

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 October 6, 2015 at 5:00 pm. Members in attendance were Chair - Susan Snell, Frank Leo, Marcie Schwartzman, and alternate – Ron Streek. Member John Sansevere 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. and reviewed the agenda.

### **Regular Agenda**

**124 Main Street (BTP/McManus Engineering)** – Preliminary hearing for an area variance for the removal of three trees

Ms. Snell reviewed the application and stated that the majority of the trees on this lot were removed previously with the application for the hotel.

Mr. McManus explained that the proposed parking lot for this location is identical to the one proposed previously with the hotel plans. He stated that the trees were always identified to be removed but for some reason were not removed when the other trees on the lot were cut. He continued to state that NYSEG has identified one of the trees as a hazard to the transformer near the rear of the property.

Mr. Austin stated that he feels that the ZBA should act on all three trees, regardless of the condition of the one tree, to be sure that the applicant is following the letter of the law. Mr. Austin continued to state that he spoke with Mr. Tillapaugh, Village Attorney, who indicated that tree removal on vacant land could be reviewed and acted on by the Planning Board as part of the Site Plan review process and that tree removal which is part of a requested area variance could be acted on by the ZBA as part of the area variance, both without going back to the tree committee for additional approval. Mr. Austin stated that he spoke with the tree committee via email as they do not meet on a regular basis during the “off” season and they indicated that they are okay with the tree removal if the applicant plants three new trees to replace the ones being removed.

The board discussed the laws regarding tree removal and the proposed rewriting of the law.

Mr. Leo asked if any specific species of tree needed to be replanted.

Mr. McManus stated that they would like the recommendation of the tree committee as to what species of tree would be appropriate. He further stated that if the committee would prefer that the replacement trees be planted on Village property that the property owners are willing to make that an option as well.

Ms. Snell asked if the proposed trees, as indicated on the plans, are part of the screening.

Mr. Austin stated that the Planning Board did not require screening. He continued to state that functionally the applicant is just paving the backyard which would not require any approval but due to the bridge over Willow Brook it requires a special permit.

Ms. Snell stated that she would like a determination on exactly where the trees will be replanted, on the property as indicated or someplace else in the Village, prior to the public hearing.

The board discussed the proposed location of the replacement trees.

Mr. Austin recommended that the trees be planted as indicated on the plans.

Mr. McManus stated that that would be acceptable.

A public hearing was set for Tuesday, November 3, 2015 at 5 PM or as soon thereafter as possible.

**194 Main Street (Robert Birch)** – Preliminary hearing for a four sleeping room tourist accommodation

Ms. Snell asked Mr. Birch to review his proposal.

Mr. Birch stated that the building has been a three unit residence since the 1920s and although it has been on the market for a number of years it has not sold and is in need of continued repair. He stated that the interior has been upgraded and additional work is needed on the exterior. He explained that in order to generate the funds to take care of this work they are proposing three short term summer rentals on the first and second floor with the third floor unit being for his wife and himself. He stated that they have rented their Toddsville home to Dreams Park Families for a number of years and have had great experiences with this type of rental. He continued to explain that they co-own both the property at 194 Main and the neighboring property at 196 Main and would consider a legal easement to meet the parking requirements. He further stated that although there is sufficient room in the rear of the property he would prefer to retain the grassy area in the rear yard rather than turn it into parking.

The board reviewed the existing parking for 194 & 196 Main Street and the proposed plan for additional parking for 194 Main Street.

Ms. Schwartzman asked the ownership of the two properties.

Mr. Birch stated that the two properties are jointly owned by the Schlather and Birch families.

Mr. Austin stated that the request is for a two unit, four sleeping room tourist accommodation. He stated that the tourist accommodation will require four parking stalls plus an additional two parking stalls for the third floor owner suite. He explained that he believes there are three possible parking options: (1) obtain a right of way from 196 Main Street to access the rear yard of 194 Main Street and place the required parking in the rear yard; (2) extend the existing driveway to service the rear yard; (3) modify the existing parking plan for 196 Main Street to accommodate the additional parking at 194 Main Street.

The board reviewed the required number of parking stalls and the possible parking plans.

Ms. Snell questioned allowing parking for a tourist accommodation off site.

The board reviewed the parking laws and Ms. Snell read section 300-35(C)(2) *“Use. Off-site parking may be considered for all permitted or special permitted uses, except tourist accommodations located within a residential zoning district.”*

Mr. Birch stated that he understands this law but that the properties are contiguous and owned by the same owner making it a unique situation.

Ms. Snell agreed stating that this situation might be an appropriate exception and maybe the board should consider a variance for this requirement in this situation. She suggested speaking with Village Attorney, Martin Tillapaugh, regarding the ability of the board to allow this type of variance.

Ms. Schwartzman stated that she is not comfortable giving this type of variance.

The board discussed the issuance of a variance for the parking and all possible parking options.

Mr. Birch agreed on a parking plan which would include a right of way through the property at 196 Main street in order to access parking in the rear of 194 Main Street.

Ms. Snell reminded Mr. Birch that an owner of the property must be on site at all times when a tourist accommodation is rented.

Mr. Birch stated that he understands that requirement.

A public hearing was set for Tuesday, November 3, 2015 at 5 PM or as soon thereafter as possible.

**Minutes**

Ms. Schwartzman made a motion to approve the minutes from the July 7, 2015 meeting as submitted. Motion seconded by Mr. Leo and a vote had the following results:

AYES: Leo, Schwartzman, Snell, Streek                      Motion carried.

Meeting adjourned at 5:48 PM

Respectfully Submitted,

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Jennifer Truax  
Deputy Village Clerk