

MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON MARCH 9, 2023 AT 6:00 P.M. IN THE WATERVLIET SENIOR CITIZEN CENTER, 1501 BROADWAY, WATERVLIET, NEW YORK

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

ALSO PRESENT: Chris Chartrand
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 HILTON LEE, OWNER OF PROPERTY LOCATED AT 1513 5TH AVENUE, WATERVLIET, NEW YORK, SEEKING A NON-CONFORMING USE VARIANCE TO USE THE PROEPRTY AS A THREE UNIT BUILDING EVEN THOUGH THE STRUCTURE LOST ITS NON-CONFORMING USE STATUS DUE TO VACANCY AT SAID PROPERTY

Hilton Lee and his son-in-law, Ahmed, were present at the meeting. Ahmed explained that Hilton purchased the property under the premise it was a three-family home (i.e., there were three panels and three meters). When they run the numbers to make this a two-family home, the cost is high. They would either have a huge apartment between the second and third floors or they would have to split the second floor – half for the first floor and half for the third floor. The Building Department explained this home has been vacant since 2010 at which time there was a fire. Therefore, it lost its non-conforming use. The code states they would need four off street parking spaces. They believe they could make two in the back. They would need to be four feet off the property line, and they cannot cover more than 40% of the yard with concrete. One neighbor on the block called City Hall and stated she could not make the meeting but asked for it to be put on the record that she was against it due to parking constraints on the street. Another neighbor sent in a letter stating the same exact reason for being against it. After a discussion, the Board decided to table the use variance. Even if the use variance were to be approved, the owner would need an area variance for the parking. The Building Department is going to meet the owner at the property and measure out the back area to configure how many parking spots are actually feasible. The applicant was given an area variance application and this application will be placed on the April 12, 2023 agenda as long as paperwork is in before the deadline.

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

CONSIDERATION OF APPLICATION OF STEVEN QUICK, OWNER OF PROPERTY LOCATED AT 581 6TH AVENUE, WATERVLIET, NEW YORK, SEEKING A NON-CONFORMING USE VARIANCE TO CONSTRUCT A TWO-FAMILY HOME IN AN R-1 DISTRICT AT SAID PROPERTY AND AN AREA VARIANCE TO CONSTRUCT OFF STREET PARKING SPACES THAT DO NOT CONNECT TO A GARAGE OR CARPORT AT SAID PROPERTY

Joe Kokernak is friends with the applicant; therefore, he recused himself. Steve Quick explained that he would like to build a two-family home on the 40 x 100 lot. According to the code, he has to have two off-street parking

spaces. His proposal includes two driveways in the front of the property and two separate front entrances to the home. Each driveway would be two cars deep. There would be room in between the curb cuts to park one to two vehicles. He does have the money for new laterals in the budget. This home will look very similar to the house he built on the corner of 14th Street and 4th Avenue in Watervliet.

Jim Chartrand spoke in favor the project noting it is one less vacant lot in the City and it increases the tax base.

Regarding SEQR the board concluded 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. A motion was made by Mr. Such and seconded by Mr. Keefer to approve the SEQR findings.

	YES	NO
Frank Gilchrist	X	
Dave Such	Motion	
Ken Keefer	Second	
Mark Cady	X	
Paul Huban	X	

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 it would realize a lack of return if it was a one family; (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 the neighborhood is mixed one and two families, and this property was originally a two family that was destroyed by fire; (3) The requested variance will not alter the essential character of the neighborhood because it will enhance the neighborhood; (4) The alleged hardship was not self-created because the original building was a two family home.

A motion was made by Mr. Gilchrist and seconded by Mr. Huban to grant the application with the following stipulations: (1) Snow removal must remain on property; (2) Garbage cans to be stored on the side of the house; not the front; (3) Outside lighting to be down facing; (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, this variance shall be deemed null and void.

	YES	NO
Frank Gilchrist	Motion	
Dave Such	X	
Ken Keefer	X	
Mark Cady	X	
Paul Huban	Second	

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. A motion was made by Mr. Cady and Seconded by Mr. Keefer to approve SEQR finding.

	YES	NO
Frank Gilchrist	X	
Dave Such	X	
Mark Cady	Motion	
Ken Keefer	Second	
Paul Huban	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 will add to the neighborhood being it is a new home with parking; (2) The benefit sought by the applicant cannot be achieved by some other feasible method because there is no alley in the back of the home; (3) The requested area variance is not substantial because it is a brand new home in a residential neighborhood; (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 driveway; (5) The alleged difficulty was not self-created because there is no alternate access to the property.

A motion was made by Mr. Such and seconded by Mr. Gilchrist to grant the application with the following stipulations: (1) Snow removal must remain on property; (2) Driveway must be pitched toward the street and away from adjacent properties; (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, this variance shall be deemed null and void.

	YES	NO
Frank Gilchrist	Second	
Dave Such	Motion	
Ken Keefer	X	
Mark Cady	X	
Paul Huban	X	

Meeting was adjourned 7:20 p.m.