

MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON MAY 12, 2021 AT 7:00 P.M. IN THE WATERVLIET SENIOR CITIZEN CENTER, 1501 BROADWAY, WATERVLIET, NEW YORK

MEMBERS PRESENT: Frank Gilchrist
Dave Such
Mark Cady
Joe Kokernak

ALSO PRESENT: Chris Chartrand
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 OF APPLICATION OF MATTHEW FOGARTY, OWNER OF PROPERTY LOCATED AT 100 6TH AVENUE, WATERVLIET, NEW YORK 12189, FOR AN AREA VARIANCE TO INSTALL AN 18' ABOVEGROUND SWIMMING POOL IN THE BACKYARD OF SAID PROPERTY

Matthew Fogarty, who resides at and owns 100 6th Avenue, Watervliet, New York, is looking to install an 18 x 52 aboveground swimming pool that exceeds the code for setback. He has spoken to his neighbors, and they are in favor of the application. The installation will be by Imperial Pools. There is already a fence, and he will be changing the gates to self-locking. The pool comes standard with an alarm. When questioned if he would be building a deck around the pool, he stated not at this time but possibly in the future.

Regarding SEQRA, the City of Watervliet Zoning Board of Appeals determined 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	Second	
Dave Such	X	
Joe Kokernak	Motion	
Mark Cady	X	

The Watervliet Zoning Board of Appeals weighed the effects of the requested variance on the interests of the applicant and on the health, safety and welfare of the neighborhood and community and makes the following findings: (1) The requested area variance will not create an undesirable change to the character of the neighborhood or detriment to nearby properties because it is a swimming pool and there is adequate room for it in the backyard; (2) The benefit sought by the applicant cannot be achieved by some other feasible method because it is a swimming pool; (3) The requested area variance is not substantial because the space is yard to yard with no structure involved; (4) The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because a swimming pool does not affect the environment; (5) The alleged difficulty was not self-created because the size of the yard was predetermined when the home was purchased.

A motion was made by Frank Gilchrist and seconded by Dave Such to grant the application with the following stipulations: (1) The applicant must backwash the pool into the alley; (2) Self-locking gates must be installed; (3) The swimming pool must be equipped with an alarm; (4) Any lighting must be downfacing; (4) The applicant shall comply 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, then this variance shall be deemed null and void.

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

CONSIDERATION OF APPLICATION OF KARL FACTEAU, OWNER OF PROPERTY LOCATED AT 1834 6TH AVENUE, WATERVLIET, NEW YORK 12189, FOR AN AREA VARIANCE TO INSTALL A VERTICAL PLATFORM WHEELCHAIR LIFT TO THE RIGHT OF THE FRONT PORCH OF SAID PROPERTY

Karl Facteau, who resides at and owns 1834 6th Avenue, Watervliet, New York, is looking to install a vertical platform wheelchair lift to the right of the front porch of said property. The wheelchair lift is for his father and his grandmother. Mr. Facteau indicated there is no room on the front porch to install a ramp. He will be doing the work himself. His plan is to install a 6-inch concrete pad with mesh reinforcements. There was also talk of installing a kill switch inside the house/front porch. The applicant also indicated he will contact *Dig Safe*.

Regarding SEQRA, the City of Watervliet Zoning Board of Appeals determined 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	X	
Dave Such	Motion	
Joe Kokernak	Second	
Mark Cady	X	

The Watervliet Zoning Board of Appeals weighed the effects of the requested variance on the interests of the applicant and on the health, safety and welfare of the neighborhood and community and makes the following findings: (1) The requested area variance will not create an undesirable change to the character of the neighborhood or detriment to nearby properties because the lift will not interfere with the sidewalk or the neighbor’s property; (2) The benefit sought by the applicant cannot be achieved by some other feasible method because there is not room for a wheelchair ramp; (3) The requested area variance is not substantial because it is a self-contained unit with a relatively small footprint; (4) The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because the lift will not interfere with the sidewalk or the neighbor’s property; (5) The alleged difficulty was not self-created because the house was already built and there is no room for a wheelchair ramp.

A motion was made by Mark Cady and seconded by Joe Kokernak to grant the application with the following stipulations: (1) All lighting will be downfacing; (2) Installation of a kill switch inside the house/front porch; (3) The applicant shall comply with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet; (4) 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	X	
Dave Such	X	
Joe Kokernak	Second	
Mark Cady	Motion	

The meeting was adjourned at 7:40 p.m.