

**Resolution #2 for 2017 Cohoes Zoning Board of Appeals –
Special Permit for a pool at 41 Lincoln Avenue**

Member Baranski presented the following Resolution, which was
seconded by Member Cotch

WHEREAS, the applicant proposes to install an above-ground pool at 41 Lincoln Avenue in Cohoes, County of Albany, New York and did present for approval, pursuant to Section 285-16C of the Cohoes City Code, an application and related materials for amending the use variance from the prior approval;

WHEREAS, the instant proposal is located in the MFR (Residential Multi-family) zoning district which lists 10' side and rear setbacks and a 50' front setback;

WHEREAS, the applicant proposes to build within the perimeter of the property line and requires a 6 ft. variance on either side of the pool;

WHEREAS, the property owner has demonstrated

1. The benefit to the applicant if the variance is granted outweighs the detriment to the health, safety, and welfare of the neighborhood or community by such grant;
2. An undesirable change will not be produced in the character of the neighborhood nor a detriment to nearby properties will be created by the granting of the area variance;
3. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue, other than an area variance;
4. The requested area variance is not substantial;
5. The proposed variance will not 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.

WHEREAS, said Zoning Board of Appeals did meet at its offices at Cohoes City Hall, New York, on the 26th day of April, 2017, at 6:30 o'clock P.M., and did then and there hear all persons interested in the subject matter concerning the same; Now
THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals approves the area variance for side setbacks at 41 Lincoln Avenue, Cohoes, County of Albany, New York.

THE FOREGOING RESOLUTION was put to vote as follows:

AYE, Michael Briggs
ABSENT, Gary Sawyer
AYE, Mark Cotch
AYE, Joyce Baranski, Vice Chairman
ABSENT, Theresa Thibodeau

Michael Briggs 04/27/17
Michael Briggs Date
Acting Chairman, Cohoes Zoning Board of Appeals

Kara McKnight 5/5/17
Kara McKnight Date
City Planner, Industrial Development Agency