

MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON MAY 9, 2018 AT 7:00 P.M. IN THE WATERVLIET SENIOR CITIZEN CENTER, WATERVLIET, NEW YORK

MEMBERS PRESENT: Dot Dugan Frank Gilchrist ALSO PRESENT: Chris Chartrand
 Dave Such Jeff Czarnecki Mark Gilchrist
 Joe Kokernak

Acting Chairman Kokernak 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 AN AREA VARIANCE FOR CHRISTINA DALPE TO INSTALL A 15’ ROUND SWIMMING POOL IN THE SIDE YARD OF PROPERTY LOCATED AT 1340 6TH AVENUE, WATERVLIET, NEW YORK

Mr. and Mrs. Dalpe explained to the Board that the pool must go in their side yard because their property is uneven in the back and the pool would be lopsided. They are having it professionally installed, and the pool package they purchased includes the pool alarm and a fence will enclose the pool. They do plan to build a small quarter deck along the alley side and the filter will be installed underneath. They spoke with both their next door neighbors and neither have a problem with it.

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. Czarnecki and seconded by Ms. Dugan.

	YES	NO
Dot Dugan	Second	
Jeff Czarnecki	Motion	
*Frank Gilchrist		
Dave Such	X	
Joe Kokernak	X	

**Frank Gilchrist was could not get to the meeting until 7:15 because of a work commitment; therefore, he did not vote or comment on this application*

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 property is enclosed by a six foot privacy fence; (2) The benefit sought by the applicant cannot be achieved by some other feasible method because the backyard behind the house drops off; (3) The requested area variance is not substantial because it is a small pool in a large yard; (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 just a pool and there are no environmental changes; (5) The alleged difficulty was not self-created because the applicant does not have enough space in the back portion of the yard.

A motion was made by Mr. Czarnecki and seconded by Ms. Dugan to approve the application with the following stipulations: (1) Pool pump must be installed on homeowner’s side of the property; (2) The applicant shall comply with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet and New York State (including self-latching gate and pool alarm); (3) If the applicant does not take the necessary steps to act upon this variance within 90 days of the date of this Resolution, then this variance shall be deemed null and void.

	YES	NO
Dot Dugan	Second	
Jeff Czarnecki	Motion	
Frank Gilchrist		
Dave Such	X	
Joe Kokernak	X	

CONSIDERATION FOR AN AREA VARIANCE FOR STEEVI RUTELLA, OWNER OF PROPERTY LOCATED AT 17 BALL PLACE, WATERVLIT, NEW YORK, TO INSTALL A DRIVEWAY WITH TWO PARKING SPACES LOCATED IN THE REAR OF A PROSPECTIVE HOME IN ORDER TO PROVIDE THE REQUIRED OFF STREET PARKING ACCORDING TO THE CITY’S CODE

Ted DeLucia from Vision Planning Consultants attended and spoke on behalf of the owner. The applicant received preliminary approval to subdivide the property from the Watervliet Planning Board (contingent on Albany County Planning Board approval). They intent to build a two family home on vacant lot and according to the City’s code they need to provide two off street parking spaces. The reason they are before the Board is because the City’s code reads that a driveway cannot be installed without a garage or a carport without a variance. In addition, the applicant is looking for a 12 foot curb cut instead of the allowed 10 foot. Mark Gilchrist did mention that there are 12 or 14 zoning code changes that are need and one of those changes is a 12 foot curb cut instead of a 10. Mr. DeLucia pointed out that the application has changed from their first proposal where the plan was to push the house back, have the parking in the front and request a 14 foot curb cut. The new plan has driveway access, has the home in line with the neighbors and a 12 foot curb cut. The proposed two family apartments will each be two bedrooms. The driveway will most likely be black top. They are well aware they cannot divert water toward another property and that snow removal cannot go onto Ball Place. Mr. DeLucia did point out that the house can legally be built; and if they were putting a garage or carport and a 10 foot curb cut, they would not even be before the Board.

Marilyn Barron, who lives at 13 Ball Place, asked if the house could be flipped – she would like the actual house farther from her house. Mr. DeLucia indicated that was something they would certainly look into as long as the engineering report indicates it is feasible. Meg Ebenhoch, who lives at 3 Ball Place, pointed out the lack of parking on the street and that residents of Ball Place do not have an alternative street to park on.

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. Czarnecki.

	YES	NO
Dot Dugan	X	
Jeff Czarnecki	Second	
Frank Gilchrist	Motion	
Dave Such	X	
Joe Kokernak	X	

A motion was made by Ms. Dugan and seconded by Mr. Such to refer the application to the Albany County Planning Board.

	YES	NO
Dot Dugan	Motion	
Jeff Czarnecki	X	

Frank Gilchrist	X	
Dave Such	Second	
Joe Kokernak	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 the project proposed is in compliance with the code; (2) The benefit sought by the applicant cannot be achieved by some other feasible method because they do not want cars parking in front of the proposed structure; (3) The requested variance is not substantial because they are installing a driveway and wider curb cut; (4) The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because building a two family in a one and two family district meets zoning code; (5) The alleged difficulty was not self-created because the applicant meets contour of land and building codes.

A motion was made by Mr. Czarnecki and seconded by Mr. Such to grant the variance with the following stipulations: (1) Receipt, acceptance, and agreement with Albany County Planning Board Notification and Recommendation; (2) The applicant is allowed to have the 12' foot curb cut; (3) The driveway must be pitched in two directions away from the house; (4) Snow removal to the rear of the property and must not be into the street; (5) If the house is flipped, an earth berm running north-south must be installed on the east side of the driveway; (6) The applicant shall comply with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet; (7) 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
Dot Dugan	X	
Jeff Czarnecki	Motion	
Frank Gilchrist	X	
Dave Such	Second	
Joe Kokernak	X	

CONSIDERATION OF THE ALBANY COUNTY PLANNING BOARD’S RECOMMENDATION ON THE APPLICATION OF CHRIS COLWELL, OWNER OF PROPERTY LOCATED AT 2400 3RD AVENUE, WATERVLIT, NEW YORK, SEEKING A USE VARIANCE TO RENOVATE BUILDING INTO ONE COMMERCIAL SPACE (BARBER SHOP) AND THREE HIGH-END APARTMENTS.

A motion was made by Mr. Such and seconded by Mr. Kokernak to accept the Albany County Planning Board’s recommendation to defer to local consideration.

	YES	NO
Dot Dugan	X	
Jeff Czarnecki	X	
Frank Gilchrist	X	
Dave Such	Motion	
Joe Kokernak	Second	

Meeting adjourned at 8:45 p.m.