

TOWN OF COEYMANS ZONING BOARD MEETING

August 28, 2019

Attendees

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

Members Absent: Mr. Powell

Also Present: Mr. Cashin; Mr. Pastore; Ms. Ziegler (Recording Secretary)

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 July 24, 2020; seconded by Mr. Porlier; all in favor.

Public Hearing

Jeffrey Wagner 19-002 ZUV: An application for a use variance for a change of occupancy to change the two family dwelling located at 78 Main Street, Coeymans, Tax Map #168.12-2-19 to a three family multiple dwelling.

Mr. Schmitt opened the public hearing which had been rescheduled from last month. Neighbors had been notified. No one from the public was present. Mr. Wagner was present. Discussion was held, which included:

- Two apartments already exist in the building; the new apartment will be 800 square feet
- Each apartment has two bedrooms
- Bottom level is an open area
- On street parking
- Applicant wants to recoup his investment in four years; building was in very bad shape when he bought it
- Concern about adding another multi-family unit in the area; there are other multi-family units in the area that are pre-existing non-conforming.

- Concern was raised re kids hanging out on the corner.

Mr. Schmitt made motion to close the public hearing; seconded by Mr. Harris; all in favor.

239 had been submitted to the Albany County Planning Board. Their recommendation was defer to local consideration; proposed action will have no significant countywide or inter-municipal impact. An advisory was also included: Before a ZBA can grant a use variance, state law requires that the applicant must demonstrate “necessary 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 variance. The applicant should include an explanation that justifies the need for a variance with criteria set for in state statute.

Necessary hardship was discussed. Hardship can mean different things to different people. Does applicant have enough evidence to support necessary hardship? Applicant has spent \$25000 in materials; would lose \$9000 a year if he could only have two family dwelling (two apartments). Applicant has endured unnecessary hardship.

Mr. Schmitt read the four questions which the ZBA members have to answer as a Board relating to the variance: Answers were: (1) No; (2) No; (3) Yes; and (4) No.

Mr. Schmitt made motion declaring the application to be a SEQRA Type 2 action – no further review needed; seconded by Mr. Harris; all in favor.

Mr. Schmitt made motion to approve the use variance; vote was taken: 3 ayes (Harris, Schmitt, Porlier) and one nay (Hopkins); motion was carried; application was granted.

Adjournment

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