW: Zoning Board of Appeals REGULAR MEETING: MAY 7, 2019**

- **(0) Error(s) / Correction(s) Requested**
- **MOTION:**
  - o Made by: **Frank Leo** / Seconded by: **Dave Wood**
  - o **Motion To:**
    - **APPROVE** the minutes of the **REGULAR ZBA MEETING** held on **MAY 7, 2019 - AS WRITTEN**
  - o **VOTE:**
    - **AYES (3):** Schwartzman/Wood /Leo
    - **ABSTENTIONS (2):** Perdue / Hollis (not present at the meeting being voted on)
    - **NAYS (0):**
- **MOTION APPROVED**

**OTHER BUSINESS**

- o Copies of Zoning Law
  - Jane Gentile (ZEO) stated
    - o Housing committee is in the middle of making significant changes
      - Will affect many aspects of the Zoning Law including setbacks
      - Doesn't pay to print out copies of the law until changes are finalized
        - o Can read it online
- o Discussion: Waterfront Overlay Decision and Precedent
  - ZBA needs to make it clear that this is only potentially being considered for approval because the proposed addition is on an structure that is already within the setback

**NEXT MEETING**

- o Scheduled for **TUESDAY, JULY 2, 2019**

**MOTION TO ADJOURN**

- **MOTION MADE BY: FRANK LEO / SECONDED BY: JOE PERDUE**
- **VOTE**
  - o **AYES (4):** Schwartzman/Perdue/Wood/Leo
  - o **NAYS (0):**

- o **ABSTAINED (0):**
- **MOTION APPROVED**

**MEETING CLOSED 6:42 PM (1 HR 12 MIN)**

**RESPECTFULLY SUBMITTED**

Mikal Sky-Shrewsberry (Clerk, PT)

**Addendum: Guidelines for Public Comment To Be Read Out Loud at Beginning of Public Hearings**

**Intro**

- Although the Board is interested in hearing all perspectives and believes every idea and concern has weight, Board decisions can only be based on those that fall within the scope of what is allowed/disallowed by law
- In addition to giving everyone a voice, the Board is listening for relevant points they may not have already thought of

**Guidelines**

1. The chair will recognize each speaker
2. Each speaker is asked to stand and give your name and your organization if you are representing one
3. Each will have (1) opportunity to comment and I ask you to limit your comments to (5) minutes
  - In order to use the time efficiently we ask that no one repeat points that have already been made.
4. Please address your comments to the entire Board
5. Board members may only speak for the purposes of information and clarity during the public hearing
6. At the Chair's discretion a speaker may be granted a second opportunity to add new comments
7. Speakers and Board members shall observe commonly accepted rules of courtesy, decorum and respect
8. After the close of the public hearing, the Board will discuss the application and make a decision either tonight or within (62) days