

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: 2/21/20

Appeal No. 2236

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. 563. 7642

Parcel Identification: 221.12-2-6

Location of Request: 52 US Oval, Plattsburgh, NY 12901

Property Owner: City of Plattsburgh

Request Description: 3 area variances requested for 2-lot minor

subdivision. Variances requested for max bldg coverage, min open space, + min lot size.

Zoning District: RC-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.

Matthew Miller
Signature/Owner/Applicant
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 Property Owner require a Letter of Authorization to apply.



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PROCEDURE IN APPEALING THE ZONING ORDINANCE CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION 2/24/2020

ZONING BOARD MEETING DATE 3/16/2020

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



Project Narrative

DATE: February 21, 2020
MEMO TO: City of Plattsburgh Zoning Board
FROM: Malana Tamer
RE: City of Plattsburgh, 52 US Oval Subdivision 2020

Dear Members of the Zoning Board:

The City of Plattsburgh is owner of 52 US Oval with Tax Map Parcel ID # 221.12-2-6. The property is zoned RC-2 in the Oval Historic District and is home to the City of Plattsburgh Recreation Center, a vacant 2 story brick building known as the Chaplin House and stormwater rain garden. The City has interest from local real estate agencies and potential buyers to purchase the 2-story brick building known as the Chaplin House.

The proposed subdivision is a minor 2-lot subdivision to create an approximately 1.24 acre lot with the City Recreation Center and raingarden and a .19 acre lot with the Chaplin House. The subdivision creates the need for three (3) separate variances for Lot 5A-City Rec Center and Lot 5B-Chaplin House.

Lot 5A (City Rec Center):

-Deficient in max building coverage

-Deficient in min open space

Lot 5B (Chaplin House)

-Deficient in min lot size

Approval of the subdivision is dependent upon the granting of the aforementioned variances. Please see the attached written response in regards to the variance weight in relation to the detriment to the health, safety and welfare of the neighborhood and community.

Thank you for your time and consideration.

Malana Tamer
City Planner



AREA OR DIMENSIONAL VARIANCE REQUEST

DATE: February 21, 2020
TO: City of Plattsburgh, Zoning Board of Appeals
FROM: Community Development Office
RE: 52 US Oval Area Variance request

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 character of the neighborhood will not be affected. No changes to the existing buildings or site are being proposed as part of the subdivision. The new proposed lot line will separate the City Recreation Center and rain garden from the 2 story brick house, known as the Chaplin house. This new property boundary will create the need for a max building coverage and min open space variance for the Rec Center lot and a lot size variance for the proposed Chaplin House lot.

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

The new lot line is proposed along an existing hedgerow, which is a natural boundary line to create 2 separate lots. The stormwater rain garden, which was a City sponsored project will remain on City property. The 2nd lot will contain the Chaplin House only, which the City will be able to consider disposal of per City Code Section 24-3.

3.) Is the requested area variance substantial?

Yes, but no new building or site improvements are being requested.

Lot 5A

-Max Bldg Coverage -21% variance

-Min Open Space-23% variance

Lot 5B

-Min Lot Size-6,736sq ft variance

SCHEDULE OF AREA AND BULK CONTROLS (ZONED - RC-2) (US OVAL HISTORIC DISTRICT)				
DESCRIPTION	REQUIRED	EXISTING	PARCEL '5-A'	PARCEL '5-B'
MIN. LOT SIZE	15,000 SF	62,188 SF	53,924 SF	8,264 SF ^(b)
MIN. LOT WIDTH	156 FT / 61 FT	328 FT	328 FT	80 FT
MIN. LOT DEPTH	156 FT / 61 FT	149 FT	175 FT	102 FT
MAX BLDG. AREA	25%	40%	46% ^(b)	14%
MIN. OPEN SPACE	50%	34%	27% ^(b)	81%
MIN. FRONT YD SETBACK	40 FT	0 FT	0 FT ^(a)	15.4 FT ^(a)
MIN. SIDE YD SETBACK	24/48 FT	14.4/33.0 FT	14.4 ^(a) /106.1 FT	18.6 ^(a) /52.8 FT
MIN. REAR YD. SETBACK	24 FT	27.0 FT	27.0 FT	41.9 FT
MAX BLDG. HEIGHT	49 FT OR 3.5 STORIES	T.B.D.	T.B.D.	T.B.D.

AREA AND BULK CONTROL DEFICIENCIES:
 (A) PRE-EXISTING, NON-CONFORMING ATTRIBUTES WILL NOT BE MADE WORSE BY PROPOSED SUBDIVISION
 (B) DEFICIENCIES ANTICIPATED TO REQUIRE A VARIANCE FROM THE ZONING BOARD OF APPEALS

SCHEDULE OF REQUIRED VARIANCES:
 PROPOSED PARCEL '5-A':
 • AREA - DEFICIENT IN MAX. BUILDING COVERAGE & MIN. OPEN SPACE
 PROPOSED PARCEL '5-B':
 • AREA - DEFICIENT IN MIN. LOT SIZE

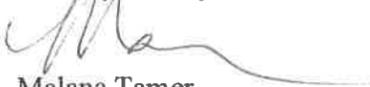
4.) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

No, because no new site improvements are being requested. The new lot line follows an existing hedgerow.

5.) Has the alleged difficulty been self-created?

Yes. The City has had interest from local realtors and private purchasers to purchase the Chaplin House. The city wishes to subdivide the property to be able to consider disposal of the property. The new lot line creates the need for multiple area variances, but no changes to the existing site will occur.

Thank you for your time and consideration.


 Malana Tamer
 City Planner

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

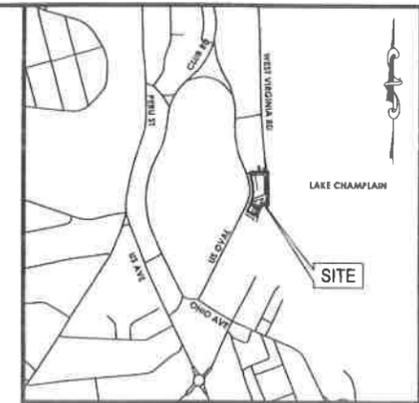
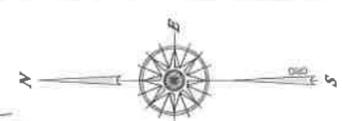
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
City of Plattsburgh			
Name of Action or Project: City of Plattsburgh 52 US Oval Subdivision 2020			
Project Location (describe, and attach a location map): 52 US Oval			
Brief Description of Proposed Action: 2 lot minor subdivision of City owned property at 52 US Oval for the purposes of disposal of excess property. Lot 1 will be an approximate 1.24 acre parcel to be retained and includes the City of Plattsburgh Recreation Center. Lot 2 will be an approximate .19 acre parcel to be disposed as excess City property. 3 area variances required.			
Name of Applicant or Sponsor: City of Plattsburgh		Telephone: 518-563-7642 E-Mail: tamer@cityofplattsburgh-ny.gov	
Address: 41 City Hall Place			
City/PO: Plattsburgh	State: NY	Zip Code: 12901	
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.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.43 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.43 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Public Recreation			
<input checked="" type="checkbox"/> Parkland			

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

tax map ID #221.12-2-13
CITY OF PLATTSBURGH
Instrument #2005-00182734

TERRY JAMES GORDON RECREATIONAL PATH



LOCATION MAP
N.T.S.

tax map ID #221.12-2-7.16
GAUGHN, LLC
Instrument #2005-00185247

tax map ID #221.12-2-5-2
MOUNTAIN HARBOR PROPERTIES LLC
Instrument #2018-00299984

LOT 5-A
1.24 ACRES

LOT 5-B
0.19 ACRES

CITY RECREATION CENTER BUILDING

U.S. OVAL

DEED REFERENCE:

- INSTRUMENT NO. 2003-00151426 FILED IN THE CLINTON COUNTY CLERK'S OFFICE ON JANUARY 30, 2003.

MAP REFERENCES:

- MAP ENTITLED "PARC SUBDIVISION, PHASE II, CITY OF PLATTSBURGH, NY", PREPARED BY A.E.S. NORTHEAST, DATED NOV. 8, 2001 AND FILED IN THE CLINTON COUNTY CLERK'S OFFICE ON APRIL 23, 2002 IN BOOK PL-8, PAGE 243-249.
- MAP ENTITLED "SURVEY MAP SHOWING SUBDIVISION OF CERTAIN LANDS OF MARILYN LARKIN, EAST SIDE OF US OVAL, CITY OF PLATTSBURGH, CLINTON COUNTY, NEW YORK", PREPARED BY A.E.S. NORTHEAST, DATED NOV. 2, 2018 AND FILED IN THE CLINTON COUNTY CLERK'S OFFICE ON FEBRUARY 28, 2019 AS FILE 2019-00299617.
- MAP ENTITLED "CITY OF PLATTSBURGH AND STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION, PLATTSBURGH PEDESTRIAN AND BICYCLE PATH", PREPARED BY LAMOURIEUX & DICKINSON, DATED FEBRUARY 18, 1999 AND FILED IN THE CLINTON COUNTY CLERK'S OFFICE ON MAY 7, 2000 IN BOOK PL-8, PAGE 67.

NOTES:

- INFORMATION SHOWN HEREON WAS COMPILED FROM AN ACTUAL FIELD SURVEY CONDUCTED DURING THE MONTH OF DECEMBER, 2019.
- THE BASIS OF BEARING IS GRID NORTH, NEW YORK STATE PLANE NAD83, EAST ZONE AND VERTICAL DATUM IS NAVD83 (GEOID 12B) DERIVED FROM GPS RTK UTILIZING NY'S DOT RTN CORS NETWORK.
- UNDERGROUND UTILITIES SHOWN HEREON ARE NOT CERTIFIED TO, WHILE EVERY EFFORT WAS MADE TO LOCATE UNDERGROUND UTILITIES, STRUCTURES AND UTILITIES FROM FIELD INVESTIGATIONS AS WELL AS DATA OBTAINED FROM PREVIOUS MAPS, RECORD UTILITY DRAWINGS AND UTILITY FIELD MARKETS, THERE MAY BE OTHER UNDERGROUND UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN TO THE UNDERSIGNED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE EXISTENCE, SIZE AND LOCATION OF ANY UNDERGROUND UTILITIES AND STRUCTURES SHOWN OR NOT SHOWN HEREON. DIG SAFELY NEW YORK MUST BE NOTIFIED PRIOR TO CONDUCTING TEST BORINGS, EXCAVATION AND CONSTRUCTION.
- EASEMENTS OVER THE SUBJECT PARCEL SHOWN HEREON WERE DERIVED FROM PLAN REFERENCE 1 AND SURFACE FEATURES LOCATED DURING THE SURVEY. LOCATIONS MAY VARY BASED ON ACTUAL LOCATIONS OF UNDERGROUND UTILITIES.
- THIS SURVEY AND THE CERTIFICATION HEREON SHALL BE VALID ONLY TO THE PARTY OR PARTIES HEREOF NAMED AND ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS, OTHER THAN AS MAY BE OR EXPRESSLY STATED HEREON.
- THE OFFSETS OR DIMENSIONS SHOWN HEREON, FROM THE PROPERTY LINES TO THE STRUCTURES, ARE FOR A SPECIFIC PURPOSE AND USE; THEREFORE, THEY ARE NOT INTENDED TO ADJUSTMENT THE PROPERTY LINES OR TO GUIDE THE SITUATION OF FENCES, ADDITIONAL STRUCTURES, OR ANY OTHER IMPROVEMENT.

NOTICE
THIS SUBDIVISION PLAN IS APPROVED BY THE CITY OF PLATTSBURGH AS A FINAL SUBDIVISION PLAN. BUILDING DEVELOPMENT PERMITS WILL BE ISSUED BY THE CITY OF PLATTSBURGH ONLY AFTER A COPY OF THE FINAL SUBDIVISION PLAN SIGNED BY CHAIRMAN/VICED CHAIRMAN OF CITY OF PLATTSBURGH PLANNING BOARD IS FILED IN THE CLINTON COUNTY CLERK'S OFFICE.

OWNER _____ DATE _____
PER PLANNING BOARD RESOLUTION _____ THIS SUBDIVISION PLAN IS HEREBY CERTIFIED TO BE IN COMPLIANCE THEREWITH.
COMMUNITY DEVELOPMENT STAFF _____ DATE _____
CITY PRELIMINARY SUBDIVISION PLAT APPROVAL
PLANNING BOARD CHAIR _____ DATE _____

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

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PROPOSED PARCEL 5-B:
• AREA - DEFICIENT IN MIN. LOT SIZE

CURVE TABLE

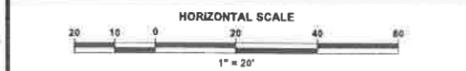
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	439.00'	46.52'	46.50'	N22°34'04"E	4°04'17"
C2	171.20'	40.85'	40.75'	N12°41'49"E	13°40'17"
C3	444.23'	138.43'	137.87'	N03°03'58"W	17°51'16"
C4	380.57'	154.65'	154.40'	N14°06'24"W	8°13'39"

LEGEND:

- | | | | | | |
|-------|----------------------------|---|---------------------------|---|------------------------|
| — | PROPERTY LINE (EXISTING) | — | CAPPED IRON ROD SET | — | CABLE/TV BOX |
| - - - | PROPERTY LINE (PROPOSED) | — | IRON ROD FOUND | — | TELEPHONE JUNCTION BOX |
| - - - | ADJOINING PROPERTY LINE | — | CAPPED IRON ROD FOUND | — | ELECTRIC BOX |
| - - - | EASEMENT LINE | — | IRON PIPE FOUND | — | ELECTRIC METER |
| - - - | ZONING SETBACK | — | (OA) OVERALL DISTANCE | — | SEWER MANHOLE |
| - - - | CHAIN LINK FENCE | — | ε CENTERLINE | — | CLEANOUT |
| - - - | TREE LINE | — | P PROPERTY LINE | — | CATCH BASIN GRATE |
| - - - | CURB | — | * CONIFEROUS SHRUB | — | STORM MANHOLE |
| - - - | OVERHEAD WIRES | — | o DECIDUOUS SHRUB | — | GAS SHUTOFF |
| - - - | UNDERGROUND ELECTRIC | — | o DECIDUOUS TREE | — | GAS VALVE |
| - - - | UNDERGROUND GAS | — | o CONIFEROUS TREE | — | GAS METER |
| - - - | UNDERGROUND COMMUNICATIONS | — | o UTILITY POLE | — | FIRE HYDRANT |
| - - - | SANITARY SEWER | — | o UTILITY POLE WITH LIGHT | — | WATER SHUTOFF |
| - - - | STORM SEWER | — | o LIGHT POLE | — | WATER METER |
| - - - | UNDERGROUND WATER | — | | | WATER VALVE |
| | | | | | MONITORING WELL |
| | | | | | SIGN POST |

PRELIMINARY

REVISIONS			
NO.	DATE	DESCRIPTION	BY



PRELIMINARY

CITY OF PLATTSBURGH
CLINTON COUNTY • NEW YORK
SUBDIVISION PLAN
PREPARED FOR
CITY OF PLATTSBURGH
TAX MAP ID #221.12-2-6

DESIGNED BY _____
DRAWN BY: MAD
REVIEWED BY: MSC

Engineering & Surveying PLLC
1748 Rt. 3
P.O. Box 152
Plattsburgh, New York 12901
Tel. 518.562.1800 Fax 518.562.1702

DATE 12/20/19
SCALE 1"=20'
SHEET 1