

**MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON MARCH 14, 2018 AT 7:00 P.M. IN THE WATERVLIET SENIOR CITIZEN CENTER, WATERVLIET, NEW YORK**

MEMBERS PRESENT: Mark Cady  
Dave Such  
Joe Kokernak

ALSO PRESENT: Chris Chartrand  
Mark Gilchrist  
Yorden Huban

Chairman Cady called the meeting to order at 7:05 p.m. He asked for Chris Chartrand to take attendance and to read the agenda.

**CONSIDERATION FOR A USE VARIANCE FOR USMAN RASHID TO OPEN A USED CAR SALES LOT AND MINOR REPAIR SHOP AT 805 19<sup>TH</sup> STREET, WATERVLIET, NEW YORK (FORMER CUMBERLAND FARMS)**

Usman Rashid, the prospective owner, attended the meeting as well as Saqib Choudry. A representative from Cumberland Farms was expected to attend the meeting – they legally have to prove aspects and hardship as to why they have not had success finding a legal zoning use (i.e., store, pizza shop). Without a representative in attendance a variance cannot be issued. It was determined that a representative from Cumberland Farms must come in front of the board, but the Board allowed Mr. Rashid to present his intentions. Mr. Rashid worked as a mechanic in Brooklyn for seven years and is a NYS licensed dealer. Mr. Choudry stated that Cumberland Farms is not going to sell to a business that is similar or that sells anything they sell in their convenience stores. Hours of operation will be Monday-Saturday, 9:00 a.m.–6:00 p.m. (closed Sundays). There will be no trailers or outside storage – just cars (very similar to Roberts on 3<sup>rd</sup> Avenue in Port Schuyler). There will be no painting or body work and no repairing of cars that are not being sold by Mr. Rashid.

Some of the neighbors presented the Board with a petition signed by 39 people against the use variance. Don Brooks, residing at 1908 8<sup>th</sup> Avenue, Watervliet, New York spoke of the following concerns:

- there are already two car repair/dealer businesses on 19<sup>th</sup> Street (D&D and Zenek);
- hours cannot be restricted;
- does Mr. Rashid have future plans to expand (purchase neighboring buildings)
- will pneumatic tools be used
- is the business receiving any tax breaks (payment in lieu of taxes, etc.)
- will they have off street parking for customers
- storage – does not want to see auto parts, etc. being stored behind the building
- concerns about lighting
- concerns about dumpster

Lori Sylvester, residing at 1904 8<sup>th</sup> Avenue, Watervliet, New York stated that there are similar businesses down the street and worries if this business doesn't succeed, there would be an empty garage on 19<sup>th</sup> Street and the loss of tax revenue. She also wanted to know the difference between major and minor repairs and how hazardous waste would be removed.

Don Whitehead, residing at 1921 8<sup>th</sup> Avenue, Watervliet, New York stated that Schedule A of the 2013 Zoning Ordinance states that motor vehicle sales are only allowed in Business or Light Industrial districts. He also stated that the front must be landscaped and with two bays 10 parking spots are required.

Susan Sandoval, residing at 810 19<sup>th</sup> Street, Watervliet, New York, stated that she didn't want to see this business go there – thought the City was focused on the beautification of 19<sup>th</sup> Street and didn't see this as a fit.

The Saqib Choudry responded to the neighborhood concerns as follows: (1) pneumatic tools will be used; (2) Mr. Rashid has no other businesses; (3) They would expand if the Board allowed and if they could purchase the house next door; (4) there will be no repairs on outside cars – business will probably sell 8 to 10 cars per month; (5) will follow lighting the board outlines in stipulations.

A motion was made by Mr. Cady and seconded by Mr. Kokernak to table the application. It was reiterated that Cumberland Farms must be present or send a representative to the next meeting.

	YES	NO
Mark Cady	Motion	
Dave Such	X	
Joe Kokernak	Second	

**CONSIDERATION FOR A USE VARIANCE FOR CHRIS COLWELL, OWNER OF 2400 3<sup>RD</sup> AVENUE, WATERVLIT, NEW YORK, SEEKING TO RENOVATE BUILDING INTO ONE COMMERCIAL SPACE AND THREE HIGH END APARTMENTS (FORMER CRS POST)**

Chris Colwell purchased 2400 3<sup>rd</sup> Avenue and is seeking to renovate the building to include a barber shop and three higher end apartments. The structure is sound and has some roof issues. The adjacent lot has enough room for eight parking spots leaving 40% for green space. Mr. Colwell is currently employed by Redburn Development – the group that restored and constructed Tilley Lofts in Port Schuyler and he will be using the same high end finishes for this project. He will offer tenants an all-in living package which will include cable, internet, heat, air conditioning and electricity.

Eric Panichi will expand his barber shop business and open a second location here. He plans on having four chairs and business will run by appointment only. He and his family will also reside on the second floor. Mr. Colwell will submit stamped plans upon approval of this application. The plot plan for the parking lot meets code and he understands the planning board will have a say in how it looks.

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. Cady and seconded by Mr. Such.

	YES	NO
Mark Cady	Motion	
Dave Such	Second	
Joe Kokernak	X	

A motion was made by Mr. Kokernak and seconded by Mr. Such to refer the application to the Albany County Planning Board pursuant to §239-n of the New York State General Municipal Law.

	YES	NO
Mark Cady	X	
Dave Such	Second	
Joe Kokernak	Motion	

The following findings were made: (1) The applicant cannot realize a reasonable return from the property in question, provided that a lack of return is substantial as demonstrated by competent finance evidence

because two units won't generate enough to pay off the loan (there was also a brief discussion about some sort of profit sharing with the barber shop to offset the financials); (2) The alleged hardship is not unique to the property in question and does apply to a substantial portion of the district or neighborhood because of the size and location of the building; (3) The requested variance will not alter the essential character of the neighborhood because they are keeping with the footprint of the building with no new construction and they are adding green space; (4) The alleged hardship was not self-created because the building has been vacant for years and earlier proposals would not work.

A motion was made by Mr. Cady and seconded by Mr. Such to approve the application with the following stipulations: (1) all outdoor lighting must be down facing; (2) refuse containers must be hidden from plain view; (3) maintenance around the building must be done in a timely fashion; (4) Full compliance with permit approvals and codes; (5) 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	Second	
Kokernak	X	

Meeting adjourned at 8:50 p.m.