

MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON SEPTEMBER 11, 2019 AT 7:00 P.M. IN THE WATERVLIET SENIOR CITIZEN CENTER, 1501 BROADWAY, WATERVLIET, NEW YORK

MEMBERS PRESENT: Frank Gilchrist
Dave Such
Mark Cady

ALSO PRESENT: Chris Chartrand
Yorden Huban
Paul LaBoissiere

Chairman Cady called the meeting to order at 7:00 p.m. He asked for Chris Chartrand to take attendance and to read the agenda.

CONSIDERATION FOR A USE VARIANCE FOR KUMAR BANDARI TO UTILIZE PROPERTY LOCATED AT 1604-1606 3RD AVENUE, WATERVLIET, NEW YORK, AS A FOUR FAMILY HOME AND AN AREA VARIANCE TO INSTALL FOUR OFF STREET PARKING SPACES IN THE REAR OF THE HOME

Kumar Bandari was present along with his architect, Mark Besse. He presented the board with more detailed financial information (breakdown from CKG Construction, Inc.). He reiterated he is gutting the entire building – complete removal of finishes. He will put a small parking area in the back for four cars (trees will come down). Front porch will be replaced. If he were to put one family on each side (6-7 bedrooms) there is less marketability. He does not want to end up with college students. If a four unit is granted, he is estimating his rents to be between \$850-\$1000. He plans to contract out for snow removal/shoveling. Tom Vandor, owner of 1610 3rd Avenue, spoke in favor of the project. He commended Mr. Bandari for doing it and feels his rental estimates are low. He would just caution Mr. Bandari to take a look at the sewer line condition. At one point 1608 was backing into 1610. Mr. Besse commented there is at least a 4 inch sewer line which is more than adequate for four units.

Regarding SEQR, this project is an Unlisted Action within the meaning of SEQRA and the Watervliet Zoning Board of Appeals is the lead agency for SEQRA review and hereby concludes that the proposed action will not result in any significant adverse impacts to the environment and makes a negative determination of environmental significance (Negative Declaration) in accordance with SEQRA.

	YES	NO
Frank Gilchrist	Motion	
Dave Such	Second	
Mark Cady	X	

The Board made the following findings: (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 building was originally built as a four unit with a single water/sewer utility. In addition, converting into a two-family would require suitable tenants (larger group); (2) The alleged hardship is not unique to the property in question and does not apply to a substantial portion of the district or neighborhood because it was originally built as a four unit and prospective owner cannot demo what is already there; (3) The requested variance will not alter the essential character of the neighborhood because they are not changing the footprint of the building; (4) The alleged hardship was not self-created because it was originally built as a four unit and the footprint of the building is not changing at all.

The use variance application of Kumar Bandari, prospective owner of 1604-1606 3rd Avenue, Watervliet, New York 12189, was approved with the following stipulations: (1) Variance is contingent on Kumar Bandari purchasing the property; (2) Snow removal and yard maintenance must be done in a timely manner (3)

Variance is contingent on upgrades and layout outlined on September 11, 2019 on M. Besse’s drawings A101 and A102 dated 8/30/2019; (4) Full compliance with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet; (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
Frank Gilchrist	Second	
Dave Such	Motion	
Mark Cady	X	

Mr. Bandari is proposing to install four off street parking places in the back of the building to assist with compliance of the off street parking restrictions. He will clear the trees and pave the area for parking. The Board made it clear that runoff must go toward the property.

Regarding SEQRA, the Zoning Board of Appeals hereby determines that the proposed action is a Type II action and that no further review relative to this proposal is required by SEQRA.

	YES	NO
Frank Gilchrist	Motion	
Dave Such	Second	
Mark Cady	X	

The Board made the following findings: (1) The requested area variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties because it will improve the look of the property and the neighborhood; (2) The benefit sought by the applicant cannot be achieved by some other feasible method because of room constraints - there is no other place to put parking (including no available land to purchase nearby); (3) The requested area variance is not substantial because they are using available space and improving the appearance of the rear 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 they are taking cars off the street; and (5) The alleged difficulty was not self-created because the prospective owner is meeting the building code which requires 1 ½ spaces per unit through available space.

The area variance was granted with the following stipulations: (1) Property must be maintained including, but not limited to, snow removal and lawn maintenance; (2) Parking area must be blacktopped with runoff towards the property; (3) Variance contingent on Mr. Kumar Bandari purchasing the building; (4) Outside lighting must face downward; (5) The applicant shall comply with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet; (6) 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
Frank Gilchrist	Motion	
Dave Such	Second	
Mark Cady	X	

Meeting adjourned at 8:10 p.m.