

ZONING BOARD OF APPEALS

OCTOBER 15, 2018 MEETING MINUTES

Present : Chairman Ron Nolland, Kathleen Insley,
Scott DeMane, Kellie Porter, Steve Sullivan,
Katie Francisco (Alt.)
Kyle Burdo, Housing Code Inspector

Also Present: Aaron Ovios
Michael Racine
Keri-Ane Gadbois
Steven Monahan
Gregg Pawlowski

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

APPEAL	APPLICANT	REQUEST
2166	MICHAEL RACINE 3 CIRCLE GROVE	CLASS B VARIANCES BUILD A RETAINING WALL HIGHER THAN 3 FEET
2173	MICHAEL RACINE 3 CIRCLE GROVE	SPECIAL USE PERMIT BUILD A RETAINING WALL HIGHER THAN 3 FEET WHERE TERRACING IS NOT ACHIEVABLE
2183	KERI-ANE GADBOIS 47 TREMBLAY AVE	CLASS B VARIANCES REQUEST TO BUILD SHED WITHIN REAR AND SIDEYARD SETBACKS AND EXCEEDS AREA COVERAGE
2184	STEVEN MONAHAN 28 GRACE AVE	CLASS B VARIANCE CONSTRUCT 26' X 30' ADDITION WITHIN FRONT YARD SETBACK
2179	CITY OF PLATTSBURGH 6 MILLER ST	AMEND PREVIOUSLY GRANTED VARIANCE

The agenda will be heard as follows:

Appeal #2173 Michael Racine, 3 Circle Grove
Appeal #2166 Michael Racine, 3 Circle Grove
Appeal #2183 Keri-Ane Gadbois, 47 Tremblay Ave
Appeal #2184 Steven Monahan, 28 Grace Ave

The **first** item heard was Appeal #2173, Michael Racine, 3 Circle Grove for a Special Use Permit requesting to construct a retaining wall higher than 3 feet where terracing is not achievable.

Public Comment:

- Mr. Winslow Moore of 8 Kelvin Lane spoke in opposition of the project.
- Ms. Maryanne Shaughnessy of 4 Spring Circle spoke in opposition of the project.
- Mr. Terry Branon spoke in opposition of the project.
- A letter from Ms. Nasseria Boumghar of 1 Circle Grove in opposition of the project was read.

MOTION:

By Ms. Insley, seconded by Ms. Porter

FOR APPEAL #2173, 3 CIRCLE GROVE, FULL ENVIRONMENTAL ASSESSMENT FORM - TO CORRECT ITEM B TO INCLUDE CITY PLANNING BOARD AND THAT THE PROPOSED ACTION WILL NOT RESULT IN A SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACT

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By Mr. DeMane, seconded by Ms. Insley

FOR APPEAL #2173, 3 CIRCLE GROVE, SPECIAL USE PERMIT - TO BUILD A RETAINING WALL HIGHER THAN THREE FEET WHERE TERRACING IS NOT ACHIEVABLE - APPROVE SPECIAL USE PERMIT PLAN AS MODIFIED IN DISCUSSION WITH THE BOARD WHERE THE FIRST TERRACE WILL COME OUT SIX FEET FROM THE NORTHEAST SIDE OF THE GARAGE AND BE PARALLEL TO THAT SURFACE AND GO TOWARD THE RETAINING WALL AS PER THE REVISED DRAWING AT WHICH POINT IT WILL DROP DOWN THREE FEET AND THE SOUTH RETAINING WALL ON THE BORDER WILL FOLLOW THE CONTOUR OF THE NORTHERLY WALL UNTIL SUCH TIME AS THEY TERRACE DOWN TO GET RID OF THE TERRACE COMPLETELY.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

Appeal #2166 to build a retaining wall higher than three feet was not used because the modified plan did not include any walls over three feet because the board believed the wall could be terraced.

The **second** item heard was Appeal #2183, Keri-Ane Gadbois, 47 Tremblay Ave for Class B Variances to build a shed within the rear and sideyard setbacks and exceed area coverage.

Mr. DeMane has a business relationship with Mr. Lamare and is recusing himself from appeal no. 2183. Ms. Francisco will participate in the vote in his stead.

Public Comment: None.

MOTION:

By Mr. Sullivan, seconded by Ms. Porter

FOR APPEAL #2183, 47 TREMBLAY AVENUE, SHORT ENVIRONMENTAL ASSESSMENT FORM- APPROVE CHAIR TO CHECK NO OR SMALL IMPACT MAY OCCUR ON ITEMS #1-11, PART 2 AND TO CHECK THE BOX THAT THIS REQUEST WILL HAVE NO SIGNIFICANT ENVIRONMENTAL IMPACT

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By Ms. Francisco, seconded by Mr. Sullivan

FOR APPEAL #2183, 47 TREMBLAY AVENUE, APPROVE VARIANCE REQUEST TO BUILD A SHED WITHIN THE REAR AND SIDEYARD SETBACKS THAT EXCEEDS AREA COVERAGE WITH THE SIZE BEING APPROXIMATLEY 12' X 8'

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

Ms. Francisco exits the meeting and Mr. DeMane resumes participation.

The **third** item heard was Appeal #2184, Steven Monahan, 28 Grace Avenue for a Class B Variance to construct a 26' x 30' addition within the front yard setback.

Public Comment: None.

The SEQR Form was modified as follows:

CORRECT ITEM 5A TO NO, 5B TO YES, ITEM 2 TO INCLUDE ZONING BOARD AND BUILDING PERMIT, ITEM 1 TO 1, ITEM 6 TO YES, ITEM 17 TO YES, 17A TO NO, AND 17B TO YES

MOTION:

By Mr. DeMane, seconded by Ms. Porter

FOR APPEAL #2184, 28 Grace Avenue, SHORT ENVIRONMENTAL ASSESSMENT FORM- APPROVE CHAIR TO CHECK NO OR SMALL IMPACT MAY OCCUR ON ITEMS #1-11, PART 2 AND TO CHECK THE BOX THAT THIS REQUEST WILL HAVE NO SIGNIFICANT ENVIRONMENTAL IMPACT

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By Mr. DeMane, seconded by Ms. Porter

FOR APPEAL #2184, 28 GRACE AVENUE, APPROVE VARIANCE REQUEST TO CONSTRUCT A 26' X 30' ADDITION WITHIN THE FRONT YARD SETBACK AS SHOWN ON PACKET WHERE HE IS WITHIN 21 FEET OF THE SIDEWALK.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fourth** item heard was Appeal #2179, City of Plattsburgh, 6 Miller Street to amend a previously granted variance to give lot 1 an easement over lot 2.

Public Comment: None.

The previous SEQR stands and does not need to be reheard.

MOTION:

By Mr. DeMane, seconded by Ms. Insley

FOR APPEAL #2179, 6 MILLER STREET, APPROVE AMENDMENT TO PREVIOUSLY GRANTED VARIANCE REQUEST TO SUBSTITUTE NEW PLAN DATED 9/28/18 FOR OLD PLAN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The Board discussed proposed local laws for Cryptocurrency. Mr. Nolland stated that the law should include a distance restriction in regard to other residential districts to mitigate noise disturbance. The board agreed the Chair would draft something for the Planning Board's consideration.

The board discussed proposed local law for Planned Unit Development and did not have any comment or objection.

Adjourned at approximately 9:10 PM

For the purpose of this meeting, this meeting was recorded on the VIQ system. This is a true and accurate copy and transcription of the discussion and for a more detailed discussion, see the recording.

Shelise Marbut
Substitute Secretary
Zoning Board of Appeals