

**MINUTES OF THE COHOES ZONING BOARD OF APPEALS HELD IN THE
COMMON COUNCIL CHAMBERS OF COHOES CITY HALL ON WEDNESDAY,
JULY 26, 2023 AT 6:30 PM**

MEMBERS PRESENT: **Mr. Greg Mollnow, Chairperson**
 Mr. Anthony Kusaywa, Vice Chair
 Mr. Mark Cotch
 Ms. Carolyn Dion
 Ms. Jacqueline DeChiaro

MEMBERS ABSENT: **None**

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

Chairperson Mollnow called the meeting to order at 6:30PM.
Roll Call taken; No members were absent

CONSIDERATION OF THE MINUTES FROM THE APRIL 26, 2023 MEETING

Chairperson Mollnow; next on the agenda is the consideration of the April 2023 meeting minutes.
Is there a motion to approve the minutes.
Vice Chair Kusaywa; made the motion to approve the minutes as printed
2nd by Member Dion
All in favor, motion carried unanimously

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

CONSIDERATION OF AN AREA VARIANCES AT 55 PLEASANT STREET

Chairperson Mollnow; next on the agenda is the consideration of two area variances at 55 Pleasant Street. The applicant is proposing a new 12' x 24' detached garage at the property 55 Pleasant Street in the R-1 residential zoning district. The applicant requests two area variances for the placement of the detached garage. Per the code accessory buildings in the R-1 Zoning District require a side setback of 10 feet. The applicant proposes to place the garage 5 feet from the southern property line. The applicant requests 5' of relief from the southern side property line. The second variance; accessory buildings in the R-1 zoning district require a front setback of 50 feet. The applicant proposes to place the garage 20' from the front property line. The applicant requests 30' of relief from the front property line.

The placement of the garage is proposed to be at the end of an existing driveway, the applicant concludes that this is the most reasonable place on the property for the garage.

The appeal under consideration is one for an area variance. For an area variance to be legally granted pursuant to Section 81 of the General City Law, the following issues must be considered;

1. The benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant;
2. 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;
3. 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;
4. Whether the requested area variance is substantial;
5. Whether the proposed variance will have an adverse effect of impact on the physical or environmental conditions in the neighborhood or district; and
6. Whether the alleged difficulty was self-created.

Chairperson Mollnow invited the applicant to approach the board and give more details about the project.

Ms. Karass's son (Stan) approached the board on behalf of his mother. He explained to the board that they were looking to have a garage for his mom as she struggles with winter snows. He stated that this would make it easier for his mom to get in and out of her car when necessary. He also explained that with the placement of the garage they had to take into consideration a water main that comes through the driveway, and working around that. He stated that if they had to place the garage within the zoning regulations the garage would be in the backyard and create the same variance issues as it would be to close to the rear property line.

Chairperson Mollnow asked if any members of the board had any questions about the project.

Chairperson Mollnow asked the applicant if the garage was going to be the same width as the current driveway plus or minus?

Mr. Karass stated yes

Member Cotch asked if the neighbors were ok with this project

Mr. Karass stated yes, the neighbors in the area all help each other, get along very well and it is actually very nice to live there. One of the neighbors helps with her lawn and taking care of the driveway in the winter.

Chairperson Mollnow asked if there were any other questions from the members. He then asked if there were any public comments sent in being none he opened it up to public comments. There was not one present for any comments so public comment period was closed. Members of the board I am opening it up for discussion.

Member DeChiaro asked the applicant if there was a temporary structure there now and asked how the snow is handled now

Mr. Karass stated no and their neighbor comes over and takes care of the snow for this mom.

Chairperson Mollnow asked if there were any other outbuildings or sheds on the property.

Mr. Karass stated that there is a small shed in the yard for lawnmowers etc. He stated that having the garage will help his mom so she doesn't have to brush off snow or worry about ice on her vehicle.

Chairperson Mollnow opened it up for board discussion. He stated that he personally make sense to place the garage there because of the way the driveway is laid out and there are no issues with neighbors, I don't see where it is a problem. Personally I think it's the right position for the garage with the way the property is laid out. Does anyone have any comments or want to make a motion?

Vice Chair Kusaywa made a motion to approve the application 2nd by Member Cotch all in favor the motion carried unanimously.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Chairperson Mollnow	X		
Mark Cotch	X		
Vice Chair Kusaywa	X		
Carolyn Dion	X		
Jacqueline DeChiaro	X		

CONSIDERATION OF AREA VARIANCES AT 100 WATERSVIEW CIRCLE

Chairperson Mollnow next on the agenda is area variance for a sign at 100 Waterview Circle. The applicant proposes the install one new sign on the site of Waterview Apartments at 100 Waterview Circle. The proposed sign is 16 sq. ft. (72” tall by 48” wide) Building Directory intended to replace an existing Building Directory sign.

The applicant requests two area variances as the proposed sign does not comply with the following section of Cohoe’s City Coded (Article XI Sign Regulations);

Signs for direction, provided that such signs do not exceed two square feet in area, this sign is 16 square feet;

Such signs shall not project more than four feet in height above the natural grade on which the sign is located; this sign projects 6 feet above the natural grade, therefor 4 feet of relief is requested.

Chairperson Mollnow stated that there are code references if any of the board members needed to review them. As a reminder this is an area variance;

1. The benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant;
2. 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;
3. 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;
4. Whether the requested area variance is substantial;
5. Whether the proposed variance will have an adverse effect of impact on the physical or environmental conditions in the neighborhood or district; and
6. Whether the alleged difficulty was self-created

Chairperson Mollnow invited the applicant to approach the board

Mr. Tom Wheeler from AJ Signs approached stating that they are looking to replace the existing sign being the exact same size, with the rebranding the new sign will have a map as it is very difficult to know where to go when you go on the property. They want to keep the same map, same size, same location.

Chairperson Mollnow asked if any members of the board had any questions for the applicant.

Member DeChiaro stated that she wanted to be sure that the sign is going to be the exact same size that they are just replacing what is there now, as the existing sign would have been approved years ago and you are going to be replacing in-kind.

Chairperson Mollnow asked if the sign is within the property and it is not out on the main road

Mr. Wheeler stated that when you drive on the property and come to the first cross street the sign is there on the property.

Member Cotch; you said this is rebranding is it new owners?

Mr. Wheeler; yes, Aker Companies bought the property, they are a downstate company and they have other properties in the area.

Chairperson Mollnow asked if members of the board had any other questions.

Member Dion stated that as long as it isn't on a corner blocking any sight vision or egress she was fine with it.

Chairperson Mollnow then asked if there were any public comments sent in – there were none.

Tess stated a correction for the record on the height relief it should be 2 feet and not 4 feet.

Chairperson Mollnow opened it up to the floor for public comments.

Joe Seman-Graves stated that there was no documentation that the current sign ever received any variances and he didn't know if it would have been needed at the time the original sign was constructed.

Chairperson Mollnow closed public comment period and asked if there was any other comments or concerns from the board members being none asked for a motion on the application. Member DeChiaro made a motion to approve the application 2nd by Member Dion motion carried unanimously.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Chairperson Mollnow	X		
Mark Cotch	X		
Vice Chair Kusaywa	X		
Carolyn Dion	X		
Jacqueline DeChiaro	X		

With no other business to discuss Chairperson Mollnow adjourned the meeting at 6:42

Respectfully,
Sharon Butler
Secretary