

MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON APRIL 10, 2013 AT 7:00 P.M. IN THE WATERVLIET SENIOR CITIZEN CENTER, WATERVLIET, NEW YORK

MEMBERS PRESENT: Chairman Mark Cady
Frank Gilchrist
Joe Kokernak
Dot Dugan
Jeff Czarnecki
Chris Tozzi
Dave Such (present but recused himself because his father was the applicant)

Chairman Cady called the meeting to order at 7:00 p.m. The Chairman asked the recording secretary to take attendance and to read the agenda.

Attorney Paul Goldman addressed the board regarding legal issues associated with a filed Notice of Appeal.

CONSIDERATION FOR A USE VARIANCE TO CONSTRUCT AN 8' X 26' ADDITION TO THE EXISTING BUILDING LOCATED AT 1010 19TH STREET, WATERVLIET, NEW YORK

Stanley Such, owner of 1010 19th Street, Watervliet, New York is seeking approval for a use variance to construct an 8' x 26' addition to the existing building. This property houses a gas station/convenience store which was damaged by fire on August 24, 2012. This addition is being proposed to make room for coolers to stock cold beverages.

Based on discussions, the following decision was made:

Regarding SEQR, it was decided this was a Type 2 action with no significant adverse impact to the environment. A motion was made by Mr. Cady and seconded by Ms. Dugan.

	YES	NO
Mark Cady	Motion	
Frank Gilchrist	X	
Joe Kokernak	X	
Dot Dugan	Second	
Chris Tozzi	X	
Jeff Czarnecki	X	

The ZBA made the following findings with regards to the owner's demonstration of unnecessary hardship: (1) The applicant cannot realize a reasonable return from the property in question because if there was a change from a gas station to another use, the cost of the reclamation of the soil and the removal of tanks would be astronomical; (2) The alleged hardship is not unique to the property because it has been a gas station and convenience store many years; (3) The variance will not alter the essential character of the neighborhood because the addition will not be seen from the street; (4) The alleged hardship was not self-created because there was a fire on said property.

A motion was made by Mr. Kokernak and seconded by Mr. Gilchrist to approve the application with the following stipulations: (1) Full compliance with permit approvals and codes; (2) The property is to be cleaned up and the fence maintained; (3) If the applicant does not take the necessary steps to act upon this variance within 90 days of the date of this resolution, this approval is deemed null and void.

	YES	NO
Mark Cady	X	
Frank Gilchrist	Second	
Joe Kokernak	Motion	
Dot Dugan	X	
Chris Tozzi	X	
Jeff Czarnecki	X	

A motion was made by Mr. Gilchrist and seconded by Mr. Cady to adjourn the meeting at 7:50 p.m.