

**MINUTES OF THE COHOES ZONING BOARD OF APPEALS HELD VIRTUALLY
VIA THE ZOOM APPLICATION ON WEDNESDAY,
JANUARY 27, 2021 AT 6:30 PM**

MEMBERS PRESENT: Mr. Greg Mollnow, Chairperson
Mr. Mark Cotch
Mr. Anthony Kusaywa
Ms. Carolyn Dion
Ms. Kimberly Cardona

MEMBERS ABSENT: None

ALSO PRESENT: Joseph Seman-Graves, City Planner
Sharon Butler, Administrative Assistant

CONSIDERATION OF THE MINUTES FROM THE DECEMBER 16, 2020 MEETING

Chairperson Mollnow called the meeting to order at 6:30 pm
Chairperson Mollnow; one thing before roll call if we could just, I want to welcome all to the first meeting of 2021. Just a few reminders, since we are virtual, I ask that everybody mute their microphones until they are speaking. Everybody will have a change to have their opinion and voice heard, so just try and ask that you mute so that we don't have people, any interruptions or people not understanding. Ok, Sharon if you want to do roll call. All members present.
Chairperson Mollnow; first order of business is the review of the last meeting minutes.
Member Cotch; I'll make a motion that we accept the minutes
Chairperson Mollnow; I'll 2nd motion carried.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Greg Mollnow	X		
Mark Cotch	X		
Anthony Kusaywa	X		
Carolyn Dion	X		
Kimberly Cardona	X		

CONSIDERATION OF AN AREA VARIANCE AT 207 MANOR AVENUE

Chairperson Mollnow: next on the agenda is an area variance for 207 Manor Avenue. The applicant is proposing to install a 21' above ground circular pool in their backyard. The proposed pool sits 6' from the applicants' northerly property line and 10' from their backyard. The applicant will be seeking a variance of 4' on the northerly property line. According to Schedule B of the Zoning Schedule of Variance Bulk Regulations Chapter 285 of the Cohoes City Charter, a swimming pool is allowed in R-1 residential districts. The setback requirements are 50' front setback, 10' side setback and 10' rear setback. Appeal under consideration is for an Area Variance. For an Area Variance to be legally granted pursuant to Section 81 of General City Law, the following issues must be considered; benefit to the applicant if the variance is granted, as weighted against the deterrents to the health, safety and welfare of the neighborhood or

community by such grant; whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue, other than an area variance; whether the requested area variance is substantial; whether the proposed variance will have an adverse effect or impact on the physical environment or environmental conditions in the neighborhood or district and whether the alleged difficulty was self-created. At this time is the applicant, Mr. Bristol are you on the call? Joe is there anybody waiting in the lobby?

Joe Seman-Graves; no, I do have a few people I don't see here, or I see but don't know who they are. I, no one is asking to be heard.

Chairperson Mollnow; Joe, do you know anything else about this project that isn't what we just stated or we see in these pictures?

Joe Seman-Graves; we did have a public comment thrown in but to be honest I don't, there was no information that I haven't passed along.

Chairperson Mollnow; so if the applicant is not on, we will move to the public comment, so if we could do the public comments received Joe.

Joe Seman-Graves; sure, it's from Carolyn Stoker at 2 Tanguay Drive. (Email read and is attached to minutes)

Chairperson Mollnow; ok, any other people on the phone?

Joe Seman-Graves; I don't see anyone looking to speak at this point.

Chairperson Mollnow; members of the board, do you have, now that the public comment section is closed, do you have any comments or questions?

Member Cotch; was that the only neighbor that had a comment?

Joe Seman-Graves; yes that was the only comment sent in.

Member Kusaywa; I have neighbors on both sides of me that both have pools and they do not have to be drained in the fall.

Joe Seman-Graves; another point to note too, we are just considering the variance to have it within 10' of the property line. If the applicant wishes to have the pool 10' or more from the property line it would just be a simple building permit that would be applied for. I just wanted to put that on the record as well.

Brian Roman; can you hear us or are we muted?

Chairperson Mollnow; we can hear you

Mr. Roman; ok, we are the people at 2 Tanguay Dr. Carolyn Stoker. The issue is we prefer them to find another spot for the pool. An above ground pool has to be drained below the skimmer which would be approximately 2,000 gallons of water and would do directly into our yard. The cable box and the phone box are already tilted because there is so much ground water underneath it. So that's a serious issue and as we mentioned in the email, our backyard is basically a lake for all of the spring and most of the summer so that would be a serious issue. And we don't need any more water up against our foundation. I spoke to Mr. Bristol this past summer about this issue and he said, I told him where these wires were and where the pool would be detrimental to our living, I guess and I thought he understood. So I had no idea that they would just move ahead and put their pool in this area. If they put it in the southwest corner of their yard or even a smaller pool in this southwest corner it would not be an issue, or that way they could drain it into Manor Avenue. It's all of the water that's going to be drained every fall that is the most serious problem and then secondly all those wires. With Carolyn working from home full time and me working from home part time, we cannot afford to lose any income because of disruption of

cable or internet or phone for that matter. So this is our issue. I did speak to one of our other neighbors, but he's so far away from where the pool is going to be he didn't really care. All he said to me was, yea you got enough water as it is and that was that. The other neighbors are going to be planning on building a pool next year so they probably didn't respond for that reason and that's all I know but, it really doesn't matter who the neighbors would be, we would have to object to a pool under any circumstances in that corner of the yard.

Chairperson Mollnow; Mr., if I pronounce your name wrong I apologize, Mr. Stocker.

My name is Brian Roman, I live here but Carolyn Stocker owns the house.

Chairperson Mollnow; thank you, we need your name for the record. So members of the board any other comments or questions?

Member Cotch; I have a question, can we put a stipulation into the resolution that when they do drain the pool that it can't be on their neighbors property, it has to be drained somewhere else? Can that be part of the resolution?

Joe Seman-Graves; you could, I would say that's a little bit hard to enforce.

Member Cotch; right, it was just a thought.

Joe Seman-Graves; yea, we would have to be there while it's being drained to know that was the circumstance.

Mr. Roman; part of the issue is, if they moved it to the southwest corner of the yard they could drain it into their front yard or onto Manor Avenue. They chose this one particular spot which is the one spot that would cause a real issue for use and especially in light of the fact that the cable and TV junction boxes are already tilted at a 60 or 65 degree angle and we've had people tell us there's just far too much water underneath those boxes, so that can turn into a huge problem, having to have someone come and move them, the cost would be detrimental I would think.

Chairperson Mollnow; Mr. Roman, Ms. Stocker excuse me we've already moved on from the public comments, so at this point we're doing discussion from the board members. We understand and heard your points, if we do have any more questions or comment and you have something please speak up. We can discuss them then, but I think we understand your points about the proximity concern with the utility lines.

Mr. Roman; ok thank you, I wasn't really sure how this all worked.

Chairperson Mollnow; thank you, so members of the board any other questions or comments to discuss?

Member Dion; I'm just wondering why the pool can't be placed in the other open area in the back yard, that looks to be further and a variance wouldn't be needed?

Chairperson Mollnow; I believe they would still need a variance and looking at the lay out, it would still be close to some of the property lines. But does that mean you would like to make a motion?

Member Cotch; since Mr. Bristol isn't here, why don't we just table it until they can come to the meeting?

Joe Seman-Graves; absolutely an option, I just double checked because the other applicant wasn't in either, I did send the correct dates and times so I just wanted to be sure. Actually the other applicant just came in but absolutely you're call if you want to wait for them to speak on it, tabling is an option.

Member Cotch; I think we should do that, they should be here to answer those questions before we make a decision.

Member Dion; I agree

Member Cardona; I agree with that as well, thing is we don't know the other side of it.

Member Cotch; so I make a motion that we table it until the next meeting
 Member Kusaywa; I'll 2nd it. Motion carried to **TABLE** this item.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Greg Mollnow	X		
Mark Cotch	X		
Anthony Kusaywa	X		
Carolyn Dion	X		
Kimberly Cardona	X		

Joe Seman-Graves; to Mrs. Stocker, we'll send out letter again for the next meeting so you'll have the opportunity to speak again. I will not however carry your comments over, so if you want to send another one. I understand it's kind of redundant but we sometimes have meetings where there's 50 comments and I just can't read them every single meeting, so I will send another letter and I do appreciate you guys coming tonight and participating.
 Mrs. Stocker/Mr. Roman; thank you have a good night.

CONSIDERATION OF A FRONT SETBACK AREA VARIANCE FOR (2) SINGLE FAMILY HOMES AT 69-75 EGBERT STREET

Chairperson Mollnow; moving on to the next agenda item. This is for an Area Variance at 69-75 Egbert Street. The applicant is proposing to subdivide the parcel located at the address and construct 2 single family homes. The applicant is requesting that the homes be situated 20' from the front property line. In the MFR zoning district the allowable front set back is between 5' and 15'. The applicant seeks to place the structure 20' from the front property line, and will be seeking a 5' front setback variance. According to Schedule B Zoning Schedule Area and Bulk Regulations Chapter 285 of the Cohoes City Charter, single family home are an allowable use in the MFR zone. Setback requirements are as follows; 5' to 15' front setback, 5' side setback and 20' rear setback. Appeal under consideration is one for an Area Variance. For an Area Variance to be legally granted pursuant to Section 81 of the General Law, the following issues must be considered; benefit to the applicant if the variance is granted, as weighted against the deterrents to the health, safety and welfare of the neighborhood or community by such grant; whether an undesirable change will be produced in the character of the neighborhood or a deterrent to nearby properties will be created by the granting of the area variance; whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue, other than an area variance; whether the requested area variance is substantial; whether the proposed variance will have an adverse effect or impact on the physical environment or environmental conditions in the neighborhood or district and whether the alleged difficulty was self-created. So Joe, correct me if I'm wrong but this is for the front setback only and the subdivision would be subject to Planning Board review?

Joe Seman-Graves; yeah, so this the situation, it's just the zoning meeting fell first so the Planning meeting is coming up on February 8th and their on the docket for the subdivision of that. So this is all contingent upon obviously the subdivision going through.

Chairperson Mollnow; ok. Mr. Metzger I see you're on, if you can explain the project to us a little bit.

Fred Metzger; sure, again my apologies, Joe was correct he did send out the proper times and date. I went through my thing this week and I had 4 meetings and there was one yesterday, I thought they were all Monday, Tuesday, Wednesday and Thursday, not realizing today was the one for today. Again that was my fault, my apologies and thank you Joe for reaching out to me. Fred Metzger here regarding the project located at 69-75 Egbert Street for Scott Boisvert regarding the...he picked up these 4 lots one at a time. I believe each one of them had a single family home on them at some point in time or 2 family. He picked them all up, he combined them all into one parcel and then was originally going to do a multi, like a 5 or 6 unit, but since changed his mind and is looking to go back to the single family, looking to break these up into 2 equally sized lots, 50 x 100 which would mean all of the zoning requirements in the MFR multi-family residential, but then decided to go with single family instead of multi-family. In doing so, we got a rough plan as to what we're looking to do as far as the single family on there and in the process of laying them out obviously having that 5 to 15 feet on the front is nice but the max of the 15, what we're trying to do is go to the 20' that would allow for parking in front of, the little bump out since none of the proposed houses is going to be a garage at this time, being able to obviously we could put it at the 15' but then having a paved driveway with somebody parking unless they are right up against the garage and or if they have a pickup truck or something it's going to be down in the sidewalk area which we don't want to block. And again, looking at these being single family, makes them appeal better and look better and even mesh with the existing one located to the south, there was his former residence at 67, we figured if we can provide off street, you know 2 off street parking spaces along with room in the garage, it'll be much better for single family. He is just asking for the 5' variance, to make the front set back to 20' instead of the max of 15'.

Chairperson Mollnow; any other comments or questions for Mr. Metzger before we move to public comments? Joe is there any public comment sent in?

Joe Seman-Graves; no

Chairperson Mollnow; ok do we have any members of the public that would like to comment on this project at this time?

I would like to comment, my name is Steven Wilcox, I live at 74 Egbert Street directly across the street from the empty vacant lot. And there used to be a single family, very low profile house there in the past, and since has been removed and I'm concerned that any other 2 story family house would block my view of the Mohawk valley, would also get rid of some the greenery in the neighborhood, there's no parking on this street as the gentleman mentioned, he's trying to squeeze you know 2 parking spaces for a single family unit which most of us know 2 parking spaces for a single family unit which, most of us know 2 parking spaces, when you have kids, teenagers is just not enough. My neighbor has 2 kids living at home and they have 5 vehicles. So I'm not for this project what so every for taking up one unnecessary parking and blocking the view and also changing the neighborhood. Thank you.

Chairperson Mollnow; so, Mr. Wilcox I just want to state this is for the setback variance and Joe correct me if I misstate this, anything in regards to the building height, scale would have to go through the planning board if it did not meet building code requirements from the City.

Joe Seman-Graves; so the height itself would come back through Zoning if it's too high. That is not the case as of right now we don't have full building plans, we're just looking at the site plan. Ultimately these are permissible uses in the area, and they have the right lot sizes as well, what we're looking at tonight is, they're actually looking to push the houses back 5' in order to create more parking. But if they wanted to keep it 5' closer to the road they would actually reduce the

parking but not have to go for a variance. I know that sounds kind of crazy but it's a multi-family district so they want the houses or developments to be closer to give that sense of multi-family. And if anyone saw the original design from the property owner for the multi-family development you would have seen, you know underground parking and a much larger scale development. With that there was more variances required with this, we're just looking at the setback. I know that was along round a bout answer.

Chairperson Mollnow; any other public comments? So we will close the public comment section of the meeting. Members of the board any comments or questions?

All members responded no

Chairperson Mollnow; I will make a motion to approve the setback variance contingent on getting approval for the subdivision from the planning board.

Member Dion; I'll 2nd it. Motion carried unanimously

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Greg Mollnow	X		
Mark Cotch	X		
Anthony Kusaywa	X		
Carolyn Dion	X		
Kimberly Cardona	X		

Chairperson Mollnow; ok I'd like to thank everyone that was a part here, I'll call the meeting to adjourn

Mr. Metzger; thank you guys have a good night

Meeting adjourned at 6:52 PM