

MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON JULY 13, 2022 AT 6:00 P.M. IN THE WATERVLIET SENIOR CITIZEN CENTER, 1501 BROADWAY, WATERVLIET, NEW YORK

MEMBERS PRESENT: Mark Cady
Frank Gilchrist
Joe Kokernak
Paul Huban
Ken Keefer
Dave Such

ALSO PRESENT: Chris Chartrand
Joe LaCivita
Lauren McCluskey
Paul LaBoissiere

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 JOHN COCCA FOR PROPERTY LOCATED AT 428 6TH AVENUE, WATERVLIET, NEW YORK, SEEKING AN AREA VARIANCE FOR PERMISSION TO INSTALL A 10 FOOT WIDE BY 50 FOOT LONG DRIVEWAY ON THE NORTH SIDE OF SAID PROPERTY

Wayne Haupt attended the meeting on behalf of John Cocca. He explained the property has a large side lawn. Owner is seeking driveway for off street parking. The property has been in disrepair for some time, and Mr. Cocca is doing a lot of updates. He plans to use asphalt and will have the driveway professionally installed. There will be plenty of green space to meet requirements. One neighbor spoke against the project. She has lived there for 25 ½ years and stated neighbors have always been courteous when it comes to parking in front of properties. She feels the street will lose parking footage and the driveway curb cut will make it more difficult to park on the street. She does have a driveway, but it is tough to get out of it because of how narrow the street is. A board member questioned whether they would be putting sidewalks in as well. Mr. Haupt wasn't sure but didn't see an issue with it.

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	X	
Ken Keefer	X	
Joe Kokernak	Second	
Mark Cady	Motion	

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 driveway and there are other driveways on the block; (2) The benefit sought by the applicant cannot be achieved by some other feasible method because the applicant desires to establish off street parking and alleviate current parking conditions; (3) The requested area variance is not substantial because it is a driveway and leaves adequate green space; (4) The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because there are other driveways on that block; (5) The alleged difficulty was not self-created because there are parking issues throughout the city.

A motion was made by Mr. Such and seconded by Mr. Gilchrist to grant the application with the following stipulations: (1) Snow removal must be to the west in the backyard; (2) Any lighting installed must be downfacing with a motion sensor; (3) No parking on the sidewalk portion of the driveway; (4) Driveway cannot be pitched to the north (neighbor's property); (5) Sidewalks must be replaced and made to spec and passable; (6) The applicant shall comply with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet; and (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 this variance shall be deemed null and void.

	YES	NO
Mark Cady	X	
Joe Kokernak	X	
Frank Gilchrist	Second	
Paul Huban	X	
Ken Keefer	Motion	

CONSIDERATION OF APPLICATION OF WATERVLIET-COLONIE ELKS, OWNER OF PROPERTY LOCATED AT 501 4TH AVENUE, WATERVLIET, NEW YORK, SEEKING A USE VARIANCE TO REPLACE THE EXISTING MANUAL CHANGING MESSAGE SIGN WITH A FULL COLOR DIGITAL SIGN ON SAID PROPERTY

Tony Thanopolous spoke on behalf of the Elks. He explained that the Colonie Elks has merged with the Watervliet Elks and is now officially the Watervliet-Colonie Elks Lodge. They feel the new sign will be more attractive and assist them in advertising the many different events held at the Elks. The Elks is active in the community, and they support the area's youth and many fundraisers. For profit businesses are on all other corners around Elks, and the Elks owns the house directly next door on 4th Avenue. He also noted the new and improved bus stop at 3rd Avenue and 5th Street blocks their old sign.

Regarding SEQRA, the City of Watervliet ZBA determined that the proposed action is an Unlisted Action, 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 in accordance with SEQRA.

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

The Watervliet ZBA 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 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 of the change of the name, and the fact that they are a not for profit looking to upgrade the existing sign; (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 they are upgrading an existing sign and changing the name; (3) The requested variance will not alter the essential character of the neighborhood because there are for profit businesses on the other three corners; (4) The alleged hardship was not self-created because the sign was there and they are removing the old sign.

A motion was made by Mr. Kokernak and seconded by Mr. Keefer to grant the application with the following stipulations: (1) Sign must be dimmed or off during after business hours; (2) Subject to approval by the Albany County Planning Board; (3) Old sign must be removed; (4) The applicant shall comply with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet; and (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
Mark Cady	X	
Joe Kokernak	Motion	
Frank Gilchrist	X	
Paul Huban	X	
Ken Keefer	Second	

CONSIDERATION OF APPLICATION OF ELIZABETH FERRO, OWNER OF 624 3RD AVENUE, WATERVLIT, NEW YORK SEEKING AN AREA VARIANCE TO UTILIZE SAID PROPERTY AS A FAMILY GARDEN (WILL INCLUDE INSTALLING A SHED ON PROPERTY)

Elizabeth Ferro, owner of property located at 624 3rd Avenue, Watervliet, New York, spoke on behalf of the application. Ms. Ferro was before the board in June and the application was tabled. During a “sketch plan” meeting with the Watervliet Planning Board, it was noted they would like to see a survey done. Ms. Ferro stated that she reached out to surveyors and the cost was \$3,500. She has decided that she no longer would like to fence the property in. She intends to plant trees and put up a small shed to store lawnmower and lawn tools. Frank Gilchrist mentioned he went by the property, and it doesn’t not look kept up.

Dave Forsland, son of owner of 616-618 3rd Avenue and 622 3rd Avenue spoke against the application. He feels it is surrounded by commercial properties and a garden is not the appropriate use. He also stated at one point his father and Joe Valenti inquired about the property At that time the Albany Lank Bank was selling it for \$5,000 and he was surprised it only sold for \$500. He feels that is quite a difference.

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	
Ken Keefer	X	
Joe Kokernak	Motion	
Mark Cady	X	

A motion was made by Mr. Cady and seconded by Mr. Gilchrist to deny the application.

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

CONSIDERATION OF APPLICATION OF LUK OIL, LOCATED AT 1802 2ND AVENUE, WATERVLIT, NEW YORK, SEEKING AN AREA VARIANCE FOR REAR SETBACK REQUIREMENTS AND AN AREA VARIANCE BECAUSE A SIMILAR USE IS WITHIN 500 FEET OF PROPOSED PROJECT FOR RENOVATIONS TO THE LUK OIL GAS STATION AND CONVENIENCE STORE LOCATED AT SAID PROPERTY

Surinder Cheema, owner of the property, was present and Rich Nolan, the owner’s engineer, attended via Zoom. He went over the proposed project pointing out that they moved the dumpster and that the tanks would be a minimum of 5 feet from the property line. A premeeting conference call between Nolan Engineering and Schuyler Companies’ attorney, Donald Zee, discussed conditions related to zoning approval. The following was agreed to during that conference call: (1) Owner to install a black chain link fence from the north east corner of the building running to the north and then turning west along the entire north property line; (2) Engineer to add notes to the drawings to better clarify snow storage and removal and to confirm that snow will not be moved to the adjacent property; (3) Owner to work out a maintenance agreement and/or easement agreement for the utilities running onto the adjacent property; (4) Engineer to develop a construction sequence and means plan to prevent construction activity or storage of construction materials on adjacent property, including a construction site plan showing temporary construction fencing, etc.; (5) Owner to ensure a water shutoff is located on the property. Paul Huban questioned why they wouldn’t run new water and sewer laterals to be independent from neighbor.

Regarding SEQRA for area variance for rear setback requirements 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	X	
Ken Keefer	Motion	
Joe Kokernak	Second	
Mark Cady	X	

Regarding Albany County Planning Board for area variance for rear setback requirements the City of Watervliet Zoning Board of Appeals acknowledges receipt, accepts and agrees with the Albany County Planning Board’s recommendation dated June 16, 2022.

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

Regarding the area variance for rear setback requirements, 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 owner is upgrading an existing gas station and is limited by the size of the property; (2) The benefit sought by the applicant cannot be achieved by some other feasible method because the owner is limited by the size of the property; (3) The requested area variance is not substantial because the owner is upgrading an existing gas

station; (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 owner is upgrading an existing gas station; (5) The alleged difficulty was not self-created because the property has been a gas station for over 50 years.

A motion was made by Mr. Keefer and seconded by Mr. Gilchrist to grant the application with the following stipulations: (1) All electronic signage is to be dimmed or off during non-business hours; (2) Conditions outlined above addressed during conference call; (3) The applicant shall comply with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet; and (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 this variance shall be deemed null and void.

	YES	NO
Mark Cady	X	
Joe Kokernak	X	
Frank Gilchrist	Second	
Paul Huban	X	
Ken Keefer	Motion	

Regarding SEQRA for area variance due to a similar use being within 500 feet of proposed project 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	X	
Ken Keefer	Motion	
Joe Kokernak	Second	
Mark Cady	X	

Regarding Albany County Planning Board for area variance due to a similar use being within 500 feet of proposed project the City of Watervliet Zoning Board of Appeals acknowledges receipt, accepts and agrees with the Albany County Planning Board's recommendation dated June 16, 2022.

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

Regarding the area variance for variance due to a similar use being within 500 feet of proposed project, 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 owner is upgrading an existing gas station; (2) The benefit sought by the applicant cannot be achieved by some other feasible method because of the existing function/use of the property; (3) The requested area variance is not substantial because the owner is not expanding the size; (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 project is not affecting outside properties;
(5) The alleged difficulty was not self-created because the property has been a gas station for over 50 years.

A motion was made by Mr. Keefer and seconded by Mr. Gilchrist to grant the application with the following stipulations: (1) All electronic signage is to be dimmed or off during non-business hours; (2) Conditions outlined above addressed during conference call; (3) The applicant shall comply with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet; and (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 this variance shall be deemed null and void.

	YES	NO
Mark Cady	Motion	
Joe Kokernak	X	
Frank Gilchrist	X	
Paul Huban	X	
Ken Keefer	Second	

The meeting was adjourned 8:45 p.m.