

MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON MAY 17, 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
Joe Kokernak

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 AN AREA VARIANCE FOR CHRISTINA DALPE, OWNER OF 1340 6TH AVE, WATERVLIET, NEW YORK TO INSTALL A SIX FOOT PRIVACY FENCE ALONG THE FRONT AND BACK OF SAID PROPERTY.

Christina Dalpe, owner of property located at 1340 6th Avenue, Watervliet, New York 12189, is looking to install a six (6) foot high privacy fence along the front and back of her property.

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. Such and seconded by Mr. Kokernak.

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

The following findings were made: (1) The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties because the fence is in front of their own property and will not block any driveways or rights of way; (2) The benefits sought by the applicant cannot be achieved by some other feasible method because it is a privacy fence; (3) The requested variance is not substantial because it only affects their 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 only affects their property; (5) The alleged difficulty was not self-created because the fence is needed for privacy.

A motion was made by Mr. Gilchrist and seconded by Ms. Dugan to approve the application with the following stipulations: (1) the fence must be maintained, painted and/or repaired as needed; (2) Full compliance with permit approvals and codes; (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	
Dave Such	X	
Frank Gilchrist	Motion	
Dot Dugan	Second	
Joe Kokernak	X	

CONSIDERATION FOR AN AREA VARIANCE FOR DOMINIQUE VILLALBA, OWNER OF 1341 5TH AVENUE, WATERVLIET, NEW YORK TO INSTALL A SIX FOOT PRIVACY FENCE ALONG THE FRONT OF SAID PROPERTY.

Dominique Villalba, owner of property located at 1341 5th Avenue, Watervliet, New York 12189, is looking to install a six (6) foot high privacy fence along the front of her property.

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 Mr. Kokernak.

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

The following findings were made: (1) The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties because the fence is in front of their own property and will not block any driveways or rights of way; (2) The benefit sought by the applicant cannot be achieved by some other feasible method because she is replacing overgrown bushes with a privacy fence; (3) The requested variance is not substantial because it only affects their 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 only affects their property; (5) The alleged difficulty was not self-created because the need for privacy requires a higher fence than is allowed in the front.

A motion was made by Mr. Cady and seconded by Ms. Dugan to approve the application with the following stipulations: (1) the fence must be maintained; (2) Full compliance with permit approvals and codes; (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	Motion	
Dave Such	X	
Frank Gilchrist	X	
Dot Dugan	Second	
Joe Kokernak	X	

CONSIDERATION FOR AN AREA VARIANCE FOR PATRYK KANIOWSKI TO INSTALL AN 18' X 39' DRIVEWAY IN THE FRONT OF PROPERTY LOCATED AT 1523 5TH AVENUE, WATERVLIET, NEW YORK

Patryk Kaniowski, owner of 1523 5th Avenue, Watervliet, New York, seeking approval for an area variance to install a concrete driveway. He was told that the curb cut could not be 18' wide – the maximum is 10'. He has a friend who does foundation work that is installing it.

Based on discussions, the following decision was made:

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 Mr. Such.

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

The following findings were made: (1) The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties because it is to be installed per the Board's stipulations; (2) The benefit sought by the applicant cannot be achieved by some other feasible method because the alley is in need of repair and unusable; (3) The requested variance is not substantial because there will still be an adequate amount of green space on the remainder of 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 will be installed properly and will meet all setbacks; (5) The alleged difficulty was not self-created because the alley is in need of repair and unusable.

A motion was made by Ms. Dugan and seconded by Mr. Such to approve the application with the following stipulations: (1) Snow removal must not be into the street; (2) Curb cut must be on the north side/end of the driveway; (3) Sidewalk must be level; (4) Driveway must be pitched so that runoff will not flow into the neighbor's property; (5) Full compliance with permit approvals and codes; (6) 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	X	
Dot Dugan	Motion	
Dave Such	Second	
Jeff Czarnecki	X	

CONSIDERATION FOR A SPECIAL USE PERMIT FOR FIGH MOSQUE, INC., PROSPECTIVE BUYER OF 817-819 23RD STREET, WATERVLIT, NEW YORK, TO ALLOW USE AS A HOUSE OF WORSHIP

Marwa Elbially, Esq. spoke on behalf of the Mosque; and Carolyn Lemmon and Carl Hasberhaff spoke on behalf of the Presbytery. They still believe the non-conforming use still applies and that the only difference is the change of religion because the building was continually used as a house of worship by the Presbytery. It would have been used more if it weren't for problems with the building including three floods. Mark Gilchrist still stands by his opinion that the use ceased in June of 2015. He also stated that the off street parking must be within 300 feet from the parcel.

A motion was made by Mr. Gilchrist 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	X	
Dave Such	Second	
Frank Gilchrist	Motion	

Dot Dugan	X	
Joe Kokernak	X	

A motion was made by Mr. Cady and seconded by Mr. Kokernak to table the application.

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

CONSIDERATION FOR A USE VARIANCE FOR V&J HOMES, LLC, PROSPECTIVE OWNER OF 2400 3RD AVENUE, WATERVLIT, NEW YORK, TO RENOVATE BUILDING INTO FIVE HIGHER END APARTMENTS

Vincent Salvagio and Jason Beaulieu submitted an estimate from a contractor for the work to be done for the apartments and a spreadsheet showing why they can't make this project work with less than five apartments. Frank Gilchrist pointed out that their spreadsheet didn't make sense – the number of kitchens and bathrooms were never recalculated. Board members didn't feel their proposal was "high end" and adamantly thought the project could work with less than five apartments.

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. Such and seconded by Ms. Dugan.

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

The following findings were made by the Board: (1) The applicant has not given the Board information to support their claim that they cannot realize a reasonable return. The applicant has failed to satisfy the Board's requirements. The applicant's proposal did not support and unreasonable return; (2) The alleged hardship is unique to the property in question and does apply to a substantial portion of the district or neighborhood because the parcel in question is a very large building and covers a quarter of the block; (3) The requested variance will alter the essential character of the neighborhood because of parking congestion, the sheer number of residents and multi-family units are foreign to that neighborhood; (4) the alleged hardship was self-created. The applicant states they cannot realize a reasonable profit from what is allowed in the district.

A motion was made by Mr. Kokernak and seconded by Ms. Dugan to deny the application.

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

A motion was made by Joe Kokernak and seconded by Dot Dugan to adjourn the meeting at 9:30 p.m.