

**MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON AUGUST 9, 2017 AT 7:00 P.M. IN THE WATERVLIET SENIOR CITIZEN CENTER, WATERVLIET, NEW YORK**

MEMBERS PRESENT: Mark Cady  
Dot Dugan  
Frank Gilchrist

Dave Such

ALSO PRESENT:

Chris Chartrand  
Mark Gilchrist  
Yorden Huban

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 SPECIAL USE PERMIT FOR FIQH MOSQUE, INC., PROSPECTIVE BUYER OF 817-819 23<sup>RD</sup> STREET, WATERVLIET, NEW YORK, TO ALLOW USE AS A HOUSE OF WORSHIP**

Marwa Elbially spoke on behalf of the Fiqh Mosque. Yorden Huban recommended the Board vote again on the non-conforming use being time barred (there was an oversight and the May 17<sup>th</sup> written decision was not received). Then the Board could decide whether to revisit the non-conforming use issue (which would have to be a unanimous vote) or move on to the Special Use Permit.

A motion was made by Mr. Cady and seconded by Mr. Such that the time between the application, the rebuttal and the denial had expired. The applicant will have to move forward with the Special Use Permit.

	YES	NO
Mark Cady	Motion	
Dave Such	Second	
Frank Gilchrist	X	
Dot Dugan	X	

Ms. Elbially stated this is a currently a very small congregation – approximately 10-12 regular members with 20-40 attending Friday prayer service from 12:30-2:30 p.m. at the latest. Their intent is to keep the pews in the church and the prayer service would be held in the gym. Their biggest obstacle is the lack of off street parking. They have talked with Immaculate Heart of Mary to see if it would be possible to use their parking lot during their Friday prayer services as the congregation expanded. Then they would either shuttle their members or they could walk to the service. Many who attend the prayer service are young students who already use public transportation to get back and forth to school. It was pointed out that three other churches within the City do not have off street parking. Mark Gilchrist was let into the building on the afternoon of August 9<sup>th</sup> to measure for parking requirements. The number of spots ranged from 24 to 87 depending on logistics of the rooms (pews, tables, standing, etc.) Ms. Elbially acknowledged they could not provide adequate parking and was asking the Zoning Board to waive the number of spots. It was also acknowledged that there is nothing in the Code regarding shuttling to meet parking requirements. It was also stated that no one will reside on the property. One gentleman, who owns a home on 23<sup>rd</sup> Street, submitted photos depicting potential parking issues, but there was no indication of the time of day the photos were taken.

A motion was made by Mr. Gilchrist and seconded by Ms. Dugan to accept Albany County Planning Board’s decision to defer to local consideration

	YES	NO
Mark Cady	X	
Dave Such	X	

Frank Gilchrist	Motion	
Dot Dugan	Second	

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

	YES	NO
Mark Cady	X	
Dave Such	X	
Frank Gilchrist	Motion	
Dot Dugan	Second	

The following findings were found with respect to Section 272.77 of the City of Watervliet Zoning Ordinance: (A) *The physical characteristics, topography and other features of the lot and the scale and physical design and other features of any new or existing buildings to be occupied by the use are suitable and adaptable for the proposed use without any modifications which would change the established character of the street or neighborhood settings* – This proposal meets these requirements.

(B) *The nature and intensity of operations of the use will not be more objectionable to surrounding properties than those of a permitted use. Examples of measures of potential impacts due to the nature and intensity of development include, but are not limited to, exceeding or affecting capacity of municipal infrastructure and utilities, traffic generation, hours of operation, size and scale, noise, odor, dust, vibration, glare, smoke and environmental hazards* – The size of congregation and hours of prayer services will not affect the neighborhood.

(C) *The use is not in such proximity to a religious facility, school, community center, recreation place, or other prominent place of community activity and public assembly so as to regularly conflict with such other activity and thereby constitute a danger to health, safety or general welfare* – Does not apply.

(D) *The use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volumes on streets and street patterns which are deficient in width, design, sight distance, intersection configuration, or other typical standards necessary to accommodate such traffic changes* – Will not due to size of congregation.

(E) *The use makes adequate provision for off-street parking in accordance with this Ordinance* – This will be addressed in stipulations.

(F) *The use and the proposed design of the building and other structures and site facilities for the use are appropriate in the proposed location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses, including but not limited to, traffic congestion and hazards, untimely scheduling of activities, removal of trees and other established natural features, and excessive storm water runoff, noise, nuisance, odors, glare or vibration* – Will be using existing buildings.

(G) *The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community. In evaluating cumulative impacts the Zoning Board of Appeals will consider the proximity of other special permit uses, particularly those similar to the use proposed* – Buildings and property will be maintained which will add to the neighborhood.

(H) *The use will not conflict in any way with the City of Watervliet Comprehensive Plan, Waterfront Revitalization Program where applicable, and other approved City plans and programs* – This use stays within the Comprehensive Plan.

A motion was made by Mr. Such and seconded by Mr. Cady to approve the Special Use Permit (renewable after two years) with the following stipulations:

1. Special Use Permit must be renewed in two years.
2. No one is allowed to reside at the property.
3. Must seek off street parking solution upon renewal in two years.
4. Property must be properly maintained (snow removal, grass, trash)
5. Security cameras must be installed.
6. Any outside lighting should be down facing.
7. Must comply with all City of Watervliet and New York State Building Codes (including fire inspection).
8. Must act within 90 days of date of approval or approval will be null and void.

	YES	NO
Mark Cady	Second	
Dave Such	Motion	
Frank Gilchrist	X	
Dot Dugan	X	

A motion was made by Mr. Cady and seconded by Mr. Gilchrist to adjourn the meeting at 9:15 p.m.