

**MINUTES OF THE COHOES ZONING BOARD OF APPEALS HELD IN THE  
COMMON COUNCIL CHAMBERS OF COHOES CITY HALL ON WEDNESDAY,  
SEPTEMBER 27, 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 JULY 26, 2023 MEETING**

Chairperson Mollnow; next order of business is the consideration of the July 2023 meeting minutes.

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

All in favor, 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		
Jacqueline DeChiaro	X		

**CONSIDERATION OF AN AREA VARIANCES AT 49 N. RESERVOIR STREET**

Chairperson Mollnow; next on the agenda is the consideration of two area variances at 49 N. Reservoir Street. The applicant is seeking 2 Area Variances in an effort to construct a new attached carport on the Northerly side of the single-family dwelling at 49 N. Reservoir Street in the R-1 Residential Zoning District.

According to Schedule B, Zoning and Schedule of Area and Bulk Regulations in Chapter 285 of the Cohoes City Charter, single family dwellings are an allowable use in the R-1 residential Zone. The setback and lot size requirements are as follows:

Side setback; 12 feet they are requesting a 9.4-foot relief to the North  
Front setback; 30 feet they are requesting a 14.8-foot relief

The placement of the carport 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 carport.

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. Sandra Tomaro approached the board. She explained that the driveway is already existing and she is requesting the carport to be at the edge of the driveway and the length of the house which is 24 feet. It is for her own personal use which will make it easier for her in the winter time with snow. It will be no more than 12' x 22' so it won't be on anyone's property or affect anyone else. Chairperson Mollnow asked if any members of the board had questions.

Member DeChiaro; I noticed that the roof is angled towards your neighbor, are you going to have rain gutters?

Ms. Tomaro; yes and I have gutters on the house also.

Chairperson Mollnow; is the back of the carport going to be at the back of the existing driveway or is that the front of the carport?

Ms. Tomaro; the back. I have a fence back there so there will be a little space there, and the front will be towards the road.

Chairperson Mollnow; is the roof on the carport going to be similar to the roof house?

Ms. Tomaro; that I'm not quite sure of yet, I don't know, I was going to do shingles but I may do the metal roof, I'm not sure yet.

Chairperson Mollnow; ok. Members any more questions?

Member Cotch; are your neighbors ok with this?

Ms. Tomaro; I have one neighbor on one side of me and the other neighbor I never see. The neighbor on the right side of me, I already talked to her, she was worried about the gate to her fence, but her gate is partly on my property, so I told her she didn't have to move the gate. She is not really concerned about anything but that and she has a garage on the side of her house.

Sharon; told the board that letters went out to all the neighboring property owners also

Chairperson Mollnow; members any other questions? Being none he opened to public comments. There were no public comments on this project for 49 N. Reservoir. It was opened to members of the board for any other discussion.

Member DeChiaro; made a motion to approve the project with the stipulation that it has the rain gutter installed. Motion 2<sup>nd</sup> by Member Dion motion carried unanimously.

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

**CONSIDERATION OF AREA VARIANCES AT 19 RICHMOND STREET FOR THE PURPOSE OF CONSTRUCTING A NEW TWO-FAMILY DWELLING**

Chairperson Mollnow next on the agenda is area variances for the construction of a 2-unit building at 19 Richmond Street. The applicant is seeking 4 Area Variances in order to construct a new two-family dwelling at 19 Richmond Street in the Multi-Family Residential Zoning District. The applicant seeks to be granted the following area variances; Minimum lot size; 2-family dwellings in the Multi-Family zoning district require a lot size of 6,000 square feet. The applicant plans to construct the home on a lot that measures 3,000 square feet, so an area variance of 3,000 square feet is requested. Minimum lot width; 2-family dwelling is required to have a lot width of 60 feet, the applicant plans to construct a home with a lot width of only 33 feet, therefore an area variance of 27 feet is requested. The minimum lot depth requirement for a 2-family dwelling is required to be 100 feet, the applicant plans to construct the home on a lot with depth of 90 feet, requiring a variance of 10 feet. The side setback requirement is 5 feet, the applicant plans on constructing the home with a Northerly side setback of only 2 feet, therefore requesting a 3-foot variance.

The appeal under consideration is that of an Area Variance. In order 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

Mr. Adam Romprey of Capital Region Construction approached the board. We have had this vacant lot for about 10 to 15 years and it has just turned into an area for people to throw trash. So we are looking to construct an 1800 square foot building it has a foot print of 920 so it still retains the 30% green space. Two-two-bedroom flats is what we are looking to do with a flat roof pitching towards the rear of the property.

Chairperson Mollnow; members of the board any questions for the applicant?

Member Cotch; is there room for parking?

Mr. Romprey; yes it would have to be in front of the building. We were pushing for a 20 by 20 paved area.

Member Cotch; so it's not on the street, it is off the street?

Mr. Romprey; it's off the street yes correct.

Vice Chair Kusaywa; I see here that the house is set back from the other houses, is that correct?

Mr. Romprey; it set back off the road about 20 feet, the other houses are a little bit closer to the sidewalk. And that was an effort to on the side where we are encroaching on the property line and we are requesting the 3-foot variance, that was an effort to push the building back to where his/the neighboring property the house has jog in it, so that opens up right there so it's not too close to his building, and it retains the 5 to 6 foot between the buildings.

Member DeChiaro; asked about the parking and where it would be placed.

Mr. Romprey; explained where parking would be and that they were set back a little bit further, so we are 20 foot back.

Chairperson Mollnow; members any other questions for the applicant? Being none he opened up to public comment period. He read one comment that was sent in from Michael Kane 21 Richmond Street—objecting to the project due to the request being substantial. Angela Weimann sent an email but did not have any comments on the project.

Chairperson Mollnow then invited people from the public to approach if they wanted to comment on the project.

Mr. Michael Kane 21 Richmond Street approached; 3<sup>rd</sup> generation family owned. We were always told that the lot could not be built on and that has been for 70 years. I can understand a 10 or 15% variance but a 50% variance I don't see that, why do we have zoning? I don't understand after 70 years all of a sudden, I don't even know how it made it to this meeting to be honest with a 50% variance.

Chairperson Mollnow explained to Mr. Kane that anyone can apply for a variance, they can apply for a 95% variance if they want, anyone is free to apply.

Mr. Kane it probably would have helped if plans were also given with these letters so we kind of knew where this house is going to be I don't know what any of this means except that it is going to be built on half of what it should be.

Chairperson Mollnow; any other public comments?

Mr. Don Bressette I live at 15 Richmond Street. The problem that I have if this variance is granted is #1 I was told that that property no one never ever be able to build a house on it because of the pipes that go under the ground. The big problem to me is parking. You can only park on one side of the street, it is a one-way street, and it's a joke. People come and they park on the sidewalks and the cops don't do anything because it is not an active street as far as trouble. The parking a lot of times there are 14 cars up to 17 cars on the west side of the street, you can't park on the other side, so if this gentleman puts a house there, I can only imagine how the parking is going to be then. And then people say well you have Joe's Tavern parking lot, but then you have all kinds of cars now that Joe's Tavern is opened up again, that are parking because there is no parking in front of Joe's because of the people who live there, and they park up in that parking lot. And the guy that lives on Richmond Street that owns a construction business, he parks his equipment up there, his 2 big trucks and then during the summer time you had the bike path thing that was going on and they were parking all of their equipment in the parking lot. But anyways, parking there is just a joke and if this happens with this house I can only imagine what it is going to be like. Thank you

Chairperson Mollnow; are there any other comments?

Mr. Ken Burns 6 Richmond Street; what Don said about the parking, I want to add a little bit to that, as an example we have 2 cars we can normally park in front of house. Sunday because the neighbors up the street on the other side, had something going on, we came back and we had no place to park. So I am forced to park on Reservoir Street and anybody that knows Reservoir Street

knows it can be pretty hazardous on the corner. It's brutal, you get one car that doesn't belong on the street normally and it just throws off the whole parking scheme and everybody is struggling to look for new parking spots I don't know what he plans but looking at the letter I received the house is going to be pretty close to sidewalk, so there is no parking. I think it is totally wrong, you have regulations for a reason, if that house was built back in 1940 you could do that because that would be a normal lot, but it becomes a fire hazards under the older regulations the house next to me has been vacant for quite a while and there's not much distance between our houses. I don't see how you can put a two-family house on there and make it work.

Chairperson Mollnow; any other public comments?

Ms. Mary Burns I live at 6 Richmond Street; I just want to add that the parking is terrible in the summer but in the winter it is impossible, not only that but you have no place to put the snow with a shovel. So people put the snow in between the cars and if someone is visiting or something they will come and take your parking place that you worked so hard to shovel out.

Chairperson Mollnow; thank you for your comment. Any other comments?

Sean O'Brien 11 Cherry Street; I will remind the board that they passed two variances on Cherry and Mann for a single lot to turn into two duplexes and what the parking on that street has turned into we have Saratoga Roofing everywhere. I have 4 to 5 large trucks parking in front of my house every day. You approved this years ago and you are taking a single lot that is not even big enough for a single-family home and you are going to potentially approve it for a two-family home? That's just propagating the problem right now in that area especially in the R-2 area. We have to many multi-family residents without any parking and it is a big problem.

Chairperson Mollnow; thank you. Anyone else?

Ms. Yang Rongying 20 Division Street; I bought 20 Division Street back in 2018, I used to live there and now I rent it out. Mr. Rongying commenting on issues with other properties in the area with the tenants, dogs, leaving the gate open and something about excavation being done and digging happening on her property (most of what she said was inaudible). She did comment on the size of the lot being very narrow and small and you can't do buildings like that anymore because they are a fire hazard. She stated that parking is an issue and the lot is so small and the board needs to take into consideration the feelings of the people and not just let building another two-family house there, that the land is not big enough, there are to many risks to the people there. She questioned the rear property setback.

Chairperson Mollnow; stated to Ms. Rongying that there is on the rear setback of 20 feet from the back of the building to the property line that is what he is proposing.

Ms. Rongying; 20 feet?

Chairperson Mollnow; from the back of the building to the property line. I don't know where your property line is from the back of your house.

Ms. Rongying; ok 20 feet in the front and 20 feet in the back so the building will be in the middle?

Chairperson Mollnow; that is what the applicant is applying for yes.

Ms. Rongying; ok so what is it at the blue house

Chairperson Mollnow; which one is the blue house does anyone know? 21? They have a 5-foot setback from that which is all that is required per the Code.

Ms. Rongying; but the paper says 3 feet right?

Chairperson Mollnow; so from the blue house he is going to be 5 feet, from 17 Richmond he is going for 3 feet. So it's 17 Richmond he'd be closer to.

Ms. Rongying; even though I am not living there, this would be an inconvenience to the people living there, just my opinion.

Chairperson Mollnow; thank you for your comments. Are there any other public comments? Being none the public comment period closed. Members of the board I will open it up to discussion.

Member Dion; I agree that parking is a huge issue along that area.

Vice Chair Kusaywa; I think 2 cars parked in front isn't the 1.5 that you need for the parking.

Chairperson Mollnow; it's 1 per unit.

Member Cotch asked if it had to go in front of Planning at all

Joe Seman-Graves; responded no

Member Cotch asked about engineering

Joe responded that engineering would look at it if plans were submitted to the building department.

Member Cotch; it is half the minimum size

Member DeChiaro; I agree when we talk about substantial, I think that what he is looking for is quite a lot and it is just going to continue to cause overcrowding. She then asked about green space.

Joe responded that it is multi-family so the requirement is 30%.

Chairperson Mollnow; members of the board do you want to make motions to approve or deny any of these specifically or do an outright motion for everything? Does anybody want to take the lead on the motion?

Member Cotch; I make a motion to deny.

Sharon; to deny all of them Mark?

Member Cotch; yes

Chairperson Mollnow; Mark is that based on anything specifically?

Member Cotch; yes the size of the lot is to small

Chairperson Mollnow; so you are saying it is to substantial of a variance?

Member Cotch; yes

Chairperson Mollnow and that it is a self-created issue,

Vice Chair Kusaywa 2<sup>nd</sup> the motion, motion carried unanimously to **DENY** all requested variances.

	<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 7:03PM

Respectfully,  
*Sharon Butler*  
Secretary