

MINUTES FROM THE CITY OF WATERVLIET ZONING BOARD MEETING HELD ON AUGUST 8, 2023 AT 6:00 P.M. IN THE WATERVLIET SENIOR CITIZEN CENTER, 1501 BROADWAY, WATERVLIET, NEW YORK

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

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 JENNIFER AND MICHAEL MORAN, OWNERS OF PROPERTY LOCATED AT 1522 5TH AVENUE, WATERVLIET, NEW YORK, SEEKING AN AREA VARIANCE TO ALLOW APPLICANTS TO REPLACE THEIR FOUR-FOOT CHAIN LINK FENCE WITH A SIX-FOOT PRIVACY FENCE WITH A GATE AT SAID PROPERTY

Jennifer and Michael Moran were present at the meeting. They would like to replace the chain link fence with a six-foot vinyl privacy fence. Their dog can jump the shorter fence. They will also replace the sides of the fence too. The fence will be professionally installed.

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. Kokernak and Seconded by Mr. Keefer to approve SEQR finding.

	YES	NO
Frank Gilchrist	X	
Dave Such	X	
Joe Kokernak	Motion	
Ken Keefer	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 they are replacing an existing fence and it is an upgrade; (2) The benefit sought by the applicant cannot be achieved by some other feasible method because the old fence is in disrepair and needs replacing; (3) The requested area variance is not substantial because it is just replacing an existing fence; (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 replacing an existing fence; (5) The alleged difficulty was not self-created because the fence needs to be replaced.

A motion was made by Mr. Kokernak and seconded by Mr. Keefer to grant the application with the following stipulations: (1) Fence must be maintained; (2) The applicant shall comply with all required permit approvals and all other applicable provisions of the Code of the City of Watervliet, (3) 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	X	
Dave Such	X	
Ken Keefer	Second	
Joe Kokernak	Moved	
Mark Cady	X	

CONSIDERATION OF APPLICATION OF BRIAN BEAURY, PROSPECTIVE OWNER OF PROPERTIES LOCATED AT 1613, 1617 AND 1623 2ND AVENUE, WATERVLIET, NEW YORK, SEEKING A USE VARIANCE TO UTILIZE SAID PROPERTY, WHICH IS IN AN R-2 ZONING DISTRICT, AS A JIU JITSU ACADEMY

Brian and Nicole Beaury were present at the meeting. They explained they currently house their jiu jitsu school at 711 3rd Avenue, Watervliet, New York and are looking to expand. They would need to pave the front, add a bathroom and expand the parking lot which currently holds nine parking spots (according to the City’s code, they would need 20 parking spots). With the use of the front room, they could eventually offer birthday parties for children and will also make an office in that area. They presented financial hardship paperwork to address the building being in an R-2 zoning district. George Mann, who currently owns the property, believes this is a perfect match for the building. Some of Mr. Beaury’s clients and/or their family members were present speaking in favor of the proposed use.

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	X	
Ken Keefer	Second	
Joe Kokernak	Motion	
Mark Cady	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 two-family residence; (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 there are a number of commercial properties in the neighborhood; (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 banquet hall and then a science and hobby shop.

A motion was made by Mr. Such and seconded by Mr. Gilchrist to grant the application with the following stipulations: (1) All exterior lighting must be downfacing; (2) Snow removal must remain on the property; (3) Must be approved by Albany County Planning Board (application will go before ACPB on September 21, 2023); (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, this variance shall be deemed null and void.

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

Meeting was adjourned 7:03 p.m.