

MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON SEPTEMBER 9, 2015 AT 7:00 P.M. IN THE WATERVLIET SENIOR CITIZEN CENTER, WATERVLIET, NEW YORK

MEMBERS PRESENT: Dot Dugan Jeff Czarnecki Frank Gilchrist
 Dave Such Mark Cady

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

CONSIDERATION FOR A USE VARIANCE FOR PROSPECTIVE OWNER, CRAIG YOUNG, TO OPERATE HIS OVERHEAD GARAGE DOOR BUSINESS (PRIMARILY STORAGE OF TOOLS AND EQUIPMENT) AT PROPERTY LOCATED AT 2413 10TH AVENUE, WATERVLIET, NEW YORK

Craig Young was present at the meeting with his attorney, Paul Devane. Mr. Young addressed the Board explaining that he was owner of an overhead door business and would utilize the garage to store extra parts, rollers, hinges, springs, tracks, scaffolding, ladders, etc. He would also store his motorcycle and jet ski at the property. He has no walk in customers associated with his business. He plans to clean up the lot, specifically removing the ivy from the building (this is a stipulation from his insurance company). He would cut the bushes back or down and clear the overgrown grass, etc. He owns a trailer kerosene heater which he would utilize occasionally.

Kimberly and John Munhall, who live at 2415 10th Avenue, spoke in opposition of the application. Mrs. Munhall first commented that they received their letter notifying them of the meeting on Saturday, September 5th and questioned whether she was given sufficient notice. It was also reported that Mr. Young is already utilizing the garage and that he mentioned to them that he planned to store his boat along the side of the garage and referenced the garage as his “man cave”. The Munhall’s mentioned that the current owner does not keep up the property and worry that Mr. Young will follow that pattern.

Greg Myers, who lives at 2417 10th Avenue, wanted to be assured that the alley would always be clear and wanted to make sure Mr. Young didn’t utilize a trailer for his business or personal use. He also didn’t want to see a boat stored on the outside of the garage and worried that this would set a precedent for another business if Mr. Young sold the garage.

Upon questioning Mr. Young again, he reiterated that he would clean up the property and maintain it. He also agreed he would not store his boat outside and would only use the garage to work on his personal vehicles/possessions.

Regarding SEQR, it was decided that the City of Watervliet is the lead agency, that the short form is sufficient and this is classified as an unlisted action Type 2 action with no significant adverse impact to the environment. The motion was introduced by Ms. Dugan, made by Mr. Gilchrist and seconded by Mr. Czarnecki.

| | YES | NO |
|-----------------|--------|----|
| Dot Dugan | | |
| Frank Gilchrist | Motion | |
| Dave Such | X | |
| Jeff Czarnecki | Second | |
| Mark Cady | X | |

The board made the following findings: (1) The applicant cannot realize a reasonable return from the property in question, provided that the lack of return is substantial as demonstrated by competent financial evidence because the applicant has no garage at his residence and needs one for his business (2) The alleged hardship is unique to the property in question and does not apply to a substantial portion of the district or neighborhood because it’s an existing structure built in the 1950’s; (3) The requested use variance will not alter the essential character of the neighborhood because the structure will not change use as stated; and (4) The alleged hardship was self-created because the application does not already own a garage.

A motion was made by Mr. Czarnecki and seconded by Mr. Gilchrist to approve the application with the following stipulations: (1) No outside storage (residential or commercial); (2) Building a property must be maintained per code (all four seasons) to include removal of ivy; (3) Maintenance on vehicles is limited to personal vehicles only; (4) must follow hours of operation as stated in application (Monday-Friday 8:00 a.m. -5:00 p.m.); (5) The applicant shall comply with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet; and (6) If the applicant does not take the necessary steps to act upon this variance within 90 days of the date of this Resolution, then the variance shall be deemed null and void.

| | YES | NO |
|-----------------|--------|----|
| Dot Dugan | X | |
| Frank Gilchrist | Second | |
| Dave Such | X | |
| Jeff Czarnecki | Motion | |
| Mark Cady | X | |

CONSIDERATION FOR A USE VARIANCE FOR MCCLOSKEY COMMUNITY SERVICE CORPORATION, OWNER OF 1400 8TH AVENUE, WATERVLIET, NEW YORK FOR PROSPECTIVE OWNER, ERNEST BROWN, TO CONVERT THE EXSTING VACANT SCHOOL BUILDING INTO 15 RESIDENTIAL UNITS

Ernie Brown spoke on behalf of his proposal and went through a budget worksheet pointing out that the amount budgeted and the actual amounts did go up a bit. He plans to construct 15 upscale apartments (including granite countertops, hardwood floors, ceramic tile, carpeting, etc.) He plans to have a 6 space keypad outside of the building for security (either enters by code or key swipe) and the doors will be handicap accessible. The air conditioning units will not be heard by the neighboring homes and all outside lighting will be wall packs facing down. The parking lot is big enough for 23 spaces. There is a roof drain that goes to an existing catch basin in the parking lot that is part of 8th Avenue (18 inch main) that goes to a 21 inch main on 16th Street. Mr. Brown intends to do landscaping on 8th Avenue and Mark Gilchrist suggested changing the curb cut on the 14th Street side of the property to make it look better. Mr. Brown said it was not in the budget right now but that he could possibly put in some shrubbery to make that side look better. The square footage of the apartments are as follows: 1 bedrooms – 573 sf, 2 bedrooms – a little over 876 sf and 3 bedroom – a little under 1030 sf.

Neighbors are very concerned about the extra traffic and parking situation. They also want to be assured by Mr. Brown will rent to young professionals as he has proposed. Mr. Brown reassured the neighbors that he would be seeking young professionals and he will be running credit checks and collecting an application fee. One neighbor wanted to make sure the alley would not be used by Mr. Brown’s tenants and wanted to verify where the dumpster would be located. All neighbors who spoke reiterated that this is a quiet family oriented neighborhood and they are nervous that this project will jeopardize that.

Regarding SEQR, it was decided that the City of Watervliet is the lead agency, that the short form is sufficient and this is classified as an unlisted action Type 2 action with no significant adverse impact to the environment. The motion was introduced by Ms. Dugan, made by Mr. Such and seconded by Mr. Gilchrist.

| | YES | NO |
|-----------------|--------|----|
| Dot Dugan | X | |
| Frank Gilchrist | Second | |
| Dave Such | Motion | |
| Jeff Czarnecki | X | |
| Mark Cady | X | |

The board made the following findings: (1). The applicant cannot realize a reasonable return from the property in question, provided that the lack of return is substantial as demonstrated by competent financial evidence because the cost of demo and construction warrant the number of units (as provided by the applicant); (2) The alleged hardship is

unique to the property in question and does not apply to a substantial portion of the district or neighborhood because it's an existing building that was built in and around the 1960's; (3) The requested use variance will not alter the essential character of the neighborhood because these are residential units in a residential area; and (4) The alleged hardship was not self-created because he is purchasing an empty building in the middle of a residential area.

A motion was made by Mr. Gilchrist and seconded by Ms. Dugan to approve the application with the following stipulations: (1) All exterior lighting must be facing down; (2) property must be maintained per code (all four seasons); (2) The application must be referred to Albany County Planning Board and this application is approved contingent on their approval; (4) all required permit approvals and all other applicable provisions of the Code of the City of Watervliet; and (3) If the applicant does not take the necessary steps to act upon this variance within 90 days of the date of this Resolution, then the variance shall be deemed null and void.

| | YES | NO |
|-----------------|--------|----|
| Dot Dugan | Second | |
| Frank Gilchrist | Motion | |
| Dave Such | X | |
| Jeff Czarnecki | X | |
| Mark Cady | X | |

The meeting was adjourned at 9:20 p.m.