

City of Watervliet

Zoning Board of Appeals

Minutes

October 14, 2026

Attendance:

Frank Gilchrist, Chairman

Kayleigh O'Neill

Kenneth Keefer

Michele Jamrosz

Thomas Hulihan

Jacob Gilchrist, Alternate

Also in attendance:

Paul LaBoissier, Building Department Supervisor

Melissa Cherubino, General Manager

1. Minutes of the September 9, 2026 meeting.
2. Area and Use Variances 601 Twenty Third Street

The applicant was represented by Elizabeth Rodriguez from TAP, Inc. This property had been vacant for approximately ten years before the applicant purchased it in 2023 from the Albany County Land Bank. In its previous occupancy, it had been a mixed-use structure for Gino's meat market and two apartments. However, it is within a district currently zoned residential.

Here the applicant is proposing a small specialty market with a deli and a small kitchen to prepare food. A small eating area, with two-three tables, is proposed in the former first floor apartment. No alcohol will be served or sold. Ms. Rodriguez

compared the project to Cardona's Market, which also sells prepared foods that can be eaten on-site or taken to go.

The commercial use will occupy the entire first floor while the two apartments will be located on the second floor. This store will operate seven days a week from 8am to 9pm on weekdays and 10pm on weekends. A dumpster is proposed adjacent to the two parking spaces. ZBA board members requested that the existing fencing remain to buffer the neighbors from the dumpster.

The two parking spaces meet the zoning ordinance requirements for the two dwelling units. Remaining parking requirements, eight spaces for the commercial use, are the subject of the area variance. Regarding drop-off and pick-up of goods, the applicant explained that he would be performing delivery of goods for the market. There would be an opportunity to deliver prepared foods. The applicant explained that most of his customers would be walking in from the neighborhood.

Mrs. Diane Clermont opposed the project, citing parking issues in the neighborhood and requesting that any parking associated with the building be restricted to Twenty Third Street. Street parking is first come first served that cannot be restricted except by ordinance. The ZBA recommended removal of the loading zone and Thirty-minute parking on Sixth Avenue, along with installation of a fifteen-minute parking sign in front of the business on Twenty Third Street to accommodate take-out and deliveries.

Mike Cook lives at 604 Twenty Third Street and is the property owner directly across the street on Twenty Third Street. He supports the project since the building has been vacant and slowly deteriorating, and he is excited that it will be renovated. Price Chopper is open until 11pm and the roadway is wide with available on-street parking.

ZBA members discussed the Short Environmental Quality Review Act ("SEAF") forms, finding that the project is an unlisted action for which the board had taken lead agency at its September meeting. They adopted a negative declaration for State Environmental Quality Review Act ("SEQRA") purposes, finding that the project will not cause a significant environmental impact.

Resolution moved by Ken Keefer, seconded by Kayleigh O'Neill and passed unanimously.

ZBA members then discussed the use variance. The applicant's consultant had supplied a financial analysis for costs of renovating the property as permitted uses and the potential return on investment ("ROI"). The property vacancy weighed heavily on its ability to be redeveloped as a permitted use.

Board members considered the property unique, given the existing building is set-up as a mixed-use, it is larger than most buildings in the zoning district and its location is across from Price Chopper. Yet, its redevelopment as a mixed-use building would not significantly alter the neighborhood or impair public health, safety or welfare. Twenty Third Street is wide and has ample on-street parking. There are other commercial spaces adjacent or contiguous to this property. Many of the larger existing homes are multi-family on Twenty Third Street as opposed to single or two-family.

As a result of these findings, the ZBA considered a resolution approving the use variance, conditioned on the following:

1. Application to the Council for removal of the loading zone and thirty-minute parking signs on Sixth Avenue.
2. Application to the Council for a fifteen-minute parking spot on Twenty Third Street in front of the property.
3. Direct heating/cooking vents away from the neighboring properties.
4. All lighting shall be downcast, dark-sky compliant.
5. Snow removal cannot be placed in the driveway, sidewalk or street.
6. Cars parked in the driveway cannot block the sidewalk.
7. The dumpster must be enclosed by fencing and buffered from neighbors.
8. All permit approvals must be obtained and work commenced within ninety days of this approval or the use variance is rescinded.

Tom Hulihan moved to approve the use variance, seconded by Michele Jamrosz and passed unanimously.

Finally, the ZBA considered the area variance from parking requirements. ZBA members found that the on-street parking will not change the character of the neighborhood as it will be similar to neighboring properties. The applicant cannot realize the goal by any other means since creating parking on the property would exceed maximum lot coverage standards in the zoning ordinance. This would also create stormwater runoff from the property at a higher volume and lower quality than existing conditions. Board members found that the request is not substantial as it will

not impair neighborhood character. Using existing on-street parking will not negatively impact the environment. Board members found that the request for an area variance was not self-created as the building is inherently mixed-use and would be expensive to redevelop. On balance the ZBA found that the request would not have a negative impact on public health, safety or welfare after implementing the proposed mitigations.

Kayleigh moved to approve the area variance subject to the prior conditions. Ken Keefer seconded the motion which passed unanimously.

3. Area Variance – 700 24th Street

C&B Eats and Catering requested an area variance to redevelop their detached garage as a commercial kitchen for their catering business. However, they were not willing to install water/sewer connections to create the necessary wash areas. The applicants chose to withdraw/table their application and explore renovations to their principal structure to create the kitchen necessary for their business.