



# Plattsburgh, New York

Building & Zoning Dept.  
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## PROCEDURE IN APPEALING THE ZONING ORDINANCE CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION 2/22/2019

ZONING BOARD MEETING DATE 3/16/2019

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings -	\$50.00
Multiple Dwellings	\$150.00
Commercial Properties	\$150.00

**All checks should be made payable to the "City Clerk"**. In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a variance from the ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to the spirit of the ordinance and do substantial justice. Financial disadvantage to the property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests, which will involve any construction, alterations, or physical change of their property. **Twelve (12) copies of the entire packet including drawings and site plans are required** (we recommend the plans be approved before the twelve (12) copies are made).

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

1. Publish the request in three successive issues of the Press-Republican newspaper not less than five (5) nor more than ten (10) days before the hearings.
2. Notify, by letter, all adjoining property owners of your request

*This office is responsible for implementing the above requirements.*

If there are any questions, please contact this office.  
Thank you for your cooperation.



## See Attached Statement of Difficulty

### Area Variances Standards

The state statues define area variances as: "the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by dimensional or physical requirements of the applicable zoning regulations."

General City Law, 81-b(1)

The state statues then go on to provide the zoning board with the standards for granting the area variances;

"(b) In making it's determination, the zoning board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(3) whether the requested area variance is substantial;

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and

(5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The board of appeals , in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community."

General City Law, 81-b(4)



## Statement of Difficulty

CVPH Musculoskeletal Center Variance Request – Open Space  
21 February 2019

The following is the statement of difficulty related to the attached variance application and responding to Area Variance Standards 1 through 5F. The questions have been paraphrased and are in italics.

### Request:

Decrease allowable open space to 41 % to allow construction a new building addition and parking. The building addition will be 2-story, 5900 sf, to allow a new Musculoskeletal Center and expand the parking area by 17,800 sf, resulting in a total of 300 parking spaces which include 22 handicap accessible spaces. See attached site and grading plans.

1. *Variance will not result in an undesirable change in neighborhood character or be a detriment to nearby properties.*
  - a. The proposed site of the new project is already a building and parking area. The proposal allows a small addition of 2950 sf footprint (5900 sf 2-story) to the existing building and 17,800 sf of parking.
  - b. The existing vegetated screen that is currently in place along the road will be maintained and strengthened by additional plantings therefore maintaining the neighborhood character and buffering adjacent uses.
  - c. This request allows CVPH to provide expanded medical services to the community.
2. *Benefit sought by the variance not solved by other means.*
  - a. There would be no other means to provide these important expanded services at the hospital as the property is well defined. generator is allowed in a rear yard; however, the property does not have a defined rear yard that could service this building.
  - b. The reconfiguration and the expansion of the parking area provides for more accessible parking spaces. Further the parking space sizes and lot configuration is greatly improved.
3. *How Substantial is the variance?*

The request is for a small decrease in the open space

  - a. Open Space
    - i. Code Requires: 50%
    - ii. Existing Condition: 42.7%
    - iii. Requested Condition: 41.5%
4. *Will the proposed variance have an adverse effect on the physical or environmental condition of the neighborhood?*
  - a. The proposed variance allows a small addition to the existing buildings and parking. It does not impact the adjacent condition of the neighborhood.
  - b. Visual effects are easily resolved by appropriate screening as proposed on the plan.
  - c. All storm water drainage is captured by proposed curbing and discharged to the existing storm sewer. Mitigation of storm water discharge rates can be provided on an as needed basis.
  - d. The project has a positive effect as it allows for expanded health care services to the community.



**Statement of Difficulty**  
CVPH Musculoskeletal Center Variance Request – Open Space  
21 February 2019

5. *Is the proposed difficulty self-created?*
  - a. The parcel of land for which the open space calculation is based is fixed and additional land is not available at this centralized location.
  - b. The health care needs of the community are not set by CVPH and to meet this need additional infrastructure (buildings and parking) are needed.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Champlain Valley Physicians Hospital			
Name of Action or Project:			
Musculoskeletal Center & South Parking Lot Project			
Project Location (describe, and attach a location map):			
75 Beekman Street, Plattsburgh, New York 12901			
Brief Description of Proposed Action:			
Obtain a variance for required open space to allow the construction of a 5,900 sf (two story) addition to the existing hospital. This building addition will serve as the new Musculoskeletal Center. This project also includes 17,800 sf of additional parking. Green space adjacent to the parking areas will be enhanced with additional landscaping.			
Name of Applicant or Sponsor:		Telephone: (518) 562-7304	
Champlain Valley Physicians Hospital - Christopher Booth (Associate VP of Patient Care)		E-Mail: CBooth@cvph.org	
Address:			
75 Beekman Street			
City/PO:		State:	Zip Code:
Plattsburgh		New York	12901
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: Plattsburgh Zoning Board of Appeals and Planning Board			YES
3. a. Total acreage of the site of the proposed action?			41.05 acres
b. Total acreage to be physically disturbed?			0.48 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			41.05 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Hospital			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	