1. 7:00 P.M. Agenda For The October 19, 2020 Meeting Of The ZBA

Documents:

ZBA 10.19.20.DOCX

1.I. Appeal 2198 - Class B Extension - 61 Beekman St

Documents:

MAR 2198 APP CLASS B 61 BEEKMAN ST.PDF

1.II. Appeal 2199 - SUP - 61 Beekman St

Documents:

MAR 2198-2199 SITE PLAN 61 BEEKMAN ST.PDF

1.III. Appeal 2250 - Class B - 22 Hillcrest Ave

Documents:

2250.CLASS B.22 HILLCREST.PDF

1.IV. Appeal 2251 - Class B - 25 Prospect Ave

Documents:

2251.CLASS B.25 PROSPECT.PDF

1.V. Appeal 2252 - SUP - 6 So Acres Rd

Documents:

2252.SUP.6 SOUTH ACRES.PDF

1.VI. Appeal 2253 - Class B - 22 Guy Way

Documents:

2253.CLASS B.22 GUY WAY.PDF

1.VII. Appeal 2232 - SUP - 22 Durkee St

Documents:

2019_12_19 DURKEE PROJECT SUP APPLICATION - APPLICATIONS FOR SPECIAL USE PERMITS.PDF
SITE PLAN-2020-03-04.PDF
PRIME LETTER_RE SUP RE-REFERRAL_9_25_20.PDF
2020-09-25 SITE PLAN.PDF
FLOOR PLANS-2020-03-04.PDF
FLOOR PLANS-2020-09-25.PDF
GENERAL NOTES-2020-09-25.PDF

Building and Zoning
Department
41 City Hall Place
Plattsburgh, NY 12901
Ph: 518-563-7707
Fax: 518-563-6426

ZONING BOARD OF APPEALS
CITY OF PLATTSBURGH
41 CITY HALL PLACE
(518) 563-7707

Please take notice that the regular meeting of the City of Plattsburgh Zoning Board of Appeals will take place via the Zoom videoconferencing platform on **Monday, October 19, 2020** beginning at 6:30 p.m. The meeting will not be held at City Hall, access to which is presently restricted.

Pursuant to Governor Cuomo's Executive Order 202.1, the public will have the ability to view and/or listen to the proceedings, the meeting will be recorded, and a transcription will be made available to the public at a later date. The videoconference will be available live on the City of Plattsburgh's YouTube channel at: https://www.youtube.com/channel/UC7H36PiuYNJJkZpczbLvCbw. In-person attendance of the meeting will not be permitted.

Public Hearings will be held pursuant to Governor Cuomo's Executive Order 202.15 which allows public hearings to be convened remotely through the use of telephone conference, video conference, and/or other similar service. If the board decides to accept public comment during the meeting members of the public shall have multiple options for participation including live web commenting and telephonic commenting via Zoom, written comment via email, and pre-recorded voice comments. Members of the public are asked to select only one of the above listed options for communication of their comments.

For agenda item's that require public hearings, for live web commenting, members of the public may join the Zoom meeting at 7:00 p.m. on October 19, 2020 and will be provided an opportunity to make comments verbally in real time by utilizing Zoom's "Attendee" feature. Please use the following link to participate live via Zoom, https://zoom.us/j/95565624615. Additional information and links to instructions for using the Zoom platform can be found in the *Temporary Board Procedures* document on the Zoning Board of Appeals webpage of the City's website at **www.cityofplattsburgh.com**.

Members of the public without access to a computer who wish to comment live via telephone during a public hearing may call into the Zoom meeting's conference line at US: **1-646-558-8656** and enter Webinar ID: 955 6562 4615.

For items requiring a public hearing, members of the public may also provide written public comment that must be received no later than 12:00 p.m. on October 19, 2020. Please note that written comments received after that deadline will not be made a part of the official record. All written comments must be emailed to **cityinfo@plattsburghcitygov.com** and must include "Zoning Board of Appeals Comment 10/19/2020" in the Subject line of the email.

Lastly, to leave a pre-recorded voice message please dial call the City Building Inspector's Office at **(518) 563-7707**. Please limit voice messages to no more than three (3) minutes.

Building and Zoning
Department
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A public hearing will be held for the following agenda items:

APPEAL	APPLICANT	REQUEST
2198	VILAS HOME, LLC 61 BEEKMAN STREET	CLASS B VARIANCE REQUEST TO EXTEND A PREVIOSLY GRANTED CLASS B VARIANCE
2199	VILAS HOME, LLC 61 BEEKMAN STREET	SPECIAL USE PERMIT REQUEST TO EXTEND A PREVIOUSLY GRANTED SPECIAL USE PERMIT
2250	NELLIE BONVILLE 22 HILLCREST AVENUE	CLASS B AREA VARIANCE REQUEST TO BUILD A SMALL MUD ROOM EXTENDING INTO SIDE YARD SETBACK
2251	JOSEPH WHALEN 25 PROSPECT AVENUE	CLASS B AREA VARIANCE REQUEST TO COVER EXISTING CONCRETE PATIO AND STEPS WITH PRESSURE-TREATED DECK AND EXTEND LENGTH OF DECK INTO FRONT YARD SETBACK
2252	MARIA HURTEAU 6 SOUTH ACRES ROAD	SPECIAL USE PERMIT TO INSTALL 8-FOOT HIGH FENCING IN SIDE YARD
2253	KATHERINE GRABDA AND KRYSTAL LEWIS 22 GUY WAY	CLASS B AREA VARIANCE TO USE PORTION OF BUILDING AS A PRIVATE FITNESS STUDIO – 2 PRINCIPAL PRIMARY BUILDINGS ON ONE LOT
2232	CITY OF PLATTSBURGH 22 DURKEE STREET	SPECIAL USE PERMIT TO AMEND THE BOUNDARIES OF AN EXISTING PLANNED UNIT DEVELOPMENT AND A SPECIAL USE PERMIT FOR USE OF APARTMENTS ON THE FIRST FLOOR OF A MULTI-STORY BUILDING WITHIN A PLANNED UNIT DEVELOPMENT

NOTE: THE ORDER OF THE AGENDA IS SUBJECT TO CHANGE WITHOUT NOTICE.

Plattsburgh, New York

Building & Zoning Dept.
41 City Hall Place
Plattsburgh, New York 12901
Ph: 518-563-7707
Fax: 518-563-6426

Plattsburgh

_____ USE
CLASS A VARIANCE

✓ AREA
CLASS B VARIANCE

_____ SUP
SPECIAL USE PERMIT

Date: 11/20/20 Appeal No.: 2198

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: Vilas Home, LLC

Applicant's Address: 61 Beekman St.
Plattsburgh, NY 12901

Telephone No.: (518) 334-6868

Parcel Identification: 207.18-6-38

Location of Request: 61 Beekman St

Property Owner: Vilas Home, LLC

Request Description: adding an addition to the existing Vilas Home

Zoning District: R-1

Section Appealed:

Previous Appeal: No.: Date:

Identify Applicant's Right to Apply for Variance:

Ownership: X Long Term Lease: Contract To Purchase:

Other (Please Explain):

Applications for Zoning Variances must be accompanied by:
13 copies of existing and proposed site plan plus original application.
13 copies of existing and proposed floor plan.

The Zoning Board of Appeals 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.

* Eli Schwartzberg
Signature (Owner/Applicant)

Eli Schwartzberg
Print First and Last Name

Notary Public

DOUGLAS CARL SCHREIBER
Notary Public, State of New York
Reg. No. 01SC6398858
Qualified in Essex County
Commission Expires 10/07/2023

***Signatures other than Property Owner require a Letter of Authorization to apply.**

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DISCOVER
Plattsburgh

Plattsburgh, New York

PROCEDURE IN APPEALING THE ZONING ORDINANCE
CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION February 21, 2020

ZONING BOARD MEETING DATE March 16, 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 -	$ 50.00
Multiple Dwellings	$150.00
Commercial Properties	$150.00

All checks should be made payable to the "City Chamberlain". 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. **THIRTEEN (13) copies of the entire packet including drawings, site plans and the original application are required** (we recommend the plans be approved before the THIRTEEN (13) 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.

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

STANDARDS OF PROOF - AREA VARIANCE

A. The applicant for an area variance is not entitled to an area variance unless he has furnished competent proof to satisfy the "practical difficulty standard" and that the variance, if granted will not alter the essential character of the neighborhood.

In order to satisfy the practical difficulty standard, the applicant must prove that the Zoning Ordinance as it applies to his land creates significant economic injury and that the variance, if granted, will not produce a substantial change in the character of the neighborhood. The courts of this state hold that "significant economic injury cannot be established except by dollars and cents proof which includes:

1. The original purchase price of the premises.
2. The current market value of the premises without an area variance.
3. The projected market value of the premises with the variance having been granted.

"Projected market value" in item 3 does not include any cost of valuation for the proposed construction. It includes only the current market value without any variance plus the "value of the right to build." The "value of the right to build" may be said to be the "value of the building permit". How much more valuable is the entire property with a building permit allowing the future construction of the proposed work? Projected market value which includes the value of the work to be constructed will be rejected.

Projected market value can be best shown by the in-person testimony of a real estate appraiser who is present at the hearing. Written appraisals may be less satisfactory because the writer is not present to answer any questions.

The difference between the current market value without the variance and the projected market value with the variance is the amount of economic injury. If the Zoning Board of Appeals determines that this economic injury is significant, then the applicant may be entitled to the area variance.

However, if a town official comes forward at the hearing with testimony establishing that it is important in this particular instance to enforce the Zoning Ordinance as it is written, in order to protect the health, safety and welfare, then the application must be denied. It is important to note that such testimony must be by a town official or someone hired by the town to give the testimony. If the Zoning Board of Appeals agrees with the Town Official that it is important in this case to enforce the Zoning Ordinance as written, then the applicant is not entitled to the area variance, unless he presents further testimony that the enforcement of the ordinance as written will deprive him of any reasonable use of his land. If applicant proves that, then he is entitled to the area variance.

B. The second question to be determined by the Zoning Board of Appeals is whether the the propose will alte the essential character of the neighborhood. Will a substantial detriment to adjoining properties be created? If it will, then the variance may be denied.

C. Other Grounds for Denial:

1. Whether the variance applied for is the minimum variance that is necessary.
2. Is the variance sought one that is merely desirable for the greater enjoyment of the property, as opposed to one that is necessary for continued practical utilization of the premises? (Bielak v. Zoning Board of Appeals, 78 AD 2d 435).

STANDARDS OF PROOF - AREA VARIANCE

3. Is this hardship self-created? An area variance cannot be denied solely on the ground of self-created hardship, but is a factor to be considered.

4. Is the plight of the owner due to personal problems of the owner as opposed to matters dealing with the land or buildings? While an area variance may not be denied solely on this basis, it is a factor to be considered.

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)

Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA 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 determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

Please see attached responses for #'s 1-5

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

(3) Is the requested area variance substantial?

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

(5) Has the alleged difficulty been self-created?
This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

Variances

One of the basic powers given by law to a zoning board of appeals is called the "variance" power. The board has the authority to "vary," or modify, the strict letter of a zoning ordinance or local law in cases where this strict interpretation could cause practical difficulties or unnecessary hardships for an individual.

Appeals boards are frequently confronted with requests for variances. There are two types of requests that come before the board, and the standards by which they are judged differ. A use variance is a request to utilize property for a use or activity which is not permitted by the zoning ordinance, and the applicant must demonstrate "unnecessary hardship." An area variance is a request for relief from dimensional standards contained in the zoning ordinance, and it requires a demonstration of "practical difficulty."

The basic standards for determining unnecessary hardship and practical difficulty have been established and refined by the courts in numerous cases.[1]

Use Variance

An individual who wants to utilize property for a use that is not permitted by the zoning ordinance must apply for a use variance. An applicant for a use variance must demonstrate unnecessary hardship by satisfying each of the following three tests:

1. Uniqueness

   The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone AND that these features make it impossible to earn a reasonable return without some adjustment. If the features or conditions are generally applicable throughout the district, a variance should not be granted. In those situations where the difficulty is shared by others, the relief should be accomplished by an amendment to the zoning ordinance, not a variance.

2. Reasonable Return

   The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by the zoning ordinance. There must be a "dollars and cents" proof of the applicant's inability to realize reasonable return; speculation or qualitative assessment is inadequate.[2] Failure to realize the highest return is not considered a hardship.

3. Character

   The applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the "spirit" of the ordinance or local law should be preserved.

The applicant for a use variance must meet all three tests before the appeals board may grant relief. A use variance should not be granted if the "unnecessary hardship" was created by the applicant. If the appeals board grants a use variance to an applicant who has failed to meet each of the tests, it runs the risk of assuming the function of the legislative body and making a decision contrary to the legislative intent of the zoning ordinance.

An increasing number of use variance requests is often the sign of an "aged" zoning regulation. The appeals board should not circumvent the legislative process by granting use variances. Instead, the appeals board should advise the governing body of the need to reexamine and amend the zoning ordinance.

Area Variance

In the case of an area variance, the applicant is seeking modification of dimensional standards, such as yard requirements, set-back lines, lot coverage, frontage requirements or density regulations, so that the property may be utilized for one of the uses permitted by the zoning ordinance. The appeals board may grant relief if the applicant can demonstrate that strict compliance with the regulations would cause practical difficulty.

The determination of practical difficulty is a three-step process.[3]

1. First, the applicant must demonstrate that the application of the zoning ordinance to his property causes significant economic injury.

2. Once the applicant has demonstrated economic injury, then the municipality must show that the regulation in question is reasonably related to a legitimate exercise of the police power.

3. Last, assuming the municipality has met its burden of proof, the applicant must demonstrate that the restrictions, as strictly applied in his case, are unrelated to the public health, safety or welfare of the community and that granting the variance will not adversely affect the community.

In making a determination of practical difficulty, the appeals board may consider:[4]

1. How substantial the variation is in relation to the requirement;

2. The potential effect of increased density on available municipal, county and state facilities and services;

3. Whether the variance will cause a substantial change in the character of the neighborhood;

4. Whether the difficulty can feasibly be mitigated by some other method; or

5. Whether the interests of justice will be served in granting the variance.

The appeals board should grant the minimum relief necessary to allow reasonable use of the land in question. Not every applicant for an area variance is automatically entitled to receive relief. Each application should be carefully considered against the requirement for proof of practical difficulty.

Summary

The major difference between a use variance and an area variance involves the use of the property. An area variance results in a modification of physical restrictions so that an allowable use may be established on the property. By contrast, a use variance permits the establishment of a use which is prohibited by the zoning ordinance and the zoning map. It is for this reason that the standards for a use variance are more stringent than the standards established for an area variance.

Frequently, the appeals board is encouraged to make legislative decisions under the guise of use variance requests. The appeals board should exercise caution when confronted with a request for a use variance, and only grant those which meet the tests established for determining unnecessary hardship. The appeals board should resist the inclination to correct deficiencies in the zoning ordinance through the exercise of its variance power. If particular provisions of the zoning ordinance are inappropriate or unjust, the appeals board should recommend that the legislative body (City Council, Town Board, Board of Trustees) take the necessary steps to amend the ordinance or local law.

[1] Otto v. Steinhilber, 282 NY 71 (1939), Village of Bronxville v. Francis, 150 NYS 2d 906 (1956); Jayne Estates v. Raynor, 22 NY 2d 417 (1968); Douglaston Civic Association, Inc. v. Klein, 51 NY 2d 963 (1980).

[2] Fayetteville v. Jarrold, 53 NY 2d 254 (1981).

[3] Fulling v. Palumbo, 21 NY 2d 30 (1967); National Merrit, Inc. v. Werst, 41 NY 2d 438 (1977).

[4] Waschsberger v. Michalis, 19 Misc 2d 909 (1959).

Department of Planning

Note: This Tech Memo was prepared by the Department of Planning as an informational publication for municipal governments. It is not intended to be a legal opinion.

617.20
Appendix B
Short Environmental Assessment Form

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.

Part 1 - Project and Sponsor Information

Name of Action or Project: Vilas Home, LLC

Project Location (describe, and attach a location map): 61 Beekman St Plattsburgh, NY 12901

Brief Description of Proposed Action: an addition to the existing Vilas Home

Name of Applicant or Sponsor:	Telephone: (518) 334-6868
Vilas Home, LLC	E-Mail: Eli@champlainassistedliving.com

Address: 61 Beekman St.

City/PO:	State:	Zip Code:
Plattsburgh	NY	12901

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.	☒	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: City of Plattsburg Planning and Zoning Board	☐	☒

3.a. Total acreage of the site of the proposed action? 3.4 acres
b. Total acreage to be physically disturbed? 3.4 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 3.4 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☒	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☒	
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: Closed cell insulation, high efficiency furnace efficient windows	☐	☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☐	☒	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☐	☒	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
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?	☒	☐	
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: _____	☒	☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☒ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☒	☐
16. Is the project site located in the 100 year flood plain?	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☒ NO ☐ YES	☐	☒
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☒ YES Retention areas		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☒	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Eli Schwartzberg Date: 1/20/20

Signature: ES

Zoning Board to Fill out. Applicant does not fill out Part 2.

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

SITE PLAN

SCALE: 1" = 30'

LOCATION PLAN

SCALE: 1" = 250'

ZONED - "R1" LOW DENSITY RESIDENTIAL 1			
DESCRIPTION	REQUIRED	EXISTING	PROVIDED
MIN. LOT SIZE	15,000 SF	148,104 SF	148,104 SF
MIN. FRONTAGE / LOT WIDTH	50 FT	385 FT	385 FT
MIN. DEPTH	100 FT	385 FT	385 FT
MIN. FRONT YD SETBACK	25 FT	89 FT MIN.	36 FT MIN.
MIN. SIDE YD SETBACK (ONE/TOTAL)	10 FT / 25 FT	N/A	N/A
MIN. REAR YD. SETBACK	25 FT	105 FT	27 FT
MAX. BLDG. HEIGHT / # STORIES	35 FT OR 2.5 ST	45 FT(*) / 3 ST(*)	45 FT(A) / 3 ST(A)
MAX. BLDG. COVERAGE	30%	7%	23%
MIN. OPEN SPACE	50%	78%	52%

USE BASED SCHEDULE NOTES:
USE BASED PER ZONING ORDINANCE SCHEDULE I: NURSING & REST HOMES, REQUIRES SPECIAL PERMIT

PARCEL NOTES:
1. PROPOSED USE: LICENSED NURSING HOME & GROUP RESIDENCE
2. (*) DENOTES PRE-EXISTING, NON-CONFORMING ATTRIBUTES OF THE EXISTING BUILDING & AND SITE ATTRIBUTES.

BUILDING NOTES:
1. THE EXISTING ASSISTED LIVING FACILITY HAS A GROSS FLOOR AREA OF 21,396 SF AND A UNIT COUNT OF 42.
2. THE PROPOSED ASSISTED LIVING RESIDENCE ADDITION WILL HAVE A GROSS FLOOR AREA OF 62,140 SF PLUS AN ADDITIONAL 10,000 SF OF BASEMENT. A TOTAL OF 94 NEW UNITS WILL BE PROVIDED IN THE ADDITION.
3. A PROPOSED ENTRANCE ADDITION WILL HAVE A GROSS FLOOR AREA OF 1,428 SF.
4. THE RESULTING TOTAL ANTICIPATED GROSS FLOOR AREA OF THE EXPANDED FACILITY WILL BE 86,964 SF AND UNIT COUNT WILL BE 136 IN TOTAL.

PARKING NOTES:
1. PARKING PROVIDED: TOTAL = 86 SPACES(A)
   - APPLICANT DETERMINED PRACTICAL PARKING DEMAND CALCULATED AT 0.63 PARKING SPACES PER ASSISTED LIVING UNITS (ACCOUNTS FOR TENANTS, STAFF AND VISITORS) RESULTING IN DEMAND OF 0.63 x 136 UNITS = 86 SPACES
   - RESULTING EQUIVALENT PARKING PROVIDED BY GROSS FLOOR AREA BASIS IS ONE SPACE PER 1,011 SF BUILDING AREA
2. PARKING REQUIRED PER ZONING CHAPTER 270-25: TOTAL = 174 SPACES
   - PARKING REQUIREMENT BASED ON 86,964 SF GROSS BUILDING AREA x 1 SPACE PER 500 SF FOR LICENSED NURSING HOMES
3. ACCESSIBLE PARKING SPACES ARE REQUIRED AT A RATE OF 1 ACCESSIBLE SPACE PER EVERY 25 TOTAL PARKING SPACES IN ACCORDANCE WITH TABLE 208.2 OF THE ADA STANDARDS FOR ACCESSIBLE DESIGN

PROPOSED DEFICIENCIES SUBJECT TO CLASS B AREA VARIANCE:
DENOTED IN SCHEDULE OF AREA & BULK CONTROLS BY (A) -
- MAXIMUM BUILDING HEIGHT OF 44 FT
- MAXIMUM NUMBER OF BUILDING STORIES OF 3
- MINIMUM OF 174 REQUIRED PARKING SPACES IS DEFICIENT BY 88 SPACES AS A TOTAL OF 86 SPACES ARE PROPOSED
- EXPANSION OF PARKING WITHIN THE FRONT YARD IN THE R1 ZONE

(SEE SCHEDULE OF AREA AND BULK CONTROLS FOR ADDITIONAL INFORMATION)

PARCEL OWNER:
SAMUEL F VILAS HOME
61 BEEKMAN STREET
PLATTSBURGH, NY 12901

APPLICANT:
ELI SCHWARTZBERG
VILAS HOME, LLC,
10 GILLILAND LANE,
WILLSBORO, NY 12996

PROJECT PARCEL:
TAX MAP ID 207.18-6-38

FLOODPLAIN NOTE:
NO PORTIONS OF THE PROPERTY ARE WITHIN THE 100-YEAR FLOODPLAIN PER FEMA FLOOD INSURANCE RATE MAP #36019C0604D, EFFECTIVE 9/28/2007

PROPOSED PROJECT:
CONSTRUCTION OF A 20,600 SF± ADDITION TO THE EXISTING 9,263 SF± NURSING HOME FACILITY WITH PARKING LOT, LANDSCAPING, SITE LIGHTING AND ASSOCIATED SITE IMPROVEMENTS.

HATCH LEGEND

- PROPOSED PAVEMENT
- PROPOSED CONCRETE WALK/PAD
- PROPOSED BUILDING COVERAGE
- PROPOSED OPEN SPACE
- PROPOSED ACCESSORY STRUCTURE
- EXISTING BUILDING COVERAGE

CITY OF PLATTSBURGH PLANNING BOARD
FINAL SITE PLAN

THE PROJECT SHALL PROVIDE FOR PERPETUAL MAINTENANCE OF THE SITE PER THE FINAL SITE PLAN DRAWINGS

OWNER _____ DATE _____

AS PER PLANNING BOARD APPROVAL DATED _____, THESE FINAL SITE PLANS HAVE BEEN REVIEWED AND ARE CERTIFIED TO BE IN COMPLIANCE WITH PLANNING BOARD CONDITIONS.

CITY PLANNER _____ DATE _____

THESE SITE PLAN DRAWINGS AND DETAILS FOR THE VILLAS HOME EXPANSION PROJECT ARE APPROVED, ACCEPTED FINAL SITE PLANS IN ACCORDANCE WITH THE CITY OF PLATTSBURGH ZONING CODE REGULATIONS.

PLANNING BOARD CHAIR _____ DATE _____

"NOTE: THE ISSUANCE OF THIS AUTHORIZATION, APPROVAL OR PERMIT DOES NOT RELIEVE THE PROJECT APPLICANT/SPONSOR OF ANY RESPONSIBILITY FOR OBTAINING ANY OTHER APPROVALS/PERMIT FROM ANY OTHER FEDERAL, STATE, OR LOCAL AGENCY INCLUDING THE US ARMY CORPS OF ENGINEERS (USACOE) WHICH MAY BE REQUIRED".

Established in 1985
AEDA
Architectural & Engineering DESIGN Associates, P.C.
1246 Rt. 3
P.O. Box 762
Plattsburgh, New York 12901
tel: 518.562.1800
fax: 518.562.1702
email: aedapc@aedapc.com

UNAUTHORIZED ALTERATIONS AND/OR ADDITIONS TO THIS DRAWING BEARING A LICENSED ARCHITECTS OR ENGINEERS SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

ONLY COPIES FROM THE ORIGINAL OF THIS DRAWING BEARING THE ORIGINAL ARCHITECT'S OR ENGINEER'S SEAL AND SIGNATURE SHALL BE CONSIDERED VALID TRUE COPIES.

SAMUEL F VILAS HOME
SITE PLAN 2019

61 BEEKMAN STREET, CITY OF PLATTSBURGH, CLINTON COUNTY, NY

DESIGN DEVELOPMENT PHASE SERVICES 30%
NOT FOR
AEDA Architectural & Engineering DESIGN Associates P.C.
CONSTRUCTION

REVISIONS		
#	BY	DATE

SITE OVERVIEW PLAN

PROJECT NO.	19085
DATE	02-03-20
DRAWN BY	JBF
CHECKED BY	MSC

C101

Plattsburgh, New York

Building & Zoning Dept.
41 City Hall Place
Plattsburgh, New York 12901
Ph: 518-563-7707
Fax: 518-563-6426

Plattsburgh

_____ USE
CLASS A VARIANCE

X AREA
CLASS B VARIANCE

_____ SUP
SPECIAL USE PERMIT

Date: 9/17/20

Appeal No.: 2250

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: Nellie Bonville

Applicant's Address: 22 hillcrest Ave Plattsburgh NY 12901

Telephone No.: 518 578 2871

Parcel Identification: 221.6-6-21

Location of Request: 22 hillcrest Ave

Property Owner: Nellie Bonville

Request Description: Small mud Room 58" x 117"

Zoning District: Plattsburgh

Section Appealed:

Previous Appeal: No.: _____ Date: _____

Identify Applicant's Right to Apply for Variance:

Ownership: X Long Term Lease: _____ Contract To Purchase: _____

Other (Please Explain): _____

Applications for Zoning Variances must be accompanied by:
13 copies of existing and proposed site plan plus original application.
13 copies of existing and proposed floor plan.

The Zoning Board of Appeals 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.

* _____
Signature (Owner/Applicant)

Nellie Bonville
Print First and Last Name

_____
Notary Public

LISA M. BEEBIE
Notary Public, State of New York
No. 01BE6395749
Qualified in Clinton County
Commission expires August 5, 2021

Building and Zoning Department
41 City Hall Place
Plattsburgh, NY 12901
Ph.: 518 563 7707
Fax: 518-563 6426

City of
Plattsburgh

Plattsburgh, New York

PROCEDURE IN APPEALING THE ZONING ORDINANCE
CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION 9/25/20

ZONING BOARD MEETING DATE 10/19/20

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 Chamberlain". 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. **THIRTEEN (13) copies of the entire packet including drawings, site plans and the original application are required** (we recommend the plans be approved before the THIRTEEN (13) 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.

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

STANDARDS OF PROOF - AREA VARIANCE

A. The applicant for an area variance is not entitled to an area variance unless he has furnished competent proof to satisfy the "practical difficulty standard" and that the variance, if granted will not alter the essential character of the neighborhood.

In order to satisfy the practical difficulty standard,the applicant must prove that the Zoning Ordinance as it applies to his land creates significant economic injury and that the variance, if granted, will not produce a substantial change in the character of the neighborhood. The courts of this state hold that "significant economic injury cannot be established except by dollars and cents proof which includes:

1. The original purchase price of the premises.
2. The current market value of the premises without an area variance.
3. The projected market value of the premises with the variance having been granted."

"Projected market value" in item 3 does not include any cost of valuation for the proposed construction. It includes only the current market value without any variance plus the "value of the right to build." The "value of the right to build" may be said to be the "value of the building permit". How much more valuable is the entire property with a building permit allowing the future construction of the proposed work? Projected market value which includes the value of the work to be constructed will be rejected.

Projected market value can be best shown by the in-person testimony of a real estate appraiser who is present at the hearing. Written appraisals may be less satisfactory because the writer is not present to answer any questions.

The difference between the current market value without the variance and the projected market value with the variance is the amount of economic injury. If the Zoning Board of Appeals determines that this economic injury is significant, then the applicant may be entitled to the area variance.

However, if a town official comes forward at the hearing with testimony establishing that it is important in this particular instance to enforce the Zoning Ordinance as it is written, in order to protect the health, safety and welfare, then the application must be denied. It is important to note that such testimony must be by a town official or someone hired by the town to give the testimony. If the Zoning Board of Appeals agrees with the Town Official that it is important in this case to enforce the Zoning Ordinance as written, then the applicant is not entitled to the area variance, unless he presents further testimony that the enforcement of the ordinance as written will deprive him of any reasonable use of his land. If applicant proves that, then he is entitled to the area variance.

B. The second question to be determined by the Zoning Board of Appeals is whether the the propose will alte the essential character of the neighborhood. Will a substantial detriment to adjoining properties be created? If it will, then the variance may be denied.

C. Other Grounds for Denial:

1. Whether the variance applied for is the minimum variance that is necessary.
2. Is the variance sought one that is merely desirable for the greater enjoyment of the property, as opposed to one that is necessary for continued practical

STANDARDS OF PROOF - AREA VARIANCE

3. Is this hardship self-created? An area variance cannot be denied solely on the ground of self-created hardship, but is a factor to be considered.

4. Is the plight of the owner due to personal problems of the owner as opposed to matters dealing with the land or buildings? While an area variance may not be denied solely on this basis, it is a factor to be considered.

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)

Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA 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 determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

(3) Is the requested area variance substantial?

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

(5) Has the alleged difficulty been self-created?
This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

Variances

One of the basic powers given by law to a zoning board of appeals is called the "variance" power. The board has the authority to "vary," or modify, the strict letter of a zoning ordinance or local law in cases where this strict interpretation could cause practical difficulties or unnecessary hardships for an individual.

Appeals boards are frequently confronted with requests for variances. There are two types of requests that come before the board, and the standards by which they are judged differ. A use variance is a request to utilize property for a use or activity which is not permitted by the zoning ordinance, and the applicant must demonstrate "unnecessary hardship." An area variance is a request for relief from dimensional standards contained in the zoning ordinance, and it requires a demonstration of "practical difficulty."

The basic standards for determining unnecessary hardship and practical difficulty have been established and refined by the courts in numerous cases.[1]

Use Variance

An individual who wants to utilize property for a use that is not permitted by the zoning ordinance must apply for a use variance. An applicant for a use variance must demonstrate unnecessary hardship by satisfying each of the following three tests:

1. Uniqueness

   The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone AND that these features make it impossible to earn a reasonable return without some adjustment. If the features or conditions are generally applicable throughout the district, a variance should not be granted. In those situations where the difficulty is shared by others, the relief should be accomplished by an amendment to the zoning ordinance, not a variance.

2. Reasonable Return

   The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by the zoning ordinance. There must be a "dollars and cents" proof of the applicant's inability to realize reasonable return; speculation or qualitative assessment is inadequate.[2] Failure to realize the highest return is not considered a hardship.

3. Character

   The applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the "spirit" of the ordinance or local law should be preserved.

The applicant for a use variance must meet all three tests before the appeals board may grant relief. A use variance should not be granted if the "unnecessary hardship" was created by the applicant. If the appeals board grants a use variance to an applicant who has failed to meet each of the tests, it runs the risk of assuming the function of the legislative body and making a decision contrary to the legislative intent of the zoning ordinance.

An increasing number of use variance requests is often the sign of an "aged" zoning regulation. The appeals board should not circumvent the legislative process by granting use variances. Instead, the appeals board should advise the governing body of the need to reexamine and amend the zoning ordinance.

Area Variance

In the case of an area variance, the applicant is seeking modification of dimensional standards, such as yard requirements, set-back lines, lot coverage, frontage requirements or density regulations, so that the property may be utilized for one of the uses permitted by the zoning ordinance. The appeals board may grant relief if the applicant can demonstrate that strict compliance with the regulations would cause practical difficulty.

The determination of practical difficulty is a three-step process.[3]

1. First, the applicant must demonstrate that the application of the zoning ordinance to his property causes significant economic injury.

2. Once the applicant has demonstrated economic injury, then the municipality must show that the regulation in question is reasonably related to a legitimate exercise of the police power.

3. Last, assuming the municipality has met its burden of proof, the applicant must demonstrate that the restrictions, as strictly applied in his case, are unrelated to the public health, safety or welfare of the community and that granting the variance will not adversely affect the community.

In making a determination of practical difficulty, the appeals board may consider:[4]

1. How substantial the variation is in relation to the requirement;

2. The potential effect of increased density on available municipal, county and state facilities and services;

3. Whether the variance will cause a substantial change in the character of the neighborhood;

4. Whether the difficulty can feasibly be mitigated by some other method; or

5. Whether the interests of justice will be served in granting the variance.

The appeals board should grant the minimum relief necessary to allow reasonable use of the land in question. Not every applicant for an area variance is automatically entitled to receive relief. Each application should be carefully considered against the requirement for proof of practical difficulty.

Summary

The major difference between a use variance and an area variance involves the use of the property. An area variance results in a modification of physical restrictions so that an allowable use may be established on the property. By contrast, a use variance permits the establishment of a use which is prohibited by the zoning ordinance and the zoning map. It is for this reason that the standards for a use variance are more stringent than the standards established for an area variance.

Frequently, the appeals board is encouraged to make legislative decisions under the guise of use variance requests. The appeals board should exercise caution when confronted with a request for a use variance, and only grant those which meet the tests established for determining unnecessary hardship. The appeals board should resist the inclination to correct deficiencies in the zoning ordinance through the exercise of its variance power. If particular provisions of the zoning ordinance are inappropriate or unjust, the appeals board should recommend that the legislative body (City Council, Town Board, Board of Trustees) take the necessary steps to amend the ordinance or local law.

[1] Otto v. Steinhilber, 282 NY 71 (1939), Village of Bronxville v. Francis, 150 NYS 2d 906 (1956); Jayne Estates v. Raynor, 22 NY 2d 417 (1968); Douglaston Civic Association, Inc. v. Klein, 51 NY 2d 963 (1980).

[2] Fayetteville v. Jarrold, 53 NY 2d 254 (1981).

[3] Fulling v. Palumbo, 21 NY 2d 30 (1967); National Merrit, Inc. v. Werst, 41 NY 2d 438 (1977).

[4] Waschsberger v. Michalis, 19 Misc 2d 909 (1959).

Department of Planning

Note: This Tech Memo was prepared by the Department of Planning as an informational publication for municipal governments. It is not intended to be a legal opinion.

617.20
Appendix B
Short Environmental Assessment Form

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.

Part 1 - Project and Sponsor Information

Name of Action or Project:

Project Location (describe, and attach a location map):

Brief Description of Proposed Action:
just a small mud Room off side
Door to hang coat and kick off shoes.
no Bigger than a walk in closet.

Name of Applicant or Sponsor: nellie Bonville

Telephone: 518 578 2871

E-Mail:

Address: 22 hillcrest Ave R

City/PO: PlattsBurgh

State: NY

Zip Code: 12901

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.	☒	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☒	☐

3.a. Total acreage of the site of the proposed action? 60 X 150 acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☒	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☒	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☒	☐	
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: _____	☒	☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☒	☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☒	☐	
b. Is the proposed action located in an archeological sensitive area?	☐	☐	
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?	☒	☐	
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: _____	☒	☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☐ Suburban

None

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☒	☐
16. Is the project site located in the 100 year flood plain?	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	☐	☐
a. Will storm water discharges flow to adjacent properties? ☒ NO ☐ YES		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☒ NO ☐ YES		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☒	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: _____ Date: 9/17/20

Signature: Nellie Bahnke

Zoning Board to Fill out. Applicant does not fill out Part 2.

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

GARAGE
58"
MAIN STRUCTURE
WINDOWS
DRIVEWAY
117"
WINDOWS
D&P
APPX 138'

SHEETING: 3/4" PLYWOOD.

SUBFLOOR: 3/4" PLYWOOD.

WALL: 2"x4" 16 ON CENTER.
WALL INSULATION: CRAFTED R13.

FLOOR FRAME: 2"x8" W/JOIST HANGER.
FLOOR INSULATION R30 CRAFTED.

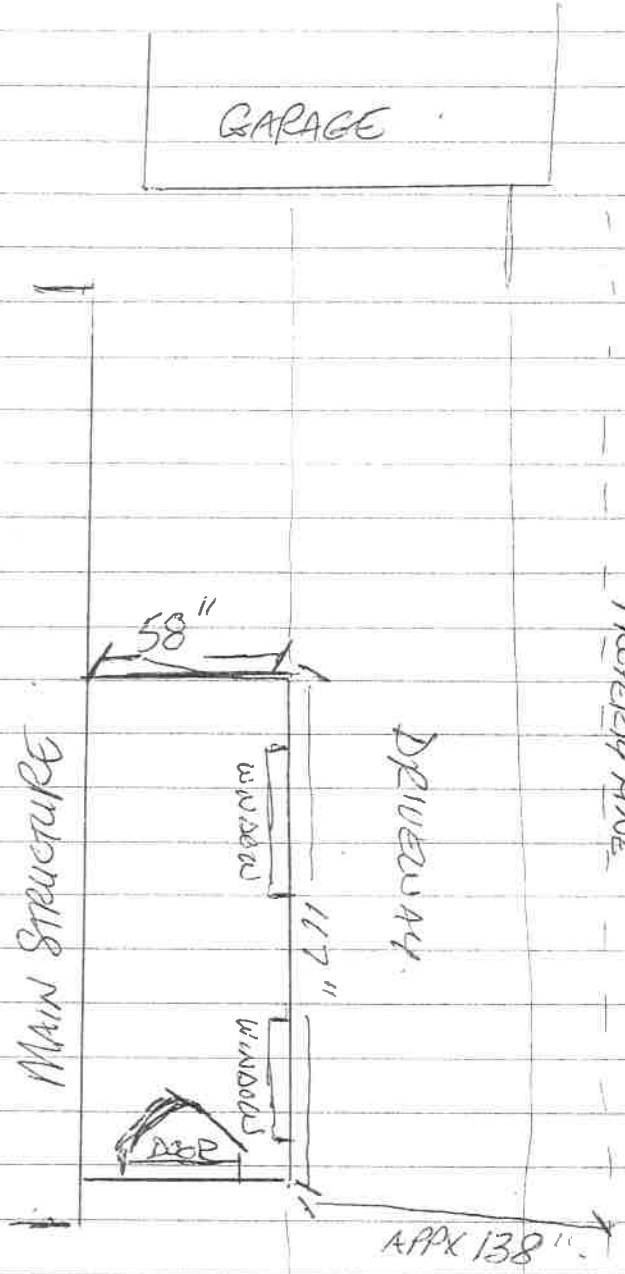
BEAM LEGS: 6x6 PT.
BEAM: TRIPPLE 2x8x10.

SONO TUBE 12"-48" DEEP.

RAFTERS: 2"x8".
ROOF SHEETING: 3/4" PLYWOOD.

36" DOOR.
31 1/2" x 45 1/2" WINDOWS.

TYVEC
3/8 BACKERBOARD.
DOUBLE 7" CEDAR IMPRESSION SIDING.



Plattsburgh, New York

Building & Zoning Dept
41 City Hall Place
Plattsburgh, New York 12901
Ph: 518-563-7707
Fax: 518-563-6426

Plattsburgh

____ USE
CLASS A VARIANCE

_X_ AREA
CLASS B VARIANCE

_____ SUP
SPECIAL USE PERMIT

Date 9-24-2020 Appeal No 2251

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: JOSEPH WHALEN

Applicant's Address: 25 PROSPECT AVE

Telephone No.: (518) 420-9219

Parcel Identification: 221.6-5-28

Location of Request: SAME

Property Owner: SAME

Request Description: ~~FRONT YARD SETBACK~~ COVER EXISTING CONCRETE PATIO + STEPS + EXTEND LENGTH

Zoning District: R1

Section Appealed: FRONT YARD SETBACK

Previous Appeal: No.: X Date:

Identify Applicant's Right to Apply for Variance:

Ownership: _X_ Long Term Lease: ____ Contract To Purchase: ____

Other (Please Explain): ____

Applications for Zoning Variances must be accompanied by:

13 copies of existing and proposed site plan plus original application.
13 copies of existing and proposed floor plan.

The Zoning Board of Appeals 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.

*Signature (Owner/Applicant)

JOSEPH C. WHALEN
Print First and Last Name

Notary Public

LISA M. BEEBIE
Notary Public, State of New York
No. 01BE6396749
Qualified in Clinton County
Commission expires August 6, 2023

***Signatures other than Property Owner require a Letter of Authorization to apply.**

Building and Zoning Department
41 City Hall Place
Plattsburgh, NY 12901
Ph.: 518 563 7707
Fax: 518-563 6426

Plattsburgh

Plattsburgh, New York

PROCEDURE IN APPEALING THE ZONING ORDINANCE
CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION 9-25-2020

ZONING BOARD MEETING DATE 10-19-2020

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 -	$ 50.00
Multiple Dwellings	$150.00
Commercial Properties	$150.00

All checks should be made payable to the "City Chamberlain". 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. **THIRTEEN (13) copies of the entire packet including drawings, site plans and the original application are required** (we recommend the plans be approved before the THIRTEEN (13) 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.

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

STANDARDS OF PROOF - AREA VARIANCE

A. The applicant for an area variance is not entitled to an area variance unless he has furnished competent proof to satisfy the "practical difficulty standard" and that the variance, if granted will not alter the essential character of the neighborhood.

In order to satisfy the practical difficulty standard, the applicant must prove that the Zoning Ordinance as it applies to his land creates significant economic injury and that the variance, if granted, will not produce a substantial change in the character of the neighborhood. The courts of this state hold that "significant economic injury cannot be established except by dollars and cents proof which includes:

1. The original purchase price of the premises.
2. The current market value of the premises without an area variance.
3. The projected market value of the premises with the variance having been granted."

"Projected market value" in item 3 does not include any cost of valuation for the proposed construction. It includes only the current market value without any variance plus the "value of the right to build." The "value of the right to build" may be said to be the "value of the building permit". How much more valuable is the entire property with a building permit allowing the future construction of the proposed work? Projected market value which includes the value of the work to be constructed will be rejected.

Projected market value can be best shown by the in-person testimony of a real estate appraiser who is present at the hearing. Written appraisals may be less satisfactory because the writer is not present to answer any questions.

The difference between the current market value without the variance and the projected market value with the variance is the amount of economic injury. If the Zoning Board of Appeals determines that this economic injury is significant, then the applicant may be entitled to the area variance.

However, if a town official comes forward at the hearing with testimony establishing that it is important in this particular instance to enforce the Zoning Ordinance as it is written, in order to protect the health, safety and welfare, then the application must be denied. It is important to note that such testimony must be by a town official or someone hired by the town to give the testimony. If the Zoning Board of Appeals agrees with the Town Official that it is important in this case to enforce the Zoning Ordinance as written, then the applicant is not entitled to the area variance, unless he presents further testimony that the enforcement of the ordinance as written will deprive him of any reasonable use of his land. If applicant proves that, then he is entitled to the area variance.

B. The second question to be determined by the Zoning Board of Appeals is whether the the propose will alte the essential character of the neighborhood. Will a substantial detriment to adjoining properties be created? If it will, then the variance may be denied.

C. Other Grounds for Denial:

1. Whether the variance applied for is the minimum variance that is necessary.
2. Is the variance sought one that is merely desirable for the greater enjoyment of the property, as opposed to one that is necessary for continued practical utilization of the premises? (Bielak v. Zoning Board of Appeals, 78 AD 2d 435).

STANDARDS OF PROOF - AREA VARIANCE

3. Is this hardship self-created? An area variance cannot be denied solely on the ground of self-created hardship, but is a factor to be considered.

4. Is the plight of the owner due to personal problems of the owner as opposed to matters dealing with the land or buildings? While an area variance may not be denied solely on this basis, it is a factor to be considered.

Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA 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 determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

NO PROJECT WILL ENHANCE PROPERTY

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

NO

(3) Is the requested area variance substantial?

NO

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

NO

(5) Has the alleged difficulty been self-created?
This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

NO

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)

TECH MEMO

Variances

One of the basic powers given by law to a zoning board of appeals is called the "variance" power. The board has the authority to "vary," or modify, the strict letter of a zoning ordinance or local law in cases where this strict interpretation could cause practical difficulties or unnecessary hardships for an individual.

Appeals boards are frequently confronted with requests for variances. There are two types of requests that come before the board, and the standards by which they are judged differ. A use variance is a request to utilize property for a use or activity which is not permitted by the zoning ordinance, and the applicant must demonstrate "unnecessary hardship." An area variance is a request for relief from dimensional standards contained in the zoning ordinance, and it requires a demonstration of "practical difficulty."

The basic standards for determining unnecessary hardship and practical difficulty have been established and refined by the courts in numerous cases.[1]

Use Variance

An individual who wants to utilize property for a use that is not permitted by the zoning ordinance must apply for a use variance. An applicant for a use variance must demonstrate unnecessary hardship by satisfying each of the following three tests:

1. Uniqueness

   The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone AND that these features make it impossible to earn a reasonable return without some adjustment. If the features or conditions are generally applicable throughout the district, a variance should not be granted. In those situations where the difficulty is shared by others, the relief should be accomplished by an amendment to the zoning ordinance, not a variance.

2. Reasonable Return

   The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by the zoning ordinance. There must be a "dollars and cents" proof of the applicant's inability to realize reasonable return; speculation or qualitative assessment is inadequate.[2] Failure to realize the highest return is not considered a hardship.

3. Character

   The applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the "spirit" of the ordinance or local law should be preserved.

The applicant for a use variance must meet all three tests before the appeals board may grant relief. A use variance should not be granted if the "unnecessary hardship" was created by the applicant. If the appeals board grants a use variance to an applicant who has failed to meet each of the tests, it runs the risk of assuming the function of the legislative body and making a decision contrary to the legislative intent of the zoning ordinance.

An increasing number of use variance requests is often the sign of an "aged" zoning regulation. The appeals board should not circumvent the legislative process by granting use variances. Instead, the appeals board should advise the governing body of the need to reexamine and amend the zoning ordinance.

Area Variance

In the case of an area variance, the applicant is seeking modification of dimensional standards, such as yard requirements, set-back lines, lot coverage, frontage requirements or density regulations, so that the property may be utilized for one of the uses permitted by the zoning ordinance. The appeals board may grant relief if the applicant can demonstrate that strict compliance with the regulations would cause practical difficulty.

The determination of practical difficulty is a three-step process.[3]

1. First, the applicant must demonstrate that the application of the zoning ordinance to his property causes significant economic injury.

2. Once the applicant has demonstrated economic injury, then the municipality must show that the regulation in question is reasonably related to a legitimate exercise of the police power.

3. Last, assuming the municipality has met its burden of proof, the applicant must demonstrate that the restrictions, as strictly applied in his case, are unrelated to the public health, safety or welfare of the community and that granting the variance will not adversely affect the community.

In making a determination of practical difficulty, the appeals board may consider:[4]

1. How substantial the variation is in relation to the requirement;

2. The potential effect of increased density on available municipal, county and state facilities and services;

3. Whether the variance will cause a substantial change in the character of the neighborhood;

4. Whether the difficulty can feasibly be mitigated by some other method; or

5. Whether the interests of justice will be served in granting the variance.

The appeals board should grant the minimum relief necessary to allow reasonable use of the land in question. Not every applicant for an area variance is automatically entitled to receive relief. Each application should be carefully considered against the requirement for proof of practical difficulty.

Summary

The major difference between a use variance and an area variance involves the use of the property. An area variance results in a modification of physical restrictions so that an allowable use may be established on the property. By contrast, a use variance permits the establishment of a use which is prohibited by the zoning ordinance and the zoning map. It is for this reason that the standards for a use variance are more stringent than the standards established for an area variance.

Frequently, the appeals board is encouraged to make legislative decisions under the guise of use variance requests. The appeals board should exercise caution when confronted with a request for a use variance, and only grant those which meet the tests established for determining unnecessary hardship. The appeals board should resist the inclination to correct deficiencies in the zoning ordinance through the exercise of its variance power. If particular provisions of the zoning ordinance are inappropriate or unjust, the appeals board should recommend that the legislative body (City Council, Town Board, Board of Trustees) take the necessary steps to amend the ordinance or local law.

[1] Otto v. Steinhilber, 282 NY 71 (1939), Village of Bronxville v. Francis, 150 NYS 2d 906 (1956); Jayne Estates v. Raynor, 22 NY 2d 417 (1968); Douglaston Civic Association, Inc. v. Klein, 51 NY 2d 963 (1980).

[2] Fayetteville v. Jarrold, 53 NY 2d 254 (1981).

[3] Fulling v. Palumbo, 21 NY 2d 30 (1967); National Merrit, Inc. v. Werst, 41 NY 2d 438 (1977).

[4] Weschsberger v. Michaels, 19 Misc 2d 909 (1959).

Department of Planning

Note: This Tech Memo was prepared by the Department of Planning as an informational publication for municipal governments. It is not intended to be a legal opinion.

617.20
Appendix B
Short Environmental Assessment Form

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.

Part 1 - Project and Sponsor Information

Name of Action or Project:
FRONT PORCH EXTENSION

Project Location (describe, and attach a location map):
25 PROSPECT AVE

Brief Description of Proposed Action:
COVER EXISTING CONCRETE PATIO + STEPS WITH PRESSURE TREATED DECK + EXTEND LENGTH OF DECK.

Name of Applicant or Sponsor:
JOSEPH E. WHALEN

Telephone: (518) 420-8218
E-Mail: joe.g.whalen@gmail.com

Address:
25 PROSPECT AVE

City/PO:
PLATTSBURGH

State:
N.Y.

Zip Code:
12901

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action? ____ acres
b. Total acreage to be physically disturbed? ____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? ____ acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): ____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:	NO ☑	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☑	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐	
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 ☑	YES ☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: N/A	☑	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: N/A	☑	☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☑	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☑	☐	
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 ☑	YES ☐	
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: _____	☑	☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	NO ☑	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	☑	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Date: 9-24-20

Signature: Joseph L. Wilson

Zoning Board to Fill out. Applicant does not fill out Part 2.

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

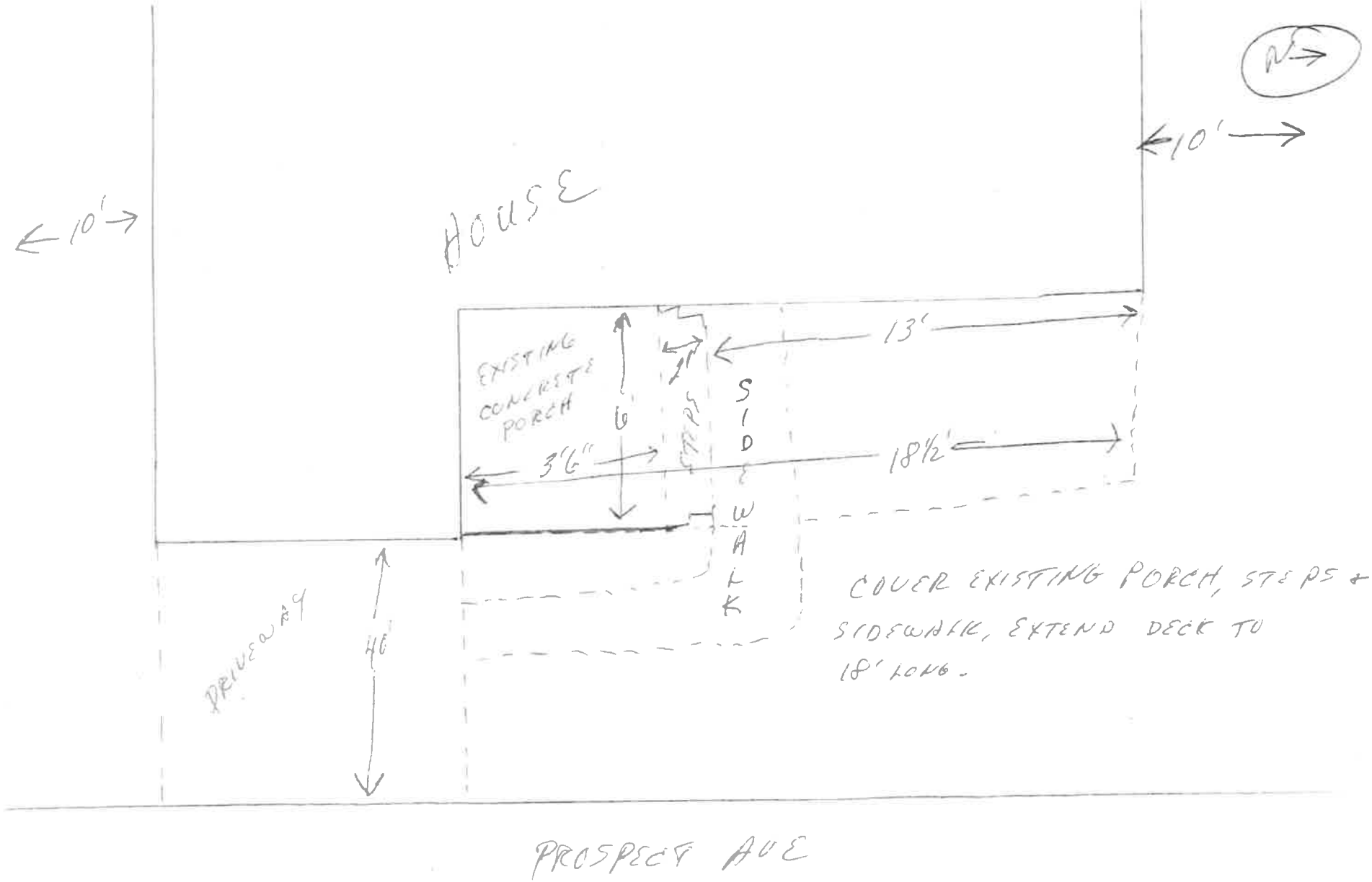
Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

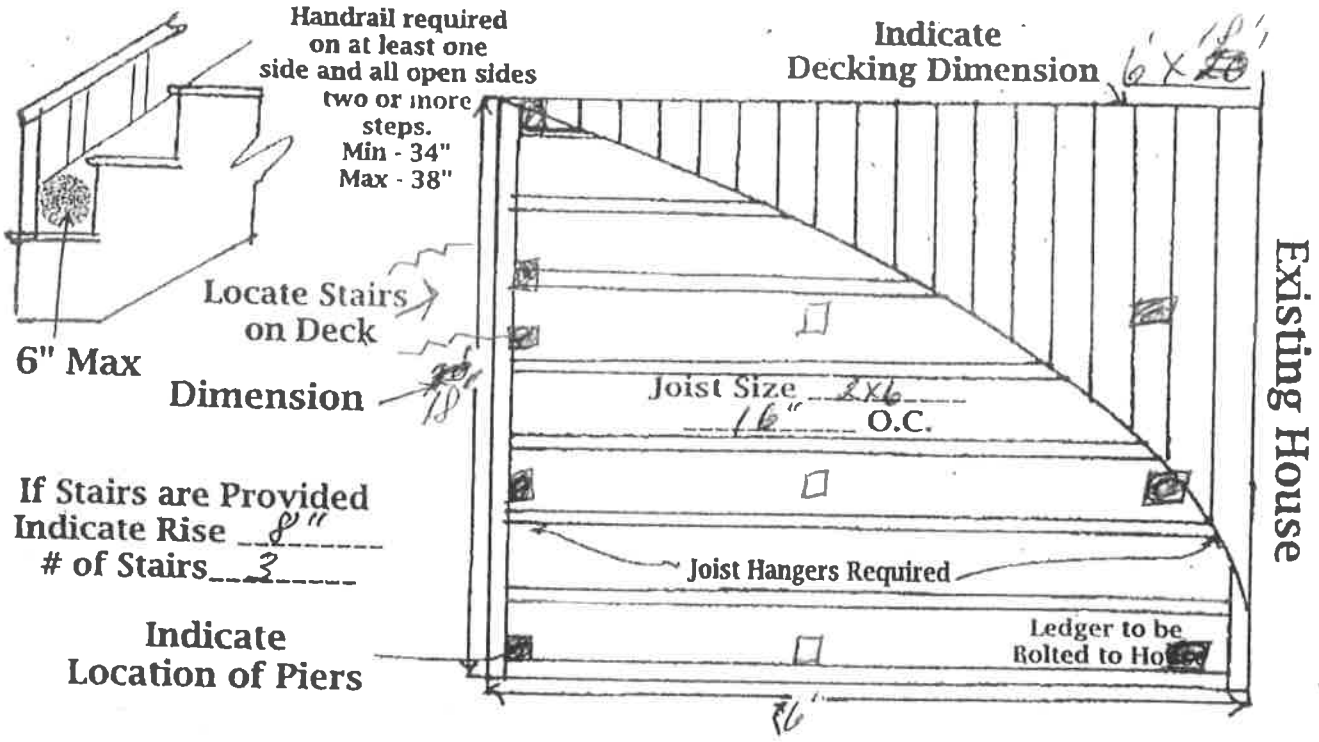
☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

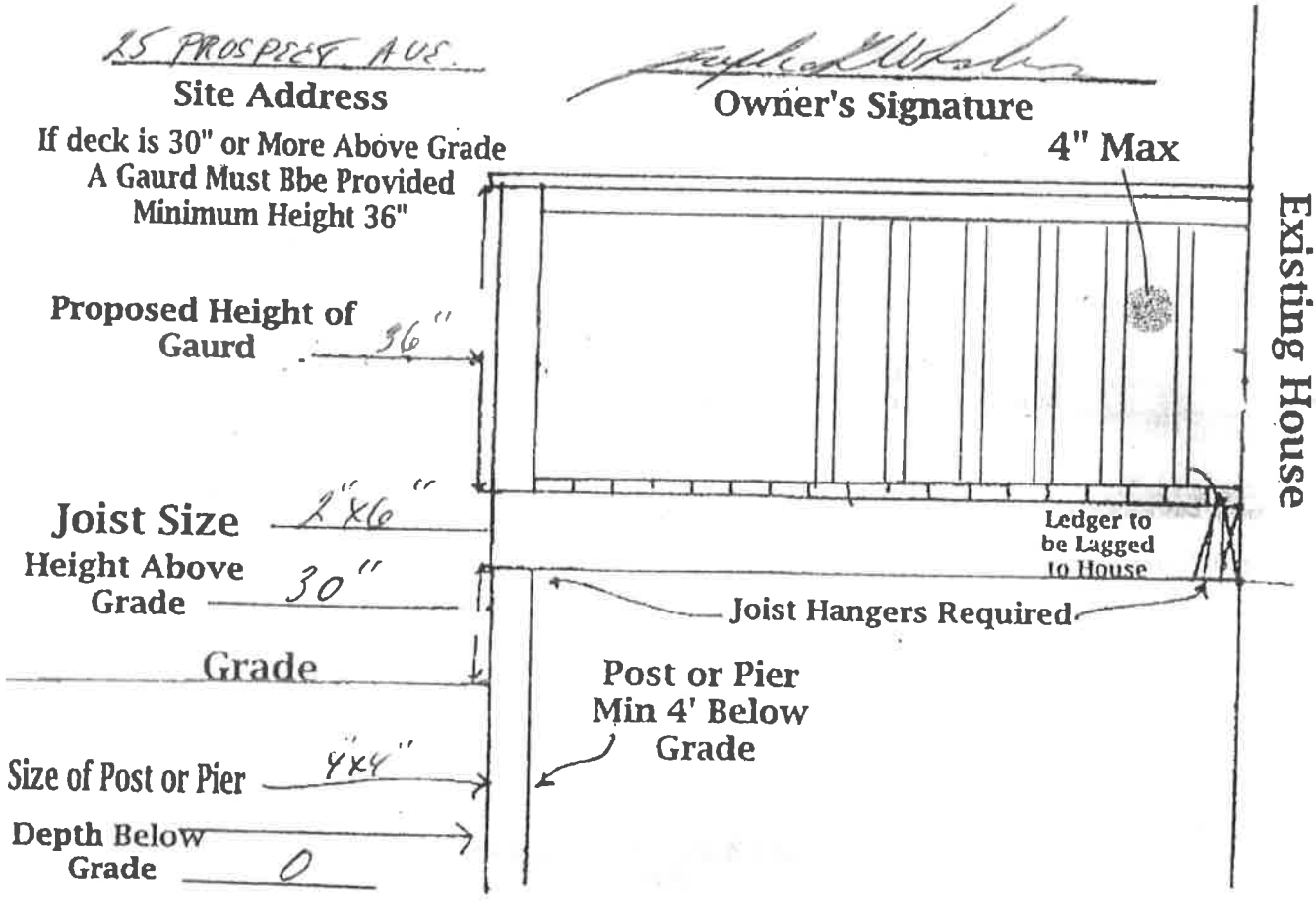
PRINT


N
10'
10'
HOUSE
EXISTING CONCRETE PORCH
6'
2'
STEPS
SIDEWALK
13'
3'6"
18½'
DRIVEWAY
40'
COVER EXISTING PORCH, STEPS + SIDEWALK, EXTEND DECK TO 18' LONG.
PROSPECT AVE



25 PROSPECT AVE.
Site Address

Owner's Signature



INSTRUCTIONS

THIS APPLICATION IS DESIGNED TO ENCOMPASS ALL ASPECTS AND SCOPE OF PROJECT. IN SOME CASES THE INFORMATION REQUESTED MAY NOT APPLY TO YOUR PROJECT. PLEASE FILL OUT ALL INFORMATION REQUESTED THAT APPLIES TO YOUR REQUEST IN INK.

AT THE DISCRETION OF THE BUILDING INSPECTOR A PLOT PLAN OR SITE PLAN SIGNED AND SEALED BY A NEW YORK STATE LICENSED SURVEYOR OR ENGINEER MAY BE REQUESTED. IF NOT REQUESTED THAN PLEASE FILL OUT THE SAMPLE PLAN PROVIDED BELOW.

THIS APPLICATION MUST BE ACCOMPANIED BY A COMPLETE SET OF BUILDING PLANS AND JOB SPECIFICATIONS. IF THE PROJECT INCLUDES ELECTRICAL WORK THAN A SECOND SET OF PLANS MUST BE INCLUDED. THIS ELECTRICAL WORK WILL BE REQUIRED TO BE INSPECTED BY AN APPROVED ELECTRICAL INSPECTION SERVICE.

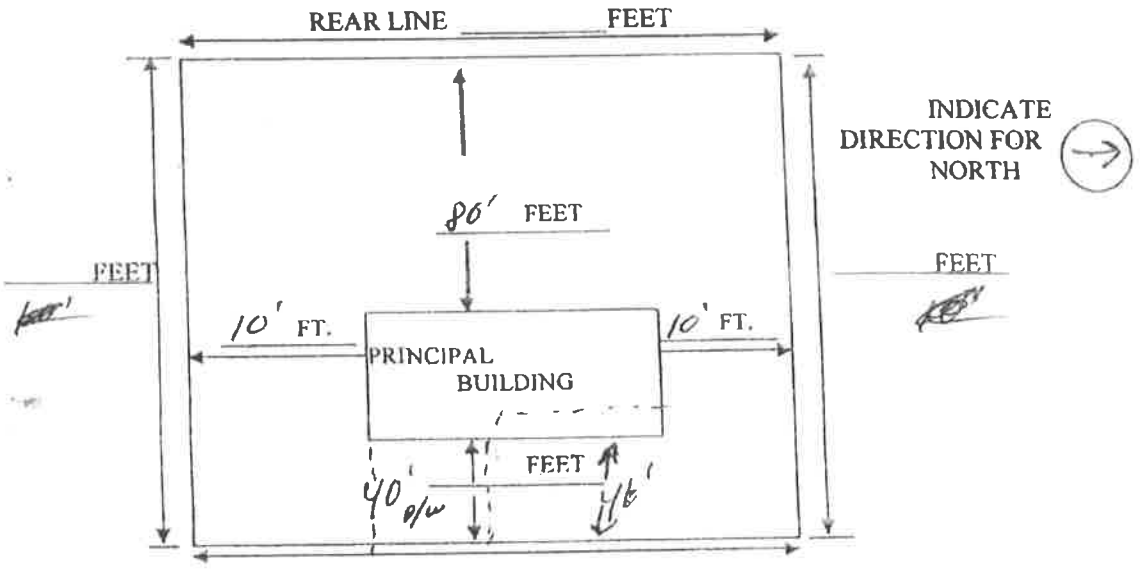
WORK ON THIS APPLIED FOR PROJECT MAY NOT START UNTIL A BUILDING PERMIT HAS BEEN ISSUED UNLESS PERMISSION HAS BEEN GRANTED BY THE BUILDING INSPECTOR.

COST OF THE WORK DESCRIBED IN THE APPLICATION FOR BUILDING PERMIT INCLUDE THE COST OF ALL OF THE CONSTRUCTION AND OTHER WORK DONE IN CONNECTION THEREIN, EXCLUSIVE OF THE COST OF THE LAND. IF FINAL COST EXCEED ESTIMATED COST. THAN AN ADDITIONAL FEE MAY BE REQUIRED BEFORE A CERTIFICATE OF OCCUPANCY CAN BE ISSUED

ANY DEVIATION FROM THE SUBMITTED PLANS MUST BE SUBMITTED IN WRITING AND APPROVED BY THE BUILDING INSPECTOR OR HIS DESIGNEE.

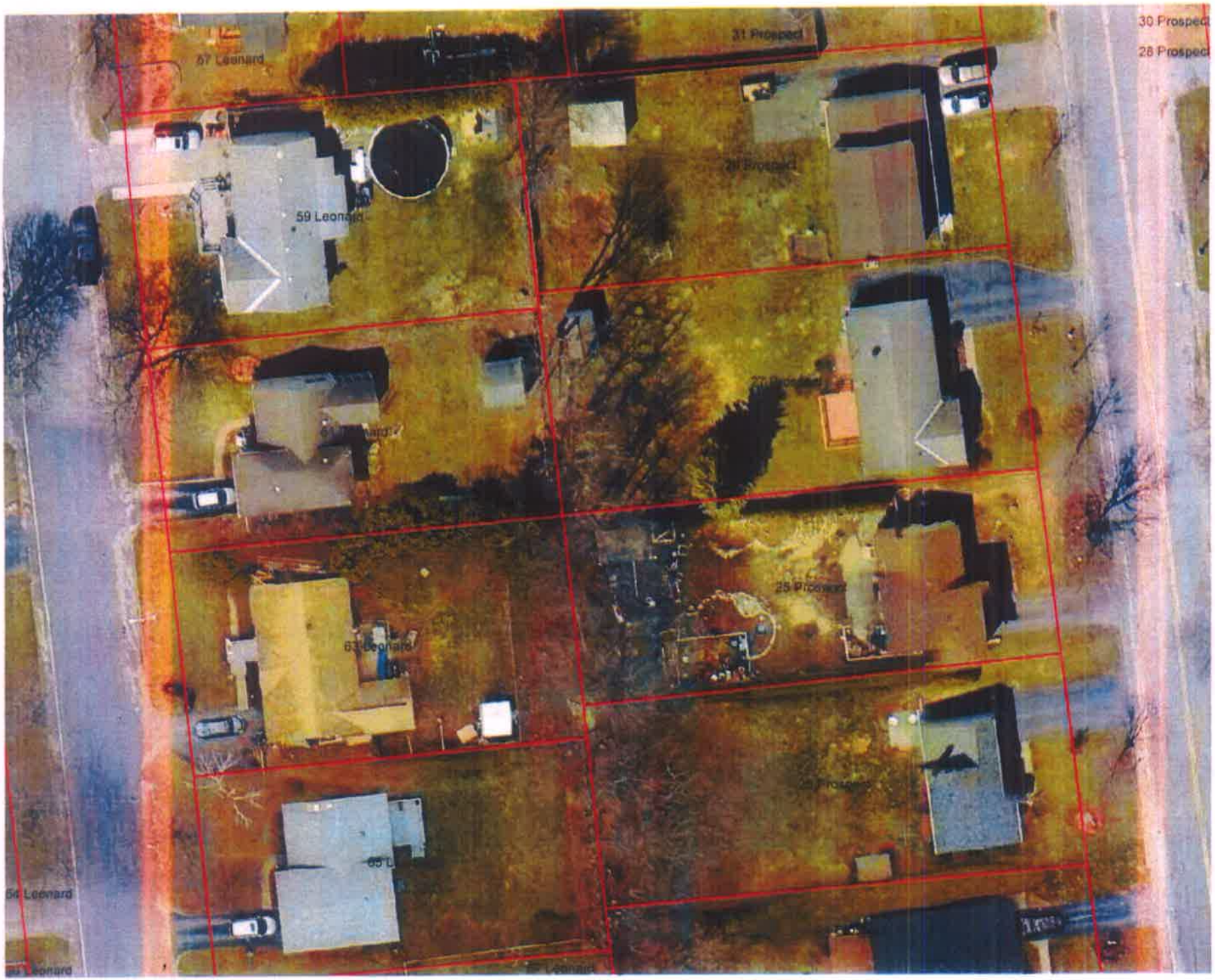
PLOT DIAGRAM

LOCATE CLEARLY AND DISTINCTLY, ALL BUILDINGS WHETHER EXISTING OR PROPOSED AND INDICATE ALL SET BACK DIMENSIONS FROM THE PROPERTY LINES, SHOW ALL EASEMENTS AND STREET NAMES AND INDICATE WHETHER INTERIOR OR CORNER LOT, OR SUPPLY AN APPROVED PLOT PLAN SHOWING ALL THE ABOVE REQUIREMENTS.



STREET NAME: PROSPECT AVE

BUILDING PERMIT EXPIRES 6 MONTHS FROM DATE OF ISSUE UNLESS SUBSTANTIAL ACTUAL CONSTRUCTION HAS COMMENCED. BUILDING PERMIT EXPIRES 2 YEARS FROM DATE OF ISSUANCE


57 Leonard
31 Prospect
30 Prospect
28 Prospect
59 Leonard
29 Prospect
25 Prospect
63 Leonard
54 Leonard

Plattsburgh, New York

Plattsburgh

Building & Zoning Dept.
41 City Hall Place
Plattsburgh, New York 12901
Ph: 518-563-7707
Fax: 518-563-6426

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

Date: 9/24/20 Appeal No.: 2252

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: Maria Hurteau

Applicant's Address: 6 South Acres Rd
Plattsburgh, NY 12901

Telephone No.: 518-524-6788

Parcel Identification: 221.15-6-16

Location of Request: 6 South Acres Rd, Plattsburgh, NY 12901

Property Owner: Maria Hurteau

Request Description: Installation of 8 foot high fencing along house

Zoning District: R-2

Section Appealed:

Previous Appeal: No.: Date:

Identify Applicant's Right to Apply for Variance:

Ownership: ✓ Long Term Lease: Contract To Purchase:

Other (Please Explain):

Applications for Zoning Variances must be accompanied by:
13 copies of existing and proposed site plan plus original application.
13 copies of existing and proposed floor plan.

The Zoning Board of Appeals 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.

*Maria Hurteau
Signature (Owner/Applicant)

Maria Hurteau
Print First and Last Name

Notary Public

LISA M. BEEBIE
Notary Public, State of New York
No. 01BE6395749
Qualified in Clinton County
Commission expires August 5, 20 23

***Signatures other than Property Owner require a Letter of Authorization to apply**

Building and Zoning Department
41 City Hall Place
Plattsburgh, New York 12901
Ph. (518) 563 7707

Plattsburgh

Plattsburgh, New York

PROCEDURE IN APPEALING THE ZONING ORDINANCE
SPECIAL USE PERMIT

DEADLINE FOR FILING APPLICATION 9|25|20

ZONING BOARD MEETING DATE 10|19|20 @7pm

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
Multiple Dwellings	$150.00
Commercial Properties	$150.00

All checks should be made payable to the "City Chamberlain". 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. **Thirteen (13) copies of the application, drawings and plans are required, plus the original application.** We recommend the plans be approved before the thirteen (13) 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 issued 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.

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 followin 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 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.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Installation of 8foot high fencing		
Project Location (describe, and attach a general location map) 6 S. Acres Rd, Plattsburgh - please see attached diagram		
Brief Description of Proposed Action (include purpose or need): Installation of 8ft high fencing panels by Freedom Fencing for safety and privacy purposes.		
Name of Applicant/Sponsor: Maria Hurteau	Telephone: 518-524-6788 E-Mail mariah6093@yahoo.com	
Address: 6 S. Acres Road		
City/PO: Plattsburgh	State: NY	Zip Code: 12901
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☐Yes☒No		
b. City, Town or Village Planning Board or Commission ☐Yes☒No		
c. City Council, Town or Village Zoning Board of Appeals ☐Yes☒No		
d. Other local agencies ☐Yes☒No		
e. County agencies ☐Yes☒No		
f. Regional agencies ☐Yes☒No		
g. State agencies ☐Yes☒No		
h. Federal agencies ☐Yes☒No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☒No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☒No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☒No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒Yes☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐Yes☒No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes☒No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☒No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No
If Yes,
i. What is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located? City of Plattsburgh

b. What police or other public protection forces serve the project site?
City of Plattsburgh Police + Fire.

c. Which fire protection and emergency medical services serve the project site?
City of Plattsburgh

d. What parks serve the project site?
None

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?
residential

b. a. Total acreage of the site of the proposed action? <1 acres
b. Total acreage to be physically disturbed? <1 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <1 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☒ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? ☐ Yes ☒ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☒ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☒ No

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☒ No

If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☒ No

ix. Summarize site reclamation goals and plan _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description) _____

ii. Describe how the proposed action would affect that waterbody or wetland (e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☒ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☒ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

- Do existing sewer lines serve the project site? ☐Yes ☒No
- Will line extension within an existing district be necessary to serve the project? ☐Yes ☒No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☒No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☒No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☒No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☒No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☒No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☒No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____ Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____ Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☒No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii Describe any methane capture, control or elimination measures included in project design (e g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☒No

If Yes: Describe operations and nature of emissions (e g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☒No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend

☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☒No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

_____

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☒No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☒ No

If yes:

i. Provide details including sources, time of day and duration:

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe:

l. Will the proposed action have outdoor lighting? ☐ Yes ☒ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No

If Yes:

i. Product(s) to be stored

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities:

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:
- Operation:

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:
- Operation:

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents. _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No

i. If Yes: explain _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No

If Yes,

i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? ☐Yes ☐No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes ☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? ☐Yes ☐No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ _____ %
_____ _____ %
_____ _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☐ Well Drained: _____% of site
☐ Moderately Well Drained _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐Yes ☐No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐Yes ☐No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐Yes ☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐Yes ☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☐No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes ☐No

j. Is the project site in the 100 year Floodplain? ☐Yes ☐No

k. Is the project site in the 500 year Floodplain? ☐Yes ☐No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐Yes ☐No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site

n. Does the project site contain a designated significant natural community? ☐Yes ☐No

If Yes:

i Describe the habitat/community (composition, function, and basis for designation):

ii Source(s) of description or evaluation:

iii Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☐No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☐No

If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☒No

If Yes, provide county plus district name/number:

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☒No

i. If Yes: acreage(s) on project site?

ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☒No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☒No

If Yes:

i. CEA name:

ii. Basis for designation:

iii. Designating agency and date:

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☒ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii Name: _____

iii. Brief description of attributes on which listing is based

_____

f. 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? ☐ Yes ☒ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No

If Yes:

i. Describe possible resource(s): _____

ii Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☒ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Maureen Hutteall Date 9/24/20

Signature Maureen Hutteall Title owner

PRINT FORM

Plattsburgh, New York

Building & Zoning Dept.
41 City Hall Place
Plattsburgh, New York 12901
Ph: 518-563-7797
Fax: 518-563-6426

Plattsburgh

____ USE — CLASS A VARIANCE

X AREA — CLASS B VARIANCE

____ SUP — SPECIAL USE PERMIT

Date: 9-24-2020 Appeal No.: 2253

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: Katherine Grabda Krystal Lewis

Applicant's Address: 120 Oak Street 863 Fiske Road
Plattsburgh, NY 12901 West Chazy, NY 12992

Telephone No.: 518 335-1119 518-593-2157

Parcel Identification: 207.20-6-1

Location of Request: 22 Guy Way Plattsburgh, NY 12901

Property Owner: Gabe Girard

Request Description: Use a portion (1500 sq ft) of building for private fitness studio

Zoning District: B2

Section Appealed: 360-18 A

Previous Appeal: No.: Date:

Identify Applicant's Right to Apply for Variance:

Ownership: Long Term Lease: Contract To Purchase:

Other (Please Explain): Rent month to month

Applications for Zoning Variances must be accompanied by:
13 copies of existing and proposed site plan plus original application.
13 copies of existing and proposed floor plan.

The Zoning Board of Appeals 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.

* Signature (Owner/Applicant)

Krystal Lewis
Print First and Last Name

Notary Public

LISA M. BEEBIE
Notary Public, State of New York
No. 01BE6395749
Qualified in Clinton County
Commission expires August 5, 2021

*Signatures other than Property Owner require a Letter of Authorization to apply.

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

STANDARDS OF PROOF - AREA VARIANCE

A. The applicant for an area variance is not entitled to an area variance unless he has furnished competent proof to satisfy the "practical difficulty standard" and that the variance, if granted will not alter the essential character of the neighborhood.

In order to satisfy the practical difficulty standard, the applicant must prove that the Zoning Ordinance as it applies to his land creates significant economic injury and that the variance, if granted, will not produce a substantial change in the character of the neighborhood. The courts of this state hold that "significant economic injury cannot be established except by dollars and cents proof which includes:

1. The original purchase price of the premises.
2. The current market value of the premises without an area variance.
3. The projected market value of the premises with the variance having been granted."

"Projected market value" in item 3 does not include any cost of valuation for the proposed construction. It includes only the current market value without any variance plus the "value of the right to build." The "value of the right to build" may be said to be the "value of the building permit". How much more valuable is the entire property with a building permit allowing the future construction of the proposed work? Projected market value which includes the value of the work to be constructed will be rejected.

Projected market value can be best shown by the in-person testimony of a real estate appraiser who is present at the hearing. Written appraisals may be less satisfactory because the writer is not present to answer any questions.

The difference between the current market value without the variance and the projected market value with the variance is the amount of economic injury. If the Zoning Board of Appeals determines that this economic injury is significant, then the applicant may be entitled to the area variance.

However, if a town official comes forward at the hearing with testimony establishing that it is important in this particular instance to enforce the Zoning Ordinance as it is written, in order to protect the health, safety and welfare, then the application must be denied. It is important to note that such testimony must be by a town official or someone hired by the town to give the testimony. If the Zoning Board of Appeals agrees with the Town Official that it is important in this case to enforce the Zoning Ordinance as written, then the applicant is not entitled to the area variance, unless he presents further testimony that the enforcement of the ordinance as written will deprive him of any reasonable use of his land. If applicant proves that, then he is entitled to the area variance.

B. The second question to be determined by the Zoning Board of Appeals is whether the the propose will alte the essential character of the neighborhood. Will a substantial detriment to adjoining properties be created? If it will, then the variance may be denied.

C. Other Grounds for Denial:

1. Whether the variance applied for is the minimum variance that is necessary.
2. Is the variance sought one that is merely desirable for the greater enjoyment of the property, as opposed to one that is necessary for continued practical utilization of the premises? (Bielak v. Zoning Board of Appeals, 78 AD 2d 435).

STANDARDS OF PROOF - AREA VARIANCE

3. Is this hardship self-created? An area variance cannot be denied solely on the ground of self-created hardship, but is a factor to be considered.

4. Is the plight of the owner due to personal problems of the owner as opposed to matters dealing with the land or buildings? While an area variance may not be denied solely on this basis, it is a factor to be considered.

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)

Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA 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 determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

NO, the building will be used minimally.

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

NO

(3) Is the requested area variance substantial?

NO, 1500 Sq ft of the building will be used approx 6-8 hrs/wk

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

NO

(5) Has the alleged difficulty been self-created?
This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

NO

Variances

One of the basic powers given by law to a zoning board of appeals is called the "variance" power. The board has the authority to "vary," or modify, the strict letter of a zoning ordinance or local law in cases where this strict interpretation could cause practical difficulties or unnecessary hardships for an individual.

Appeals boards are frequently confronted with requests for variances. There are two types of requests that come before the board, and the standards by which they are judged differ. A use variance is a request to utilize property for a use or activity which is not permitted by the zoning ordinance, and the applicant must demonstrate "unnecessary hardship." An area variance is a request for relief from dimensional standards contained in the zoning ordinance, and it requires a demonstration of "practical difficulty."

The basic standards for determining unnecessary hardship and practical difficulty have been established and refined by the courts in numerous cases.[1]

Use Variance

An individual who wants to utilize property for a use that is not permitted by the zoning ordinance must apply for a use variance. An applicant for a use variance must demonstrate unnecessary hardship by satisfying each of the following three tests:

1. Uniqueness

   The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone AND that these features make it impossible to earn a reasonable return without some adjustment. If the features or conditions are generally applicable throughout the district, a variance should not be granted. In those situations where the difficulty is shared by others, the relief should be accomplished by an amendment to the zoning ordinance, not a variance.

2. Reasonable Return

   The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by the zoning ordinance. There must be a "dollars and cents" proof of the applicant's inability to realize reasonable return; speculation or qualitative assessment is inadequate.[2] Failure to realize the highest return is not considered a hardship.

3. Character

   The applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the "spirit" of the ordinance or local law should be preserved.

The applicant for a use variance must meet all three tests before the appeals board may grant relief. A use variance should not be granted if the "unnecessary hardship" was created by the applicant. If the appeals board grants a use variance to an applicant who has failed to meet each of the tests, it runs the risk of assuming the function of the legislative body and making a decision contrary to the legislative intent of the zoning ordinance.

An increasing number of use variance requests is often the sign of an "aged" zoning regulation. The appeals board should not circumvent the legislative process by granting use variances. Instead, the appeals board should advise the governing body of the need to reexamine and amend the zoning ordinance.

Area Variance

In the case of an area variance, the applicant is seeking modification of dimensional standards, such as yard requirements, set-back lines, lot coverage, frontage requirements or density regulations, so that the property may be utilized for one of the uses permitted by the zoning ordinance. The appeals board may grant relief if the applicant can demonstrate that strict compliance with the regulations would cause practical difficulty.

The determination of practical difficulty is a three-step process.[3]

1. First, the applicant must demonstrate that the application of the zoning ordinance to his property causes significant economic injury.

2. Once the applicant has demonstrated economic injury, then the municipality must show that the regulation in question is reasonably related to a legitimate exercise of the police power.

3. Last, assuming the municipality has met its burden of proof, the applicant must demonstrate that the restrictions, as strictly applied in his case, are unrelated to the public health, safety or welfare of the community and that granting the variance will not adversely affect the community.

In making a determination of practical difficulty, the appeals board may consider:[4]

1. How substantial the variation is in relation to the requirement;

2. The potential effect of increased density on available municipal, county and state facilities and services;

3. Whether the variance will cause a substantial change in the character of the neighborhood;

4. Whether the difficulty can feasibly be mitigated by some other method; or

5. Whether the interests of justice will be served in granting the variance.

The appeals board should grant the minimum relief necessary to allow reasonable use of the land in question. Not every applicant for an area variance is automatically entitled to receive relief. Each application should be carefully considered against the requirement for proof of practical difficulty.

Summary

The major difference between a use variance and an area variance involves the use of the property. An area variance results in a modification of physical restrictions so that an allowable use may be established on the property. By contrast, a use variance permits the establishment of a use which is prohibited by the zoning ordinance and the zoning map. It is for this reason that the standards for a use variance are more stringent than the standards established for an area variance.

Frequently, the appeals board is encouraged to make legislative decisions under the guise of use variance requests. The appeals board should exercise caution when confronted with a request for a use variance, and only grant those which meet the tests established for determining unnecessary hardship. The appeals board should resist the inclination to correct deficiencies in the zoning ordinance through the exercise of its variance power. If particular provisions of the zoning ordinance are inappropriate or unjust, the appeals board should recommend that the legislative body (City Council, Town Board, Board of Trustees) take the necessary steps to amend the ordinance or local law.

[1] Otto v. Steinhilber, 282 NY 71 (1939), Village of Bronxville v. Francis, 150 NYS 2d 906 (1956); Jayne Estates v. Raynor, 22 NY 2d 417 (1968); Douglaston Civic Association, Inc. v. Klein, 51 NY 2d 963 (1980).

[2] Fayetteville v. Jarrold, 53 NY 2d 254 (1981).

[3] Fulling v. Palumbo, 21 NY 2d 30 (1967); National Merrit, Inc. v. Werst, 41 NY 2d 438 (1977).

[4] Waschsberger v. Michalis, 19 Misc 2d 909 (1959).

Department of Planning

Note: This Tech Memo was prepared by the Department of Planning as an informational publication for municipal governments. It is not intended to be a legal opinion.

617.20
Appendix B
Short Environmental Assessment Form

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.

Part 1 - Project and Sponsor Information

Name of Action or Project:
The Klubhouse, llc.

Project Location (describe, and attach a location map):
22 Guy Way Plattsburgh, NY 12901

Brief Description of Proposed Action:
Using 1500 Sq ft of building for small fitness classes.

Name of Applicant or Sponsor:	Telephone: 518 335-1119 / 518-593-2157
Katherine Grabda / Krystal Lewis	E-Mail: Theklubhouse2020@gmail.com

Address:
120 Oak St 863 Fiske Rd, West Chazy, NY

City/PO:	State:	Zip Code:
Plattsburgh, NY 12901 12992		

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.	☒	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Zoning Permit	☐	☒

3.a. Total acreage of the site of the proposed action? N/A acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☒	☐	☐
b. Consistent with the adopted comprehensive plan?	☒	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☒	YES ☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☒	
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 ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☐	YES ☒	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☒	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
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 ☒	YES ☐	
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: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☒ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☒	☐
16. Is the project site located in the 100 year flood plain?	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☒	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: K _____ Date: 9/24/2020

Signature: Katherine Gruhda

Zoning Board to Fill out. Applicant does not fill out Part 2.

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

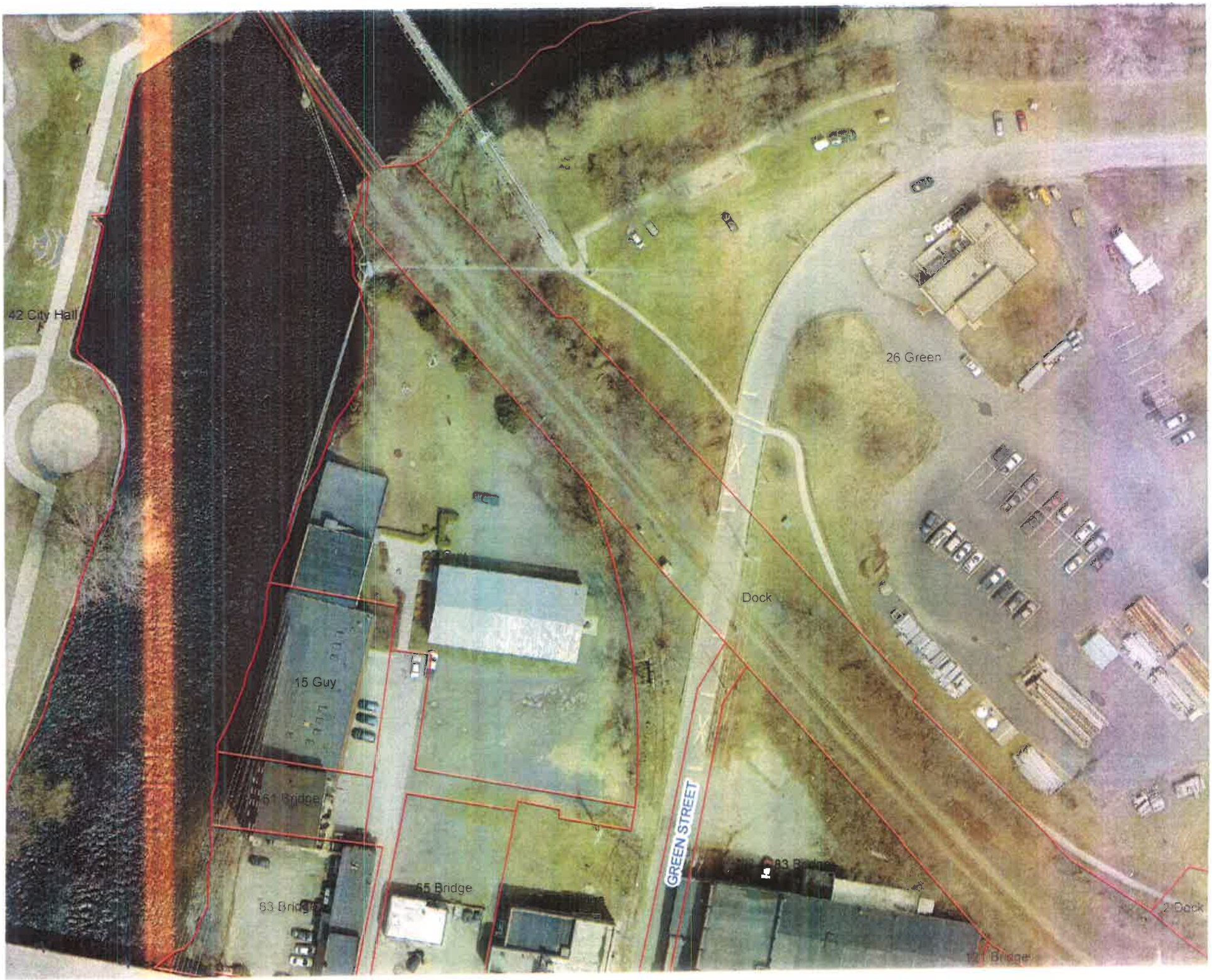
Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT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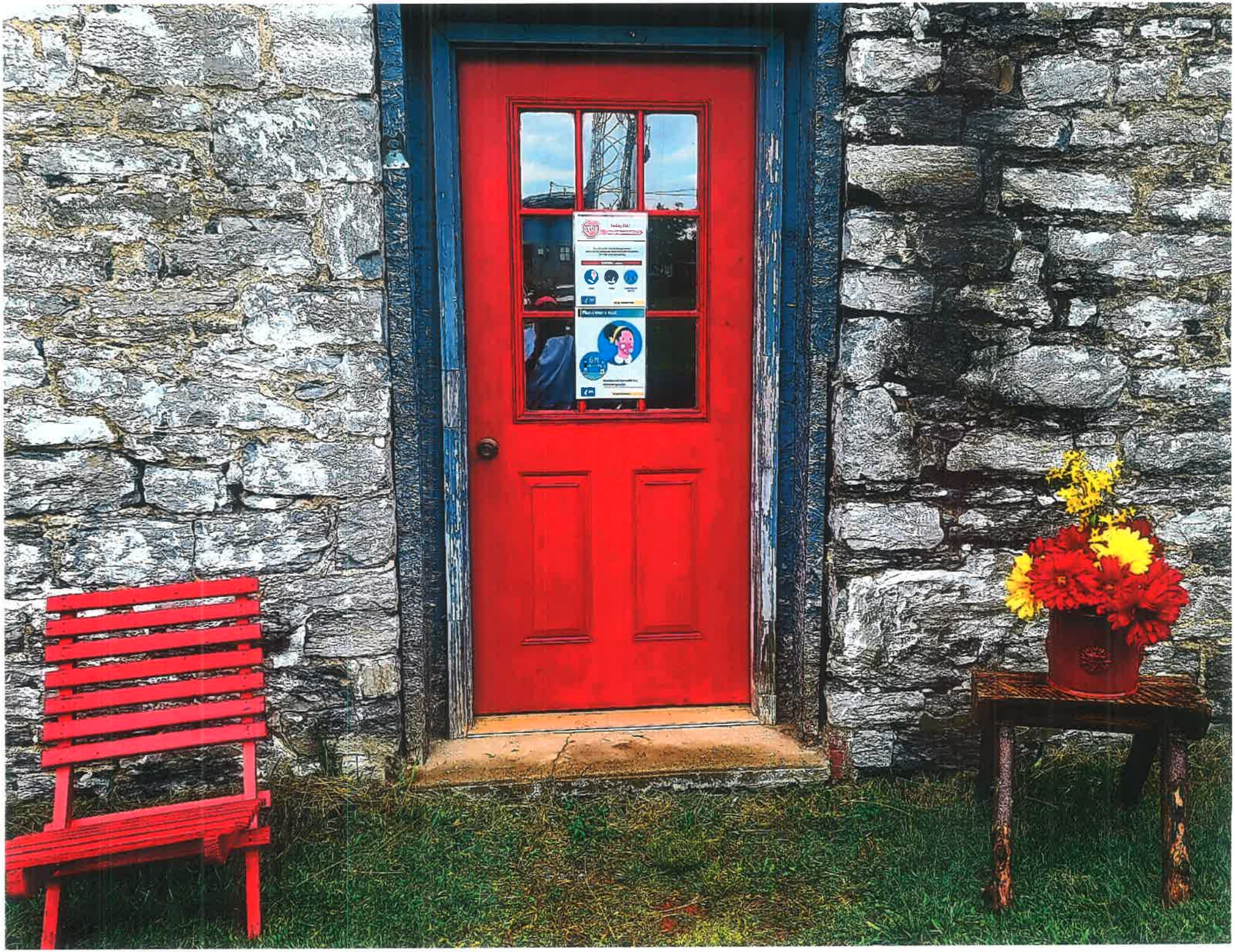
Dock
15 Guy
61 Bridge
63 Bridge
65 Bridge
GREEN STREET
83 Bridge
2 Dock
121 Bridge



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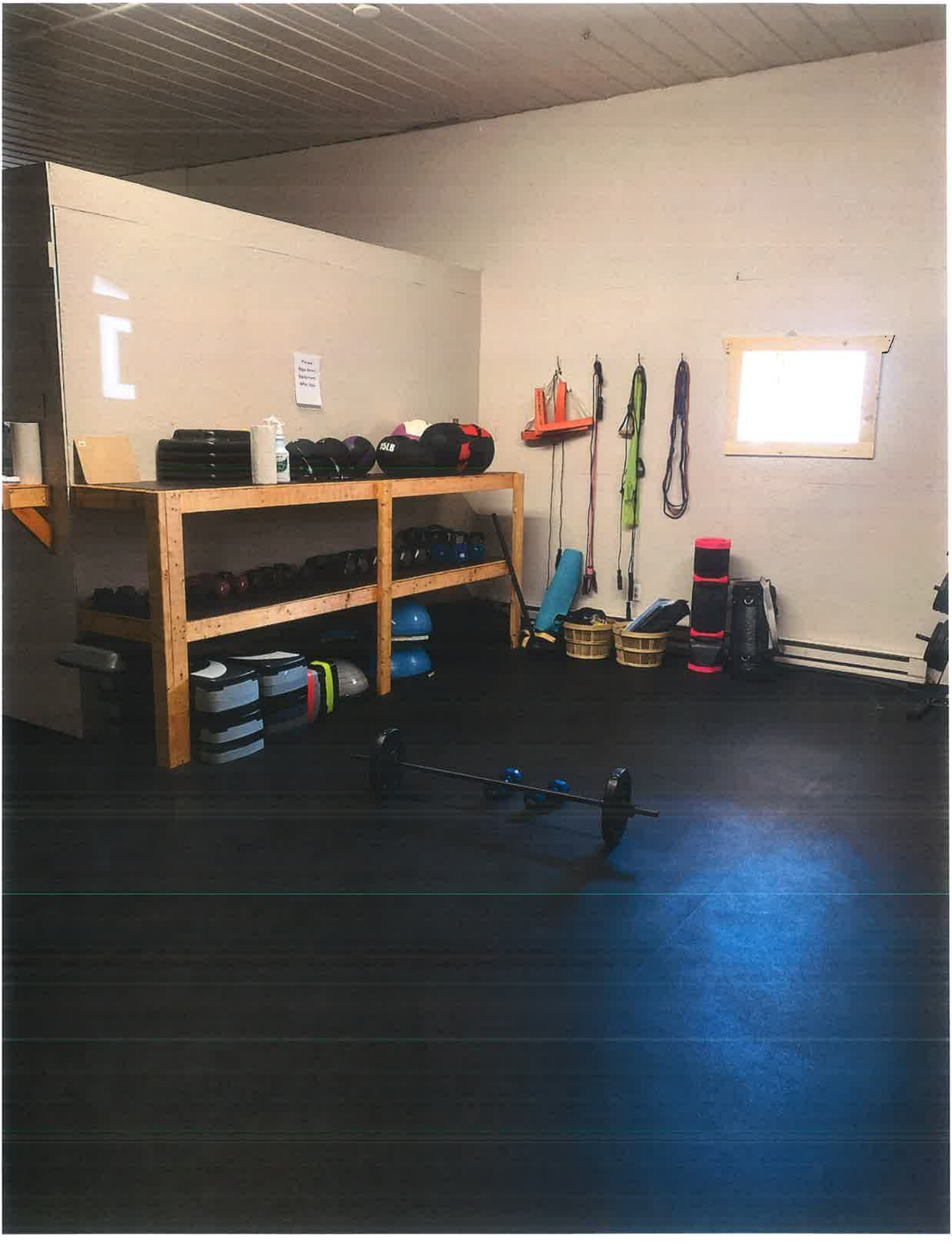
6FT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Plattsburgh, NewYork

Building and Zoning Department
41 City Hall Place
Plattsburgh, New York 12901
Ph: (518) 563-7707
Fax: (518) 563-6426

PROCEDURE IN APPEALING THE ZONING ORDINANCE
SPECIAL USE PERMIT

DEADLINE FOR FILING APPLICATION December 20, 2019

ZONING BOARD MEETING DATE January 20, 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
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. **THIRTEEN (13) copies of the application and THE ORIGINAL APPLICATION, of drawings and site plans are required** (we recommend the plans be approved before the THIRTEEN (13) 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 issued of the Press-Republican newspaper not less than five nor more than ten (10) 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, NewYork

Building & Zoning Dept
41 City Hall Place
Plattsburgh, New York 12901
Ph: 518-563-7707
Fax: 518-563-6426

_____USE CLASS A VARIANCE _____AREA CLASS B VARIANCE ✓ SUP SPECIAL USE PERMIT

Date: 12/19/19 Appeal No.:_____

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: City of Plattsburgh

Applicant's Address: 41 City Hall Place
Plattsburgh, NY 12901

Telephone No.: 518-536-7520

Parcel Identification: 207.20-7-15

Location of Request: Durkee St.

Property Owner: City of Plattsburgh

Request Description: Special Use Permit to amend boundaries of existing Planned Unit Development

Zoning District:

Section Appealed: 360-31 (Special Use Permits)

Previous Appeal: No.:_____ Date: _____

Identify Applicant's Right to Apply for Variance:

Ownership: ✓ Long Term Lease: _____ Contract To Purchase: _____

Other (Please Explain): _____

Applications for Zoning Variances must be accompanied by:
13 copies of existing and proposed site plan
13 copies of existing and proposed floor plan

The Zoning Board of Appeals 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.

* M Miller
Signature (Owner/Applicant)

Matthew Miller
Print First and Last Name

Shelise A. Marbut
Notary Public

SHELISE A. MARBUT
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01MA6365804
QUALIFIED IN CLINTON COUNTY
COMMISSION EXPIRES OCTOBER 16, 2021

***Signatures other than the Property Owner, require a Letter of Authorization to apply.**

Plattsburgh, NewYork

Building and Zoning Department
41 City Hall Place
Plattsburgh, New York 12901
Ph: (518) 563-7707
Fax: (518) 563-6426

PROCEDURE IN APPEALING THE ZONING ORDINANCE
SPECIAL USE PERMIT

DEADLINE FOR FILING APPLICATION December 20, 2019

ZONING BOARD MEETING DATE January 20, 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.

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2. Notify, by letter, all property owners within 500 feet of the appeal property location of your request.

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Thank you for your cooperation.

Plattsburgh, NewYork

Building & Zoning Dept
41 City Hall Place
Plattsburgh, New York 12901
Ph: 518-563-7707
Fax: 518-563-6426

_____ USE — CLASS A VARIANCE
_____ AREA — CLASS B VARIANCE
✓ SUP — SPECIAL USE PERMIT

Date: 12/19/19 Appeal No.: _____

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: City of Plattsburgh

Applicant's Address: 41 City Hall Place
Plattsburgh, NY 12901

Telephone No.: 518-536-7520

Parcel Identification: 207.20-7-15

Location of Request: Durkee St.

Property Owner: City of Plattsburgh

Request Description: Special Use Permit for use of apartments on the first floor of a multistory building within a Planned Unit Development

Zoning District: _____

Section Appealed: 360-31 (Special Use Permits)

Previous Appeal: No.: _____ Date: _____

Identify Applicant's Right to Apply for Variance:

Ownership: ✓ Long Term Lease: _____ Contract To Purchase: _____

Other (Please Explain): _____

Applications for Zoning Variances must be accompanied by:
13 copies of existing and proposed site plan
13 copies of existing and proposed floor plan

The Zoning Board of Appeals 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.

* M Miller
Signature (Owner/Applicant)

Matthew Miller
Print First and Last Name

Shelise A. Marbut
Notary Public

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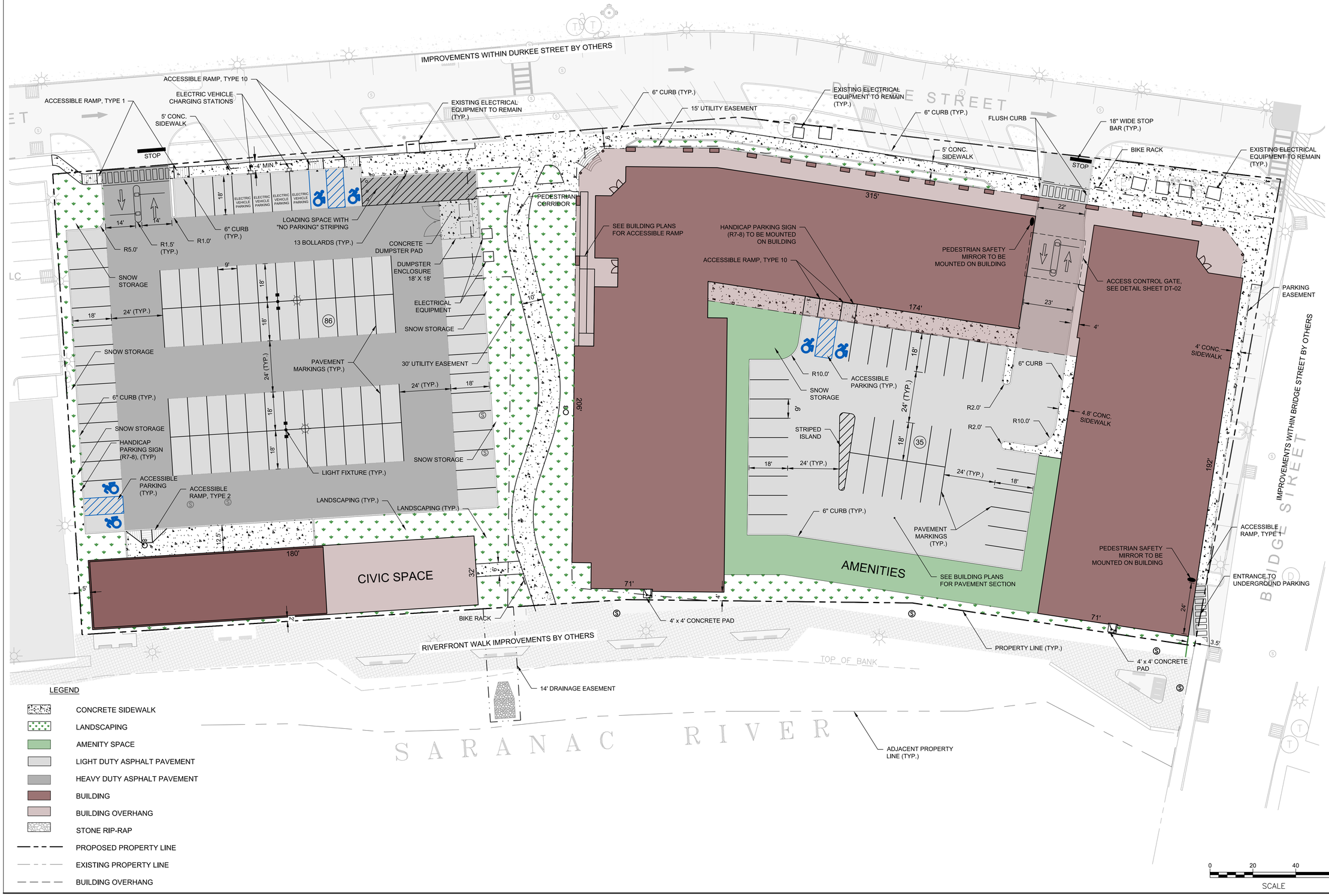

McFarland Johnson
60 RAILROAD PLACE
SUITE 402
SARATOGA SPRINGS, NEW YORK 12866
P:518-580-9380 F:518-580-9383
mjinc.com

PROJECT MILESTONE

SITE PLAN SUBMISSION

NO.	DATE	DESCRIPTION

CLIENT: PRIME PLATTSBURGH, LLC

CITY OF PLATTSBURGH, NEW YORK

PROJECT: DURKEE STREET MIXED USE DEVELOPMENT

DRAWN	NSO
DESIGNED	NSO
CHECKED	TCB
SCALE	1"=20'
DATE	JANUARY 2020
PROJECT	18491.00

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECT DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

DRAWING TITLE

SITE PLAN

DRAWING NUMBER

C-01

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

Charles J. Gottlieb
Associate
518.487.7612 phone
cgottlieb@woh.com

One Commerce Plaza
Albany, New York 12260
518.487.7600 phone
518.487.7777 fax

September 25, 2020

VIA EMAIL

Clinton County Planning Board
137 Margaret Street
Plattsburgh, NY 12901

RE: Special Use Permit Re-referral
Prime Plattsburgh – Durkee Street Development

Dear Members of the Clinton County Planning Board:

Our firm represents Prime Plattsburgh, LLC ("Prime") related to its proposed mixed-use development and related off-street parking on property that currently comprises the Durkee Street Municipal Parking Lot (the "Project"). As a result of varying board reviews, the Project has recently undergone very minor changes since your last review. After the County Planning Board's September meeting, Prime appeared before the City's Zoning Board of Appeals ("ZBA") who, out of an abundance of caution, requested that the special use permit ("SUP") applications be referred back to the County Planning Board.

The SUP applications include: (1) SUP to place the Planned Unit Development ("PUD") boundaries; and (2) SUP for placement of residential units on the first floor of the proposed building. These SUP applications were previously reviewed by this Board in March of 2020 and received a "local issue" determination. Recent changes to the Project have not impacted these SUP applications.

Prime has recently responded to comments made by the ZBA and reduced the Project's commercial space to be consistent with the original plan. In doing so, Prime maintained a reduction in residential units from the original plan (see below). Recent changes **only** impact the internal composition of the building and not the site plan/building layout, which this Board reviewed at its September meeting. The below chart demonstrates project changes that have occurred since the County Planning Board's March 2020 "local issue" determination:

Parking Summary					
Submission Date	**Residential Apartments**	**Mixed Used (sf)**	**Parking Demand per Code***	**Parking Demand per PUD***	**Parking Provided**
3/4/2020	115	13,400	367	276	286
8/10/2020	104	17,900	419	276	290
9/25/2020	109	13,400	357	267	293

*** Parking Demands include 50 spaces to be dedicated to the City for public use**

As you can see, since the March 2020 "local issue" determination, Prime has reduced the number of residential units and reverted back to the lesser amount of commercial space, which reduces the parking demand. Nevertheless, Prime has increased available parking from the original plan.

We respectfully request that the County Planning Board renew its "local issue" determination for the SUPs considering that recent Project changes result in an even lesser impact than previously reviewed. Accordingly, Project changes cannot be said to now have a County-wide impact, where none existed in March of 2020.[1] We look forward to appearing before this Board at its October meeting.

Very truly yours,

/s/ *Charles J Gottlieb*

Charles J. Gottlieb

cc: Glen Cutter, Director of Planning, Clinton County
Joe McMahon, Building Inspector, City of Plattsburgh
Corey Auerbach, Esq., ZBA Special Counsel
Matthew Miller, Director of Community Development, City of Plattsburgh
Prime Plattsburgh, LLC

[1] All information submitted for this Board's recent review of the site plan remain applicable and are incorporated by reference into this re-referral.

McFarland Johnson
60 RAILROAD PLACE
SUITE 402
SARATOGA SPRINGS, NEW YORK 12866
P:518-580-9380 F:518-580-9383
mjinc.com

PROJECT MILESTONE

SITE PLAN SUBMISSION

NO.	DATE	DESCRIPTION
1	04/16/20	CITY COMMENTS
2	05/05/20	CLARIFICATIONS
3	05/11/20	ZBA COMMENTS
4	05/21/20	ADDED DIMENSIONS
5	06/05/20	ADDED SIGNAGE
6	08/10/20	BUILDING REVISION
7	08/10/20	BLDG USE REVISION

CLIENT: PRIME PLATTSBURGH, LLC
CITY OF PLATTSBURGH, NEW YORK

PROJECT: DURKEE STREET MIXED USE DEVELOPMENT

DRAWN	NSO
DESIGNED	NSO
CHECKED	TCB
SCALE	1"=20'
DATE	FEBRUARY 2020
PROJECT	18491.00

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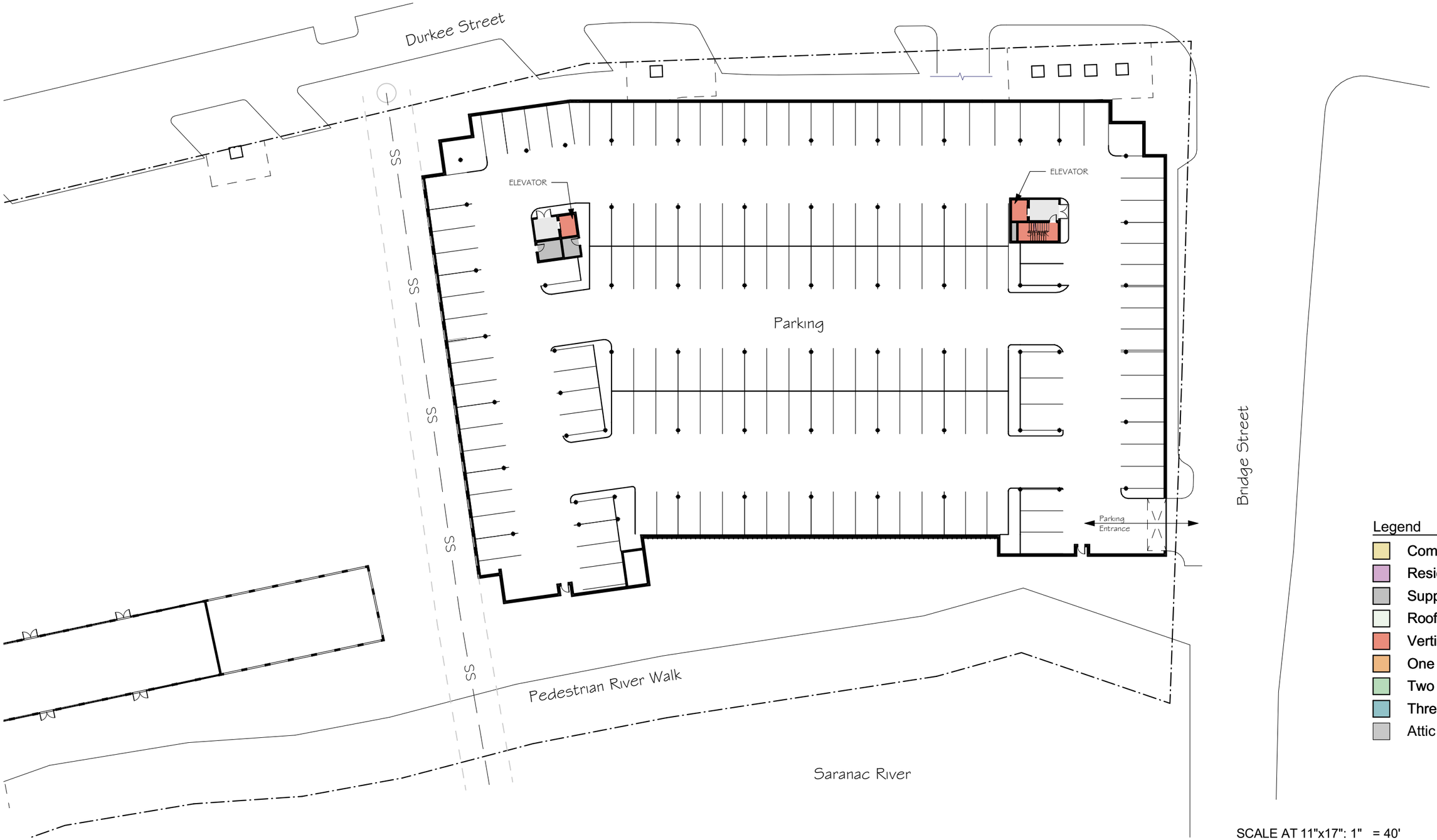
DRAWING TITLE

SITE PLAN

DRAWING NUMBER

C-01



MACKENZIE ARCHITECTS P.C.

162 Battery Street, Burlington, Vermont 05401 802.863.7177 (T) www.mackenziearchitects.com

Plattsburgh Mixed Use Development

Basement Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
1/21/2020

A2.1

Ownership of Instruments of Service: All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Mackenzie Architects as instruments of service shall remain the property of the Mackenzie Architects. Mackenzie Architects shall retain all common law, statutory and other reserved rights, including the copyright thereto.

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Plattsburgh Mixed Use Development

Level One Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
1/21/2020

A2.2

Ownership of Instruments of Service: All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Mackenzie Architects as instruments of service shall remain the property of the Mackenzie Architects. Mackenzie Architects shall retain all common law, statutory and other reserved rights, including the copyright thereto.

Legend

- Commercial
- Resident Amenities
- Support
- Roof Terraces
- Vertical Circulation
- One Bedroom
- Two Bedroom
- Three Bedroom
- Attic

SCALE AT 11"x17": 1" = 40'

0 20' 40' 80'

MACKENZIE ARCHITECTS P.C.

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Plattsburgh Mixed Use Development

Level Two & Three Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
1/21/2020

A2.3

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Legend

- Commercial
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- Three Bedroom
- Attic

SCALE AT 11"x17": 1" = 40'

0 20' 40' 80'

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Plattsburgh Mixed Use Development

Level Four Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
1/21/2020

A2.5

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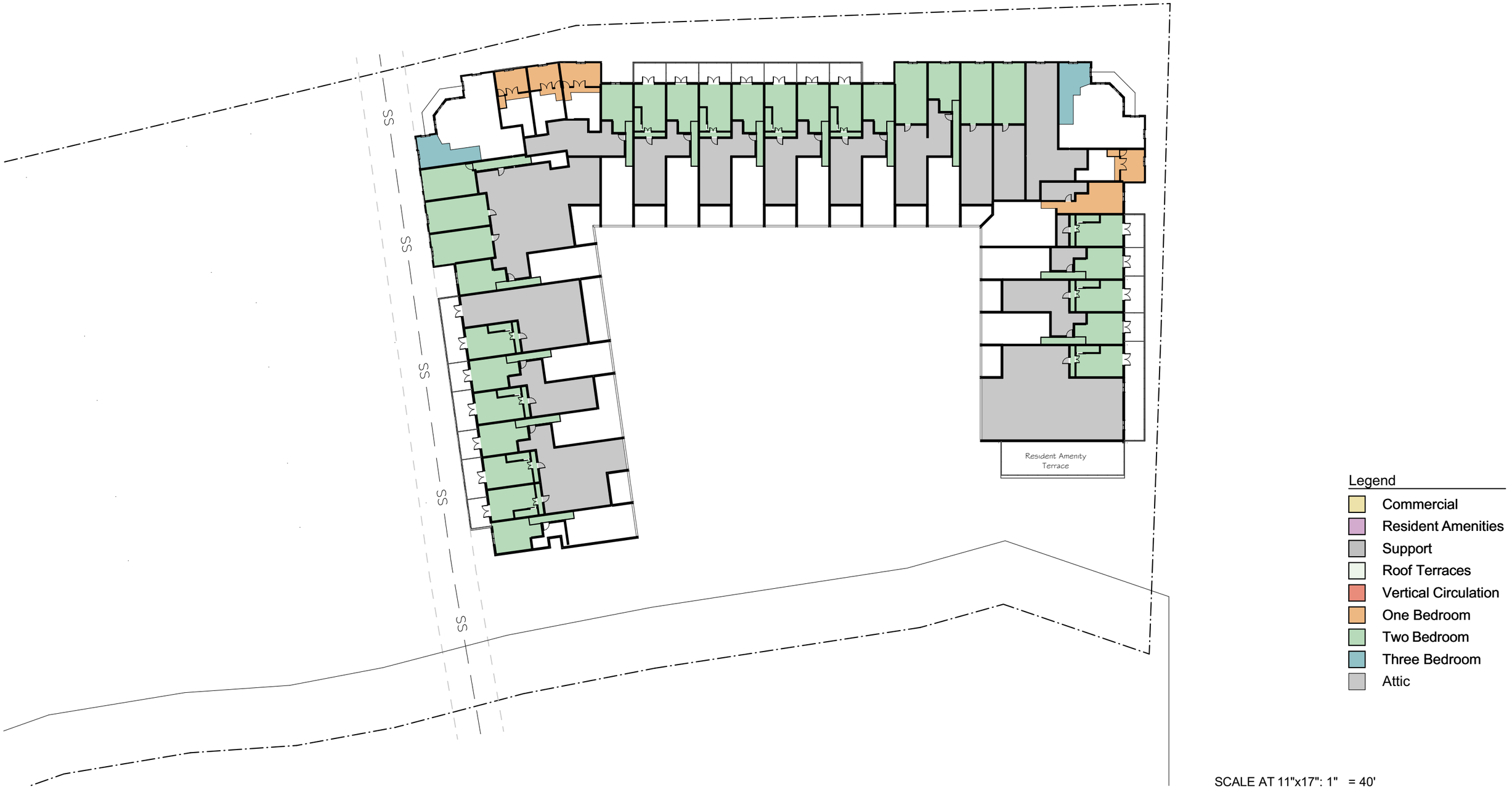

Legend

- Commercial
- Resident Amenities
- Support
- Roof Terraces
- Vertical Circulation
- One Bedroom
- Two Bedroom
- Three Bedroom
- Attic

SCALE AT 11"x17": 1" = 40'

0 20' 40' 80'

MACKENZIE ARCHITECTS P.C.

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Plattsburgh Mixed Use Development

Attic/Mezzanine Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
1/21/2020

A2.6

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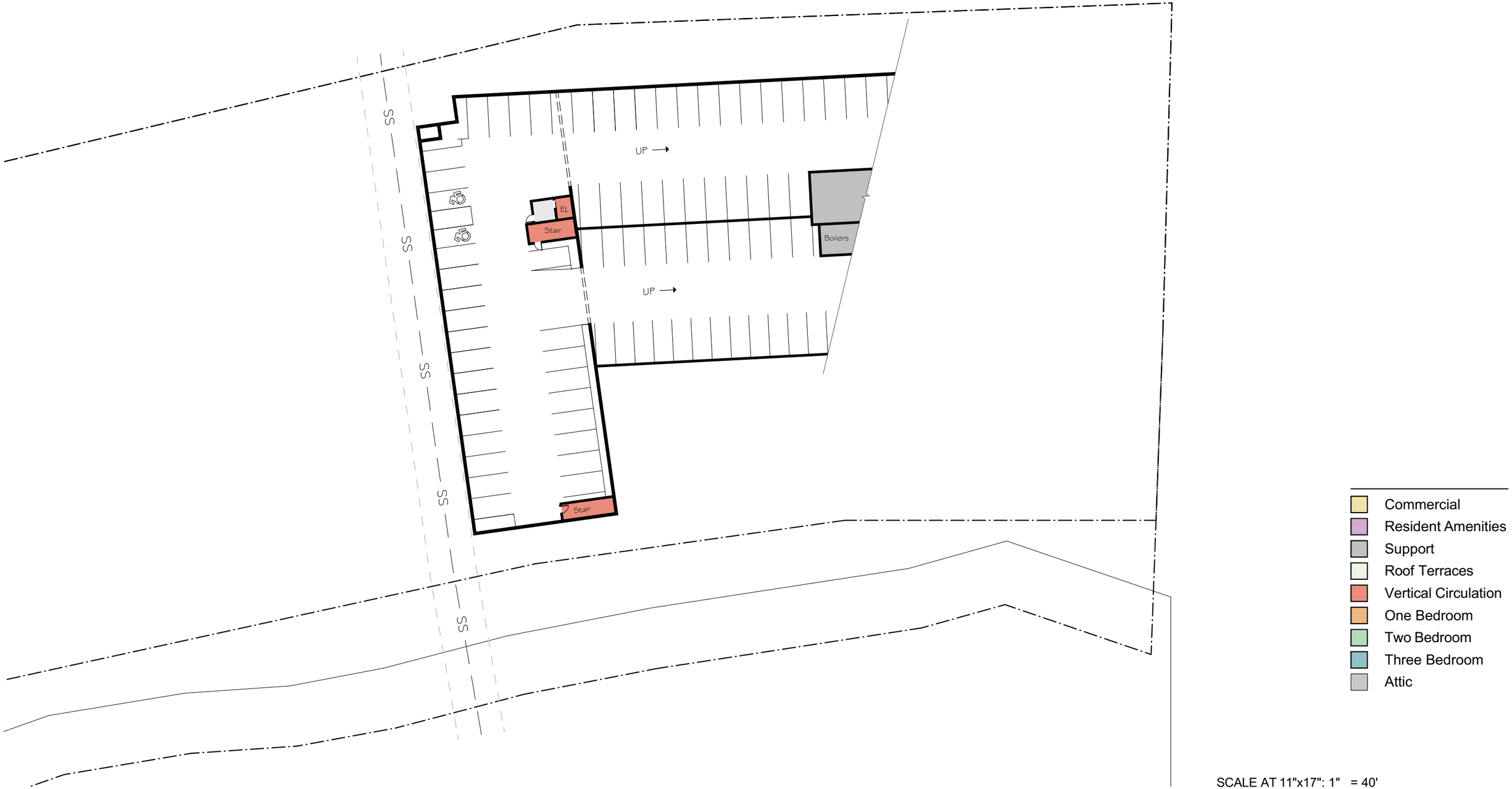

MACKENZIE ARCHITECTS P.C.
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Plattsburgh Mixed Use Development

Sub Basement Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
9/25/2020

A2.1

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- Commercial
- Resident Amenities
- Support
- Roof Terraces
- Vertical Circulation
- One Bedroom
- Two Bedroom
- Three Bedroom
- Attic

SCALE AT 11"x17": 1" = 40'

0 20' 40' 80'

MACKENZIE ARCHITECTS P.C.

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Plattsburgh Mixed Use Development

Basement Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
9/25/2020

A2.2

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- Commercial
- Resident Amenities
- Support
- Roof Terraces
- Vertical Circulation
- One Bedroom
- Two Bedroom
- Three Bedroom
- Attic

0 20' 40' 80'

SCALE AT 11"x17": 1" = 40'

MACKENZIE ARCHITECTS P.C.

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Plattsburgh Mixed Use Development

Level One Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
9/25/2020

A2.3

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MACKENZIE ARCHITECTS P.C.

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Plattsburgh Mixed Use Development

Level Two & Three Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
9/25/2020

A2.4

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MACKENZIE ARCHITECTS P.C.

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Plattsburgh Mixed Use Development

Level Four Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
9/25/2020

A2.5

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Plattsburgh Mixed Use Development

Attic/Mezzanine Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
9/25/2020

A2.6

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GENERAL NOTES:

1. THE UNDERGROUND STRUCTURES AND UTILITIES SHOWN ON THESE PLANS HAVE BEEN PLOTTED FROM A SURVEY PREPARED BY ROBERT M. SUTHERLAND P.C. 11 MACDONOUGH STREET, PLATTSBURGH, NY 12091, DATED JULY 25, 2019 AND AVAILABLE SURVEYS AND RECORD MAPS BY OTHERS. MCFARLAND JOHNSON DOES NOT CERTIFY TO THE ACCURACY OF THEIR LOCATION AND/OR COMPLETENESS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND EXTENT OF ALL UNDERGROUND STRUCTURES AND UTILITIES PRIOR TO ANY DIGGING OR CONSTRUCTION ACTIVITIES IN THEIR VICINITY. THE CONTRACTOR SHALL HAVE ALL EXISTING UTILITIES FIELD STAKED BEFORE STARTING WORK BY CALLING 1-800-962-7962.
2. THE CONTRACTOR SHALL PERFORM ALL WORK IN COMPLIANCE WITH TITLE 29 OF FEDERAL REGULATIONS, PART 1926, SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION (OSHA).
3. HIGHWAY DRAINAGE ALONG ALL ROADS AND PRIVATE DRIVES SHALL BE KEPT CLEAN OF MUD, DEBRIS ETC. AT ALL TIMES. ALL CATCH BASINS AND STORM SEWER MANHOLES SHALL BE CLEANED PRIOR TO ACCEPTANCE BY THE TOWN.
4. REFER TO ARCHITECTURAL DRAWINGS FOR PRECISE BUILDING DIMENSIONS AND BUILDING UTILITY LOCATIONS.
5. THE CONTRACTOR SHALL CONSULT THE DESIGN ENGINEER BEFORE DEVIATING FROM THESE PLANS.
6. IN ALL TRENCH EXCAVATIONS, CONTRACTOR MUST LAY THE TRENCH SIDE SLOPES BACK TO A SAFE SLOPE, USE A TRENCH SHIELD OR PROVIDE SHEETING AND BRACING. THE MEANS AND METHODS SHALL BE CERTIFIED BY A PROFESSIONAL ENGINEER.
7. EXCAVATED WASTE MATERIAL REMOVED FROM THE SITE SHALL BE PLACED AT A LOCATION ACCEPTABLE TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
8. THE CONTRACTOR SHALL TAKE PRECAUTIONS TO MAINTAIN A MINIMUM OF 2' OF COVER OVER ALL EXISTING AND NEW STORM SEWER PIPES AND 4' OF COVER OVER ALL SANITARY PIPES DURING CONSTRUCTION.
9. ALL EXISTING SURFACE APPURTENANCES (I.E. WATER VALVES, CATCH BASIN FRAMES AND GRATES, MANHOLE COVERS) WITHIN THE PROJECT LIMITS SHALL BE ADJUSTED TO FINISHED GRADE. (NO SEPARATE PAYMENT).
10. AREAS DISTURBED OR DAMAGED AS PART OF THIS PROJECT'S CONSTRUCTION THAT ARE OUTSIDE OF THE PRIMARY WORK AREA SHALL BE RESTORED, AT THE CONTRACTORS EXPENSE, TO THE SATISFACTION OF THE OWNER'S REPRESENTATIVE.
11. UNLESS COVERED BY THE CONTRACT SPECIFICATIONS OR AS NOTED ON THE PLANS, ALL WORK SHALL CONFORM TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS DATED JANUARY 8, 2015 AND ANY SUBSEQUENT REVISIONS.
12. CONTRACTOR SHALL COORDINATE PROVISION OF TEMPORARY UTILITY SERVICE AS REQUIRED DURING CONSTRUCTION TO ENSURE UNINTERRUPTED SERVICE TO OCCUPIED BUILDINGS.
13. THE CONTRACTOR SHALL BE RESPONSIBLE TO SECURE ALL PERMITS AND PROVIDE ALL BONDS REQUIRED FOR THIS WORK, INCLUDING BUT NOT LIMITED TO UTILITY CONNECTIONS, BUILDING AND SITE CONSTRUCTION.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODE AND/OR UTILITY SERVICE COMPANIES. THIS SHALL BE COMPLETED PRIOR TO ANNOUNCED BUILDING POSSESSION AND THE FINAL CONNECTION OF SERVICES.
15. MAINTENANCE AND PROTECTION OF TRAFFIC ALONG WITH SECURING THE WORK AREA SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
16. THE CONTRACTOR SHALL LOCATE, MAKE, SAFEGUARD AND PRESERVE ALL SURVEY CONTROL MONUMENTS AND ROW MONUMENTS IN THE AREAS OF CONSTRUCTION.
17. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND SAFETY PROCEDURES. THE OWNER AND/OR ARCHITECT/ ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACTS OR OMISSIONS OF THE CONTRACTOR, SUB CONTRACTOR OR THEIR AGENTS, EMPLOYEES OR ANY OTHER PERSON PERFORMING ANY OF THE WORK.
18. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATION ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATION OR APPLICABLE CODES, IT IS THE CONTRACTORS RESPONSIBILITY TO NOTIFY THE OWNERS REP. IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE OWNERS REP. SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF WORK AS DEFINED BY THE DRAWINGS IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.
19. SNOW STORAGE WILL OCCUR AT MULTIPLE LOCATIONS THROUGHOUT ALL PAVED SURFACES.
20. THE CONTRACTOR SHALL CONTACT THE CITY DPW IF THEY DISCOVER ANY UTILITY LINE NOT NOTED ON THE SURVEY, TO DETERMINE IF THE LINE IS ACTIVE.
21. THE PROJECT SITE HAS A HISTORY OF VARIED USES INCLUDING COMMERCIAL, RESIDENTIAL, MANUFACTURING, AUTO REPAIR STEAM LAUNDERING, SIGN PAINTING AND MILLING. THE CITY OF PLATTSBURGH APPLIED FOR THE PROPERTY'S INCLUSION IN THE NEW YORK STATE ENVIRONMENTAL RESTORATION PROGRAM. AS A RESULT C.T. MALE CREATED A SITE MANAGEMENT PLAN (SMP) THAT WAS ADOPTED BY THE NEW YORK STATE DEC. ALL CONSTRUCTION ACTIVITIES MUST BE IN COMPLIANCE WITH THE SMP. IT SHOULD BE NOTED, SECTION 7 OF THE SMP STATES THAT THERE SHALL BE NO DISTURBANCE OF THE SITE NYSDEC NOTIFICATION 60 DAYS PRIOR. THE FULL SMP AND ENVIRONMENTAL EASEMENT ARE INCLUDED AS APPENDIX J OF THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP).
22. NO ROAD OR LANE CLOSURES ARE ALLOWED UNLESS THE CONTRACTOR PROVIDES A TRAFFIC CONTROL PLAN IN ACCORDANCE WITH THE CURRENT EDITION OF MUTCD FOR APPROVAL BY THE CITY OF PLATTSBURGH, EMERGENCY SERVICES, AND SCHOOL DISTRICT

SEQUENCE OF CONSTRUCTION

1. HOLD A PRE-CONSTRUCTION MEETING WITH PROJECT MANAGER, OPERATOR'S ENGINEER, CONTRACTORS & SUB-CONTRACTORS, AND REPRESENTATIVES OF THE CITY OF PLATTSBURGH PRIOR TO LAND DISTURBING ACTIVITIES. REVIEW NSYDEC APPROVED SMP.
2. HAVE A QUALIFIED PROFESSIONAL CONDUCT AN ASSESSMENT OF THE SITE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND CERTIFY IN AN INSPECTION REPORT THAT THE APPROPRIATE EROSION AND SEDIMENT CONTROLS DESCRIBED IN THE SWPPP AS REQUIRED BY THE GP-0-15-002 HAVE BEEN ADEQUATELY INSTALLED OR IMPLEMENTED TO ENSURE OVERALL PREPAREDNESS OF THE SITE FOR THE COMMENCEMENT OF CONSTRUCTION.
3. CONSTRUCT TEMPORARY STABILIZED CONSTRUCTION ENTRANCE AT LOCATION SHOWN ON THE DRAWINGS.
4. INSTALL PERIMETER CONTROLS AND INLET PROTECTION AT THE LOCATIONS SHOWN ON THE DRAWINGS.
5. CONSULT A QUALIFIED PROFESSIONAL TO PERFORM A SITE INSPECTION AND VERIFY THAT THE INITIAL PHASE OF EROSION CONTROL DEVICES HAVE BEEN INSTALLED PER THE DRAWINGS PRIOR TO COMMENCEMENT OF GROUND DISTURBANCE.
6. BEGIN EARTHWORK OPERATIONS.
7. COMMENCE EARTHWORK CUTS AND FILLS. WORK SHALL BE PROGRESSED TO ALLOW A REASONABLE TRANSFER OF CUT AND FILL FOR ROUGH GRADING AND EARTH MOVING FOR BULK SITE GRADING.
8. STABILIZE ALL AREAS IDLE IN EXCESS OF 7 DAYS IN WHICH CONSTRUCTION WILL NOT COMMENCE WITHIN 7 DAYS.

SEQUENCE OF CONSTRUCTION CONTINUED:

9. ADJUST THE EROSION AND SEDIMENT CONTROL PRACTICES AS REQUIRED FOR CONTINUING CONSTRUCTION AS SHOWN ON THE EROSION & SEDIMENT CONTROL PLAN. THIS SHALL BE A PHASED ADJUSTMENT IN ORDER TO ENSURE THAT RUNOFF FROM ALL DISTURBED AREAS IS TREATED BY APPROPRIATE EROSION AND SEDIMENT CONTROL DEVICES.
10. BEGIN UTILITY INSTALLATION AND BACKFILL. UTILITY INSTALLATION AREA SHALL BE STABILIZED WITH SEED AND MULCH PROGRESSIVELY AT THE END OF EACH WORK DAY.
11. CONSTRUCT CATCH BASINS, AREA INLETS AND STORM SEWER MANHOLES, AS SHOWN ON THE PLANS.
12. INSTALL INLET/OUTLET PROTECTION PROGRESSIVELY AS THE STORM SEWER IS INSTALLED.
13. AS LANDSCAPED AREAS ARE BROUGHT TO GRADE, STABILIZE WITH TOPSOIL, SEED AND MULCH PER SPECIFICATIONS.
14. FINALIZE BUILDING AND PAVEMENT SUB-GRADE PREPARATION.
15. CONSTRUCT CURB
16. INSTALL ASPHALT SUB-BASE MATERIAL AS REQUIRED FOR PAVEMENT.
17. CARRY OUT ALL FINAL GRADING, STABILIZE SLOPES GREATER THAN 3D:1V WITH HEIGHTS EXCEEDING 5 FEET WITH EROSION CONTROL MATTING/BLANKETS, AND SEED AND MULCH ALL DISTURBED AREAS.
18. A QUALIFIED PROFESSIONAL SHALL PERFORM A SITE ASSESSMENT TO CONFIRM THAT ALL PERMANENT STORMWATER DEVICES HAVE BEEN INSTALLED PER PLANS AND 80% UNIFORM GERMINATION/STABILIZATION HAS BEEN ACHIEVED PRIOR TO THE REMOVAL OF ALL REMAINING TEMPORARY EROSION AND SEDIMENT CONTROL.

STORM SEWER:

1. ALL HDPE PIPES SHALL FOLLOW NYSDOT SECTION 603-2 AND 706-12, BE SMOOTH INTERIOR.
2. PLACE RIP-RAP AROUND ALL END SECTIONS.
3. IN INSTANCES WHERE THE STORM SEWER CROSSES THE SANITARY SEWER A CRUSHED STONE ENCASEMENT SHALL BE PROVIDED AROUND THE SANITARY SEWER UP TO THE STORM SEWER-COMPACT WITH APPROVED EQUIPMENT.
4. ALL CATCH BASINS AND STORM MANHOLES WITHIN PAVEMENT TO BE CONSTRUCTED TO WITHSTAND HS-20 LOADING.

SANITARY SEWER NOTES:

1. ONLY DOMESTIC WASTE FROM THE PROJECT SHALL BE DISCHARGED INTO THE SANITARY SEWER.
2. ALL SANITARY LATERALS SHALL BE 6" PVC SDR-21 ASTM D2241 UNLESS OTHERWISE SPECIFIED ON THE PLANS.
3. A MINIMUM OF 4 FEET OF COVER SHALL BE PROVIDED OVER ENTIRE LENGTH OF ALL SANITARY LATERALS. IN ANY PLACE THE MINIMUM COVER CANNOT BE MET, THE PIPE SHALL BE INSULATED.
5. THE CITY OF PLATTSBURGH DPW SHALL BE NOTIFIED SEVENTY-TWO HOURS IN ADVANCE OF CONNECTION OR TAP. [518-536-7453].
6. SANITARY SEWER LATERAL(S) AND APPURTENANCES SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE REQUIREMENTS OF THE CITY OF PLATTSBURGH.
7. FLOOR DRAINS, IF CONSTRUCTED, SHALL BE CONNECTED TO THE SANITARY SEWER. FLOOR DRAINS DO NOT INCLUDE FOUNDATION/FOOTER DRAINS. NOTE: ALL DISCHARGES TO THE SANITARY SEWER MUST COMPLY WITH THE EFFLUENT LIMITS OF THE LOCAL AND/OR CLINTON COUNTY SEWER USE LAW.
8. MAXIMUM SPACING BETWEEN CLEANOUTS ON SANITARY LATERALS MAY NOT EXCEED SEVENTY-FIVE (75) FEET.
9. MAXIMUM SPACING BETWEEN SANITARY MANHOLES MAY NOT EXCEED FOUR-HUNDRED (400) FEET.
10. EXFILTRATION AND/OR INFILTRATION FOR SANITARY SEWERS SHALL BE LIMITED TO 100 GALLONS PER DAY, PER MILE OF PIPE, PER INCH DIAMETER, AND SHALL BE PERFORMED IN ACCORDANCE WITH DISTRICT PROCEDURES. AIR TESTS, INCLUDING VACUUM TESTS, SHALL NOT BE ALLOWED ON SANITARY MANHOLES.
11. UPON COMPLETING CONSTRUCTION AND AFTER THE PIPE BACKFILL HAS BEEN IN PLACE FOR A PERIOD OF 30 DAYS, THE NEW SANITARY SEWER SHALL BE SUBJECT TO THE FOLLOWING TESTS AND PROCEDURES. FLUSH AND CLEAN THE SYSTEM, SEWER MAIN AIR PRESSURE/ EXFILITRATION TESTING, SEWER MANHOLE VACUUM/INFILTRATION TESTING (PERFORMED ONLY AFTER INVERTS AND BENCHES ARE FORMED), AND SEWER MAIN DEFLECTION TEST. DEFLECTION TESTS SHALL BE PERFORMED ON ALL FLEXIBLE PIPE. THE TEST SHALL BE CONDUCTED AFTER ALL FINAL BACKFILL HAS BEEN IN PLACE AT LEAST THIRTY (30) DAYS. NO PIPE SHALL EXCEED A DEFLECTION OF FIVE PERCENT (5%). IF THE DEFLECTION TEST IS RUN USING A RIGID BALL OR MANDREL, IT SHALL HAVE A MINIMUM DIAMETER EQUAL TO NINETY-FIVE PERCENT (95%) OF THE INSIDE DIAMETER OF THE PIPE. TEST SHALL BE PERFORMED WITHOUT MECHANICAL PULLING DEVICES.
12. MANHOLES SHALL BE 4' INSIDE DIAMETER UNLESS OTHERWISE SPECIFIED ON PLANS. MANHOLE FRAMES AND COVERS SHALL BE EJ, PRODUCT NO. 00120715, OR APPROVED EQUAL PER THE CITY OF PLATTSBURGH WATER AND SEWER DEPARTMENT STANDARDS.
13. MINIMUM DEFLECTION OF 3" PVC SDR21 ASTM D2241 FORCE MAIN SEWER LINE IS 0.7" FOR 20' LENGTHS.
14. ALL SEWER LINES ARE PRIVATE UNLESS OTHERWISE NOTED.

WATER MAIN INSTALLATION:

1. WATER SERVICE LINE (LATERALS) SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REGULATIONS AND SPECIFICATIONS OF THE CLINTON COUNTY HEALTH DEPARTMENT, AND THE LOCAL WATER AUTHORITY.
2. ALL EROSION CONTROL MEASURES SHALL BE EMPLOYED DURING ALL PHASES OF CONSTRUCTION IN ACCORDANCE WITH ALL APPROPRIATE STANDARDS AND REQUIREMENTS. BEST MANAGEMENT PRACTICES ARE TO BE FOLLOWED.
3. WATER MAINS AND ALL WATER SERVICE LINES SHALL HAVE A MINIMUM OF 5 FEET OF COVER FROM FINISH GRADE TO TOP OF PIPE.
4. THE MINIMUM VERTICAL SEPARATION BETWEEN WATER MAINS AND SEWER MAINS SHALL BE 18" MEASURED FROM THE OUTSIDE OF THE PIPES AT THE POINT OF CROSSING. THE MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SEWER MAINS SHALL BE 10 FEET MEASURED FROM THE OUTSIDE OF THE PIPES. ONE FULL LENGTH OF WATER MAIN SHALL BE CENTERED UNDER OR OVER THE SEWER SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE, WHERE A WATER MAIN CROSSES UNDER A SEWER, ADEQUATE STRUCTURAL SUPPORT (COMPACTED SELECT FILL) SHALL BE PROVIDED FOR THE SEWERS TO PREVENT EXCESSIVE DEFLECTION OF JOINTS AND SETTLING ON AND BREAKING THE WATER MAINS.
5. HYDRANT TYPE SHALL BE AS NOTED ON THE PLANS OR AS REQUIRED BY THE CITY OF PLATTSBURGH. GUARD VALVES SHALL BE USED AND ALL HYDRANT STUB PIPING SHALL BE MECHANICAL JOINT. FIRE HYDRANT WEEP HOLES (DRAINS) SHALL BE PLUGGED WHEN GROUND WATER IS ENCOUNTERED WITHIN 7 FEET OF THE FINISHED GRADE. ALL PLUGS SHALL BE MECHANICAL METAL PLUGS. ALL HYDRANTS WITH PLUGGED WEEP HOLES SHALL BE APPROPRIATELY TAGGED.

WATER MAIN INSTALLATION CONTINUED:

6. ALL MECHANICAL JOINTS, FITTINGS (TEES, BENDS, PLUGS), ETC. SHALL BE BACKED WITH 3,000 PSI CONCRETE THRUST BLOCKS OR APPROVED MECHANICAL RESTRAINTS.
7. WHERE PIPING IS TO BE PLACED WITHIN FILL AREAS, THE FILL SHALL BE PLACED AND COMPACTED TO AT LEAST 95% MODIFIED PROCTOR PRIOR TO TRENCH EXCAVATION.
8. SHUTDOWN OF EXISTING WATER MAINS SHALL BE IN ACCORDANCE WITH THE LOCAL WATER AUTHORITY. THE CITY OF PLATTSBURGH DPW MANAGER MUST BE NOTIFIED IN ADVANCE OF ALL PROPOSED SHUTDOWNS IN ACCORDANCE WITH THEIR DIRECTION. WATER MUST BE TURNED BACK ON AS SOON AS POSSIBLE. ALL ENDS OF WATER MAINS MUST BE PROVIDED WITH ADEQUATE PLUG, BLOCK AND BLOW-OFF AS INDICATED ON THE PLANS.
9. WATER SERVICE LINES SHALL BE SEPARATED AT LEAST TEN (10) FEET, MEASURED FROM THE OUTSIDE OF THE PIPES, FROM SEWER MAINS AND SEPTIC SYSTEMS.
10. BACKFLOW PREVENTION SHALL BE PROVIDED IN THE BUILDING.
11. BACKFLOW PREVENTION APPLICATION MUST BE SUBMITTED TO AND APPROVED BY THE SUPPLIER WHO WILL FORWARD PLANS TO THE NYS DEPARTMENT OF HEALTH FOR THEIR APPROVAL. THE APPROVAL PROCESS MUST BE COMPLETED PRIOR TO INSTALLATION. THE APPROVAL PROCESS SHOULD BE STARTED EARLY TO AVOID UNNECESSARY DELAYS OR CONFLICTS WITH OTHER HEALTH DEPARTMENT APPROVALS.
12. ALL WATER LINES ARE PRIVATE UNLESS OTHERWISE NOTED.

WATER MAIN MATERIALS:

1. POLYVINYL CHLORIDE (PVC) PIPE MUST BE WITH INTEGRAL BELL AND SPIGOT JOINTS; CLASS 150, DR 18; CONFORMING WITH THE LATEST REVISION OF ANSI/AWWA C900 (FOR 4"-12" PIPE) OR C905 (FOR LARGER PIPE) STANDARD. MAXIMUM DEFLECTION OF 12" POLYVINYL CHLORIDE (PVC) AWWA C900 WATER LINE IS 0.7° FOR 20' LENGTHS. INSTALLATION TO INCLUDE TRACER TAPE AS PER MANUFACTURER'S INSTRUCTIONS.
2. CEMENT-LINED DUCTILE-IRON (DI) PIPE MUST BE CLASS 52 MINIMUM CONFORMING WITH THE LATEST REVISION OF ANSI/AWWA C151 STANDARD. IF REQUIRED BY WATER SUPPLIER THE PIPE SHALL BE ENCASED WITH A MINIMUM 8 MIL. POLYETHYLENE WRAP AS PER LATEST REVISION OF ANSI/AWWA C105 STANDARD.
3. POLYETHYLENE (PE) PRESSURE PIPE MUST BE PE 3408 MATERIAL MINIMUM. CONFORMING TO THE LATEST REVISION OF AWWA C901 AND C906.

WATER SYSTEM TESTS:

1. SOIL TEST. THE CONTRACTOR SHALL PROVIDE A SOIL TEST EVALUATION TO DETERMINE THE NEED FOR POLYETHYLENE ENCASEMENT PER ANSI/AWWS C105/AZ1.5-82 PRIOR TO WATER MAIN INSTALLATION. SOIL TESTING SHALL BE CONDUCTED BY AN APPROVED SOIL TESTING LABORATORY IN ACCORDANCE WITH LOCAL WATER AUTHORITY STANDARDS.
2. WATER PIPING SHALL BE FLUSHED AND TESTED IN CONFORMANCE WITH THE LATEST REVISION OF ANSI/AWWA C600 STANDARD FOR DUCTILE IRON PIPE, C605 FOR PVC PIPE, OR EQUIVALENT OF C600 AND/OR C605 FOR PE PIPE.
3. WATER SERVICE LINES SIEZED 4-INCHES OR GREATER SHALL BE:

   - PRESSURE TESTED IN ACCORDANCE WITH THE LATEST SPECIFICATIONS OF THE LOCAL WATER AUTHORITY. THE PRESSURE TEST SHALL BE WITNESSED BY A REPRESENTATIVE FROM THE LOCAL WATER AUTHORITY.

   - DISINFECTION BY USING THE CONTINUOUS FEED METHOD ACCORDING TO AWWA STANDARD SPECIFICATIONS. AFTER FLUSHING AND DISINFECTING THE SERVICE LINE, WATER SAMPLES SHALL BE COLLECTED BY THE CLINTON COUNTY HEALTH DEPARTMENT. APPROVAL AND NOTIFICATION BY THE HEALTH DEPARTMENT MUST BE RECEIVED BEFORE THE LATER IS PLACED IN SERVICE.
4. THE COMPLETED WORKS SHALL BE VERIFIED WITH CLINTON COUNTY HEALTH DEPARTMENT. PRIOR TO ISSUANCE, A NYS-LICENCED PROFESSIONAL ENGINEER MUST SUBMIT CERTIFICATION TO THE HEALTH DEPARTMENT THAT: THEY OR THEIR DESIGNATED REPRESENTATIVE WITNESSED THAT CONSTRUCTION WAS IN CONFORMANCE WITH THE PLANS AS APPROVED; FLUSHING, TESTING, AND DISINFECTION PROCEDURES NOTED HEREIN HAD BEEN PROPERLY PERFORMED; AND, MICROBACTERIAL SAMPLE RESULTS FROM THE COMPLETED WORKS WERE ACCEPTABLE. COPIES OF THE OFFICIAL LABORATORY RESULTS ARE TO BE INCLUDED WITH THE CERTIFICATION.
5. FIRE HYDRANTS ARE NOT ACCEPTABLE TESTING/SAMPLING POINTS.

GRADING NOTES:

1. REMOVE AND STOCKPILE TOPSOIL AS DIRECTED BY THE CONSTRUCTION MANAGER. REPLACE TOPSOIL TO A MINIMUM 4" DEPTH. ALL DISTURBED AREAS TO BE HYDROSEEDED AS DIRECTED BY THE CONSTRUCTION MANAGER.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REMOVAL OF TEMPORARY SEDIMENTATION CONTROLS, INCLUDING INLET PROTECTION AND SILT FENCE. EROSION CONTROL MEASURES SHALL NOT BE REMOVED BEFORE VEGETATION HAS OCCURRED COMPLETELY.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORATION OF TOPSOIL TO ALL DISTURBED AREAS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN EROSION CONTROL MEASURES AT ALL TIMES.
4. EROSION CONTROL MEASURES WILL BE IMPLEMENTED IN ACCORDANCE WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, CLINTON COUNTY HEALTH DEPARTMENT, AND THE CITY OF PLATTSBURGH REQUIREMENTS.
5. ALL INLETS TO THE STORM SEWER SHALL HAVE STONE DROP INLET PROTECTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING BEST MANAGEMENT PRACTICES (BMP'S) UNTIL GROUND COVER IS ESTABLISHED.
6. SILT FENCE, JUTE MESH, AND/OR EROSION CONTROL BLANKETS WILL BE USED ON STEEP SLOPES AND WHEREVER NECESSARY TO CONTROL EROSION AND SILTATION OF EXISTING DRAINAGE SYSTEMS AS ORDERED BY THE ENGINEER OR SPECIFIED ON PLANS.
8. THE CONTRACTOR SHALL DESIGNATE A MEMBER OF HIS/HER FIRM TO BE RESPONSIBLE TO MONITOR EROSION CONTROL, EROSION CONTROL STRUCTURES, TREE PROTECTION AND PRESERVATION THROUGHOUT CONSTRUCTION.
9. ALL GRADING AND EARTHWORK SHALL BE IN CONFORMANCE WITH NEW YORK STATE STANDARD SPECIFICATIONS SECTION 203 - EXCAVATION AND EMBANKMENT, WHICH INCLUDES MAXIMUM EMBANKMENT LIFT THICKNESS ALLOWED BASED ON THE COMPACTION EQUIPMENT USED.
10. ALL PROPOSED ELEVATIONS SHOWN HEREON ARE FINISHED GRADE ELEVATION.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING RIM ELEVATIONS IN RELATION TO PROPOSED GRADE PRIOR TO INSTALLATION.

PROJECT DATA:

1. APPLICANT: PRIME PLATTSBURGH, LLC - 621 COLUMBIA STREET, COHOES, NY 12047
2. EXISTING ZONING: COMMERCIAL/ PLANNED UNIT DEVELOPMENT
3. LOT AREA: 2.76 ACRES (120,120 SF)

ZONING:

	TAX ACC. NO.	LOT SIZE	ZONING
EXISTING:	207.20-7-15	±4.66 ACRES	COMM/PUD
PROPOSED:	XXX.XX-X-XX	±2.76 ACRES	PUD

GROSS COMMERCIAL AREA:	7,250 SF
GROSS RESTAURANT AREA:	6,150 SF
TOTAL MIXED USE AREA:	13,400 SF

RESTAURANT 60% CUSTOMER AREA:	3,690 SF
RESTAURANT 40% OTHER AREA:	2,460 SF
TOTAL RESTAURANT AREA	6,150 SF

TOTAL APARTMENT UNITS: 109

PARKING DEMAND PER CITY CODE		
USE	CALCULATION	NO. OF SPACES
RESIDENTIAL	(2 PER DU FOR FIRST 10) x 10 + (1.75 PER DU OVER 10) x 99	194
COMMERCIAL	(1 SPACE PER 250 SF)	29
RESTAURANT		
CUSTOMER AREA	(1 PER 50 SF) x 3,690 SF	74
OTHER AREA	(1 PER 250 SF) x 2,460 SF	10
PUBLIC PARKING FOR CITY USE		50
TOTAL DEMAND	-	357

PARKING DEMAND PER PUD		
USE	CALCULATION	NO. OF SPACES
RESIDENTIAL	(1.5 PER DU) x 109	164
COMMERCIAL	(1 SPACE PER 300 SF)	45
EMPLOYEE PARKING	(½ SPACE PER EMPLOYEE) x 15	8
PUBLIC PARKING FOR CITY USE	-	50
TOTAL DEMAND	-	267

PARKING PROVIDED	
LOCATION	NO. OF SPACES
SURFACE PARKING LOT	92
COURTYARD PARKING LOT	44
UNDERGROUND PARKING LOT	157
TOTAL PARKING PROVIDED	293

*PARKING SPACES WILL BE STRIPED TO INDICATE SPACE AVAILABLE FOR PUBLIC USE

COMPACT/SUBCOMPACT PARKING (PER CITY CODE):

COMPACT SPACES ALLOWED:	58 SPACES
COMPACT SPACES PROVIDED:	52 SPACES
SUBCOMPACT SPACES ALLOWED:	58 SPACES
SUBCOMPACT SPACES PROVIDED:	49 SPACES

ADA PARKING (PER NYS 2016 UNIFORM CODE SUPPLEMENT):

ACCESSIBLE SPACES REQUIRED:		ACCESSIBLE SPACES PROVIDED:	
SURFACE PARKING	4 SPACES	SURFACE PARKING	4 SPACES
COURTYARD PARKING	2 SPACES	COURTYARD PARKING	2 SPACES
UNDERGROUND PARKING	6 SPACES	UNDERGROUND PARKING	6 SPACES

ZONING CHART

FEATURES	CALCULATION	UNDERLYING CITY ZONING	PROPOSED
PARCEL SIZE	CHAPTER 360 SCHEDULE III	50,000 SF	120,120 SF
MIN. LOT DIMENSION	SQUARE ROOT OF LOT AREA X 0.67	232'	216'
MAX. HEIGHT IN STORIES	LOT AREA X 0.0001	14	5
MAX. BLDG HEIGHT	STORIES X 12	60'	65'
MINIMUM BUILDING SETBACKS	STORIES X 3	15'	15' NORTH 2' EAST (EXISTING) 19' WEST 5' SOUTH (EXISTING)
MAX. BLDG COVERAGE	LOT SIZE - SETBACK AREA	82%	31%
MIN. OPEN SPACE	SETBACK AREA	22,105 SF	22,925 SF

LEGEND

20	PROPOSED MAJOR CONTOUR		PROPOSED TRAFFIC FLOW ARROWS
21	PROPOSED MINOR CONTOUR		PROPOSED DRAINAGE FLOW ARROW
XX	EXISTING MAJOR CONTOUR	11	NUMBER OF PARKING SPACES
XX	EXISTING MINOR CONTOUR		LIGHT POLE (SINGLE HEAD)
UE	UNDERGROUND ELECTRIC		LIGHT POLE (DOUBLE HEAD)
ST	STORM SEWER		ONE POST SIGN
G	UNDERGROUND GAS SERVICE		WATER GATE VALVE
W	WATER	S	SANITARY SEWER MANHOLE
SA	SANITARY SEWER		STORM SEWER CATCH BASIN
LOD	LIMITS OF DISTURBANCE	D	STORM SEWER MANHOLE
SF	SILT FENCE	HDPE	HIGH DENSITY POLYETHYLENE PIPE
	CHAINLINK FENCE	TC	TOP OF CURB
	CONCRETE SIDEWALK	BG	BOTTOM OF CURB
	PROPOSED CURB		UTILITY POLE

McFarland Johnson
60 RAILROAD PLACE
SUITE 402
SARATOGA SPRINGS, NEW YORK 12866
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PROJECT MILESTONE
SITE PLAN SUBMISSION

NO.	DATE	DESCRIPTION
1	04/16/20	CITY COMMENTS
2	05/05/20	CLARIFICATIONS
3	08/10/20	BUILDING REVISION
4	08/17/20	CORRECTION
5	09/25/20	BLDG USE REVISION

CLIENT: PRIME PLATTSBURGH, LLC
CITY OF PLATTSBURGH, NEW YORK
PROJECT: DURKEE STREET MIXED USE DEVELOPMENT

DRAWN	NSO
DESIGNED	NSO
CHECKED	TCB
SCALE	N.T.S.
DATE	FEBRUARY 2020
PROJECT	18491.00

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECT DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

DRAWING TITLE
GENERAL NOTES

DRAWING NUMBER
GN-01