

**MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON WEDNESDAY, JANUARY 13, 2016 AT 7:00 P.M. IN THE WATERVLIET SENIOR CITIZEN CENTER, WATERVLIET, NEW YORK**

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

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

**CONSIDERATION OF YASER AL MAHDAWI, RESIDING AT 16 SLIGO STREET, ALBANY, NEW YORK, SEEKING A USE VARIANCE TO MAINTAIN PROPERTY LOCATED AT 2423 3<sup>RD</sup> AVENUE, WATERVLIET, NEW YORK AS A FOUR UNIT IN A ONE AND TWO FAMILY DISTRICT.**

Mr. Al Mahdawi’s application was tabled in October to give him an opportunity to gather more specific financial information and a plot plan. He went over how he bought the home at auction through Albany County and that the home was a four unit for many years. Mr. Al Mahdawi went over his financial information – specifically pointing out that the heating costs would be extremely high if he were to combine two units to one. He mentioned that the apartments would then have two separate heating systems for the tenants to pay. He also mentioned the floors would be uneven occur once walls are removed. When asked about what work he would do to the outside of the building, he said he would repair cracked brick or mortar and supply and install chimney caps for a total of \$576.

Mr. Cady went over the Part II SEQR questions. A motion was made by Mr. Kokernak and seconded by Mr. Such to approve the SEQR as an unlisted action.

	Yes	No
Mark Cady	X	
Dave Such	Second	
Dot Dugan	X	
Jeff Czarnecki	Abstain	
Joe Kokernak	Motion	
Frank Gilchrist	X	

Mr. Cady expressed that he and the Board felt Mr. Al Mahdawi would be better off keeping the building a two family and that by putting some upgraded materials, they would attract families who would be willing pay higher rent. Mr. Cady feels he is underestimating the monthly rent that is currently being paid in Watervliet for nicer, larger apartments.

The Board concluded that Mr. Al Mahdawi did not demonstrate unnecessary hardship as follows: (1) The applicant can realize a reasonable return from the property in question and the lack of return was not demonstrated by competent financial evidence because they feel if it was made into a two family with upgraded interiors, he could charge higher rent; (2) The alleged hardship is unique to the property in question and does to a substantial portion of the district or neighborhood because it was built as a four unit in an R2 district; (3) The requested use variance will alter the essential character of the neighborhood because of lack of parking and the number of tenants living in the units; (4) the alleged hardship was self-created because the home was purchased in an R2 district.

Mr. Gilchrist made a motion and Ms. Dugan seconded it to deny the application.

	Yes	No
Mark Cady	X	
Dave Such	X	
Dot Dugan	Second	
Jeff Czarnecki	Abstain	
Joe Kokernak	X	
Frank Gilchrist	Motion	

**APPLICATION OF STEWARTS SHOPS, P.O. BOX 435, SARATOGA, NEW YORK, SEEKING AN AREA VARIANCE FOR NON-CONFORMING SIGNAGE PROPOSED FOR A NEW STEWARTS STORE WITH GAS AND AN END CAP FOR PIONEER BANK BRANCH AT PROPERTY LOCATED AT 2000 2<sup>ND</sup> AVENUE, WATERVLIT, NEW YORK.**

Chuck Marshall from Stewarts Shops went over the project mentioning the maximum set back is 20 feet and the proposed setback is 61.8 feet. Without the setback it would result in loss of parking and hinder access to the drive-thru. The signage proposed is all compliant except for the cumulative signage on 2<sup>nd</sup> Avenue by the bridge. Two signs will front 2<sup>nd</sup> Avenue (Stewarts and Pioneer) and one will front 21<sup>st</sup> Street (Stewarts – since there will be two entrances to the store). The third will be in the proximity of the current Pioneer Saving Bank clock sign and include Pioneer Savings Bank, Stewarts and gas prices.

Ms. Dugan went over the Part II SEQR questions. A motion was made by Mr. Czarnecki and seconded by Mr. Cady to approve the SEQR as an unlisted action.

	Yes	No
Mark Cady	Second	
Dave Such	X	
Dot Dugan	X	
Jeff Czarnecki	Motion	
Frank Gilchrist	X	

The following findings were made regarding the setback: (1) The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties because the new construction will be an improvement; (2) The benefits sought by the applicant cannot be achieved by some other feasible method because of loss of parking and access to the drive-thru; (3) The requested variance is not substantial in that it does not change the characteristics of the neighborhood or property because there is an existing business on the property; (4) the proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because it is an improvement to the corner; (5) the alleged difficulty was not self-created because the layout for access to the drive-thru.

A motion was made by Mr. Gilchrist and seconded by Mr. Czarnecki to approve the variance.

	Yes	No
Mark Cady	X	
Dave Such	X	
Dot Dugan	X	
Jeff Czarnecki	Second	
Frank Gilchrist	Motion	

The following findings were made regarding the signage: (1) The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties because there are two business on the property; (2) The benefits sought by the applicant cannot be achieved by some other feasible method because there are two businesses on the property; (3) The requested variance is not substantial in that it does not change the characteristics of the neighborhood or property because the overall project is an improvement; (4) the proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because it is an improvement of the property; (5) the alleged difficulty was self-created because they are adding another business.

A motion was made by Mr. Such and seconded by Ms. Dugan to approve the variance with the following stipulations: (1) Lighting must conform to code; (2) Receipt, acceptance and agreement with Albany County Planning Board Notification and Recommendation; (3) The applicant shall comply with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet; (4) 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
Mark Cady	X	
Dave Such	Motion	
Dot Dugan	Second	
Jeff Czarnecki	X	
Frank Gilchrist		X

**APPLICATION OF LINZAK, LLC, 19 CATHERINE PLACE, LATHAM, NEW YORK, OWNER OF PROPERTY LOCATED AT 626 1<sup>ST</sup> AVENUE, WATERVLIET, NEW YORK, SEEKING A USE VARIANCE TO ALLOW PROSPECTIVE OWNER DYKE NAUGHTON TO OPERATE A SMALL SEMI-PRIVATE PHYSICAL TRAINING CENTER.**

Kevin Coughlin, the owner of the building, went over the proposed use for the building. Dyke Naughton is a personal trainer who has been in business on Vatrano Road in Albany for over 20 years. He works with athletes on speed/strength training, usually no more than six at one time. His hours of operation will be 4:00-8:00 p.m. M-F (plus 10 a.m. – 1:00 p.m. on Tuesdays and Fridays); 9:50 a.m.-1:00 p.m. Saturdays, and 9:50 a.m. – 2:00 p.m. Sundays (might be there until 8:30 p.m. occasionally). Music will be playing but not loud enough for neighbors to hear; and there will be no outdoor workouts.

Mr. Cady went over the Part II SEQR questions and all were answered as having “no, or small impact may occur”. A motion was made by Mr. Kokernak and seconded by Mr. Such to approve the SEQR as an unlisted action.

	Yes	No
Mark Cady	X	
Dave Such	X	
Dot Dugan	X	
Jeff Czarnecki	Second	
Frank Gilchrist	Motion	

The following findings were made regarding the application: (1) The requested variance will not create an

undesirable change in the character of the neighborhood or detriment to nearby properties because the building has been empty for three years while owner sought a suitable tenant/buyer; (2) The benefits sought by the applicant cannot be achieved by some other feasible method because it is the only warehouse in that neighborhood; (3) The requested variance is not substantial in that it does not change the characteristics of the neighborhood or property because the building has been there for many years; (4) the alleged difficulty was not self-created because the building has been there for many years.

A motion was made by Mr. Gilchrist and seconded by Mr. Czarnecki to approve the variance with the following stipulations: (1) Hours of operation will be as stated; (2) Building must be properly maintained; (3) Receipt, acceptance and agreement with Albany County Planning Board Notification and Recommendation; (4) The applicant shall comply with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet; (5) 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
Mark Cady	X	
Dave Such	X	
Dot Dugan	Second	
Jeff Czarnecki	Motion	
Frank Gilchrist	X	

A motion was made by Mr. Gilchrist and seconded by Mr. Cady to adjourn the meeting at 7:55 p.m.