



Plattsburgh, New York

Building & Zoning Dept.
41 City Hall Place
Plattsburgh, NY 12901
Ph: 518 563-7707
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PROCEDURE IN APPEALING THE ZONING ORDINANCE SPECIAL USE PERMIT

DEADLINE FOR FILING APPLICATION 5/22/2020
ZONING BOARD MEETING DATE 6/15/2020

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 -	\$100.00	✓ pd.
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 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 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 nor more than ten days before the hearings.
2. Notify, by letter, all property owners within 500 feet of the appeal property location of your request.

This office is responsible for implementing the above requirements.

If there are any questions, please feel free to contact this office.

Thank you for your cooperation.



Plattsburgh, New York

Zoning Board of Appeals
City Hall
Plattsburgh, New York 12901
518-563-7707

USE AREA SUP
CLASS A VARIANCE CLASS B VARIANCE SPECIAL USE PERMIT

Date: 4/21/2020

Appeal No.: 2240

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described.

Applicant: Chris Buskey
Applicants Address: 76 Park Ave
Plattsburgh, NY 12901
Telephone Number: 802.233.6587
Parcel Identification: _____
Location of request: Back of house / partial side
Property Owner: Chris Buskey
Request Description: fence w/ lattice

Zoning District: _____
Section Appealed: _____
Previous Appeal: No. _____ Date: _____

I identify applicants the right to apply for variance:

Ownership: _____ Long term lease: _____ Contract to purchase: _____

Other (Please explain): _____

State of New York) ss:
County of Franklin

On the 28th day of April in the year 2020 before me personally came Chris Buskey who I know to be the individual described in and who executed the foregoing instrument acknowledged that he/she/they executed the same.

Meagan E. LaPage
Notary Public

Applications for zoning variances must be accompanied by:

- 1) copies of existing and proposed site plan.
- 2) copies of existing and proposed floor plan

The ZBA may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Chris Buskey
OWNER/APPLICANT

Meagan E. LaPage
NOTARY PUBLIC

Meagan E. LaPage
Notary Public, State of New York
County of Franklin County
My Commission Expires June 26, 2021
Commission # 01LA6360737

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

TO: All Applicants for Zoning Variance or Special Use Permit

SUBJECT: Required information for filing application

The Zoning Ordinance stipulates that the Building Inspector determine that all submittals for a Variance or Special Use Permit have adequate information (in form and content - Section 270-54A) for review by the Zoning Board of Appeals. In order to insure such information is consistently provided with each application the following information shall be required with each application:

1. **Existing Site Plan** - showing to scale the property lines, principal buildings, accessory structures, rights-of-ways as may exist and other improvements (city street and facilities abutting the site, driveways, parking areas, drainage structures, fence, etc.). Where the application is a request for the reduction of any yard setback the existing site plan shall be a survey of the property as prepared by a Licensed Land Surveyor and shall show the location of buildings on the abutting property where the yard reduction is proposed.
2. **Proposed Site Plan** - showing clearly to scale what is proposed to be constructed (and removed) under this application. The proposed improvement (s) shall be shaded, colored or contrasted in an acceptable manner to make them easily discernible. Adequately dimension the proposed improvements and indicate the setbacks as applicable.
3. **Area and Bulk Calculations** - Calculations of the lot area, lot dimensions, building area (existing/proposed), lot coverage, open space, all yard setbacks, dwelling unit density, building(s) height, parking required shall be submitted in tabulated form to show existing, proposed and required.
4. **Building Plans** - Submit schematic building plans to scale showing the existing/proposed building layout and identify clearly the existing/proposed use of all building spaces. Include elevation view(s) of proposed construction as applicable.
5. **Area Location Map** - showing all properties on each side of the street and noting the existing occupancy for each such lot on all four sides of the site. A copy of the tax map of the area marked to show the occupancy shall be sufficient for this information.

No application will be accepted after this date unless it contains all of the above information (11 sets). No application will be accepted for the agenda until all such appropriate information has first been filed with this office for a review and determination of zoning compliance/noncompliance (and such a determination has been issued to the applicant in writing).

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

STANDARDS OF PROOF- SPECIAL PERMIT

The burden of proof for a Special Permit is always on the applicant. In order for an applicant to be entitled to a Special Permit, he must satisfy the following criteria:

1. That the proposed use will not, in the circumstances of the particular case and under any conditions that the Board of Appeals considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare. (Applicant should specify any conditions which he can satisfy in order to establish this criterion.) The Zoning Board of Appeals should be prepared to discuss at the hearing any pertinent conditions.

2. That the proposed site plan shows the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping. (Failure to adhere to the site plan precisely as presented or as otherwise modified by order of the Planning Board or ZBA will constitute a violation of the Zoning Ordinance.)

3. That there is no violation of the Zoning Ordinance on the subject premises at the present time.

4. That the:

- a. Location and size of the proposed use
- b. nature and intensity of the operation involved
- c. size of the site in relation to the proposed use
- d. location of the site with respect to existing streets
- e. location of the site with relation to future streets

are all in harmony with the orderly development of the district.

5. That the location, nature and height of
- a. buildings
 - b. walls
 - c. fences

will not discourage the appropriate development and use of the adjacent lands or buildings or impair the value thereof.

6. That the operations in connection with such proposed use will not be more objectionable to nearby properties by reason of

- a. noise
- b. fumes
- c. vibration
- d. flashing lights

than would be the operations of any specifically permitted use in that zoning district (except in case of S-1 District).

If the applicant proves his compliance with each standard, he is entitled to the Special Use Permit. Conversely, if the applicant fails to address or satisfy any one or part of these standards, he is not entitled to the Special Permit.

PART 1—PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION Privacy fence			
LOCATION OF ACTION (Include Street Address, Municipality and County) 76 PARK AVE, back of house / partial side (not near road)			
NAME OF APPLICANT/SPONSOR Chris Buskey		BUSINESS TELEPHONE (800) 233 6587	
ADDRESS 76 PARK AVE			
CITY/PO Plattsburgh		STATE NY	ZIP CODE 12901
NAME OF OWNER (if different)		BUSINESS TELEPHONE	
ADDRESS			
CITY/PO		STATE	ZIP CODE
DESCRIPTION OF ACTION 7 1/2 ft fence / back of house / partial side			

Please Complete Each Question—Indicate N.A. if not applicable

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: _____ acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? _____
 - a. Soil drainage: Well drained _____ % of site Moderately well drained _____ % of site
 Poorly drained _____ % of site
 - b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres. (See 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No
 - a. What is depth to bedrock? _____ (in feet)

5. Approximate percentage of proposed project site with slopes: 0-10% _____ % 10-15% _____ %
 15% or greater _____ %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? Yes No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No
8. What is the depth of the water table? _____ (in feet)
9. Is site located over a primary, principal, or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
 Yes No According to _____
 Identify each species _____
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
 Yes No Describe _____
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
 Yes No If yes, explain _____
14. Does the present site include scenic views known to be important to the community?
 Yes No
15. Streams within or contiguous to project area: _____ *N/A*
 a. Name of Stream and name of River to which it is tributary _____
16. Lakes, ponds, wetland areas within or contiguous to project ^{area} _____ *N/A*
 a. Name _____ b. Size (In acres) _____
17. Is the site served by existing public utilities? Yes No
 a) If Yes, does sufficient capacity exist to allow connection? Yes No
 b) If Yes, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor _____ acres.
- b. Project acreage to be developed: _____ acres initially; _____ acres ultimately.
- c. Project acreage to remain undeveloped _____ acres.
- d. Length of project, in miles: _____ (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed _____ %;
- f. Number of off-street parking spaces existing _____; proposed _____ *N/A*
- g. Maximum vehicular trips generated per hour _____ (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | <u>CMB</u> | _____ | _____ | _____ |
| Ultimately | _____ | _____ | _____ | _____ |
- i. Dimensions (in feet) of largest proposed structure 7'1/2 height; _____ width; _____ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 0 ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? N/A tons/cubic yards
3. Will disturbed areas be reclaimed? Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed? _____
- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? N/A acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?
 Yes No
6. If single phase project: Anticipated period of construction 3 ^{days} ~~months~~, (including demolition)
7. If multi-phased:
- a. Total number of phases anticipated _____ (number).
- b. Anticipated date of commencement phase 1 _____ month _____ year, (including demolition).
- c. Approximate completion date of final phase _____ month _____ year.
- d. Is phase 1 functionally dependent on subsequent phases? Yes No
8. Will blasting occur during construction? Yes No
9. Number of jobs generated: during construction N/A; after project is complete N/A.
10. Number of jobs eliminated by this project N/A ~~0~~
11. Will project require relocation of any projects or facilities? Yes No If yes, explain _____
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12. Is surface liquid waste disposal involved? Yes No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
- b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? Yes No Type _____
14. Will surface area of an existing water body increase or decrease by proposal? Yes No
Explain _____
15. Is project or any portion of project located in a 100 year flood plain? Yes No
16. Will the project generate solid waste? Yes No
- a. If yes, what is the amount per month _____ tons
- b. If yes, will an existing solid waste facility be used? Yes No
- c. If yes, give name _____; location _____
- d. Will any wastes **not** go into a sewage disposal system or into a sanitary landfill? Yes No
- e. If Yes, explain _____
17. Will the project involve the disposal of solid waste? Yes No
- a. If yes, what is the anticipated rate of disposal? _____ tons/month.
- b. If yes, what is the anticipated site life? _____ years.
18. Will project use herbicides or pesticides? Yes No
19. Will project routinely produce odors (more than one hour per day)? Yes No
20. Will project produce operating noise exceeding the local ambient noise levels? Yes No
21. Will project result in an increase in energy use? Yes No
If yes, indicate type(s) _____
22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.
23. Total anticipated water usage per day N/A gallons/day.
24. Does project involve Local, State or Federal funding? Yes No
If Yes, explain _____

LEONARD AVENUE

PARK AVENUE



Fences and walls. Walls and fences to provide for security, privacy or screening of a property shall be permitted anywhere on a lot, provided that the following conditions are met:

- (1) Corner clearance. Any wall or fence constructed on a corner lot shall comply with the provisions of § 360-14E of this chapter.
- (2) Street frontage height requirement. Any wall or fence located in the required front yard or the required setback from a street right-of-way shall have a height of no more than four feet.
- (3) Height in other yards. The maximum height of any wall or fence located in a rear or side yard may not exceed six feet in a residence district and eight feet in any other district.
- (4) Special use permit conditions. The maximum height of any wall or fence located in a rear or side yard may be 10 feet in a residence district and may exceed eight feet in other districts, provided that the property owner has secured a special permit for such wall or fence.

H. Professional offices. In the R-2 or RH District, professional offices, other than home occupations, may be permitted by special permit, provided that no structure in such use shall contain more than four businesses and all parking and other regulations are met. And the total gross floor area is no more than 10,000 square feet.









