

ZONING BOARD OF APPEALS

DECEMBER 20, 2021 MEETING OF ZONING BOARD OF APPEALS

MINUTES

Present: Chairman Scott DeMane, Meghan Weeden, P.J. Whitbeck, Justin Stearns
Joseph McMahon, Building Inspector
James Welch, Housing Code Inspector

Absent: Kellie Porter, Elizabeth Jent

Also present: Ryan Earle, Allegra Mussen
Aaron Ovios
Teresa Mahoney
Tom Murnane

Mr. DeMane called the meeting to order at 7:00 PM. The following items were on the agenda.

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
2300	MUSSEN-EARLE HOLDINGS LLC 27 CLINTON STREET	SPECIAL USE PERMIT REQUEST TO OPERATE AN OWNER-OCCUPIED LIQUOR STORE IN CENTRAL BUSINESS DISTRICT
2302	ANDY GUAY, AMY COUTURE PARCEL 233.8-3-17.1, VACANT LOT CORNER OF KANSAS AVE AND CONNECTICUT ROAD	CLASS B AREA VARIANCE REQUEST TO BUILD A SINGLE FAMILY HOME ENCROACHING INTO REAR YARD SETBACK
2303	WOUTER AND LORETTA RIETSEMA 47 CUMBERAND AVENUE	CLASS B AREA VARIANCE REQUEST TO BUILD AN ADDITION TO EXISTING HOME ENCROACHING INTO FRONT YARD SETBACK
2304	TERESA MAHONEY 20 DENNIS AVENUE	CLASS B AREA VARIANCE REQUEST TO BUILD A PORCH ENCROACHING INTO REAR YARD SETBACK
2305	PIRCOX, INC 99 BOYNTON AVENUE	CLASS A USE VARIANCE REQUEST TO RENT OFFICE SPACE AND PROVIDE TEMPORARY STORAGE OF VEHICLES ON LOT

2306	KEITH HOWE PARCEL 233.6-1-6.2 ARIZONA AVENUE	CLASS A USE VARIANCE REQUEST TO CONSTRUCT SELF STORAGE UNITS IN R2 ZONED DISTRICT
2307	KEITH HOWE PARCEL 233.6-1-6.2 ARIZONA AVENUE	CLASS B AREA VARIANCE REQUEST TO CONSTRUCT SELF STORAGE UNITS IN R2 DISTRICT RESULTING IN GREATER THAN 1 PRINCIPAL STRUCTURE ON LOT

The agenda will be heard in the following order:

Appeal 2300
Appeal 2302
Appeal 2303
Appeal 2304
Appeal 2305
Appeal 2306
Appeal 2307

Chairman S. DeMane explained there are only 4 board members present at tonight's meeting, a full board is comprised of 5 board members. Each applicant is entitled to be heard by a 5 member board. Any motion to be carried requires 3 positive votes. Each applicant is provided the option to postpone their appeal at any point during discussion due to lack of a full board present.

The **first** item heard is appeal #2300, Special Use Permit request to operate an owner-occupied liquor store in the central business district.

Discussion:

- Applicant and board discussion regarding proposed use of property as an owner-run liquor store.
- Current retail use is a tattoo parlor. Apartments in upper portion of building.
- Discussion of hours of operation. Hours of operation would be dependent on sales/staffing. Applicant proposing hours of operation to correspond with downtown restaurant businesses.

MOTION:

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

*IN REGARD TO APPEAL #2300, AFTER REVIEW OF THE FULL ENVIRONMENTAL ASSESSMENT FORM, WE
FIND NO OR SMALL IMPACT MAY OCCUR*

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

MOTION:

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

*IN REGARD TO APPEAL #2300, MUSSEN-EARLE HOLDINGS, 27 CLINTON STREET, MOTION TO APPROVE
THE SPECIAL USE PERMIT TO OPERATE AN OWNER OCCUPIED LIQUOR STORE IN THE CENTRAL
BUSINESS DISTRICT*

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

The **second** item heard is appeal #2302, Andy Guay, Amy Couture, Parcel #233.8-3-17.1, vacant lot at corner of Connecticut Road and Kansas Avenue, for a Class B Area Variance request to build a single family home encroaching into rear yard setback.

Discussion:

- Architect, Aaron Ovios in attendance representing property owners, affidavit on file.
- Board and applicant's representative discuss proposed building plan for a new single family home on vacant lot on corner of Kansas Avenue and Connecticut Road.
- Discussion regarding City of Plattsburgh's Department of Public Works easement concerns for this vacant property.

Public Comment: None.

MOTION:

By: M. Weeden, seconded by: J. Stearns

IN REGARD TO APPEAL #2302, AFTER REVIEW OF PART 1 OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM THE CHAIR CHECK NO OR SMALL IMPACT MAY OCCUR FOR ITEMS 1-11 AND ON PART 2 OF THE FORM CHECK THE BOXES INDICATING THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT AND SIGN

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

MOTION:

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

IN REGARD TO APPEAL #2302, MOTION TO APPROVE THE CLASS B VARIANCE TO BUILD A SINGLE FAMILY HOME ENCROACHING INTO REAR YARD SETBACK ON PARCEL 233.8-3-17.1 VACANT LOT AT CORNER OF KANSAS AVENUE AND CONNECTICUT ROAD AS PER PROVIDED PLANS

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

The **third** item, appeal #2303, Wouter and Loretta Rietsema, 47 Cumberland Avenue, Class B Area Variance request to build an addition to existing home encroaching into front yard setback.

Discussion:

- Architect, Aaron Ovios in attendance representing property owners, affidavit on file.
- Board member P. J. Whitbeck resides within 500 feet of 47 Cumberland Avenue. Applicant's representative has no objection to Mr. Whitbeck reviewing this appeal.
- Board and applicant's representative discuss proposed building plan for addition to home into front yard setback.
- Discussion of necessity of addition to be in setback, as there appears to be plenty of room on property to fit the addition without encroaching into setback.
 - Board and applicant discussion regarding need for addition to be placed into the front yard setback, when this addition could be placed 5 feet back, falling outside of the front yard setback, or in a different location on the property.
 - Applicant prefers addition to be located as proposed due to aesthetics to the home/property and avoidance of removal of an established garden.

Public Comment: None.

MOTION:

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

IN REGARD TO APPEAL #2303, 47 CUMBERLAND AVENUE, MOTION TO APPROVE THE SHORT ENVIRONMENTAL ASSESSMENT FORM WITH LITTLE OR NO ENVIRONMENTAL IMPACT

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

MOTION:

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

IN REGARD TO APPEAL #2303, 47 CUMBERLAND AVENUE, MOTION TO APPROVE THE CLASS B AREA VARIANCE REQUEST TO BUILD AN ADDITION TO EXISTING HOME ENCROACHING INTO FRONT YARD SETBACK AS DRAWN

ALL IN FAVOR: 0

OPPOSED: 4

MOTION DENIED

The **fourth** item, appeal #2304, Teresa Mahoney, 20 Dennis Avenue, Class B Area Variance request to build a porch encroaching into rear yard setback

Discussion:

- Board and applicant discussion and review of proposed porch plans.
- Existing deck is 12.5 ft off house, proposed porch would be 12 ft off house.

Public Comment: None.

MOTION:

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

IN REGARD TO APPEAL #2304, MOTION TO APPROVE THE SHORT ENVIRONMENTAL ASSESSMENT FORM NOTING THAT THERE IS LITTLE OR NO ENVIRONMENTAL IMPACT.

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

MOTION:

By: J. Stearns, seconded by: M. Weeden

IN REGARD TO APPEAL #2304, TERESA MAHONEY, MOTION TO APPROVE THE CLASS B VARIANCE REQUEST TO BUILD A PORCH ENCROACHING INTO REAR YARD SETBACK AT 20 DENNIS AVENUE

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

The **fifth** item, appeal #2305, Pircox Inc, 99 Boynton Avenue, Class A use variance request to rent office space and provide temporary storage of vehicles on lot.

Discussion:

- Tom Murnane, attorney and partner in law firm Stafford, Owens, Pillar, Murnane, Kelleher, and Trombley in attendance representing property owner, affidavit on file.
- Board and applicant discussion of proposed additional use at established business Ashley's Home Furniture for allowance of office rental space to Safe Tow and storage of up to 10 vehicles on this lot.
 - No additional signage on building for Safe Tow.
 - Other neighboring businesses are located in this residential area.
 - Most of towing will be related to City snow ban events; seasonal, otherwise would be a less impactful.
 - Office use is permitted; parking of towed vehicles would require use variance.
 - Discussion regarding proper screening between business boundary and residential area. Applicant representative agrees to provide required screening.

Public Comment: None.

MOTION:

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

IN REGARD TO APPEAL #2305, AFTER REVIEW OF THE FULL ENVIRONMENTAL ASSESSMENT FORM, WE FIND THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

MOTION:

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

IN REGARD TO APPEAL #2305, PIRCOX INC, 99 BOYNTON AVENUE, MOTION TO APPROVE THE CLASS A USE VARIANCE REQUEST TO RENT OFFICE SPACE AND PROVIDE TEMPORARY STORAGE OF A MAXIMUM OF 10 VEHICLES IN THE BACK LOT, OF WHICH WILL ALL BE STORED IN THE SOUTH EAST CORNER

ALL IN FAVOR: 3

OPPOSED: 1

MOTION PASSED
(J. Stearns voted in the negative)

The **sixth** item, appeal #2306, Keith Howe, Parcel 233.6-1-6.2 Arizona Avenue, Class A Use Variance request construct self storage units in an R2 zoned district.

Discussion:

- Tom Murnane, attorney and partner in law firm Stafford, Owens, Pillar, Murnane, Kelleher, and Trombley in attendance representing property owner, affidavit on file.
- Board and applicant discussion of proposed use of storage units in R2 zoned district.
 - Discussion regarding confusion of this parcel being zoned R2 or Industrial.
 - Natural screening (vegetation) proposed to remain abutting the residential portion of this property.
 - Residential use for this parcel would be difficult due to multiple easement locations on property.
 - Discussion regarding lack of reasonable return, self-created hardship, character of neighborhood.
 - Clinton County Planning board deemed this appeal a local issue with comments that the city be encouraged to rezone this parcel to light industrial use.
 - Discussion of fencing/screening requirements between business and residential areas.
 - Self storage business is full access, no gate, 24 hour access.
 - Board recommends construction 8:00 am – 4:30 pm due to proximity to residential area.

Public Comment: None.

MOTION:

By: J. Stearns, seconded by: M. Weeden

*IN REGARD TO APPEAL #2306, AFTER REVIEW OF THE FULL ENVIRONMENTAL ASSESSMENT FORM, WE
FIND THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE
ENVIRONMENTAL IMPACT*

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

MOTION:

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

IN REGARD TO APPEAL #2306, MOTION TO APPROVE THE CLASS A USE VARIANCE REQUEST TO CONSTRUCT SELF STORAGE UNITS IN R2 ZONED DISTRICT ON ARIZONA AVENUE.

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

The **seventh** item, appeal #2307, Keith Howe, Parcel 233.6-1-6.2 Arizona Avenue, Class B Area Variance request construct self storage units in an R2 zoned district resulting in greater than 1 principal structure on lot.

Discussion:

- Tom Murnane, attorney and partner in law firm Stafford, Owens, Pillar, Murnane, Kelleher, and Trombley in attendance representing property owner, affidavit on file.
- Board and applicant discussion of proposed storage units in R2 zoned district.

Public Comment: None.

MOTION:

By: M. Weeden, seconded by: J. Stearns

IN REGARD TO APPEAL #2307, AFTER REVIEW OF PART 1 OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM THE CHAIR CHECK NO OR SMALL IMPACT MAY OCCUR FOR ITEMS 1-11 AND ON PART 2 OF THE FORM CHECK THE BOXES INDICATING THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT AND SIGN

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

MOTION:

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

IN REGARD TO APPEAL #2307, MOTION TO APPROVE THE CLASS B AREA VARIANCE REQUEST TO CONSTRUCT SELF STORAGE UNITS IN R2 ZONED DISTRICT ON ARIZONA AVENUE RESULTING IN GREATER THAN 1 PRINCIPAL STRUCTURE ON LOT.

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

New business:

Discussion regarding required 4-hour training requirement at an agreed upon time in January, 2022.

Motion to Adjourn:

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

Adjourned at 8:47 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