

## TOWN OF COEYMANS ZONING BOARD MEETING

April 24, 2019

### Attendees

Members Present: Mr. Schmitt, Ms. Hopkins, Mr. Porlier, Mr. Powell

Members Absent: Mr. Harris

Also Present: Mr. Cashin; Mr. Pastore; Ms. Ziegler

Public Present: See attached list

### Call to Order

Meeting was called to order by Mr. Schmitt at 7:00 p.m. There was a quorum; one board member absent. Reading of public notices was waived.

### Approval of Minutes

Mr. Schmitt made motion to approve the minutes of March 27, 2019 meeting; seconded by Ms. Hopkins; three in favor, one abstained (Mr. Powell).

### Report of the Building Inspector

Mr. Cashin reported that tonight's agenda consists of discussion of Albany County Planning Board recommendations for Menditto area variance and Coeymans Recycling use variance. The 239s were not submitted in time to get the recommendations back before the March 27, 2019 meeting. The ZBA granted the variance because they did not want to hold up the applicants. Approvals were conditional on Albany County Planning Board having no issues.

**Peter Menditto 19-002 ZAV:** An application for an area variance for a prefab carport that fails to meet the 40 foot required front line setback located at 12 Carr Road, Westerlo, NY, Tax Map #153-1-4.

Albany County Planning Board recommendation: Defer to local consideration – proposed action will have no significant countywide or intermunicipal impact.

ACPB also included an Advisory: (1) Town Zoning Board should consider the precedent setting nature of allowing an area variance for setbacks; and (2) The ACPB wants to only approve site plans that are officially stamped and prepared by a professional. All future referral applications for an area variance and/or use variance, subdivision review, special use permit, and/or site plan review are required to include an official drawing or rendering of the proposed site and

action prepared by a licensed architect, Engineer, or land surveyor. Absence of such could result in an automatic disapproval without prejudice.

**Coeymans Recycling Center 19-001 ZAV:** An application for a use variance to convert the two family structure located at 2185 River Road, Coeymans, Tax Map# 168-2-3 to its original three family unit. Structure was built prior to the zoning ordinance. It is in an R-2 zoning district.

Albany County Planning Board recommendation: Defer to local consideration – proposed action will have no significant countywide or inter-municipal impact.

ACPB also included an Advisory: (1) Town Zoning Board should consider the precedent setting nature of allowing a use variance; (2) Before a ZBA can grant a use variance; state law requires that the applicant must demonstrate “unnecessary hardship”. Mere inconvenience and the fact that the land in question could be put to a more profitable use are insufficient reasons for granting a use variance. The applicant should include an explanation that justifies the need for a variance with criteria set for in state statute; and (3) The ACPB wants to only approve site plans that are officially stamped and prepared by a professional. All future referral applications for an area variance and/or use variance, subdivision review, special use permit, and/or site plan review are required to include an official drawing or rendering of the proposed site and action prepared by a licensed architect, Engineer, or land surveyor. Absence of such could result in an automatic disapproval without prejudice.

Discussion was held concerning the advisories listed for both of the variances. Discussion regarding the last advisory for both variances included: the ZBA has the ability to over-ride ACPB by a super majority vote; requiring official drawings/renderings could be cost prohibitive for an applicant, especially in cases where the area variance is for a shed placement/setback; possible repercussions. Mr. Schmitt will be attending the next Albany County Planning Board meeting which is scheduled for May 23, 2019. Mr. Schmitt will contact Surveyor Charles Hite to get an idea about costs and he will bring that information with him to the ACPB meeting. Mr. Cashin will touch base with other Building Departments.

### Miscellaneous

Mr. Schmitt asked if anyone in the audience had a questions/comment. Mr. Jeff LaQuire from the Friends of Coeymans explained what the group is about. Mr. Baker asked what the requirements are for requesting a 239: have to be within 500 feet of an Ag District or a county or state Highway.

### Adjournment

Mr. Schmitt made motion to adjourn; seconded by Mr. Powell; all in favor.