

MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON WEDNESDAY, MARCH 9, 2016 AT 7:00 P.M. IN THE WATERVLIET SENIOR CITIZEN CENTER, WATERVLIET, NEW YORK

MEMBERS PRESENT: Mark Cady Dave Such ALSO PRESENT: Mark Gilchrist
Frank Gilchrist Joe Kokernak Chris Chartrand
Jeff Czarnecki Yorden Huban

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.

APPLICATION OF LINZAK, LLC, 19 CATHERINE PLACE, LATHAM, NEW YORK, OWNER OF PROPERTY LOCATED AT 626 1ST AVENUE, WATERVLIET, NEW YORK, SEEKING A CHANGE IN THE HOURS OF OPERATION OF A USE VARIANCE GRANTED AT THE JANUARY 13, 2016 MEETING TO ALLOW PROSPECTIVE OWNER DYKE NAUGHTON TO OPERATE A SMALL SEMI-PRIVATE PHYSICAL TRAINING CENTER.

Andrew Sommers, attorney for Dyke Naughton, addressed the Board citing his client would like to expand his hours for economic reasons. The hours of operation approved at the January meeting are as follows: 4:00-8:00 p.m. M-F (plus 10 a.m.–1:00 p.m. on Tuesday and Friday); 9:50 a.m.-1:00 p.m. Saturday, and 9:50 a.m.–2:00 p.m. Sunday (might be there until 8:30 p.m. occasionally). Mr. Naughton would like to expand the hours to give him the flexibility to add groups during different sports seasons (hockey, baseball, etc.) and to accommodate a power lifting group. The Board appreciated the fact that Mr. Naughton came before them instead of just working outside of the approved hours. The Board approved the new hours as follows: Monday, Wednesday & Thursday – 3:00 p.m.-9:00 p.m., Tuesday 9:00 a.m.–1:00 p.m. and 3:00 p.m.-10:00 p.m., Friday – 9:00 a.m.-2:00 p.m. and 4:00 p.m.-11:00 p.m.; Saturday 9:00 a.m.-2:00 p.m., and Sunday 9:00 a.m.-8:00 p.m.

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

CONSIDERATION OF BAYVIEW LOAN SERVICING, LLC, 4425 PONCE DE LEON BOULEVARD, 5TH FLOOR, CORAL GABLES, FLORIDA, OWNER OF PROPERTY LOCATED 720 4TH STREET, WATERVLIET, NEW YORK, SEEKING A USE VARIANCE TO ALLOW PROSPECTIVE OWNER TO OPERATE THE PROPERTY AS A LEASED SPACE TO A REAL ESTATE SALES AND PROPERTY MANAGEMENT OFFICE WITH ASSOCIATED STORAGE/GARAGE SPACE AND AS A SELF-STORAGE RENTAL FACILITY.

Mr. Todd Drake of Empire Real Estate Management and Mr. Mike Caruso were present noting once again that they are the prospective buyers of the property. They intend to use the office space as the office for their business and the warehouse as storage for their real estate and property management companies and self-storage/garage space for clients. Frank Gilchrist asked about their specific plans for the parking lot on the east side of the building. Mike Caruso stated they would level it and blacktop 60-70% of it and then fill it in with stone for drainage. He acknowledged that he may have to adjust the number of bays on that side due to the leveling problems which is not an issue. With the exception of one or two company vehicles, they do not plan to have parking on that side – company vehicles will be stored inside. They reiterated that they are looking to draw clients looking for file, personal, car, boat, or motorcycle storage. They pointed out there will be no

chemicals, no combustibles, no mechanics – just clean dry storage or simple storage. They presented the Board with a contract for Gates Self Storage out of Rochester and will follow the stipulations outlined on this agreement. Jeff Czarnecki pointed out that it seemed to be a very thorough agreement and he particularly liked 4(a) which prohibits flammable or hazardous materials of any nature, or any material in violation of any law or zoning, fire or other governmental rules or regulations and (12) which gives owner the right to inspect units. Mark Gilchrist again suggested perhaps mixing wood fencing with chain link to make the property more visible for police/neighbors. The wood would go along the houses. It will still be necessary to get together with Dave Dressel of the City of Watervliet Water Department to talk about the drainage. Mike Caruso mentioned he would eventually like to reside the building and that he talking with the resident next door on 8th Avenue to rent the garage space on the 8th Avenue side. It was also pointed out that cars will not be parked on the neighborhood streets. There will be limited access to electrical in storage units. There was discussion on garbage pick-up and because of the low volume they are expecting, they will give Chris Daus a call regarding the City picking it up instead of putting a dumpster on the premises. They will install simple lighting for safety purposes.

Due to the fact that the home is in a residential neighborhood, it was the burden of the prospective buyers to show financially how it is not feasible to demolish the building and build new homes on the lot. They researched and found the most expensive home in Watervliet sold for \$116/sf but the average sale is \$89.37/sf. They showed a substantial loss without including the purchase price of the property.

Mrs. Crinigan who resides at 401 7th Avenue, Watervliet voiced her concerns through a letter that was read into the record.

Mr. Frank Gilchrist 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. Czarnecki to approve the SEQR as an unlisted action.

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

The following findings were made regarding the application: (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 financial information given shows a substantial loss without the purchase price of the property included; (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 is the only commercial property in the neighborhood; (3) the requested use variance will alter the essential character of the neighborhood because the building has been there for a number of years and they are improving the entire site; (4) the alleged hardship was not self-created because they are purchasing an existing building not new construction.

A motion was made by Mr. Such and seconded by Mr. Gilchrist to approve the variance with the following stipulations: (1) No hazardous materials; (2) All outside lighting must be down facing; (3) Fence and property must be maintained; (4) Hours of operation as stated in proposal (office – M-F between 7:00 a.m.–6:00 p.m. and Saturday and Sunday by appointment. Self-storage – 6:00 a.m.–8:00 p.m.; (5) site maintenance as to the

drainage on the east side of the property; (6) Receipt of and agreement with Albany County Planning Board Notification and Recommendation; (7) The applicant shall comply with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet; (8) If the applicant does not take the necessary steps to act upon this variance within 90 days of the date of the resolution, then the variance shall be deemed null and void.

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

CONSIDERATION OF THE ALBANY COUNTY PLANNING BOARD’S RECOMMENDATION ON THE 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 2ND AVENUE, WATERVLIT, NEW YORK.

This application was on the Albany County Planning Board’s agenda on February 18, 2016. Their recommendation was that the proposed action will have no significant countywide or intermunicipal impact and to defer to local consideration. They did advise that the City Zoning Board should consider the precedent setting nature of allowing significant area variances to the sign code in the commercial zone.

A motion was made by Mr. Czarnecki and seconded by Mr. Gilchrist to accept the Albany County Planning Board’s recommendation.

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

A motion was made by Mr. Gilchrist and seconded by Mr. Cady to adjourn the meeting at 8:35 p.m.