

ZONING BOARD OF APPEALS

JANUARY 19, 2021 MEETING OF ZONING BOARD OF APPEALS  
REMOTE ZOOM MEETING

MINUTES

**Present:** Chairman Ron Nolland, Scott DeMane, Kellie Porter, Meghan Weeden, Elizabeth Jent, P.J. Whitbeck (alt) , Julie Baughn (alt)  
Kyle Burdo, Housing Code Inspector  
Joseph McMahon, Building Inspector

Also present: Kenneth and Wendy Neyland  
Janel Kingsley  
Anthony Conti  
Aaron Ovios  
Corey Auerbach(legal), Barclay-Damon  
Matthew Miller, Director of Community Development  
Turner Bradford, McFarland-Johnson  
Charles Gottlieb, Whiteman, Osterman & Hanna LLP  
Stephen Mackenzie, Mackenzie Architects  
Dean DeVito, Prime Companies

Mr. Nolland called the meeting to order at 7:06 PM.

| <b>APPEAL</b> | <b>APPLICANT</b>  | <b>REQUEST</b>   |
|---------------|---|--|
| 2257          | KENNETH AND WENDY NEYLAND<br>2 SANDRA AVENUE                            | CLASS B AREA VARIANCE REQUEST<br>TO ADD AN ATTACHED ONE-CAR<br>GARAGE TO LEFT SIDE OF HOME,<br>EXTENDING INTO SIDE YARD SETBACK  |
| 2258          | JANEL KINGSLEY<br>49 OAK STREET   | CLASS B VARIANCE REQUEST TO<br>REBUILD UPPER DECK TO PREVIOUS<br>DIMENSIONS  |
| 2259          | ANTHONY CONTI<br>NORTHEAST CORNER OF KANSAS<br>AVENUE AND NEW YORK ROAD | CLASS B AREA VARIANCE REQUEST TO<br>TO PERMIT THE CONSTRUCTION OF<br>MULTIPLE PRINCIPAL BUILDINGS ON THE<br>SAME PARCEL AND OVERAGE OF<br>MAXIMUM BULDING COVERAGE ALLOWED<br>ON PARCEL 233.8-1-1.11, CORNER OF<br>KANSAS AVENUE AND NEW YORK ROAD |

The **first** item heard is Appeal #2257, Kenneth and Wendy Neyland, 2 Sandra Avenue, class B area variance request to add an attached one-car garage to left side of home, extending into side yard setback.

Discussion:

- Application went before the Clinton County Planning Board due to property being located within 500 feet of State University of New York – Plattsburgh property.
- City of Plattsburgh Municipal Lighting Department review comments received regarding power supply to garage addition:
  - Power through home panel box (recommended).
  - Separate power meter would require small commercial rate.
- Board and Applicant discussion of proposed one-car garage addition. Discussion regarding setting precedent with allowance of proposed garage within 3 feet of setback and extenuating circumstances that befall this property.

*Public comment: None.*

*MOTION:*

By: S. DeMane, seconded by K. Porter

*IN REGARD TO THE FULL ENVIRONMENTAL ASSESSMENT FORM FOR SPECIAL USE PERMIT FOR APPEAL #2254, AFTER REVIEW OF THE QUESTIONS AND ANSWERS, WE FIND THERE WOULD BE NO OR SMALL ENVIRONMENTAL IMPACT AS A RESULT OF THIS ACTION.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

*(P.J. Whitbeck (alt), and J. Baughn (alt) abstained)*

*MOTION:*

By: K. Porter, seconded by M. Weeden

*IN REGARD TO APPEAL #2257, MOTION TO APPROVE THE CLASS B AREA VARIANCE REQUEST TO ADD AN ATTACHED 16 FT X 25FT ONE CAR GARAGE TO THE SIDE OF THE HOME, LEAVING A 3 FOOT SETBACK.*

*ALL IN FAVOR: 3*

*OPPOSED: 2*

*MOTION PASSED*

*(R.Nolland and S. DeMane voted in negative)*

*(P.J. Whitbeck (alt), and J. Baughn (alt) abstained)*

The **second** item heard is Appeal #2258 Janel Kingsley, 49 Oak Street, Class B Variance request to rebuild upper deck to previous dimensions.

Discussion:

- Application went before the Clinton County Planning Board due to property being located within 500 feet of State-owned property: 52 Oak Street, Parking Lot and 137 Margaret Street, Government Center.
- Board and applicant discussion of proposed upper deck rebuild. Deck repair would have been an allowable action due to pre-existing nonconforming conditions. Applicant states a repair was not a feasible or safe action, as upper deck was a safety hazard, leaving replacement as the only option. Replacement of deck would be in the same footprint and dimensions as previous nonconforming preexisting situation.

*Public comment: None.*

**MOTION:**

By: S. DeMane, seconded by M. Weeden

*AFTER REVIEW OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM, THAT THE BOARD IN PART 2 CHECK NO OR SMALL IMPACT MAY OCCUR, AND AS A RESULT OF THIS THE CHAIR MAY CHECK THE BOX IN PART 3 STATING NO SIGNIFICANT IMPACT MAY OCCUR AS A RESULT OF THIS PROJECT*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

*P.J. Whitbeck (alt) and J. Baughn (alt) abstained*

**MOTION:**

By: S. DeMane, seconded by P.J. Whitbeck

*FOR APPEAL #2258, JANEL KINGSLEY AT THE LOCATION OF 49 OAK STREET, MOTION TO APPROVE A CLASS B VARIANCE TO REBUILD THE FRONT PORCH WITHIN THE DIMENSIONS THAT THEY WERE PREVIOUSLY BEFORE THEY STARTED TEARING IT OUT. THE PREVIOUS DIMENSIONS WERE A NONCONFORMING PRE-EXISTING CONDITION.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

*(P.J. Whitbeck (alt) and J. Baughn (alt) abstained)*

The **third** item heard is Appeal #2259, Class B Variance request to permit the construction of multiple principal buildings on the same parcel and overage of maximum building coverage allowed on parcel 233.8-1-11, corner of Kansas Avenue and New York Road.

Discussion:

- Application went before the Clinton County Planning Board due to property being located within 500 feet of Town of Plattsburgh property and State Route 22.
- City of Plattsburgh Municipal Lighting Department review comments received:
  - Electric load data request for units.
  - Meter module with disconnects will be required for each building.
  - Right of ways for transformers, underground primary and service to buildings will need to be provided to MLD.
  - Standard MLD procedures and charges would apply for extension of underground facilities.
  - Provide air mitigation to units/connection to each tenant's service data to MLD.
  - Service conductor, disconnect, and meter modules should be 3-phase and electrically balanced best as possible.
- Discussion of public comment received regarding timeliness of mailed notice of Zoning Board Meeting agenda item, notice via Press and City Website. Discussion regarding determination to postpone or hear Appeal #2259 application hearing based on public notice of meeting. Decision by board to proceed with hearing appeal #2259.
- Board and applicant discussion of proposed townhouse project.
  - Now classified as a townhouse development, project now complies with overage of building coverage requirements and variance is not necessary per townhouse definition.
  - Discussion regarding multiple buildings on same parcel.
  - Sketch plan will be presented to Planning Board next week, January 25, 2021.
  - Discussion of comments received from MLD and acceptable to applicant.

*Public comment:*

*Written public comment received from Mr. Thomas Maglienti, representing Lake Country Village HOA, regarding timeliness of mailed public notification.*

*All written public comments submitted to City of Plattsburgh Cityinfo email are entered into record and may be seen in their entirety on the City of Plattsburgh Website at <http://www.cityofplattsburgh.-ny.gov/AgendaCenter>.*

**MOTION:**

By: S. DeMane, seconded by P.J. Whitbeck

REGARDING APPEAL #2259, AFTER REVIEW OF THE FULL ENVIRONMENTAL ASSESSMENT FORM AND REVIEWING THE QUESTIONS AND ANSWERS, THIS PROJECT WILL HAVE NO ADVERSE ENVIRONMENTAL IMPACT.

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

*(E. Jent recused)*

*(J. Baughn (alt) abstained)*

*MOTION:*

By: K. Porter, seconded by S. DeMane

*FOR APPEAL #2259, MOTION TO APPROVE THE CLASS B AREA VARIANCE REQUEST TO PERMIT THE CONSTRUCTION OF MULTIPLE PRINCIPAL BUILDINGS ON THE SAME PARCEL AND OVERAGE OF MAXIMUM BUILDING COVERAGE ALLOWED ON PARCEL 233.8-1-1.11, CORNER OF KANSAS AVENUE AND NEW YORK ROAD, FOR 16 UNITS AND 4 PRINCIPAL BUILDINGS ON ONE LOT.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

*(E. Jent recused)*

*(J. Baughn (alt) abstained)*

OLD BUSINESS:

1. Reaction to letter from Charles Gottlieb regarding Appeal 2232 Special Use Permit project being consistent with previously agreed upon conditions.

Discussion:

- Board and Applicant discussion regarding parking including:
  - Creation and maintenance of 16 new spaces and 92 spaces in south lot dedicated to public parking.
  - Free versus paid public parking for public parking areas.
  - Special Assessment District.
  - 3400 sq.ft. Farmer's Market Building space utilization.
- Board and applicant discussion regarding correspondence submitted by Charles Gottlieb, Prime Companies attorney including:
  - Acceptance of correspondence.
  - Separate determination.
  - Motion/Vote by board.

*MOTION:*

By: K. Porter, seconded by: E. Jent

*MOTION TO APPROVE THE LETTER THAT THE ZONING BOARD RECEIVED STATING THAT THE PLANS ARE CONSISTENT WITH OUR CONDITIONS AND TO INCLUDE THE STATEMENTS THAT WERE RECORDED AT THIS EVENINGS MEETING BY BOTH THE BOARD AND THE APPLICANT.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*  
*(M. Weeden recused)*  
*(J. Baughn (alt) abstained)*

2. Resolutions and findings – Appeal 2232, Special Use Permit 22 Durkee Street.

Discussion:

- Minor grammar and typo revisions to findings and resolutions approved at December 21, 2020 meeting.
- Decision regarding how to proceed with signing of resolutions and findings and filing with the City Clerk.

*MOTION:*

*By: K. Porter, seconded by: S. DeMane*

*MOTION THAT AFER REVIWING FINDINGS AND RESOLUTIONS THE CHAIRPERSON MAY SIGN BOTH DOCUMENTS AND SUBMIT WITH ONLY MINOR CHANGES HAVING BEEN MADE SINCE REVIEWING AND DISCUSSING THEM AT THE DECEMBER BOARD MEETING.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*  
*(M. Weeden recused)*  
*(J. Baughn (alt) abstained)*

*MOTION:*

*By: E. Jent, seconded by M. Weeden*

TO APPROVE MINUTES FROM NOVEMBER 19, 2020 AS WRITTEN.

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

*By: K. Porter, seconded by S. DeMane*

TO APPROVE MINUTES FROM DECEMBER 21, 2020 AS WRITTEN.

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

Motion to Adjourn:

*By: S. DeMane, seconded by P.J. Whitbeck*

Adjourned at 9:07 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 and for a more detailed discussion, see the recording.

Lisa Beebie  
Secretary  
Zoning Board of Appeals