

**MINUTES OF THE COHOES ZONING BOARD OF APPEALS HELD VIRTUALLY  
VIA THE ZOOM APPLICATION ON WEDNESDAY,  
APRIL 14, 2021 AT 6:30 PM**

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

**MEMBERS ABSENT:**     **None**

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

Chairperson Mollnow; we will call the meeting to start at 6:30PM. Joe could you go back to the rules?

Joe Seman-Graves; yes

Chairperson Mollnow; we'll just go through them quick. We just ask that everybody mutes their microphone's until we are talking about your subject and ask for people's, either the applicant's discussion or public comments, it will just help the meeting go quicker and better. Other than that we should be able to move through this pretty quickly. Sharon if you want to start with

Sharon; people need to put themselves on mute because they're interfering. (Several people talking in background along with background noise)

Chairperson Mollnow; everybody mute yourself, still have a few people who need to mute, Joe doesn't want to have to mute people because that would be very hard to let people make comments, mute yourself

Joe Seman-Graves; and I just, so everyone's aware I did help a few of the applicants get to this point, where we're at, the Zoom meeting today so. But it might not be as easy for everyone, I'm going to mute whoever is not muted and I think I know who needs or who would like to speak for different aspects, but you can always chime in if I'm wrong.

Chairperson Mollnow; ok so one thing then if anyone has an issue with talking when they'd like to speak during this because they're muted and for some reason can't unmute, there is a chat section at the bottom, you can chat and write messages that will help me and Joe get communications or contact Joe directly and we'll try to get through this as easily as possible.

Sharon; do you want to do roll call now?

Chairperson Mollnow; yes please

Roll call taken, all members present

**CONSIDERATION OF THE MINUTES FROM THE FEBRUARY 24, 2021 MEETING**

Chairperson Mollnow; with that we will review the first agenda item, review of the February meeting minutes.

Member Cotch; I make a motion to accept the February meeting minutes

Chairperson Mollnow; I'll 2<sup>nd</sup>. 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		

**CONSIDERATION OF SIX (6) AREA VARIANCES AT 7 ROSE COURT**

Chairperson Mollnow: the next agenda item is the area variances for 7 Rose Court. The property owner would like to remove the existing home on the property and replace it with a new structurally sound home for her sister. This request require six (6) variances. The six (6) are as follows: the applicant seeks a 4,150 sq. ft. variance as the property is only 5,850 sq.ft., the applicant seeks a 10’ variance as the property is only 60’ in width, applicant seeks a 6.7’ variance as the proposed front setback is 23.3’, applicant seeks (2) 2’ variances as the proposed side setbacks are 10’ and the applicant seeks a 3.5’ variance as the proposed rear setback is only 16.5’. According to Schedule B of Zoning Schedule and Bulk Regulations Chapter 285 of the Cohoes City Charter, single family homes are an allowable use in the R-1 residential zoning district and lot size, the setback requirements are as follows; minimum lot size 10,000 sq.ft, lot width of 70’ front setback of 30’ side setbacks are 12’ and rear setback of 20’ .The appeal under consideration is one 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 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, Mr. Metzger I saw you’re on, do you have any, can you give us some back ground on the project:

Mr. Metzger; sure, Fred Metzger land surveyor here this evening for Ms. Kezirian regarding number 7 Rose Court located in an R-1 residential district just as you mentioned. These lots over here were created back in 1941, somewhere in that general era when the maps were prepared and filed, not exactly sure what was there at the time as far as zoning and the houses were built in that particular area at that time frame. So, currently she did have an engineer go through the house to see if maybe they could update most everything and bring it up to current. But I guess between the cost and what was there to work with, the end result would be kind of like putting a lot of band aids on a lot of things, what she is hoping to achieve here is,.. the lady that’s actually doing all this actually resides in Arizona but she’s doing all this for her sister who lives in the house. They’re hoping to be able to tear down the existing one and put up a brand new one in hopes that basically she can go the next 20 to 25 years there without having, if you were to repair things, every other, well not every other day, but when houses get old as everybody knows, usually once a month or every other month or so there’s always something that breaks, goes wrong or leaks or anything of that nature. So again hoping that taking it down and putting up something new she will be without any of those issues for the next at least 20 to 25 years. And again a lot of these variances that she’s asking for, obviously the lot is smaller, is undersized, it

was generated back in 1941 and now with current standards because we're tearing down the existing house to put up new, we have to treat it as new construction. The front setback yes asking for the 6.7 foot variance, we're actually asking to go exactly where the existing front is, which if you look at the rest of the map, it kind of matches everybody on the block so it should go fairly well and again it's going to be no closer than the existing. As far as the sides, at the widest point being at 10', yes we need 2' on each side for the variances with this particular one. The existing house is a little less than that so with these variances, if granted will be smaller at the widest point of the new house, it will be a little bit narrower than where the existing house was. And again other than the right rear corner needing the 2' from the side and then the 3.5 from the rear again not too much in this. This is one particular lot where all the other ones coming down were square. If it were square she would have fit in there nicely but being it is not rectangular anyways that's where the angle then was created on the old subdivision it kind of shrunk up the right rear line to the 95' and 100 on the left. And again as far as the lot size with the 10,000 sq. ft minimum, again there's not much we can do with this, it's an existing, kind of an existing non-conforming condition and then again, kind of the same thing with the lot width. You can see with most of the lots, I've got 2 of the adjoiners to the north there but I think there's one more but there all 60' wide. So again, all the lots are about the same size and the end result is the foot print is a little bit bigger than the original one, but I believe with most of it there's a little bit of a 2<sup>nd</sup> floor for some storage, but trying to keep everything, you know being older, as far as trying to keep it like with a ranch style so everything is on one floor.

Noise in background.

Chairperson Mollnow; Joe can you mute anyone that is not muted:

Joe Seman-Graves; yes, whoever is called Mitzy if you could mute yourself.

Pardon me?

Joe Seman-Graves; would you be able to mute yourself, we have a lot of background noise coming from you.

Mitzy; I'm sorry yes

Joe Seman-Graves; thank you

Chairperson Mollnow; Fred, is there anything else?

Mr. Metzger; so again the end result a little bit bigger than the original foot print, but again trying to keep it all on one floor to facilitate her as she grows a little bit older and again obviously the lots are all pretty much small in the neighborhood and as you can see with most of the existing homes over there, they range from 7 ½ to 8 feet for side lines and again the fronts are all about the same and even to the rear, it is a little bit closer to the lot line, but the adjoining property to the rear is a wood framed garage over there so I don't think that would be any disadvantage to anybody back there.

Chairperson Mollnow; ok, members of the board any questions before we move to public comments?

Member Cotch; are the neighbors ok with this?

Mr. Metzger; as far as I know, I don't think we got anything negative. Mr. Welcome next door is all for it, very nice gentleman and then I believe either the next neighbor, the next one down is also another family member.

Member Cotch; ok

Chairperson Mollnow; ok so then if there's no other questions we'll open this up to public comment. So please, Joe's going to unmute everybody that was muted and if you don't have a comment for this particular project please mute yourself again.

Joe Seman-Graves; ma'am, I apologize, could you just say your name?

Ms. Carrk 4 Rose Court

Joe Seman-Graves; 4 Rose Court, thank you and you're in favor?

Ms. Carrk; yes

Joe Seman-Graves; thank you

Chairperson Mollnow; any other public comments?

Hi my names is Dane Krupski, I live actually down on the island, but I grew up at 9 Rose Court and my father is Joe Welcome. I think this is a wonderful idea for the Kezirian's and I think it's, I can't wait to see what becomes of it.

Chairperson Mollnow; thank you. Any other public comments before we close this section? Being none, ok we'll close public comments for this variance. Members of the board, any additional questions that we have? (All members responded no)

Chairperson Mollnow; ok, I will make a motion to approve all six (6) variances

Member Kusaywa; I'll 2<sup>nd</sup> the motion. 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		

**CONSIDERATION OF AN AREA VARIANCE FOR 39 NORTH RESERVOIR STREET**

Chairperson Mollnow; ok moving on to the next agenda item. It is consideration of an area variance for 39 North Reservoir Street. The applicant is looking to install a 10' x 10' shed 3' off of their southerly property line due to lot size restrictions and drainage concerns. The applicant seeks a 7' variance from the 10' minimum side lot set back in the R-1 residential zoning district. I won't be reading the same considerations we need to consider but this is an area variance once again, so it is the same 6 points we must consider as outlined in the previous project. With that, I'm sorry if I pronounce your name wrong Mr. Fanniff, could you tell us a little bit about the project?

Mr. Fanniff; yes, I want to put a 10 x 10 shed you know, finish it in vinyl you know, it's an A frame style alright with an upper shelf alright, exterior ok, will match the siding on the house, the roof will match the roofing on the house, that's pretty much it. It has fiberglass doors ok instead of wood, I don't know what else I can say except that I kind of need the variance because the lot is small ok and if I had to go 10 feet and 10 feet half of my back yard would be gone.

Chairperson Mollnow; could you explain a little bit about the drainage concerns too?

Mr. Fanniff; yea, there is some drainage concerns towards the back side of the property because there is a swale ok, it drains ok from my neighbor's yard ok and up above ok and as it comes through my yard ok, I have the bulk of it. Also I get some run off ok from the property behind me because they have a fence and a berm ok so I really couldn't put it on that side alright, so in order, the only place that I really have that's as level as it can be ok and dry ok is the proposed location on the other side, on the north side of my property ok, is a right of way ok that is to the Avalon condos behind us and there really isn't any space to do anything there either.

Chairperson Mollnow; thank you, members of the board any questions before we move to public comments? (all members responded no) ok at this time, oh Joe go ahead with the written in public comment.

Joe Seman-Graves; read a statement from Charles Valenti who resides at 41 North Reservoir Street. (Attached)

Chairperson Mollnow; ok at this time if there are any additional public comments, please feel free to speak up. If you do not have any comments please stay on mute. Ok, if there's no comments then we will close this section and move to the board. Members of the board any additional questions or anything you'd like to discuss? (All members responded no)

Chairperson Mollnow; ok I'll make a motion to approve the variance.

Member Dion; I'll 2<sup>nd</sup> it. Motion carried unanimously.

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

### **CONSIDERATION OF AN AREA VARIANCE FOR 153 VAN SCHAICK AVENUE**

Chairperson Mollnow; thank you everyone. Now moving on to the last agenda item.

Joe Seman-Graves; sorry Greg to interrupt—I'll be reaching out to all the applicants tomorrow with a follow-up and if anyone submitted a building permit I'll have that to the building department tomorrow as well

Chairperson Mollnow; moving on to the last area variance, it is for 153 Van Schaick Avenue. The applicant is proposing to install an 8' x 12' shed 1' off their northerly property line due to lot size restrictions. The applicant seeks a 9' variance from the 10' minimum requirement setback in the R-2 residential zoning district for accessory structures. This again is a consideration for an area variance so it is the same 6 consideration points to review as we previously discussed with the last 2 area variances. At this time Mr. Tarlo are you on the call?

Joe Seman-Graves; they are here, I had to mute them earlier and they might be having technical difficulties getting unmuted

Mr. Tarlo; ok yup....

Chairperson Mollnow; I think we got you Mr. Tarlo. Could you give us a little description of the project?

Mr. Tarlo; I would like to install an 8x12 shed in the rear of my residence because my daughter is getting married and she is buying the house that I own next door and I'm going to be losing the shed up there because her finance' keeps, he has a lot of hunting and fishing equipment he's going to store in the existing shed and that's why I have to build a new shed so I can put my garden implements in.

Chairperson Mollnow; first, congratulations

Mr. Tarlo; thank you

Chairperson Mollnow; second, members of the board do you have any questions? (all members responded no)

Chairperson Mollnow; at this time we'll move to public comment, Joe any written in?

Joe Seman-Graves; no

Chairperson Mollnow; ok any additional public comments? Ok we'll close the public comment section. Board members I'm assuming no new questions so at this time I'll make a motion to approve

Member Dion; I'll 2<sup>nd</sup> 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; thank you Mr. Tarlo

Joe Seman-Graves; Mr. Tarlo I'll send a follow up email tomorrow and also send your building permit over to the building department for review and approval.

Mr. Tarlo; thank you

Chairperson Mollnow; ok Joe before we call the meeting to close I'd like to bring up, I think we discussed at the last meeting to have an agenda item for a co-chair or vice-chair.

Joe Seman-Graves; I was hoping someone brought this up, I just didn't put it on the agenda, I apologize. Who's the lucky duck?

Sharon; I don't see a lot of hands going up.

Joe Seman-Graves; Greg as the chair I think you get to crown your successor if you will.

Member Cotch; I thought we put in Anthony, didn't we put in Anthony last meeting?

Member Dion; yea he was the last one in

Member Kusaywa; I wasn't here for the last meeting..

Chairperson Mollnow; I think that's why it was done.

Joe Seman-Graves; ok so we can either go by seniority or Greg can pick or we can go with Anthony because he wasn't here last time

Chairperson Mollnow; I'm not in favor of picking, I'll say that, I don't want to put someone in a position they don't want to be in.

Sharon; Mark would you feel comfortable being co-chair?

Member Cotch; no I kind of brought it up before, I'm not really great in front of a lot of people, I'm kind of quiet.

Sharon; ok, Anthony? How do you feel?

Member Kusaywa; I'm kind of the same as Mark, but I could probably get by

Chairperson Mollnow; I promise I won't miss many of these as long as I'm here.

Member Kusaywa; I'm going to find out where you live and make sure you make all of them

Sharon; ok, Greg?

Joe Seman-Graves; I think we need to take an actual vote

Chairperson Mollnow; ok Anthony as long as you're ok with it I'll make a motion to have you be the co-chair.

Joe Seman-Graves; Vice-chair

Chairperson Mollnow; Vice-Chair

All in favor motion carried unanimously for Member Kusaywa to assume the role of Vice Chair on the Zoning Board of Appeals

Chairperson Mollnow; with that I'll make a motion to end the meeting

Member Dion; I'll 2<sup>nd</sup>

Motion carried to close the Zoning Board of Appeals meeting at 6:55 PM