

MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON NOVEMBER 9, 2021 AT 6:00 P.M. IN THE WATERVLIET SENIOR CITIZEN CENTER, 1501 BROADWAY, WATERVLIET, NEW YORK

MEMBERS PRESENT: Paul Huban Ken Keefer ALSO PRESENT: Chris Chartrand
 Dave Such Joe Kokernak Paul LaBoissiere
 Mark Cady Lauren McCluskey
 Frank Gilchrist Joe Lacivita

Chairman Cady called the meeting to order at 6:00 p.m. He asked for Chris Chartrand to take attendance and to read the agenda.

CONSIDERATION OF APPLICATION OF CITY RESTORATION, INC., PROSPECTIVE OWNER OF 200 23RD STREET, WATERVLIET, NEW YORK, SEEKING A SPECIAL USE PERMIT TO USE THE BUILDING AND PROEPRTY AS A GAS STATION AND CONVENIENCE STORE AND FOR AN AREA VARIANCE FOR SETBACK REQUIREMENTS

Tony Dadamo, with an address of 13 Hamilton Street, Cohoes, New York, attended the meeting on behalf of the applicant. He went over some changes from the original plans. The grass along the street will be replaced with brick pavers, and they will include antique-looking streetlight. The hours will be 5:30 a.m. – 11:00 p.m., store deliveries will be during store operation hours; trash pick up will be during regular City Sanitation Department hours, canopy lights will be turned off when closed, there will be no blinking signs. Gas deliveries will more than likely at night – deliveries are not ideal during business hours. The canopy is being redone which will include fire protection. The drainage from the canopy drops off the corners. The new tanks are fiberglass, and they are 17 feet further from the residential house than the old tanks.

Comments from a neighbor were read into the record. They were as follows: (1) There are several gas stations and convenient stores already in existence within a two-block radius. There isn't a need for a fourth; (2) There is considerable traffic already coming off I-787 and turning onto Second Avenue. Pulling in and out of the proposed site would back up traffic as well as increase the risk of accidents pulling in and out; (3) The lot isn't big enough for a building and adequate parking without impacting the privacy and use and enjoyment of the surrounding properties; (4) Parking on Second Avenue is already a problem that is ignored. Residents from the apartments park on the street leaving no available spots for property owners on Second Avenue. We don't need patrons of the store taking parking spots on the street away from property owners as well; (5) The owner of the property has showed no respect in keeping the property up since it was purchased. The landscaping is overgrown. There is garbage all around the problem. The City has been called in the past because of a terrible odor coming from the property; (6) Last concern is, of course, the noise that will be generated with the traffic in and out and individuals congregating in the parking lot.

The Board referred the application to the Albany County Planning Board (ACPB) in October of 2021. The ACPB met on October 21, 2021 and recommended the following: (1) Review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations; (2) Review by Albany County Department of Health for food service and other required permits. A motion was made by Dave Such and seconded by Frank Gilchrist to accept and agree with ACPB's Notification and Recommendations.

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

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. A motion was made by Joe Kokernak and seconded by Mark Cady to accept this determination.

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

The Zoning Board of Appeals considered the Special Use Permit Criteria and made the following findings: (1) The physical characteristics, topography and other features of the lot and the scale and physical design and other features of any new or existing buildings to be occupied by the use are suitable and adaptable for the proposed use without any modifications which would change the established character of the street or neighborhood setting; (2) The nature and intensity of operations of the use will not be more objectionable to surrounding properties than those of a permitted use. Examples of measures of potential impacts due to the nature and intensity of development include, but are not limited to, exceeding or affecting capacity of municipal infrastructure and utilities, traffic generation, hours of operation, size and scale, noise, odor, dust, vibration, glare, smoke and environmental hazards; (3) The use is not in such proximity to a religious facility, school, community center, recreation place, or other prominent place of community activity and public assembly so as to regularly conflict with such other activity and thereby constitute a danger to health, safety or general welfare; (4) The use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volumes on streets and street patterns which are deficient in width, design, sight distance, intersection configuration, or other typical standards necessary to accommodate such traffic changes (as long as applicant adheres to the proposed plan); (5) The use makes adequate provision for off-street parking in accordance with this Ordinance; (6) The use and the proposed design of the building and other structures and site facilities for the use are appropriate in the proposed location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses, including but not limited to, traffic congestion and hazards, untimely scheduling of activities, removal of trees and other established natural features, and excessive storm water runoff, noise, nuisance, odors, glare or vibration; (7) The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community. In evaluating cumulative impacts, the Zoning Board of Appeals will consider the proximity of other special permit uses, particularly those similar to the use proposed; (8) The use will not conflict in any way with the City of Watervliet Comprehensive Plan, Waterfront Revitalization Program where applicable, and other approved City plans and programs.

A motion was made by Ken Keefer and seconded by Frank Gilchrist to approve the Special Use Permit with the following stipulations: (1) Hours of operation 5:30 a.m. – 11:00 p.m. (due to residential nature surrounding this location); (2) No refuse pick up before 6:00 a.m. (due to residential nature surrounding this and this further coincides with the Watervliet Sanitation Department’s hours); (3) Convenience store deliveries only during hours of operation; (4) Daily maintenance of garbage monitoring of property; (5) Snow storage – snow shall be removed from premises (no accumulation of snow piles on the property due to safety concerns whereby inhibiting the site distances from a vehicle or pedestrian pathway); (6) Light fixtures around the building will be a contemporary style that compliments the design of the building; (7) Applicant has agreed to remove the proposed grass area in the current site plan of 10/27/21 review and replace with concrete/pavers. Offsite improvements include: (8) Applicant has agreed to remove two dead trees in the adjacent boulevard and replace

with one new tree (will seek recommendation of Tree Committee); (9) Applicant has agreed to clean up the green space in the boulevard and install a concrete foundation for municipal signage; (10) 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 a fire inspections; (11) If the applicant does not take the necessary steps to act upon this Special Use Permit within 90 days of the date of the resolution, then the Special Use Permit shall be deemed null and void.

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

The Zoning Board of Appeals made the following findings regarding the requested area variance: (1) The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties because it will enhance the property; (2) The benefits sought by the applicant cannot be achieved by some other feasible method because it was always a gas station and because of the size of the lot; (3) The requested variance is not substantial in that it does not change the characteristics of the neighborhood or property because it was a gas station for a long time and applicant is making major improvements to clean up the existing corner; (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 rehabbing an existing structure and taking away the mechanical portion; (5) The alleged difficulty was not self-created because the property is a certain size and it was always a gas station.

A motion was made by Mark Cady and seconded by Joe Kokernak to approve the area variance with the following stipulations: **SEE SPECIAL USE PERMIT STIPULATIONS.**

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

A motion was made to adjourn the meeting at 6:55 p.m.