

**MINUTES OF THE COHOES ZONING BOARD OF APPEALS HELD IN THE
COMMON COUNCIL CHAMBERS OF COHOES CITY HALL ON WEDNESDAY,
NOVEMBER 16, 2022 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 OCTOBER 19, 2022 MEETING

Chairperson Mollnow; next on the agenda is the consideration of the meeting minutes from the October meeting. Is there a motion to approve the minutes.

Vice Chair Kusaywa; made the motion to approve the minutes as printed
2nd by Member Cotch

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 VARIANCE AT 6 PLATT STREET

Chairperson Mollnow; next on the agenda is an area variance at 6 Platt Street. The applicant has applied for an area variance in an effort to bring into compliance a newly constructed home at 6 Platt Street in the R-2 zoning district. Single family homes in the R-2 district require a side setback of 10 feet, the home has been constructed with a southwesterly side setback of 7.8 feet. The applicant is requesting a 2.2-foot relief to the southwesterly side of the dwelling. The intent of the R-2 zoning district 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. 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:

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

A few things to note for the board members; the dwelling in question has already been constructed. The applicant received a building permit and inspection in March of 2022, the applicant was seen by the Planning Board in January of 2022 and received approval on a subdivision request and there is no dwelling which abuts the southwesterly side of the property, instead there is a city owned undeveloped Right of Way for Watervliet Boulevard.

Chairperson Mollnow asked Mr. Nizhikikioskiy to approach and explain his project.

Mr. Nizhikikioskiy approached and explained to the board that they started building the house, the builder mistakenly thought that the stakes in the ground were property stakes but they weren't which we found out when the bank requested us to get a survey for a construction loan. It was during the survey with the bank that it was discovered that the one corner of the house didn't meet the setback.

Chairperson Mollnow; what is the stage of the construction

Mr. Nizhikikioskiy responded that it is pretty much ready for move-in

Chairperson Mollnow asked if any board members had any questions

Member Cotch asked where the variance is needed

Joe Seman-Graves pointed it out on the screen

Chairperson Mollnow asked if there were any public comments sent in, then opened it up to public comments

Mr. Robert Quinlan of 5 Platt Street approached and stated that he was in favor of the variance as the house being built will really enhance the neighborhood and make everything more attractive and it was a good move for Cohoes.

Chairperson Mollnow asked if there were any other public comments being none closed the public comment period. He then asked if members of the board had any other questions or comments, being none Chairperson Mollnow made a motion to approved the variance stating that he did not think it was a substantial request. Motion was 2nd by Vice Chair Kusaywa 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		
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Chairperson Mollnow; your variance has been approved; Joe does he need to do anything else? Joe Seman-Graves; told the applicant to reach out to our office tomorrow in regards to exactly what the bank needs so it can be provided to him in order to obtain his financing.

DISCUSSION OF CONSTRUCTION OF A 4 UNIT BUILDING AT 69 & 73 VLIET STREET

Chairperson Mollnow; next on the agenda is not a variance request but a discussion item about a 4 unit building at 69 & 73 Vliet Street. The applicant is proposing to construct a fourplex apartment building on the vacant lots addressed 69 & 73 Vliet Street in the MFR Multi-Family Residential zoning district. At this time the proposal is preliminary and as shown, and may require several variances. For this reason, the applicant would like to present the project to the Zoning Board of Appeals prior to making a formal submission. Some of the variances that may come up; minimum lot size 10,000 square feet, the property is approximately 5,500 square feet, minimum lot width is 75' property has width ranging from 55 ½ to 59 feet with an average of 55 ¼ feet, minimum lot depth of 100' property has depth of 99.68 and 100.10 average of 99.89 feet, a side setback of 10' property has 10' side set back towards the south 6.7 feet towards the north, the front setback 5 to 15 feet property has 5' no variance required and the rear setback 20' property has 20' in the rear so no variance required. Mr. Godfrey do you want to come up and tell us more about the project? Mr. Carl Godfrey approached the board and explained that the existing lots at 69 & 73 Vliet Blvd are vacant, there used to be 2 houses on it, they were demolished and it's been a vacant ever since. They did look at the rest of the neighborhood and found that the rest of the houses are 4 units and upon survey they also found that most of the existing lots are smaller than what is required by zoning. They have submitted to the County to combine the lots; the address will be on Hamilton as that will be where the entry doors will be. He stated that they are looking for a verbal approval from the zoning board before going to the engineer and spending the funds on something that they may not get approval for, that is why they wanted to approach the board first. He stated that they have all the financing approved, but wanted to be sure it is something they can move forward with before getting into spending to much money.

Joe Seman-Graves; just to clarify with the board, this is just a discussion, there's no vote tonight. To give some background on this property, for years we've been getting calls on these properties. This application will have to go through planning board and historic board reviews, and zoning. He started the conversation with Mr. Godfrey back in August and laid out what he would have to submit, but with the property and what he wanted to do, the thought was to present a preliminary plan to zoning as the applicant wanted to get a verbal ok with the board prior to advancing to full engineering.

Chairperson Mollnow asked if the board had any questions or comments about the project.

Member Cotch asked if it was 4 units with 2 bedrooms each?

Mr. Godfrey responded yes it would be 4 units 2 bedrooms upstairs, there will be kitchen, living room, eat in area and bathroom downstairs. He explained what he was looking to do on the outside of the building in order to be in compliance with Historic.

Member DeChiaro the paperwork that we have here, I was looking at the size and it says that each of the units would be approximately 560 square feet and that's total for upstairs and downstairs right?

Joe Seman-Graves explained that was an error on our part, you would double that and they will be around 1,100 square feet.

Member DeChiaro ok because I was doing the math and just what's on here is well over 700 square feet. It also says there will be 3 bedrooms.

Mr. Godfrey no I had the updated drawings they're going to be 2 bedrooms.

Joe Seman-Graves the ones he did submit does show 3 bedrooms on them

Chairperson Mollnow asked the applicant to update the drawings.

Mr. Godfrey if anything we can swap them to the 2 bedrooms and I can update those or if we keep them at the 3 bedrooms under the stairway we can put the stackable washer and dryer. Every unit we do has them, we just did 209 Columbia Street, and we own a property on Chestnut Street

Chairperson Mollnow asked the board members if it would be an issue if it was a 3 bedroom versus a 2 bedroom

Member DeChiaro I think that you're looking at half the minimum lot size, obviously if you're talking 3 bedrooms there's more people in each apartment, you're talking a lot of people on a very small parcel of land.

Chairperson Mollnow I think that is the point of this now is to let him know what our thoughts are

Mr. Godfrey we can swap to the 2 bedroom

Member Cotch asked about parking

Mr. Godfrey parking would be on Hamilton and he explained to the board that he is looking at buying the paper street from the city and he can had additional parking.

Chairperson Mollnow asked the applicant to point out where the parking would be

Mr. Godfrey pointed out the area. He stated that the engineer has a conceptual ready to go, with full landscape design, a retaining wall, and privacy fences, each unit will have a 10x10 patio out back with planters and privacy walls.

Joe Seman-Graves stated to the board that this is conceptual still so the planning board will be looking for these items.

Chairperson Mollnow asked if there were any other comments or questions from the board

Member DeChiaro asked about green space and the requirement to be a certain amount of green space

Joe Seman-Graves explained that depending on how this shapes up there a minimum square footage of 100 sq. ft. per unit, that is also that might need a variance at some point, which we won't know until final submission, but these are just the ones based on the plot plan right now. There might be additional items that we could be looking at.

Member DeChiaro I think that is something he should be aware of.

Joe Seman-Graves stated that he has gone over all the criteria with Carl and his wife several times, but right now there is room for 1,600 sq. ft of green space. So other things we would be looking at, given its location, storm water, lighting, and snow storage. There are other items we would be looking at but this is conceptual right now.

Chairperson Mollnow asked Joe if there was any public comments on this

Joe Seman-Graves stated that we sent letters out and didn't get anything back, the letters did say it was a discussion of the project and nothing being proposed or a decision being made at this meeting

Chairperson Mollnow I will open it up because I see a resident from the area. Are there any public comments? No one had any comments. Chairperson Mollnow stated to the board that he wanted to discuss the current 4 potential variances that the applicant might need; starting with easy one;

the minimum lot depth required to be 100 feet and the applicant has an average of 99.89 feet, he did not see any issue with giving him the variance for that. Board members agreed.

Chairperson Mollnow then went on to the side setback of 10 feet required to 6.7 feet, a 3.3-foot setback, Carl if you bought that property that 3.3 feet wouldn't be needed?

Mr. Godfrey yes.

Chairperson Mollnow asked the board if there were any issues if he were not to buy that property, and would only have the 6.7 feet? No board members had an issue with that variance. Next is minimum lot width 75 feet needed and he is only at 55.25 feet, I don't see this as being a big issue because of where it is located in the historical district and everything is smaller and, these lots have sat empty for years so I don't see any issues with the lot width, members agreed. And then the lot size 10,000 sq. ft. with the lots combined, that would be 5,500 sq. ft, that is my understanding, is that correct? Although that is a substantial ask, again like Mr. Godfrey said a lot of the old properties in the area don't meet that requirement, even though they are grandfathered in, I would think that if the historical board would sign off on this, I think that is something we can give him. Any other comments or questions, does anybody have a disagreement with that or want to talk about that?

Mr. Godfrey stated that with the verbal ok, he will now move to engineering and send this back to the board.

Chairperson Mollnow; Joe, I don't know what your opinion is, but it sounds like the planning board would be next then it would come back to us?

Joe Seman-Graves explained the process that the applicant would go through, but he thought the applicant's next stop would be planning and then the series of potential variances. Planning would go through this to make sure everything is here

Chairperson Mollnow I was just thinking that parking was going to come up as a question and then the green space that was brought up obviously they will have to get approved by planning first.

Joe Seman-Graves we can advance this to go to planning for preliminary review and simultaneously historic, but the next stop would be planning, but that will be a multi-month review and any approvals won't happen in a month but we can get him started with that process

Member DeChiaro stated that she does think that lot size requirement of 10,000 sq. ft. and this lot being 5,500 sq. ft. the lot size variance is a substantial variance to have. I think that we need to look at each property and project on its own and the location of each property needs to be taken into consideration. The location of this one as you said going down Vliet Street it is mostly row houses.....

Mr. Godfrey stated that they did drive the area and 60% of the area the lot sizes are much less than what is required by zoning

Member DeChiaro also stated that they should be consistent as with past projects and not set a precedent, you said this is substantial for my project but now you're giving someone else 5,000 sq. ft. we need to make sure to take into consideration the neighborhood and what the surrounding community area is in order to be able to explain why we would give such a huge variance, as it is substantial. I was very leery of 3 bedrooms, again I think we want to make sure we are not overcrowding our neighborhoods and having 3 bedrooms on a small lot, I think would overcrowd the neighborhood.

Mr. Godfrey acknowledged what was being said, and also explained that they shrunk the original building because of the setbacks.

Member DeChiaro told the applicant she would be much more comfortable knowing that they will be 2-bedroom units

Mr. Godfrey stated that they would be 2-bedroom units

Chairperson Mollnow; I agree that would be substantial but it seems like that is the norm for that neighborhood. With that are there any more questions or comments? He thanked the applicant for his time and explaining his project to the board

CONSIDERATION OF THE 2023 SCHEDULE OF SUBMITTALS AND MEETING DATES

Chairperson Mollnow; Sharon do you want to do the next item

Sharon; I have everyone the calendar for next year, please review.....

Chairperson Mollnow; November is the only change again for next year?

Sharon yes that is the only one due to Thanksgiving, just like the previous years

Chairperson Mollnow asked if any board members had any questions on the calendar, and stated that members should take this month to review and make sure there aren't any issues and it can be brought up at the next meeting.

DISCUSSION REGARDING THE SCHEDULE FOR TRAINING OF MEMBERS

Joe Seman-Graves; is there anyone that still needs training?

Tess collected the surveys from members to determine what dates training can take place

Joe Seman-Graves; told the board that we would need the dates to do training, he would like to bring in speakers, i.e.. Land use lawyer in front of them. He would also like to go through based on the surveys from members time to discuss basic procedures and rules that are on the books right now and then perhaps get someone in. Depending on if the training is one day or two, we can do 2 days 2 hours or one day 4 hours which would change the protectory – if it's 2 days then the first day we can do a refresher and then the 2nd day I would like to get a speaker in but that is going to depend on schedules especially with the holidays.

Tess; after reviewing what members submitted it looks like the training can take place on Monday November 28th and Tuesday November 29th from 6pm to 8pm. All members were in agreeance with that.

Chairperson Mollnow asked if there were any other discussion items, being none made a motion to adjourn the meeting, all in favor AYE meeting adjourned at 7:03PM