

**MINUTES FROM THE CITY OF WATERVLIIET ZONING BOARD MEETING HELD ON MAY 10, 2023 AT 6:00 P.M. IN THE WATERVLIIET SENIOR CITIZEN CENTER, 1501 BROADWAY, WATERVLIIET, NEW YORK**

MEMBERS PRESENT: Dave Such  
Frank Gilchrist  
Ken Keefer  
Paul Huban

ALSO PRESENT: Chris Chartrand  
Paul LaBoissiere

Acting Chariman Gilchrist 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 5<sup>TH</sup> AVENUE, WATERVLIIET, NEW YORK, SEEKING A NON-CONFORMING USE VARIANCE TO USE THE PROPERTY 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. As stated at the March 8, 2023 ZBA meeting, Mr. Lee purchased the property under the premise it was a three-family home (i.e., there were three panels and three meters). The matter was tabled in March to allow the building department to configure how many parking spots are feasible in the back of the property. Mr. Lee will need an area variance for the parking. Mr. Lee pointed out that there are functional three-unit homes in the neighborhood. It was also pointed out that if it were converted to a two-unit home, this would result in two large units which could lead to more cars per unit. One neighbor sent in a letter in opposition of the application due to parking constraints on the block.

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	
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 of extensive rehab to make this into a two family. Allowing a two family would create more bedrooms which would possibly require more parking; (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 existing structure and footprint is for a three family structure; (3) The requested variance will not alter the essential character of the neighborhood because the neighborhood and property itself is a three unit; (4) The alleged hardship was not self-created because the building's existing condition is a three unit. If there was not a fire in the building, it would still be operating as a three unit.

A motion was made by Mr. Keefer and seconded by Mr. Gilchrist to grant the application with the following stipulations: (1) The applicant shall comply with all required permit approvals and all other applicable provisions

of the Code of the City of Watervliet, (2) 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	
Paul Huban	Second	

**CONSIDERATION OF APPLICATION OF HILTON LEE, OWNER OF PROPERTY LOCATED AT 1513 5<sup>TH</sup> AVENUE, WATERVLIET, NEW YORK, SEEKING AN AREA VARIANCE TO ALLOW FOR AN EXEMPTION FROM THE FOUR OFF-STREET PARKING SPACES REQUIRED FOR A THREE UNIT HOME AT SAID PROEPRTY**

Hilton Lee and his son-in-law, Ahmed, were present at the meeting. After discussion between applicant, the Zoning Board members, general manager and corporation counsel, it was decided that the applicant would need to go to the planning board to see if they would waive some of the parking requirements.

A motion was made by Mr. Keefer and seconded by Mr. Huban to have the applicant go before the Watervliet Planning Board to request they waive a portion of the number of parking spaces required.

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

Meeting was adjourned 6:50 p.m.