

**MINUTES OF THE COHOES ZONING BOARD OF APPEALS HELD IN THE  
COMMON COUNCIL CHAMBERS OF COHOES CITY HALL ON WEDNESDAY,  
SEPTEMBER 28, 2022 AT 6:30 PM**

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

**MEMBERS ABSENT:**    **Mr. Greg Mollnow, Chairperson**

**ALSO PRESENT:**        **Sharon Butler, Administrative Assistant**  
                                  **Tess Drauschak, Assistant Planner**

Vice Chair Kusaywa called the meeting to order at 6:30PM.  
Roll Call taken; Chairperson Mollnow was absent

**CONSIDERATION OF THE MINUTES FROM THE AUGUST 24 2022 MEETING**

Vice Chair Kusaywa first on the agenda is the consideration of the meeting minutes from the August 24<sup>th</sup> meeting, has everyone had a chance to review them. Is there a motion to approve the minutes.

Member Cotch; made the motion to approve the minutes as printed  
2<sup>nd</sup> by Member DeChiaro

All in favor, motion carried unanimously

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

**CONSIDERATION OF AN AREA VARIANCE AT 43 WATERVLIET AVENUE**

Vice Chair Kusaywa next on the agenda is an area variance at 43 Watervliet Avenue. The applicant is seeking area variances for an existing shed in the yard of 43 Watervliet Avenue in the R-2 zoning district. The proposed variances are as follows;

1. Accessory buildings in the R-2 district require a side setback of 10 feet, but the applicant proposes that the shed be placed with a setback of 3 feet from the westerly property line. Therefore an area variance of 7 feet is required.
2. Accessory buildings in the R-2 district require a front setback of 50 feet, but the applicant proposes that the shed be placed with a setback of 18 feet from the southerly (street-side) property line. Therefore an area variance of 32 feet is required.

The intent of the Residential District-2 (R-2) is to encourage the long-term stability of existing traditional neighborhoods where a diverse mix of single-family, two-family and multifamily

housing currently exists in the City of Cohoes and to protect the health, safety and general welfare of those residing within the district. According to the City of Cohoes Schedule of Area and Bulk Regulations (Chapter 285, Schedule B), minimum setback requirements for accessory buildings in the R-2 residential district are as follows: front setback -50 feet, side setback -10 feet and rear setback – 10 feet.

The proposed shed will have the same footprint as the existing shed on the property which predates the applicant’s ownership of the property. Due to the lack of any backyard or open spaces on the sides of the property, any configuration of a shed placed on the property would require an area variance. 42 Leversee Avenue which borders 43 Watervliet Avenue to the west and would be nearest property to the proposed shed, is occupied by a Mr. Charbonneau. The applicant has provided the Zoning Office and Zoning Board of Appeals a letter of support from this neighbor regarding the proposed placement of the shed.

General consideration for an area variance;

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 or impact on the physical or environmental conditions in the neighborhood or district; and
6. Whether the alleged difficulty was self-created

Vice Chair Kusaywa asked if Mr. Carpenter was present. The applicant Larry Carpenter was not present. He then asked if the board had any questions regarding the application. He then asked if there were any public comments.

Member Cotch asked if the size of the shed was going to be the same as the existing.

Sharon; it’s the same size and going on the exact same footprint as the existing one is now

Member Dion; they

Vice Chair Kusaywa then asked if any other board members had any other questions, being none he made a motion to approve the variance

Member Dion 2<sup>nd</sup> the motion. Motion carried unanimously.

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

With no other business to discuss Vice Chair Kusaywa made a motion to adjourn the meeting 2<sup>nd</sup> by Member Dion meeting adjourned at 6:40PM