

**MINUTES OF THE COHOES ZONING BOARD OF APPEALS HELD IN THE
COMMON COUNCIL CHAMBERS OF COHOES CITY HALL ON WEDNESDAY,
SEPTEMBER 27TH, 2017**

MEMBERS PRESENT: **Mrs. Joyce Baranski, Vice-Chairwoman**
 Mr. Michael Briggs, Chairman
 Mr. Mark Cotch
 Mr. Gary Sawyer
 Mr. Paul Heroux

ALSO PRESENT: **Ms. Melissa Cherubino, Director of Building and Planning**

CONSIDERATION OF THE MINUTES FROM August 23rd, 2017

Chairman Michael Briggs called the meeting to order at 6:30 pm and the consideration of August 23rd meeting minutes passed unanimously.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Michael Briggs	X		
Joyce Baranski	X		
Mark Cotch	X		
Gary Sawyer	X		
Paul Heroux	X		

CONSIDERATION OF A CARPORT AT 40 DAVID DRIVE

The applicant Diane Keith propose installing a carport on her property in order to protect her car. She converted the garage in order to install a third bedroom in her home. She provided examples of another carport in her neighborhood that is similar to what she is proposing. Member Cotch asked if the applicant spoke to the neighbors about the carport and the applicant indicated neighbors were okay with the plans.

Member Briggs stated that it was pretty straight forward and Member Cotch motioned for the approval. Member Sawyer seconded the motion which passed unanimously.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Michael Briggs	X		
Joyce Baranski	X		
Mark Cotch	X		
Gary Sawyer	X		
Paul Heroux	X		

CONSIDERATION OF A GARAGE AT 58 HEARTT AVENUE

The applicants, Paul Hickok and his son Scott, propose building a three car garage on a vacant lot that they own next to their home. The garage measures at 28x34 feet and it will be positioned 6 feet from the west side of the lot and 30 feet from the front. The applicant will store Scott’s truck, his wife’s car and one more auxiliary car. The proposal takes three cars off the street.

Therefore, Member Heroux motioned for the approval of the garage variance and Member Baranski seconded the motion which passed unanimously.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Michael Briggs	X		
Joyce Baranski	X		
Mark Cotch	X		
Gary Sawyer	X		
Paul Heroux	X		

CONSIDERATION OF A USE VARIANCE AT 279 COLUMBIA AVENUE

The applicant, Chiloe Hunt explained that the home located in the R-2 district was purchased in 2004 and the apartment was built in prior to that date. She explained that the apartment in the detached garage has a deed that states it is in the MU district but she cannot find it. It is currently not coded as a 220 but a 210. She noted that they are also at the edge of the zoning district where most homes are multi-family.

Member Sawyer asks if there is sufficient parking and a shared yard to which Chiloe responds that there is space for 10 cars and they own 2.5 acres with no shared yard. Chiloe also explains that the apartment has a current ROP, it’s insured as an apartment and it has its own meters.

Member Baranski moved to approve the variance because she bought the house with the apartment already installed so she shouldn’t be held responsible. Member Heroux seconded the motion which passed unanimously.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Michael Briggs	X		
Joyce Baranski	X		
Mark Cotch	X		
Gary Sawyer	X		
Paul Heroux	X		

CONSIDERATION OF AN AREA VARIANCE AT 279 COLUMBIA AVENUE – FENCE

Member Briggs asked if they put up the fence in 2004. Chiloe stated that they had replaced the existing fence because their dogs kept getting out. She said that the fence had been installed 3 years before the neighbors started to complain about it.

Member Briggs states that there is no problem accessing the property line. Member Heroux asks what the neighbor's fence height is and wants to know if they can see it. Chiloe stated that their fence is 6 feet tall and yes, they can see her fence.

Member Baranski pointed out that the variance goes to the property and not the property owner. Chiloe said she is willing to cut the fence down to 6.5 feet in order to meet the code while preserving the supports. Member Heroux recommended painting the fence white to blend in with the neighbor's fence.

Member Briggs asked about taking the bottom support beam out but Chiloe said that it blocks the dogs from getting out. Member Sawyer states that cutting some of the fence down is better than leaving it at 8 feet.

Member Briggs proposes cutting the fence down to 6'6" and painting it white. Member Cotch so moves and Member Heroux seconds the approval. The board accepted the variance unanimously.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Michael Briggs	X		
Joyce Baranski	X		
Mark Cotch	X		
Gary Sawyer	X		
Paul Heroux	X		

AREA VARIANCE AT 2 MOHAWK STREET

The applicant, Chad Dehmler plans on renovating 2 Mohawk Street as boarding house rooms but targeted to STEM college students and young professionals who work with companies such as Regeneron, GE and Global Foundries. He finds Cohoes bike path amenity, walkable community and accessible downtown with necessary services, restaurants and Music Hall an ideal location. The apartments would serve as a feeder to upscale housing, such as Harmony Mills. Chad also noted that the gig economy calls for more rental housing with the ease of moving elsewhere quickly. He experienced similar communal living in European cities where the concept gained popularity amongst youth studying technology as the layout encourages brainstorming sessions and working from home.

Chad plans to refurbish 30 rooms when all of the buildings are complete and a 7 bay garage with three that can accommodate electric vehicles.

Building A: three rooms and three offices

Building B: 10 rooms and two offices

Building C: 10 rooms and two offices

He intends to rent to good neighbors since he will be living on the premises with his wife and son while providing security through surveillance of the surrounding area. Harmony Mills likes the idea of having video surveillance since it will make their residents feel safe as well.

The economic viability was overlooked by Harmony Mills since they focused on loft apartments rather than small boarding house residencies. If Chad were to make them apartments he would make \$7000/month, but if he keeps it as a boarding home with offices he can make \$12000/month.

He plans to reconstruct the stairs to make it a duplex and have entrances on the outside of the building.

Chad and his family have lived in Europe for a while where this type of style works well and he believes that Cohoes is set up perfectly for this proposal. He says that living arrangements for educated, high income people can be beneficial.

Member Briggs thinks it sounds great but has a few reservations, such as the viability of the proposal, Chad lack of experience working on things like this in the past, and that the proposal goes with the property and if students don't have an interest in the property the set-up will remain boarding house.

Chad explained that he lived in a communal setting for years. Although he gained experience from that living arrangement this would be his first time in real estate construction.

Member Briggs states that Harmony Mills has the money and experience to do this and they let it go. Does that strike any concerns?

Chad responds that it does but it's all part of risk assessment. He understands that there are no colleges in Cohoes or any major tech companies. However, the proposal is two steps away from an 1830s Canal Lock and the bike path.

Member Briggs asks if it has space for 15 – 30 students to park their cars and Chad says that it has 27 parking spaces and some people will use public transportation and carpooling as a means to travel.

Chad plans on moving in in October, which will make building A owner occupied. Each of the other buildings will allow students to have their own rooms along with a communal living room shared by all tenants. .

Member Sawyer states his concern about the parking to room ratio and Chad states that the rooms will be fairly large.

Member Briggs asks how many bathrooms there will be. Chad says that there will be two bathrooms in building A, three single bathrooms and one coed bathroom in building B and building C is undone at the moment. Member Briggs states that it might be a little unrealistic if 15 – 30 people are getting ready at once. He then asks if Chad has any connections to colleges because that could be a concern.

The board thinks it would be a good idea to table the application and have the applicant speak with the Director of Economic Development. It's a great idea but they want to think it through.

Member Heroux asks if he has crunched the numbers on rehabbing the major structural issues in building C. Chad states that he knows it needs a lot of work.

Member Briggs asks if he can represent his financials and Chad asks to present bank financials.

Melissa asked Chad if he had a site plan. The applicant submitted to Planning Board but their vote was contingent upon an approved parking space variance. The Historic Board approved the look of the buildings because nothing would be drastically changed, just cleaned up.

Member Briggs states that he needs more variances.

The public is concerned that it's going to turn into a boarding house in 10 years instead of catering to students.

Chad said that he is committed to the quality for the tenants. The seller has also placed a restrictive covenant in the deed regarding rental quality. However, the board tabled the application pending submission of a site plan, financial statement and answers to the foregoing questions.

CONSIDERATION FOR MULTIPLE VARIANCES – COMMUNITY BUILDERS PROJECT

Jonathan Drapper represents The Community Builders (TCB). He explained that TCB builds and sustains strong communities. The proposed project consists of 8 sites scattered throughout and will hold 42 housing units. Back in 2012 TCB produced 66 units in 7 buildings from 5 – 13 N. Mohawk Street. They are working with the LA Group and 3T Architects.

Dave Carr – LA Group – stated that the Planning Board requested SEQR lead agency status for the project. TCB requests a number of small variances due mostly to the substandard lot sizes and dimensions. All properties are located within the MFR and MU-1 districts.

185 Main Street – MFR at George Street.

A small lot for the zoning district which would require a variance for any construction. Although 4 parking spaces short, TCB projects do not require more than .5 spaces per unit. Typically TCB provides one parking space per residential unit.

171 – 175 Main Street

TCB proposes 6 units at this location with 9 parking spaces. It would be a reduction of up to 25% which is permissible according to §285-88.2. Most of the tenants rely on public transportation and walkability in the downtown zone. The lot sizes are below code considering the relief from the existing neighboring building is on the lot line. TCB would be absorbing the entire rule if forced to build 20' from the neighboring existing structure.

145-147 Main Street – MFR

TCB proposes a two unit duplex on the substandard lot.

124-130 Main Street

TCB proposes 4 units that need a slight separation because the existing neighboring building is on the property line.

122 Main Street – MU-1

TCB proposes two units that need a side lot separation since the existing building is on the lot line.

107-113 Main Street – MFR

TCB proposes ten units and the side yard needs to be separated because the existing building is on the lot line. The proposed parking in the rear of the building needs a 20' setback but TCB proposes 5' because it abuts an alley.

Sargent and Van Vechten St. – MU-1

TCB proposes 8 units with 7 parking spaces, thereby initiating the need for a parking variance. Bemmis Alley is directly behind the proposed building and statistics show TCB does not need the parking.

Willow Street and Vliet St. – MFR

TCB proposes construction on this substandard sized lot, creating parking on a separate parcel. Neighbors argue that the proposal takes out a municipal parking lot; however Economic Development counters that it is not a dedicated parking lot, but a vacant lot that neighbors have used for parking.

10 Vliet St

The parcel will become a pocket park.

The public expressed concerns that construction on the corner parking lot takes away 10 – 16 parking spots. Chairman Briggs pointed out that several cars in the lot sit abandoned, not parked. Another property owner suggested that the 100+' of no-parking on street could be reversed in order to accommodate parking. As to that 100 foot setback mentioned by a landlord in the neighborhood, the Planner will look into the issue with Traffic Commission records.

TCB avers that the project will not need the parking required by zoning code because the residents typically rely on public transportation or community walkability. One speaker opposed the diversity TCB touts on its webpage, claiming people will want to move away since they think crime and parking will become an issue.

A 132 Main Street occupant is concerned because residents park in the vacant lot when plows come through. He suggested Main Street could become a one way street that runs opposite of Congress Street.

John from TCB provided numbers for other projects”

- Troy: 89 occupant units – 11 parking spaces

- Mooradians: 67 units - 34 parking spaces
- Cohoes Falls: 66 units – 13 parking spaces
- Willow Street 6 units – 12 parking spaces

Melissa Cherubino, representing the City, described the City's concerns about quality of life in the downtown core and historic hill. Many of the buildings sit vacant and abandoned suffering foreclosure and deterioration from neglect. Several fires created vacant lots which make the streetscape feel unsafe for pedestrians and encourage littering on unkempt lots with unmaintained high grass and weeds.

As Cohoes Common Council President Chris Briggs, representing the 3rd Ward, pointed out, TCB typically invests \$20 million dollars into projects similar in size to the proposed project. That infusion improved sections of North Mohawk Street, White Street and Vliet Street several years ago. The TCB proposal currently in front of the boards will undoubtedly improve conditions along Main Street, which has deteriorated considerably over the past decade.

Although the City hears the concerns regarding lower income workers moving into the neighborhood and the possible loss of parking, the TCB group takes on a higher level of responsibility in property construction, maintenance and management. As a result, TCB projects meet higher building standards and the management holds tenants to a higher standard. The previous project featured LEEDs certified, environmentally responsible and quality construction. In addition the residents of TCB residences must abide by a higher standard of conduct. Otherwise, the residents risk losing the benefit of living in a TCB building. Furthermore TCB must own the project for 50 years

Often landlords who own one or two multi-family buildings lack the knowledge and resources to maintain structures, conduct background searches on potential tenants or address problems. That results in problems for the neighborhood. Although the City considers displacement of cars a concern, a little discomfort will bring a large benefit to the quality of life and property values surrounding the proposed project.

Procedurally the project must close out SEQR through the Planning Board before any boards can take action on the project. The proposal is due to appear before the Planning Board at the October 16th 2017 meeting. TCB simply wanted to present conceptual designs before all boards prior to seeking approvals. In the interim the City will dig into the questions posed by neighbors and TCB will present additional information at the next formal ZBA meeting on October 25th 2017.

Therefore, Member Baranski moved to adjourn the meeting at 8:45pm and Member Heroux seconded the motion which passed unanimously.