

ZONING BOARD OF APPEALS

OCTOBER 17, 2022 MEETING OF ZONING BOARD OF APPEALS

MINUTES

Present: Chairman Scott DeMane, Kellie Porter, Meghan Weeden, P.J Whitbeck, Justin Stearns, Christine Hubbell
Joseph McMahon, Building Inspector
Kyle Burdo, Housing Code Inspector, James Welch, Housing Code Inspector

Absent: Elizabeth Jent

Also present: Matthew Taylor
Kyle Kasper
Elizabeth Pearl, Kevin Farrington
Daniel Briscoe
P.J. Whitbeck (as applicant)

Mr. DeMane called the meeting to order at 7:06 PM. The following items were on the agenda.

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
2334	MATTHEW TAYLOR 172 MAINE ROAD	CLASS B AREA VARIANCE REQUEST TO PLACE SHED IN SIDE YARD
2335	KYLE KASPER 20 DURAND STREET	CLASS B AREA VARIANCE REQUEST TO BUILD A DETACHED GARAGE ON PRE- EXISTING SLAB IN REAR YARD CREATING OVERAGE IN OPEN SPACE AND LOT COVERAGE
2336	ELIZABETH PEARL 135 SOUTH PERU STREET	CLASS B AREA VARIANCE REQUEST TO CONSTRUCT A DETACHED GARAGE IN SIDE YARD AND EXPANSION OF EXISTING PARKING LOT INTO FRONT YARD
2337	ELIZABETH PEARL 135 SOUTH PERU STREET	EXTENSION OF SPECIAL USE PERMIT OF EXISTING PHYSICAL THERAPY FACILITY TO INCLUDE A MEDICALLY-BASED FITNESS FACILITY
2338	DANIEL BRISCOE 5225 NORTH CATHERINE STREET	CLASS B AREA VARIANCE REQUEST TO BUILD A COVERED DECK ACCESSORY STRUCTURE IN REAR YARD CLOSER THAN 5 FEET TO THE PROPERTY LINE, CREATING OVERAGE IN LOT COVERAGE AND OPEN SPACE AND ALSO INSTALL A HOT TUB CLOSER THAN 10 FEET TO PROPERTY LINE

2311

P. J. WHITBECK
55 CUMBERLAND AVENUE

CLASS B AREA VARIANCE REQUEST
TO CONSTRUCT AN ADDITION TO HOME
INTO SIDE YARD SETBACK

The agenda was heard in the following order:

Appeal 2334
Appeal 2335
Appeal 2336
Appeal 2337
Appeal 2338
Appeal 2311

The **first** item heard is appeal #2334, Matthew Taylor, 172 Maine Road, Class B area variance request to place a shed in side yard.

Discussion:

- Discussion of proposed location of shed.
- Shed placement in side yard based upon slope of yard. Yard slopes up from front to rear yard.

Public Comment: *None*

MOTION:

By: K. Porter, seconded by: M. Weeden

AFTER REVIEW OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM FOR APPEAL #2334, IT IS RECOMMENDED THAT THE CHAIR CHECK BOXES 1-11 IN PART 2 THAT THERE WILL BE LITTLE TO NO ENVIRONMENTAL IMPACT AND THE CHAIR MAY SIGN PART 3.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED
(C. Hubble (alt) abstained)

MOTION:

By: J. Stearns, seconded by: P. J. Whitbeck

MOTION TO APPROVE APPEAL #2334, 172 MAINE ROAD, CLASS B AREA VARIANCE REQUEST FOR AN ACCESSORY STRUCTURE IN SIDE YARD

ALL IN FAVOR: 2
(J. Stearns, P.J. Whitbeck)

OPPOSED: 3
(S. DeMane, K. Porter, M. Weeden)

MOTION DENIED
(C. Hubble (alt) abstained)

The **second** item heard is appeal #2335, Kyle Kasper, 20 Durand Street, Class B area variance request to build a detached garage on a pre-existing slab in rear yard, creating overage in open space and lot coverage.

Discussion:

- Discussion of proposed detached garage construction in rear yard.
- Board and applicant discussion regarding side yard setbacks, lot coverage and open space with addition of proposed detached garage.
- Applicant was explained by the board that side yard setbacks would not be an issue if the proposed detached garage was shifted over, thus providing the required 5 foot side yard setback.

Public Comment: *None*

MOTION:

By: M. Weeden, seconded by: K. Porter

IN REGARD TO APPEAL #2335, AFTER REVIEW OF PART 1 OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM, THE CHAIR MAY CHECK NO OR SMALL IMPACT MAY OCCUR FOR ITEMS 1-11 IN PART 2 AND CHECK IN PART 3 THAT THERE WILL BE LITTLE TO SMALL ENVIRONMENTAL IMPACT AND SIGN

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED
(J. Stearns (alt) abstained)

MOTION:

By: M. Weeden, seconded by: P. J. Whitbeck

MOTION TO APPROVE APPEAL #2335, 20 DURAND STREET, CLASS B AREA VARIANCE REQUEST TO BUILD A 20 FT X 25 FT DETACHED GARAGE THAT WILL NOT ENCROACH INTO SIDE YARD SETBACK, CREATING SHORTAGE IN OPEN SPACE AND OVERAGE IN LOT COVERAGE

ALL IN FAVOR: 4

(S. DeMane, K. Porter, M. Weeden, P.J. Whitbeck)

OPPOSED: 1

(C. Hubble)

MOTION PASSED

(J. Stearns (alt) abstained)

The **third and fourth** items heard were appeal #2336, Elizabeth Pearl, 135 South Peru Street, Class B area variance request to construct a detached garage in side yard and expansion of existing parking lot into front yard **and** appeal #2337, Elizabeth Pearl, 135 South Peru Street, extension of Special Use Permit of existing physical therapy facility to include a medically-based fitness facility.

Discussion:

- Board and applicant discussion of site plan for area variances to include expanding parking area into front yard and construction of a detached garage to support clinical space with creation of new medically-based fitness gym.
- Applicant explained the special use permit request is an expansion of the site's current special use permit. Applicant is requesting a continuation of use, permissible with special use permit.
- Garage will be similar in appearance to existing facility.
- Applicant describes attaching garage to facility would create a financial burden.
- Applicant describes parking plan takes into consideration the lack of mobility of patrons to the facility. Parking expansion plan is critical to this business opportunity.
- Driveways will not be changed.

Public Comment: *None.*

MOTION:

By: P.J. Whitbeck seconded by: M. Weeden

MOTION TO APPROVE THE SHORT ENVIRONMENTAL ASSESSMENT FORM FOR APPEALS #2336 AND #2337, STATING THERE IS LITTLE TO NO ENVIRONMENTAL IMPACT AND THE CHAIR CHECK PART 3 AND SIGN

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED
(C. Hubble (alt) abstained)

MOTION:

By: K. Porter seconded by: M. Weeden

MOTION TO APPROVE APPEAL #2336, CLASS B AREA VARIANCE REQUEST TO CONSTRUCT A DETACHED GARAGE IN SIDE YARD AND EXPANSION OF EXISTING PARKING LOT INTO THE FRONT YARD

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED
(C. Hubble (alt) abstained)

MOTION:

By: K. Porter seconded by: J. Stearns

MOTION TO APPROVE APPEAL #2337, EXTENSION OF SPECIAL USE PERMIT OF EXISTING PHYSICAL THERAPY FACILITY TO INCLUDE A MEDICALLY-BASED FITNESS FACILITY

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED
(C. Hubble (alt) abstained)

The **fifth** item heard was appeal #2338, Daniel Briscoe, 5225 North Catherine Street, Class B area variance request to build a covered deck accessory structure in rear yard closer than 5 feet to the property line, creating overage in lot coverage and open space and to also install a hot tub closer than 10 feet to the rear property line.

Discussion:

- Board and applicant discussion regarding location of proposed covered deck and hot tub.
- Applicant chose putting deck/hot tub behind the garage for privacy reasons, so it would not be visible from the street.
- Municipal Lighting Department review discussed. MLD states there must be 10 foot clearance to overhead power lines.
- Discussion regarding possibility of relocating deck and hot tub to a different location on property.
- Question posed by J. Stearns whether having a roofed permanent structure over hot tub would be allowable and alleviate MLD overhead power line requirements. K. Burdo to follow up with MLD with this question.

Public Comment:

Margaret Holland, 14 Palmer Street: Expresses concerns regarding the posts of the decking that has begun construction being very close to her property line. Ms. Holland provided pictures for the board members to view.

Anna Lafontaine, 16 Palmer Street: Expresses concerns regarding proposed location of hot tub and closeness of power lines. Anna herself was told she could not have a hot tub or pool at her residence, which borders Mr. Briscoe's, because of this same power line issue. Concern that proposed decking roof would be touching cedar hedges on her property.

MOTION:

By: J. Stearns, seconded by: P.J. Whitbeck

MOTION TO POSTPONE FOR UP TO 60 DAYS ON THE BOARD'S BEHALF

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED
(C. Hubble (alt) abstained)

MOTION:

By: K. Porter, seconded by C. Hubbell

MOTION TO APPROVE SEPTEMBER 19, 2022 MINUTES AS WRITTEN

ALL IN FAVOR: 3
(S. DeMane, K. Porter, C. Hubbell)

OPPOSED: 0

MOTION PASSED

The **sixth** item heard was appeal 2311, Peter J. Whitbeck, Class B Area variance request to construct an addition to home into side yard setback.

Discussion:

- Board and applicant discussion regarding original variance granted in March 21, 2022.
- Variance was granted with setback stipulations. Due to miscommunication, construction of addition is outside of setback stipulations imposed per approved variance.
- The addition has been completed. Applicant is asking for the additional setback encroachment into side yard, widest point being 16 inches.

Public Comment:

Written public comment in support of appeal received from Andrea LaTorra, 57 Cumberland Avenue received (see attachment to minutes).

MOTION:

By: K. Porter seconded by: M. Weeden

MOTION TO APPROVE FOR APPEAL #2311, THAT WE AMEND THE EXISTING VARIANCE TO INCLUDE THE ADDITIONAL 16 INCH ENCROACHMENT TO WHAT IS CURRENTLY BUILT AS PER PREVIOUS VARIANCE FOR THIS PROJECT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

Motion to Adjourn:

By: J. Stearns, seconded by M. Weeden

Adjourned at 8:45 PM

For the purpose of this meeting, this meeting was audio and video recorded. This is a true and accurate copy and transcription of the discussion. For a more detailed discussion, please see the recording.

Lisa Beebie
Secretary
Zoning Board of Appeals

ATTACHMENTS:

July 26, 2022

Andrea LaTorra
57 Cumberland Avenue
Plattsburgh, NY 12901

RECEIVED
BUILDING INSPECTOR'S OFFICE

OCT 13 2022

Dear Zoning Board of Appeals and Code Office,

My name is Andrea LaTorra of 57 Cumberland Avenue. I am the direct neighbor to the north of PJ and Michelle Whitbeck of 55 Cumberland Avenue. I am writing in regard to the small addition of a laundry area they have added to the north side of their house next to my garage. I would like the ZBA and Code Office to know of my approval of this addition and that I have no issue with it. The work that the Whitbeck's have done was actually a suggestion of mine knowing their home. I also feel the addition is very tasteful and fitting in the neighborhood.

Thank you,



Andrea LaTorra
57 Cumberland Avenue