

1. 7:00 P.M. Agenda For The January 21, 2020 Meeting Of The Zoning Board Of Appeals

Documents:

[ZBA 1.21.20.DOC](#)

1.I. Appeal 2230 - 88, 92 Miller St

Documents:

[APPEAL 2230 K. MOUSSEAU 88, 92 MILLER ST .PDF](#)  
[APPEAL 2230 PIC AFTER - MILLER ST.PDF](#)  
[APPEAL 2230 PIC AFTER VIEW EXITING APT.PDF](#)  
[APPEAL 2230 PIC BEFORE - MILLER ST SIDE.PDF](#)  
[APPEAL 2230 PIC BEFORE VIEW EXITING APT.PDF](#)

1.II. Appeal 2231 - 7 Stetson Ave

Documents:

[APPEAL 2231.PDF](#)

1.III. Appeal 2232 - 22 Durkee Street

Documents:

[APPEAL 2232 CITY OF PLATTS FINAL APP PACKET.PDF](#)



Building and Zoning  
Department  
41 City Hall Place  
Plattsburgh, NY 12901  
Ph: 518-563-7707  
Fax: 518-563-6426

ZONING BOARD OF APPEALS  
CITY OF PLATTSBURGH  
41 CITY HALL PLACE  
(518) 563-7707

The Zoning Board of Appeals of the City of Plattsburgh will hold a Public Hearing on January 21, 2020 at 7:00 PM in the Common Council Chambers, City Hall, to hear:

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
2230	KENNETH MOUSSEAU 88/92 MILLER STREET	CLASS B AREA VARIANCE TO ELIMINATE SCREENING FENCE ON SOUTHERN PROPERTY LINE
2231	LESLIE AND BARBARA LUCAS 7 STETSON AVENUE	CLASS B AREA VARIANCE FOR EXTENSION ON EXISTING VARIANCE, SIDE YARD SETBACK
2232	CITY OF PLATTSBURGH 22 DURKEE STREET	SPECIAL USE PERMIT TO AMEND THE BOUNDARIES OF AN EXISTING PLANNED UNIT DEVELOPMENT AND A SPECIAL USE PERMIT FOR USE OF APARTMENTS ON THE FIRST FLOOR OF A MULTI-STORY BUILDING WITHIN A PLANNED UNIT DEVELOPMENT -- INFORMATION ONLY

NOTE: THE ORDER OF THE AGENDA IS SUBJECT TO CHANGE WITHOUT NOTICE. A PRELIMINARY MEETING WILL BE HELD AT 6:30 PM IN THE BUILDING INSPECTORS OFFICE AND IS OPEN TO THE PUBLIC.



# Plattsburgh, New York

Zoning Board of Appeals  
City Hall  
Plattsburgh, New York 12901  
518-563-7707

USE  
CLASS A VARIANCE

AREA  
CLASS B VARIANCE

SUP  
SPECIAL USE PERMIT

Date: 12/2/2019

Appeal No.: 2230

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: KENNETH MOUSSEAU

Applicants Address: 69 FORT BROWN DRIVE  
PLATTSBURGH, N.Y. 12903

Telephone Number: 518 562-0928

Parcel Identification: 207.12-1-24/207.12-1-25/207.16-2-3

Location of request: 92 MILLER ST / 88 MILLER ST.

Property Owner: MOUSSEAU PROPERTIES

Request Description: ELIMINATE SCREENING FENCE  
ON SOUTHERN PROPERTY LINE

Zoning District: R-2

Section Appealed: 270-25 SECTION C

Previous Appeal: No. \_\_\_\_\_ Date: \_\_\_\_\_

Identify applicants the right to apply for variance:

Ownership:  Long term lease: \_\_\_\_\_ Contract to purchase: \_\_\_\_\_

Other (Please explain): \_\_\_\_\_

Applications for zoning variances must be accompanied by:

- 11 copies of existing and proposed site plan.
- 11 copies of existing and proposed floor plan

The ZBA 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.

Kenneth Mousseau  
OWNER/APPLICANT

Lisa M. Beebie  
NOTARY PUBLIC

LISA M. BEEBIE  
Notary Public, State of New York  
No. 01BE6385749  
Qualified in Clinton County  
Commission expires August 5, 2023



## Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(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

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

NO

(3) Is the requested area variance substantial?

NO

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

NO

(5) Has the alleged difficulty been self-created?  
This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

NO

## Area Variances Standards

The state statues define area variances as: "the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by dimensional or physical requirements of the applicable zoning regulations."

General City Law, 81-b(1)

The state statues then go on to provide the zoning board with the standards for granting the area variances;

"(b) In making it's determination, the zoning board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(3) whether the requested area variance is substantial;

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and

(5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The board of appeals , in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community."

General City Law, 81-b(4)

617.20  
Appendix B  
Short Environmental Assessment Form

**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.

<b>Part 1 - Project and Sponsor Information</b>				
Name of Action or Project: <i>KENNETH MOUSSEAU/MOUSSEAU PROPERTIES</i>				
Project Location (describe, and attach a location map): <i>92 MILLER ST.</i>				
Brief Description of Proposed Action: <i>PROVIDE NO SCREENING AROUND PARKING AREA</i>				
Name of Applicant or Sponsor: <i>KENNETH MOUSSEAU</i>		Telephone: <i>518 562-0928</i>		
Address: <i>69 FORT BROWN DR.</i>		E-Mail: <i>KJMOUSSEAU</i>		
City/PO: <i>PLATTSBURGH</i>	State: <i>NY</i>	Zip Code: <i>12903</i>		
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 governmental 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?		<i>.4</i> acres		
b. Total acreage to be physically disturbed?		_____ acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input 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 type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>KENNETH MOUSSEAU</u>	Date: <u>12/4/19</u>	
Signature: <u>Kenneth Mousseau</u>		

**Zoning Board to Fill out. Applicant does not fill out Part 2.**

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**

92 Miller St.

10' side yard setback

25' rear yard setback



UNIT 1

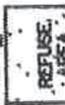
UNIT 2

UNIT 3

UNIT 4

UNIT 5

UNIT 6



PROPOSED ASPHALT PAVING AND STRIPING

11 SPACES

10' WIDE EASEMENT FOR SNOW STORAGE



10.2

20.0'

12.0'

20' front yard setback

15' side yard setback

18' (TYP.)

9' (TYP.)

21.0'

8'

8'

15.0'

26.8'

1.8 Slurry Asph/Conc

CONC.

CONC.

CONC.

CONC.

CONC.

CONC.

RFC

Kenneth J. Mousseau  
69 Fort Brown Dr. #2  
Plattsburgh, NY 12903



AFTER (GOING NORTH ON MILLER ST)



View when EXITING APARTMENT (AFTER)



BEFORE (GOING NORTH ON MILLER ST.)



VIEW WHEN EXITING APARTMENT (Before)



# 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 12-19-19

Appeal No 2231

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: LESLIE + BARBARA LUCUS

Applicant's Address: 7 STETSON AVE.  
PLATS N.Y. 12901

Telephone No.: 518-561-8287

Parcel Identification: 207.15 - 7 - 6

Location of Request: 7 STETSON AVE.

Property Owner: LESLIE + BARBARA LUCUS

Request Description: 2' EXTENSION ON EXISTING  
VARIANCE

Zoning District: \_\_\_\_\_

Section Appealed: \_\_\_\_\_

Previous Appeal: No. \_\_\_\_\_ Date: \_\_\_\_\_

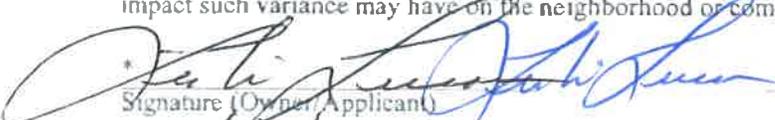
Identify Applicant's Right to Apply for Variance:

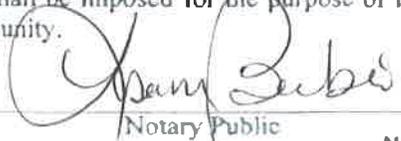
Ownership:  Long Term Lease: \_\_\_\_\_ Contract To Purchase: \_\_\_\_\_

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.

  
Signature (Owner/Applicant)  
LESLIE LUCUS  
Print First and Last Name

  
Notary Public

LISA M. BEEBIE  
Notary Public, State of New York  
No. 01BE6395749  
Qualified in Clinton County  
Commission expires August 5, 2023

\*Signatures other than Property Owner require a Letter of Authorization to apply.



Building and Zoning Department  
41 City Hall Place  
Plattsburgh, NY 12901  
Ph.: 518 563 7707  
Fax: 518-563 6426

## Plattsburgh, New York

### PROCEDURE IN APPEALING THE ZONING ORDINANCE CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION 12-20-19

ZONING BOARD MEETING DATE 1-21-20

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.

## ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

### STANDARDS OF PROOF - AREA VARIANCE

A. The applicant for an area variance is not entitled to an area variance unless he has furnished competent proof to satisfy the "practical difficulty standard" and that the variance, if granted will not alter the essential character of the neighborhood.

In order to satisfy the practical difficulty standard, the applicant must prove that the Zoning Ordinance as it applies to his land creates significant economic injury and that the variance, if granted, will not produce a substantial change in the character of the neighborhood. The courts of this state hold that "significant economic injury cannot be established except by dollars and cents proof which includes:

1. The original purchase price of the premises.
2. The current market value of the premises without an area variance.
3. The projected market value of the premises with the variance having been granted."

"Projected market value" in item 3 does not include any cost of valuation for the proposed construction. It includes only the current market value without any variance plus the "value of the right to build." The "value of the right to build" may be said to be the "value of the building permit". How much more valuable is the entire property with a building permit allowing the future construction of the proposed work? Projected market value which includes the value of the work to be constructed will be rejected.

Projected market value can be best shown by the in-person testimony of a real estate appraiser who is present at the hearing. Written appraisals may be less satisfactory because the writer is not present to answer any questions."

The difference between the current market value without the variance and the projected market value with the variance is the amount of economic injury. If the Zoning Board of Appeals determines that this economic injury is significant, then the applicant may be entitled to the area variance.

However, if a town official comes forward at the hearing with testimony establishing that it is important in this particular instance to enforce the Zoning Ordinance as it is written, in order to protect the health, safety and welfare, then the application must be denied. It is important to note that such testimony must be by a town official or someone hired by the town to give the testimony. If the Zoning Board of Appeals agrees with the Town Official that it is important in this case to enforce the Zoning Ordinance as written, then the applicant is not entitled to the area variance, unless he presents further testimony that the enforcement of the ordinance as written will deprive him of any reasonable use of his land. If applicant proves that, then he is entitled to the area variance.

B. The second question to be determined by the Zoning Board of Appeals is whether the the propose will alte the essential character of the neighborhood. Will a substantial detriment to adjoining properties be created? If it will, then the variance may be denied.

#### C. Other Grounds for Denial:

1. Whether the variance applied for is the minimum variance that is necessary.
2. Is the variance sought one that is merely desirable for the greater enjoyment of the property, as opposed to one that is necessary for continued practical utilization of the premises? (Bielak v. Zoning Board of Appeals, 78 AD 2d 435).

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

-2-

STANDARDS OF PROOF - AREA VARIANCE

3. Is this hardship self-created? An area variance cannot be denied solely on the ground of self-created hardship, but is a factor to be considered.
4. Is the plight of the owner due to personal problems of the owner as opposed to matters dealing with the land or buildings? While an area variance may not be denied solely on this basis, it is a factor to be considered.

## Area Variances Standards

The state statutes define area variances as: "the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by dimensional or physical requirements of the applicable zoning regulations."

General City Law, 81-b(1)

The state statutes then go on to provide the zoning board with the standards for granting the area variances;

"(b) In making it's determination, the zoning board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(3) whether the requested area variance is substantial;

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and

(5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The board of appeals , in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community."

General City Law, 81-b(4)

## Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(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 HEDGES SURROUND  
PROPERTY ON VARIANCE SIDE AND  
BACK PROPERTY LINE

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

NO

(3) Is the requested area variance substantial?

NO ONLY NEED 2 EXTRA FEET ON  
LENGTH OF ADDITION FROM PREVIOUS  
VARIANCE 10' ~~TO~~ TO 12'

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

NO

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

This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

YES FLOOR & FOOTINGS WERE BUILT AT  
12' OUT FROM HOUSE AS PER SUGGESTION OF ZONING  
BOARD BUT NOT STIPULATED IN ORIGINAL  
VARIANCE APPROVAL.

# Variations

One of the basic powers given by law to a zoning board of appeals is called the "variance" power. The board has the authority to "vary," or modify, the strict letter of a zoning ordinance or local law in cases where this strict interpretation could cause practical difficulties or unnecessary hardships for an individual.

Appeals boards are frequently confronted with requests for variances. There are two types of requests that come before the board, and the standards by which they are judged differ. A use variance is a request to utilize property for a use or activity which is not permitted by the zoning ordinance, and the applicant must demonstrate "unnecessary hardship." An area variance is a request for relief from dimensional standards contained in the zoning ordinance, and it requires a demonstration of "practical difficulty."

The basic standards for determining unnecessary hardship and practical difficulty have been established and refined by the courts in numerous cases.

## Use Variance

An individual who wants to utilize property for a use that is not permitted by the zoning ordinance must apply for a use variance. An applicant for a use variance must demonstrate unnecessary hardship by satisfying each of the following three tests:

### 1. Uniqueness

The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone AND that these features make it impossible to earn a reasonable return without some adjustment. If the features or conditions are generally applicable throughout the district, a variance should not be granted. In those situations where the difficulty is shared by others, the relief should be accomplished by an amendment to the zoning ordinance, not a variance.

### 2. Reasonable Return

The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by the zoning ordinance. There must be a "dollars and cents" proof of the applicant's inability to realize reasonable return; speculation or qualitative assessment is inadequate. Failure to realize the highest return is not considered a hardship.

### 3. Character

The applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the "spirit" of the ordinance or local law should be preserved.

The applicant for a use variance must meet all three tests before the appeals board may grant relief. A use variance should not be granted if the "unnecessary hardship" was created by the applicant. If the appeals board grants a use variance to an applicant who has failed to meet each of the tests, it runs the risk of assuming the function of the legislative body and making a decision contrary to the legislative intent of the zoning ordinance.

An increasing number of use variance requests is often the sign of an "aged" zoning regulation. The appeals board should not circumvent the legislative process by granting use variances. Instead, the appeals board should advise the governing body of the need to reexamine and amend the zoning ordinance.

## Area Variance

In the case of an area variance, the applicant is seeking modification of dimensional standards, such as yard requirements, set-back lines, lot coverage, frontage requirements or density regulations, so that the property may be utilized for one of the uses permitted by the zoning ordinance. The appeals board may grant relief if the applicant can demonstrate that strict compliance with the regulations would cause practical difficulty.

The determination of practical difficulty is a three-step process.<sup>3</sup>

1. First, the applicant must demonstrate that the application of the zoning ordinance to his property causes significant economic injury.
2. Once the applicant has demonstrated economic injury, then the municipality must show that the regulation in question is reasonably related to a legitimate exercise of the police power.
3. Last, assuming the municipality has met its burden of proof, the applicant must demonstrate that the restrictions, as strictly applied in his case, are unrelated to the public health, safety or welfare of the community and that granting the variance will not adversely affect the community.

In making a determination of practical difficulty, the appeals board may consider:<sup>4</sup>

1. How substantial the variation is in relation to the requirement;
2. The potential effect of increased density on available municipal, county and state facilities and services;
3. Whether the variance will cause a substantial change in the character of the neighborhood;
4. Whether the difficulty can feasibly be mitigated by some other method; or
5. Whether the interests of justice will be served in granting the variance.

The appeals board should grant the minimum relief necessary to allow reasonable use of the land in question. Not every applicant for an area variance is automatically entitled to receive relief. Each application should be carefully considered against the requirement for proof of practical difficulty.

## Summary

The major difference between a use variance and an area variance involves the use of the property. An area variance results in a modification of physical restrictions so that an allowable use may be established on the property. By contrast, a use variance permits the establishment of a use which is prohibited by the zoning ordinance and the zoning map. It is for this reason that the standards for a use variance are more stringent than the standards established for an area variance.

Frequently, the appeals board is encouraged to make legislative decisions under the guise of use variance requests. The appeals board should exercise caution when confronted with a request for a use variance, and only grant those which meet the tests established for determining unnecessary hardship. The appeals board should resist the inclination to correct deficiencies in the zoning ordinance through the exercise of its variance power. If particular provisions of the zoning ordinance are inappropriate or unjust, the appeals board should recommend that the legislative body (City Council, Town Board, Board of Trustees) take the necessary steps to amend the ordinance or local law.

<sup>1</sup>Otto v. Spahnliher, 282 NY 71 (1939); Village of Bronxville v. Francis, 150 NYS 2d 906 (1956); Jayne Estates v. Rayner, 22 NY 2d 417 (1968); Longiston Civic Association, Inc. v. Klein, 51 NY 2d 963 (1980).

<sup>2</sup>Fayetteville v. Jarrold, 53 NY 2d 254 (1981).

<sup>3</sup>Fulling v. Palumbo, 21 NY 2d 30 (1967); National Merrit, Inc. v. Werst, 41 NY 2d 438 (1977).

<sup>4</sup>Maschberger v. Michalls, 19 Misc 2d 909 (1959).

Department of Planning



Note:

This Tech Memo was prepared by the  
publication for municipal governments.

Department of Planning as an informational  
It is not intended to be a legal opinion.

617.20  
Appendix B  
Short Environmental Assessment Form

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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <b>BATHROOM ADDITION</b>			
Project Location (describe, and attach a location map): <b>7 STETSON AVE.</b>			
Brief Description of Proposed Action: <b>ADD FIRST FLOOR BATHROOM ADDITION ON FIRST FLOOR OF HOUSE</b>			
Name of Applicant or Sponsor: <b>BARBARA &amp; LESLIE LUCAS</b>		Telephone:	
Address: <b>7 STETSON AVE.</b>		E-Mail:	
City/PO: <b>PLATT, N.Y.</b>	State: <b>N.Y.</b>	Zip Code: <b>12901</b>	
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	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<b>53' ROADSIDE X 160' DEEP</b> <b>1445<sup>acres</sup> SQ. FT.</b> acres	
b. Total acreage to be physically disturbed?			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential ( <b>CITY</b> <del>suburban</del> ) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>ATTACH TO EXISTING HOUSE WATER</u>		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>ATTACH TO EXISTING HOUSE</u>		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?		<input checked="" type="checkbox"/>	<input 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <u>CITY STORM DRAINS IN STREETS</u> <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: *Destiny to Care*

Date: *12/20/19*

Signature: *[Handwritten Signature]*

**Zoning Board to Fill out. Applicant does not fill out Part 2.**

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

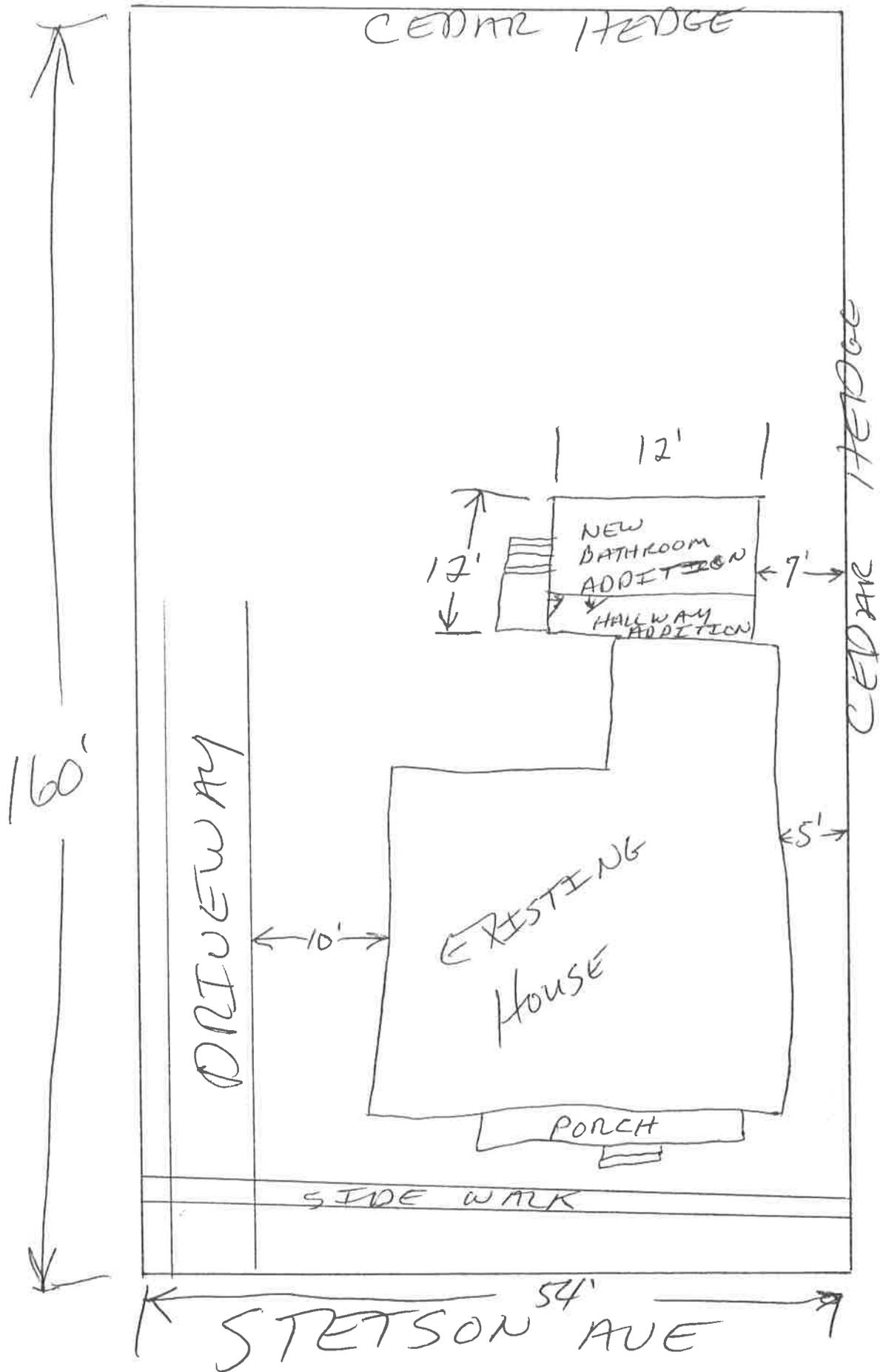
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

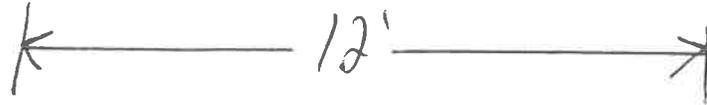
**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	
Name of Lead Agency	Date
_____	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**



7 STETSON  
AVE.



BATHROOM  
ADDITION

ATTACHED TO  
EXISTING HOUSE

2x12 CARRIER  
BEAM ON

2-10" SONATUBES

2x10" FLOOR  
JOISTS

2x6" WALLS

2x10 RAFTERS

ALL INSULATED  
TO CITY CODES  
WATER & SEWER  
ATTACHED TO  
EXISTING HOUSE

7' TO PROPERTY  
LINE

44" W HALLWAY

CLOSET

NEW  
ARCHWAY

OLD  
DOORWAY

EXISTING  
HOUSE

NEEDED EXTRA 4' TO ADD  
HALLWAY AND CLOSET TO REMOVE  
DOOR FROM DINING ROOM



Community Development Office  
City of Plattsburgh  
41 City Hall Place  
Plattsburgh, NY 12901  
Phone: 518-563-7642  
[cdo@cityofplattsburgh-ny.gov](mailto:cdo@cityofplattsburgh-ny.gov)

December 19, 2019

Mr. Joe McMahon, Building Inspector  
Mr. Ron Nolland, Chairman, Zoning Board of Appeals

Re: Plattsburgh Durkee Street Development

Dear Joe and Ron:

The City of Plattsburgh, as part of its Downtown Revitalization Initiative (DRI) award from the State of New York, is now moving forward with permitting for the redevelopment of the City owned Durkee Street lot bordered by Bridge, Durkee, and Broad Streets and the Saranac River. The redevelopment of the Durkee Street lot will involve approvals from both the City Planning Board and the City Zoning Board of Appeals (ZBA).

### **City Permitting**

As part of this redevelopment, we have submitted several applications to the City Planning Board that include the following:

- *City Minor Subdivision application* – for a 2-lot subdivision that will formally separate the Broad Street parking lot from the rest of the Durkee Street site;
- *City Planned Unit Development (PUD) application* – for a 2-lot PUD; and
- *Prime Site Plan application* for Lot 2B within the PUD for the proposed Prime Plattsburgh Durkee Street Mixed-Use Development.

We are also submitting two Special Use Permit (SUP) applications to the City ZBA that will include the following:

- *SUP application* to amend the geographic boundaries of a previously approved PUD; and

- *SUP application* for the use of apartments on the first floor of a multistory building within a PUD. *See Zoning Code – Schedule I, Schedule of Permitted Uses – Part B.*

The City will submit a single application to the ZBA for these two SUPs. Consideration of the amendments to the PUD itself is the responsibility of the Planning Board. The ZBA is responsible only for reviewing the SUPs to amend the previously approved PUD (Zoning Code § 360-31).

### **SEQRA Process**

The SEQRA is being handled by the Common Council as lead agency. A Draft Generic Environmental Impact Statement (DGEIS) has been prepared and deemed sufficient for public review and comment. A public hearing was conducted on December 9, 2019 and the public comment period for the DGEIS will end on December 23, 2019. Following the close of the public comment period, all relevant comments received will be addressed and a Final Generic Environmental Impact Statement (FGEIS) will be prepared. The Common Council will need to review and accept the FGEIS as complete and will file and publish a Notice of Completion. A SEQRA Findings Statement will then be prepared and adopted by the Common Council.

Pursuant to the SEQRA regulations, the SEQRA Findings Statement will be binding on all involved agencies. Although a GEIS and related SEQRA Findings Statement will be issued, the Planning Board and the ZBA will need to make a determination on the specific applications taking into consideration their involved agency status. These determinations include 1) adoption of the SEQRA Findings Statement, and 2) that the specific applications and their potential environmental impacts have been fully assessed in the DGEIS, FGEIS, and Findings Statement and that therefore additional review under SEQRA is not necessary. These determinations should be made by the Planning Board for the Minor Subdivision action, the PUD Subdivision action, and for Prime's Site Plan and by the ZBA for the two SUPs. An Environmental Assessment Form ("EAF") will accompany each application to guide the Board's review of each Project's potential environmental impacts and to utilize in its application of the SEQRA Findings Statement

In this instance, because of the comprehensive nature of the DGEIS, FGEIS and Findings Statement, the Planning Board and ZBA may find that no further SEQRA review is required because the specific actions will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS or its Findings Statement. In furtherance of the above, we will submit a copy of the DGEIS and all other SEQRA materials to the Planning Board and the ZBA for inclusion within their respective administrative records.

Ms. Malana Tamer, City of Plattsburgh Planner  
Mr. Jim Abdullah, Chair, City of Plattsburgh Planning Board  
Plattsburgh Durkee Street Development  
December 19, 2019

We look forward to working with you on the review of our applications to the ZBA over the next several months.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Miller". The signature is written in a cursive style with a large initial "M".

Matthew Miller  
Director of Community Development

Attachments



Community Development Office  
City of Plattsburgh  
41 City Hall Place  
Plattsburgh, NY 12901  
Phone: 518-563-7642  
[cdo@cityofplattsburgh-ny.gov](mailto:cdo@cityofplattsburgh-ny.gov)

## MEMORANDUM

To: Joe McMahon, Building Inspector  
Ron Nolland, Chairman, Zoning Board of Appeals

From: Matthew Miller, City Director of Community Development  
Gail Henderson-King, White + Burke

Date: December 19, 2019

Re: City Application for Special Use Permits  
Plattsburgh Durkee Street Planned Unit Development

On behalf of the City of Plattsburgh, enclosed please find thirteen copies of the following City application for Special Use Permits and supporting materials for the Plattsburgh Durkee Street Development:

1. Special Use Permit application for amendments to boundaries of existing Durkee Street Planned Unit Development (PUD) dated December 19, 2019.
2. Special Use Permit application for apartments on the first floor of a multistory building within the Durkee Street PUD dated December 19, 2019.
3. The City Special Use Permits application Project Narrative dated December 19, 2019.
4. Project Location Map showing location of mixed-use development project site on Durkee Street prepared by McFarland Johnson dated April 2019.
5. Official minutes from the meeting of the City's Zoning Board of Appeals held on January 20, 2004 detailing approval of a Special Use Permit for the establishment of a PUD on Durkee Street.
6. PUD Boundary Maps showing existing and proposed PUD boundaries prepared by Chazen Companies dated December 6, 2019.
7. Proposed Subdivision Plan prepared by Robert M. Sutherland P.C. dated November 26, 2019.



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City of Plattsburgh  
41 City Hall Place  
Plattsburgh, NY 12901  
Phone: 518-563-7642  
[cdo@cityofplattsburgh-ny.gov](mailto:cdo@cityofplattsburgh-ny.gov)

8. List of requested deviations from underlying zoning regulations within the proposed PUD dated December 5, 2019.
9. Prime Plattsburgh, LLC Durkee Street Mixed Use Conceptual Site Plan and Basement Parking Plan C-01 prepared by McFarland Johnson dated November 2019.
10. Plattsburgh Mixed Use Development Renderings prepared by Mackenzie Architects P.C. dated October 23, 2019 and November 5, 2019.
11. DRI Concepts Overview Map prepared by Saratoga Associates dated August 2019.
12. Proposed Durkee Street Improvements Map prepared by Saratoga Associates dated September 2019.
13. Proposed Riverwalk Improvements Map prepared by Saratoga Associates dated August 2019.
14. Letter from City of Plattsburgh authorizing third parties to submit and represent application dated December 19, 2019.
15. Full Environmental Assessment Form prepared by the City of Plattsburgh dated December 19, 2019.

Please let us know if you need additional information.

Thank you.



# Plattsburgh, New York

Building and Zoning Department  
41 City Hall Place  
Plattsburgh, New York 12901  
Ph: (518) 563-7707  
Fax: (518) 563-6426

## PROCEDURE IN APPEALING THE ZONING ORDINANCE SPECIAL USE PERMIT

DEADLINE FOR FILING APPLICATION December 20, 2019  
ZONING BOARD MEETING DATE January 20, 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 -	\$100.00
Multiple Dwellings	\$150.00
Commercial Properties	\$150.00

**All checks should be made payable to the "City Clerk"**. 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 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 application and THE ORIGINAL APPLICATION, of drawings and site plans 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 nor more than ten (10) days before the hearings.
2. Notify, by letter, all property owners within 500 feet of the appeal property location of your request.

*This office is responsible for implementing the above requirements.*

If there are any questions, please feel free to contact this office.  
Thank you for your cooperation.





# Plattsburgh, New York

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Thank you for your cooperation.



# Plattsburgh, New York

Building & Zoning Dept  
41 City Hall Place  
Plattsburgh, New York 12901  
Ph: 518-563-7707  
Fax: 518-563-6426

\_\_\_\_\_  
USE  
CLASS A VARIANCE

\_\_\_\_\_  
AREA  
CLASS B VARIANCE

SUP  
SPECIAL USE PERMIT

Date: 12/19/19

Appeal No.: \_\_\_\_\_

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.: 518-536-7520

Parcel Identification: 207.20-7-15

Location of Request: Durkee St.

Property Owner: City of Plattsburgh

Request Description: Special Use Permit for use of apartments on the first floor of a multistory building within a Planned Unit Development

Zoning District: \_\_\_\_\_

Section Appealed: 360-31 (Special Use Permits)

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
- 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 the Property Owner, require a Letter of Authorization to apply.

**City of Plattsburgh - Plattsburgh Durkee Street Development**  
**City Application for Special Use Permits**

**Project Narrative**

December 19, 2019

**I. Overview and Background**

The City of Plattsburgh (City) is working with Prime Plattsburgh, LLC. (Prime) on a public-private partnership for the redevelopment of the Durkee Street lot. The State of New York (NYS) identified the Durkee Street Site as the centerpiece of Plattsburgh's Downtown Revitalization Initiative (DRI) award. Consistent with the City's October 17, 2018 Request for Proposals, Prime is proposing a mixed-use development consisting of approximately 115 residential units, 10,000 square feet of commercial space, 5,800 square feet of renovated farmers market building space for commercial and civic use, parking, and open space.

The Durkee Street lot fronts on Durkee Street and is bordered by Broad Street to the south, Bridge Street to the north, and the Saranac River to the east. It currently includes the Gateway building and associated parking leased to Investors Corporation of Vermont (ICV), a municipal parking lot, a farmers' market structure, the remediated site of a former gas and service station (Highway Oil site), and a path along the Saranac River riverfront.

The Durkee Street lot is located in the C- Central Business/Commercial Zoning District and has several previous approvals from the City's Zoning Board of Appeals (ZBA):

- September 29, 1975 – Appeal #126 for the establishment of an industrial operation.
- January 20, 2004 – Appeal #1577 for the issuance of a special use permit (SUP) for a Planned Unit Development (PUD). The PUD boundaries include the Durkee Street lot and the City owned Broad Street parking lot. It did not include the former Highway Oil site which was not in City ownership at that time.

The City is submitting two special use permit applications: 1) to amend the boundaries of the previously approved PUD for the Durkee Street lot; and 2) for the use of apartments on the first floor of a multistory building within a PUD. The uses permitted within the PUD will be augmented to include additional uses currently permitted within the underlying C Zoning District.

Related to all applications, the Common Council, acting as Lead Agency, has commenced the New York State Environmental Quality Review Act ("SEQRA") process for the City's Downtown

Revitalization Initiative projects. The City Council has required that a Draft Generic Environmental Impact Statement (“DGEIS”) be prepared to assess the potential significant adverse environmental impacts related to the downtown area improvement projects. The DGEIS was deemed complete on November 21, 2019 and a public hearing for the DGEIS was held on December 9, 2019. Importantly, the Durkee Lot Mixed Use Development, for which approval of the two SUP applications is required, is one of the constituent projects evaluated as part of the DGEIS. This assessment will be further reviewed in a Final GEIS and related SEQRA Findings Statement. The City’s Planning Board and the ZBA are listed as involved agencies for this GEIS process. Throughout the course of this application, the City will demonstrate that the GEIS and related Findings Statement have adequately assessed the potential significant adverse impacts related to the Durkee Lot Mixed Use Development and therefore no further SEQRA review of the SUP applications is required.

## II. Project

The City is requesting two SUPs: 1) to amend the boundaries of the existing PUD on Durkee Street; and 2) for the use of apartments on the first floor of a multistory building with that PUD and to augment the uses permitted within the PUD to include additional uses currently permitted within the underlying C Zoning District. This includes the following:

1. Boundaries of the PUD: The proposed adjusted boundary of the PUD is to include lands bordered by Bridge Street to the north, Durkee Street to the west, Broad Street to the south, and the western bank of the Saranac River to the east. This includes the Durkee Street parking lot, the Gateway building and its associated parking garage, and the former Highway Oil lot. The total land area within the proposed PUD boundary is approximately 4.66 acres. The Broad Street parking lot will no longer be included the PUD.

The proposed boundary of the PUD meets the minimum land area requirements of 3 acres as outlined in Section 360-21(C)(9) of the City Zoning Regulations for the C-Commercial Zoning District.

2. Uses within the PUD: The proposed uses will potentially include retail businesses and commercial uses, personal and business service establishments, residential apartments, and parking and loading areas.

According to **Schedule I 360 Attachment 1:3** of the Plattsburgh Zoning Regulations, the following proposed uses are included in the list of Permitted Principal Uses, Accessory Uses, and Uses Requiring Special Permit.

Permitted Principal Uses:

- The proposed retail businesses and commercial uses, and personal and business service establishments are proposed on the first floor along Durkee and Bridge Streets.
- Residential apartments above the first floor. These apartments will be on the upper floors of the building.

Accessory Uses:

- On-site parking spaces are proposed underneath the building as well as 2 surface parking lots. A loading area is also proposed.

Uses Requiring Special Permit:

- Planned unit developments (PUD), of which we are proposing to amend an existing, previously approved PUD.
- Residential apartments are proposed to be on the first floor of the multistory building wing along Bridge Street and the wing facing the surface parking lot.

### **III. City Special Use Permit Review**

We have provided information on the Project that addresses the review criteria in conformance with Special Use Permit requirements as described in *Section 360-31 Special Use Permits* of the City’s Zoning Ordinance. These items will be addressed in more detail as part of the GEIS prepared for this Projects and others in the downtown area.

Section 360-31 B. Standards

- *The general character, height and use of the structure or structures;*

The proposed PUD allows for the redevelopment of the lands with an infill building bordering the roadways and sidewalks that have been contextually designed to define the streetscape and fit into the general character of the surrounding area. This is an infill project within the downtown fabric of the city. Many years ago, there were buildings on the project site, but have since been removed. The surrounding area has buildings bordering the sidewalks and streetscape that typically define a walkable downtown area. This proposed PUD will allow the flexibility to have buildings close to the sidewalks.

The proposed building will be 65 feet tall with 5 stories (one level underground, four stories above ground, and a mezzanine level). This is similar to heights of other buildings within the Central Business/Commercial Zoning District in the surrounding area. The

proposed uses within the PUD are all uses that would typically be found in a downtown environment.

- *The provision of surrounding open space and the treatment of grounds;*

Open space, as written in *Article II Definitions 360-5 Terms*, is defined as “...open unobstructed space from ground to sky at grade on a lot accessible by walking and which is suitable for and maintained as grass, flowers, trees, bushes and other landscaping and includes any surface walk, patio or other similar area but does not include driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.”

Each lot within the PUD and the entire PUD development meets the minimum open space) requirements for the C – Central Business zoning district. The entire PUD development also meets the land use density requirements for the C – Central Business zoning district as follows:

	<u>Underlying Zoning District</u>	<u>Proposed</u>
Minimum Open Space	15%	22%

Open space is provided within the proposed PUD and constitutes 22% of the entire site. This exceeds the minimum requirements for the entire PUD of 15% open space.

The proposed open spaces are as follows:

- Along the Saranac River, an identified top priority for the City, to be designed as a riverfront walk with site furnishings and landscape plantings that will connect Broad, Durkee, and Bridge Streets to the riverfront;
- Bordering the riverfront walk and the surface parking lot;
- Walkway and landscape plantings from Durkee Street to the riverfront walk;
- Walkways along Durkee and Bridge Streets; and
- Walkways and amenities in the courtyard of the building. These open spaces will include sidewalks, boardwalks, landscape plantings, and site furnishings all consistent with downtown amenities.

- *The general fitness of the structure or use to its proposed location;*

The proposed building structure and uses are consistent with what are typically found in downtown Plattsburgh. The proposed building elevation has been conceptually designed

to have similar architectural details to those that exist in surrounding structures in order to maintain balance with the character of the neighborhood.

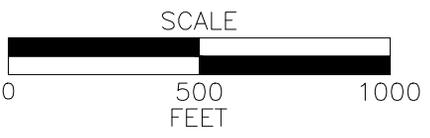
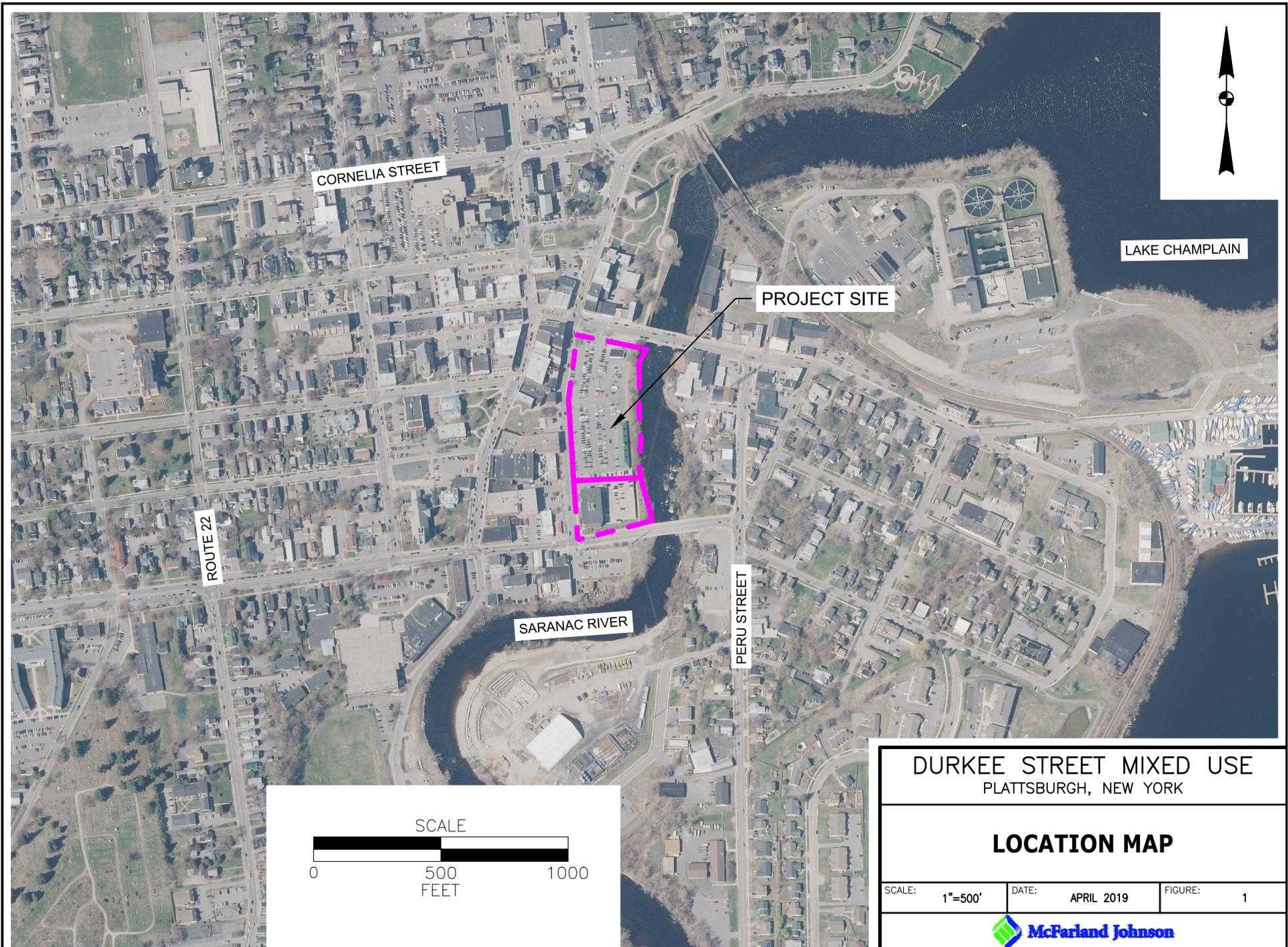
- *The provision for automobile parking or storage;*

The proposed Project will have 286 parking spaces on-site which exceeds what is estimated to be required to meet the needs of the proposed uses. Fifty (50) of those spaces will be made available for use by the public. Per the City's zoning regulations, 319 spaces would need to be provided on-site. However, in the DGEIS it is noted that the City's off-street parking requirements have not been updated in some time. An alternative source of data is the Institute of Transportation Engineers (ITE) "Parking Generation" (5th Edition, 2019) manual, an authoritative publication that includes parking demand data for over 100 different land uses. The ITE Parking Generation Manual shows a total demand of 272 parking spaces for the Durkee Lot Mixed Use Development's residential and commercial components, 45 spaces fewer than is required by the City's zoning regulations.

The existing, publicly accessible parking spaces located on the site will be relocated to several nearby downtown lots and public streets. The City anticipates that the majority of these parking spaces will be operational prior to the start of construction of the proposed development. The DGEIS outlines and documents the new locations of these publicly accessible spaces. The City is implementing this parking relocation process as part of their Public Parking Plan.

- *Street capacity and use as may be necessary to safeguard public health, convenience and as may be required for the preservation of the general character of the neighborhood in which such building and/or structure is to be placed or such use is to be conducted.*

Street capacity as it relates to traffic is addressed as part of a detailed traffic analysis included in the DGEIS. The DGEIS review concluded that the proposed Downtown Area Improvement Projects, which include the Durkee Lot Mixed Use Development, will have minimal traffic impacts and that no mitigation measures are needed.



**DURKEE STREET MIXED USE**  
PLATTSBURGH, NEW YORK

**LOCATION MAP**

SCALE:	1"=500'	DATE:	APRIL 2019	FIGURE:	1
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The **fifth** item on the agenda was Appeal #1577, Investors Corporation of Vermont, Bridge Street Parking Lot For a Special Use Permit.

Mr. Nolland said the provisions appealed were 270-20 and 270-10. He believe 270-10 is a misprint and they are asking for only a Planned Unit Development and all other physical discrepancies between the project and building code be taken of by the Planning Board.

Property owner is City of Plattsburgh. This is a Special Use Permit for a PUD.

The zoning district is zoned C Commercial. The Section Appealed is 270-20, PUD.

Mr. Perry 270-10 also includes Schedule of Permitted Uses. A previous appeal was #126, on 9/29/75. Mr. McMahon stated this was to establish an industrial operation.

A memorandum dated December 19, 2003 from Mayor Stewart was read into the record regarding ownership. [Meter 710]

John Clute, Corp. Counsel for the City of Plattsburgh began this discussion stating the City administration is actively involved in promoting and furthering this particular development. He is here to speak on behalf of the Mayor and Common Council about the project and in doing so, he is their advocate. He is not the Zoning Boards Legal advisor in this case.

Mr. Clute stated there are 2 things he wanted to speak about tonight. One is the respective powers and responsibility of the 3 city boards involved in this project - the Common Council, Zoning and Planning Board. The second issue is thoughts about how to review a phased developed such as this one. [Meter 840]

With respect to the City Councils role in this, the City of Plattsburgh owns this land and they are the entity that has the right to determine whether it should be redeveloped. They have the power and will decide who is going to develop it, what for, for what uses and what kinds of terms and conditions this property will have. This will be a ground lease. The Council has the means through this document or agreement that is worked out with the developer of addressing those kinds of issues or concerns. The Council thinks the land is an underutilized asset; that the land should be developed to its full potential to enhance the city tax base. The offices and limited amount of retail space in connection with the natural development of this site is an appropriate use for the land. The Council also understands and is concerned about and have and will addressed in the fellow document striking an appropriate bounds between the need to grow the city tax base but yet assure the people that have already made an investment in downtown Plattsburgh that they will have sufficient parking in order to properly conduct their businesses and grow. Those issues have been talked about and will be covered in the final lease agreement. The City administration has the power to decide those things in a reasonable and balanced fashion. [Meter 993]

With respect to the Zoning Boards role, unlike other items heard tonight, it's fairly limited. For tonight's discussion, this Board has to decide whether or not they should grant permission for this particular parcel of land to be developed as a PUD. A PUD designation is something that allows a lot to be developed with multiple uses in connection with the plans for that

development. Mr. Clute discussed further other uses for the lot. [Meter 1050]. The appropriate planning use mechanism for doing this is through the PUD process. If the decision is made that a PUD designation is a special permitted use and should be granted to this project, the right and responsibility to review and to make judgments about all the details of the plan is primarily in the hands of the Planning Board. Ultimately, it comes down to the Planning Board. It's unlike other permitted uses that the Zoning Board deals with. He spoke more about a PUD, review criteria, Section 270-20 standards, judgments for those standards from the PB. [Meter 1170 - 1225]. He then suggested to the Board to keep in mind there are limits to authority that one board has to the other. The PB ultimately will get this plan and make the ultimate decision on the details of the proposed project development.

Mr. Clute continued saying when you have 3 different boards involved in a project and it's a big project, one of the things that's important to keep in mind is to recognize and respect the authority of the other boards to make the decisions that they have a right to make in the course of the Development of the project. It's recognizing that others do have certain powers and authority when making these important decisions. [Meter 1290] He reiterated the Council does have a considerable stake in this project, an interest in it and ultimately have a right to decide whether this land ever gets developed at all. It's just not up to the Zoning or Planning Boards. There is another player on how this moves forward.

Mr. Clute added this is a phased project with a 50,000 sq. ft office building, 180 car-parking garage and 60 car parking deck located at the South parking lot. [Meter 1379]. This is the 1<sup>st</sup> phase of part of this project. The second part could be several years down the road, with a large 600 car public parking garage intended to provide ample space for existing downtown businesses and to accommodate all the needs for another office building. That would be the third phase of the project. The lease tentatively negotiated gives them 18 month for the first phase. The City administration does not want a situation where property is essentially tied up for an extended period of time under a land control document w/o a realistic plan that actually makes some progress.

The second phase, because it involves construction of a large parking garage, is pretty much the responsibility of the City but it does tie into the 3<sup>rd</sup> phase because essentially, the right to develop the third phase that expires 7 years after the first. [Meter 1540] The first phase plans are quite definite and reasonably certain but much of the rest of it is a concept or idea of what it might look like. [More discussion about phases, use of lands, Meter 1600 – 1735]

Ms. Schoonmaker then showed a video of what the garage and building would look like. [Meter 1822]

Mayor Stewart advised Investor Corp. of Vermont came to the City of Plattsburgh interested in doing a downtown development. He was asked to go to Washington, DC regarding the Federal Building. [Meter 2000]. A SUNY presence downtown is also being worked on for a small business center with classrooms for Art and classrooms for the college. Some of this building has been leased already. ICV wants to make a huge investment into the City of Plattsburgh. Phase I is what we are talking about tonight – the 2 decks and the 5 story building as the first phase. Anything else after this will come back through the same process. The Mayor also mentioned the Farmers Market. The Lake City Development Corp. has recommended not to spend the \$80,000 to enclose the Farmers Market. Because of the

developments that are taking place in the parking lot, it's possible that they might want to relocate the Farmers Market, rather than make a major investment into this. The Gas station will have to be another thing that will have to be obtained by the City of Plattsburgh and probably obtained by the City of Plattsburgh. They have retained the Durocher building across the street. [Meter 2239].

Mr. Sprayragen from ICV introduced Gregory Rabideau, Architect, which had prepared all the plans.

Mr. Rabideau explained the principal structure being proposed is a 5-story office building, with 11' 4" per floor. It will be 58' tall. There will be commercial grade aluminum windows. The exterior will be brick masonry, with decorative stone treatment. There will be a semi-octagonal inflection of the structure, which corresponds to the front on Durkee St. There will be existing transformers on the site. The parcel is 5.3 acres which encompasses all the land from the corner of Durkee to Bridge St. This will include the land that Broad St. traverses over. The proposal includes restructuring an existing parking lot to include a 2-level parking garage, with a lower level entrance off from Durkee St. The upper level will take advantage of up ramp that goes up the Broad St. Bridge so you will come in onto the upper level using existing topography.

The same technique will be used on the Northerly part of the garage closer to the river. The lower level will be accessed by a "carriage sweep" by driving in and doing a "u" turn and driving back out. This will provide for a drop off and principal entrance to the office structure and then drive directly into the lower level garage. That would be Phase I. The existing location of the Farmers Market will remain. Other features that will remain is the boardwalk extension towards Broad St.

Mr. Rabideau continued saying actual lot coverage will go down for the project as they introduce green space. [Meter 2596]. He spoke about design, storm water, pipes under the floor of the parking garage. They will provide for retainage of storm water on the site, by large diameter pipes under the floor of the parking garage. The storm water that falls on the parking garage and immediate areas around it can be converted into a storage facility and will then allow them to retain that water and discharge it into the Saranac River on a much slower rate. The actual impact and rainfall from storm events on the site will be attenuated by the development of the project, such that storm water discharge will be withheld. [Meter 2660]. The other advantage of this will be the cleaning of that water to the extent that there will be an opportunity for solids and things to settle out of the water. In addition to this, they will provide for some overland flow between the discharge flowing and the actual river itself, providing for additional cleaning and aeration. [Meter 2700] The best location for electric power to come to the building is on the South side of the building, where there is available conduit banks.

Mr. Rabideau also stated overall, there will be a constant number of parking spaces that will be developed for the project. The pre and post development phase will be the same number of parking spaces, given the demand for the office space itself. Overall, there will be net reduction for available public parking spaces.

Ms. Schoonmaker explained the parking spaces. [Meter 2850 - 3125]. The developers have shown the numbers of spaces that will be lost and gained during the whole construction of the project. Their primary concern is the 1<sup>st</sup> 3 months of the project. From approximately March 1 – May 30, when you figure out the number of spaces lost and added, through out that period of time, there will be 81 spaces that will be lost for those 3 months. The first 5 days they will be closing in the North Parking lot and 2 of the entrances and adding 66 spaces. She reiterated 81 spaces will be lost over those 3 months. She spoke about offsetting those spaces. The city and county are working together to develop a busing plan for those employees. There are some other parking area the county is talking about purchasing, etc. Ms. Schoonmaker strongly said they are working to offset those lost 81 spaces by busing county employees. Maybe Skyway or St. Peters Church might be parking areas.

Ms. Gilbert asked about Durkee St. being one way and gaining spaces there. Mr. Sprayragen stated they proposed NOT to make Durkee one way but to close the entrance off Durkee St. [Meter 3169] He spoke about restriping the parking lot and how there was quite a variation between how wide some of the spots were and how wide some of the others were. Ms. Schoonmaker said even taking this into consideration, they will still have that net loss for 3 months. The developer is actually doing the striping at their expense.

[Lengthy discussion on loosing parking spaces, Nolland, Sprayragen, Schoonmaker, Perry, spaces for county workers, parking spaces regarding zoning ordinance, overall spaces, Meter 3400].

Mayor Stewart spoke about the County and City working together on parking spaces, foreclosure of certain city property and bank releasing that property to convert into 50 parking spaces. [Meter 3489] In addition, NYSEG property maybe helping with parking.

Mr. Nolland clarified tonight's meeting is for only Phase I and the Special Use Permit. [Discussion between Perry and Nolland about intentions of Phase I, Meter 3500 – 3812]. This is an unlisted action and therefore an uncoordinated review.

Mr. Perry discussed the pubic notice and the new add. [Meter 3914-At this point in the meeting, Ms. Drumm left the meeting with Mr. Fuller taking her place on the Board. Mr. Fuller has heard on the testimony for this project].

Mr. Nolland then opened the meeting up to the audience.

Steve Baker, 2 Durkee St., stated he owns the property at the south end of this property and has a lawsuit against the City regarding the parking lot at Durkee St. [Meter 4345]. He did not know how this could go forward. Mr. Nolland then read the letter from Mr. Baker, dated 1/20/04 into the record.

Mr. Ed Collins then spoke stating this was in the legal section of the paper.

Ron Patnode asked about the parking structures and would they be accessible to the public when finished (24/7). Mr. Sprayragen said they were currently in conversations in making the top level of this available to the public. Mr. Patnode thought there would be no relief to the tax base and were getting nothing in return. He asked what would happen with the snow and snow related problems. [Meter 4884].

Mr. Seiden stated he has been redeveloping Downtown since 1985. He reminded everyone this is an independent Board and they will look at it independently, whether the Mayor or Pope or anybody else wanted something to happen. He asked to treat the developer with the same type of requirements and standards that the regular townspeople get when needing a variance. Let this project stand on its own merit.

Mr. Rabideau commented to Mr. Baker the upper level of the parking garage will be at the level of Broad Street, maybe 10' above grade. The lower level will be flush with Durkee St. The proposed parking structure will be 10' tall. There will be guardrails on top of the structure that will be open. He proposes vertical stantions connected w/half inch thick cables. It's a public parking lot today and it will be a public parking lot in the future.

It's their intention to improve the overall quality and volume of runoff from this site by directing it to a well-defined structure and metering the outflow to the Saranac River. They are not increasing any lot coverage. Mr. Nolland spoke about filtration. [Meter 5330]

Mr. Rabideau is also proposing landscaping for this project, with a lot more green than currently there now. There could be more things done to lessen up the impact of this building. The building should be 15' from Durkee St. Mr. Perry said the internal street (Broad) is required to be 25'. [Discussion 5500 – 5798] Mr. Nolland reiterated they are only supposed to decided tonight is the SUP. The PB will decide everything else.

Mr. Rabideau continued spoke about snow removal. Mr. Patnode commented about snow removal. [Meter 5970]. The Mayor responded to the snow comments made from Mr. Patnode.

Ms. Labounty asked if there were any plans for an elevated walkway. Mr. Sprayragen stated they would work with the City to make some crosswalks to make it safe for pedestrians but there is no plan for an elevated walkway.

Mr. Rabideau spoke about the efficiency of the parking garages and topographic features. [Meter 6300]

Ms. Gilbert thought this project would overwhelm the Farmers Market. Mr. Rabideau said this would also impact the community with more eyeballs to Downtown Plattsburgh and the businesses located there.

Ms. Gilbert asked how many new jobs might be created. Mr. Sprayragen said its hard to put a number on this yet, since they are still in the preliminary phases.

Mr. Mazzone spoke about the parking spaces. [Meter 6700].

(Tape 3)

Ms. Schoonmaker said the first level in the South lot will always be remain open to the public. They will use tokens or wands. Mr. Sprayragen reiterated they proposed to build the upper level of one deck first (south garage), and open that up to the public right away.

Mr. Nolland spoke about people leaving their cars in the garage, working people leaving cars, [Meter 119] The Mayor clarified there is a lot of parking, Social Services parking, 2 hr parking.

The Board the reviewed the Long Form SEQR. The following items were changed:

Ms. Schoonmaker clarified the 5.33 acres includes the gas station.

A. SITE DESCRIPTION

1. #10 changed to yes.

B. PROJECT DESCRIPTION.

1. (f) Both of those numbers are incorrect. Existing is 433, proposed is 585.  
(g)Add: 60-70 trips.[Discussion Meter 734 – Mayor Stewart, Board, Rabideau]  
(l)Mr. Rabideau changed height to 60'.
2. Add: To be determined.
6. Discussion on start date of project. Mr. Sprayragen stated a more realistic approach is April or May. Mr. Williams said for the record, the 10-month block is designed to break ground to a sealed building unit. (Finish of office area). [Meter 978]
11. Mr. Nolland mentioned the relocation of the farmers market. Mr. Williams and Mayor Stewart said this will not be part of Phase I.
16. This was changed from no to yes.
  - a. Solid waste was changed from no to yes.
  - b. Yes was checked.
  - c. Clinton Co. landfill was checked yes.
  - d. Yes was checked.
17. Disposal of solid waste was changed to yes.
20. Noise levels were changed to yes.[Discussion Meter 1300]  
The Mayor clarified regarding the entrance to the parking lot, the City will make improvements at this U-turn piece of property.
23. Added 1300 gallons.

Mr. Nolland then stated 16a will be changed from tons to 30 cu. yards/month for construction of solid waste.[Discussion on wasted material, Meter 1565 - 1730]

25. Approvals required are City Zoning and Planning, Clinton County, Common Council, NYS Health Dept.; State Agencies should be check yes for DEC. Federal Agencies should be checked no.

C. ZONING & PLANNING INFORMATION

3. Add 22 stories.
6. Add mixed use

Mr. Nolland spoke about the utilities & electric, [Meter 1989 - 2080] Mayor Stewart mentioned there is a potential of a new substation being built across from Durkee Street.

12a. Change no to yes regarding generation of traffic.

Ms. Latinville questioned why this SEQR was submitted so late and why most was incomplete. Mr. Perry explained he told the developer they could submit it tonight. Mr. Sprayragen added he was not advised he needed a Long Form SEQR. The Mayor said it was not the developers fault this was late.

Mr. Perry stated this is an uncoordinated action so each agency can review the SEQR. Lead Agency does not apply here. [Discussion on SEQR]

Part 2 – Projects and Their Magnitude.

#13 was changed to no.

#16 should be changed to yes, according to Mr. Nolland. [Discussion - Meter 3100]

Mr. Nolland spoke about the Visual AEF.[Meter 3400]

#### **MOTION ON LONG FORM SEQR:**

**By Ms. Gilbert, seconded by Ms. Latinville**

**THE BOARD FINDS NO SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT FOUND BY THE EVIDENCE PRESENTED TONIGHT ON SEQR FORMS AND PROJECT DESCRIPTIONS.**

**ALL IN FAVOR: 7**

**OPPOSED: 0**

Mr. Nolland again clarified all they need to approve is whether to allow 5+ acres of land to be classified as a planned unit development. They are no way approving the layout of the buildings, the format of what happens in Phase I, (that will be discussed at the PB), they are not talking about area and bulk controls, they aren't talking about parking or storm water, only talking about is this allowable at a PUD. Mr. Perry agreed.

Ms. Gilbert asked about the gas station property. The City does not own the gas station and no one can asked the Board to approve a PUD involving the gas station. If the gas station is subtracted, does the City still have 5 acres. Mr. Nolland said yes, the gas station is a .28 + acre parcel of land situated on Bridge St. Mr. Perry explained on the parcel identification map, it shows for the north and south parking lot, 5.11 acres. Ms. Gilbert said this clearly excludes the gas station. Without Highway Oil, it still exceeds the 5 acres they need for a PUD.

**MOTION:**

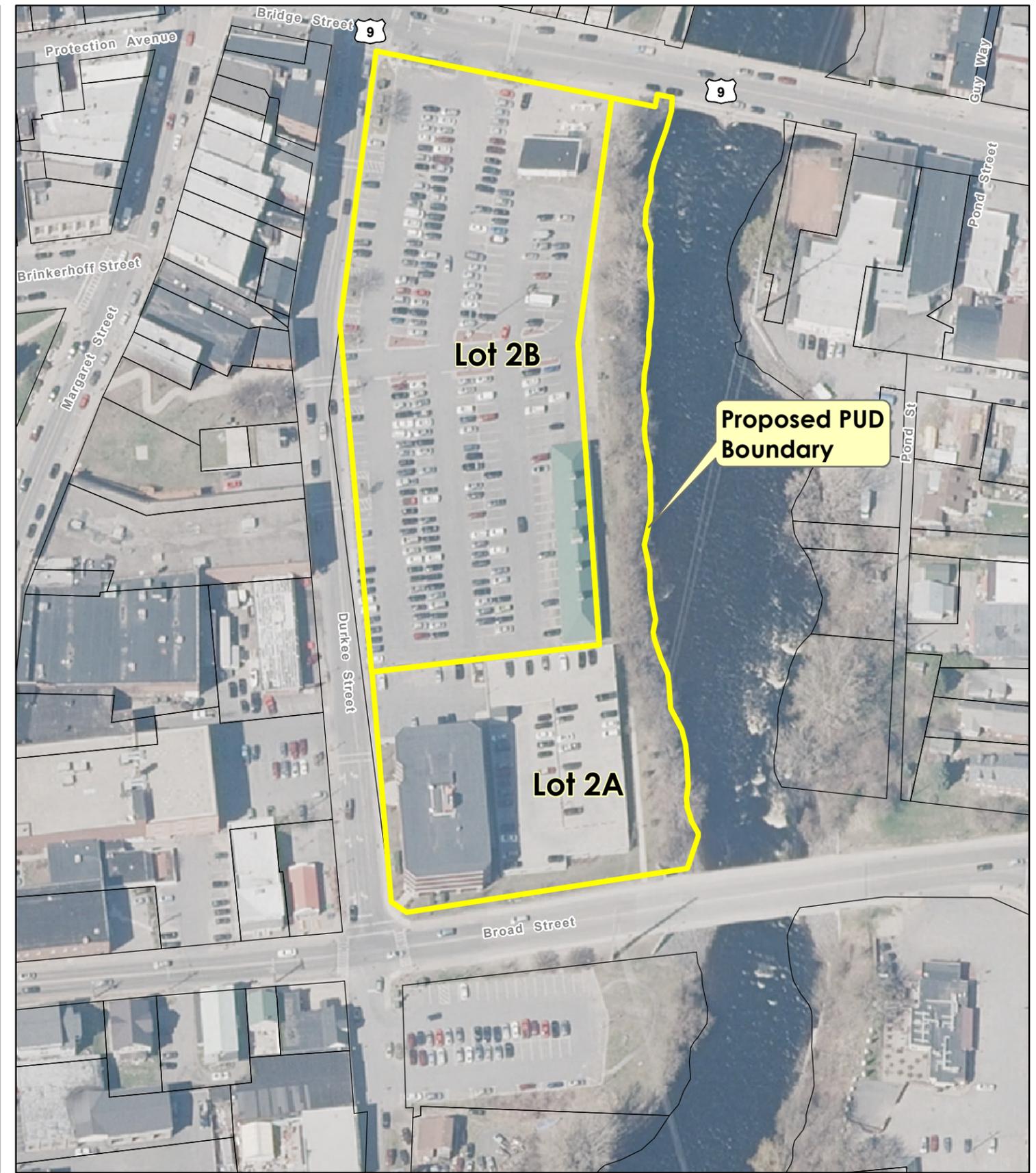
**By Steve Fuller, seconded by Ms. Gilbert**

**TO APPROVE APPEAL #1577, INVESTORS CORP. OF VERMONT FOR A SPECIAL USE  
PERMIT FOR A PLANNED UNIT DEVELOPMENT IN THE CITY PARKING LOT**

**APPROVED: 7**

**OPPOSED: 0**

**MOTION APPROVED**



## PUD Boundary - Existing and Proposed

12/6/2019

Downtown Area Improvements GEIS

Plattsburgh, NY

**Map Notes:**

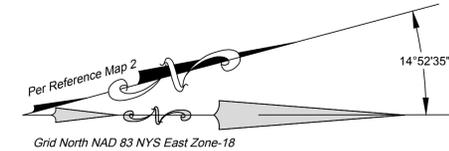
- Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of section 7209, sub-division 2 of the New York State Education Law.
- Only copies from the original of this survey marked with an original of the Land Surveyor's embossed seal shall be considered valid true copies. (mylar prints shall be stamped with the surveyor's ink seal with an original signature)
- Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. Said certifications shall run only to the person for whom the survey is prepared and on his behalf the title company, governmental agency, and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.
- Copyright 2019, Robert M. Sutherland, P.C. All rights reserved.
- The location of sub-surface improvements are approximate and compiled from field location and mapping provided by the respective utility companies. The contractor shall confirm the location of all utilities prior to the commencement of excavation.
- Subject to any findings of an accurate abstract of title or those discoverable by inspection.
- Subject to any and all right of ways and easements of record, if any.
- North arrow and bearings based on grid north NAD 83 New York East zone 18.
- Vertical datum based on NAVD 1988.
- All distances shown hereon are ground distances.
- Riparian rights, if any, have not been established as a result of this survey.
- Building offsets, as shown on this map, are not to be used for construction purposes.
- Missing property corners were not set as a result of this survey.

**Reference Maps:**

- "Map of Lands of City of Plattsburgh 44-48 Margaret Street, Plattsburgh." prepared by Joseph J. Martina, L.S. dated September 30, 1974 and filed in the Clinton County Clerk's Office in Book 6 Page 57.
- "Survey Map Showing Parcels of Land/Parcels A-J" prepared by City of Plattsburgh Proposed to be conveyed to City Plaza Associates." prepared by Jolly and Russo Land Surveyors dated September 25, 1989 and filed in Clinton County Clerk's Office in Book 19 Page 71.
- "Boundary Survey Portion of Lands of The City of Plattsburgh." prepared by C.T. Male Associates, P.C. dated October 5, 2004 and on file in the office of Robert M. Sutherland, P.C.
- "Map Showing Plattsburgh Gateway-Phase 1 Site Plan." prepared by Robert M. Sutherland, P.C. dated May 12, 2006.

**Reference Deeds:**

- City Plaza Associates to City of Plattsburgh by deed dated February 27, 2003 and recorded on Instrument # 2003-152840 on March 12, 2003 in the Clinton County Clerk's Office.
- Lease to ICV.NY, LLC to City of Plattsburgh by deed dated May 26, 2006 and recorded as Instrument # 2006-200533 on November 17, 2006 in the Clinton County Clerk's Office.
- Richard A. Marks to City of Plattsburgh by deed dated July 9, 2014 and recorded on Instrument # 2014-265603 on July 09, 2014 in the Clinton County Clerk's Office.

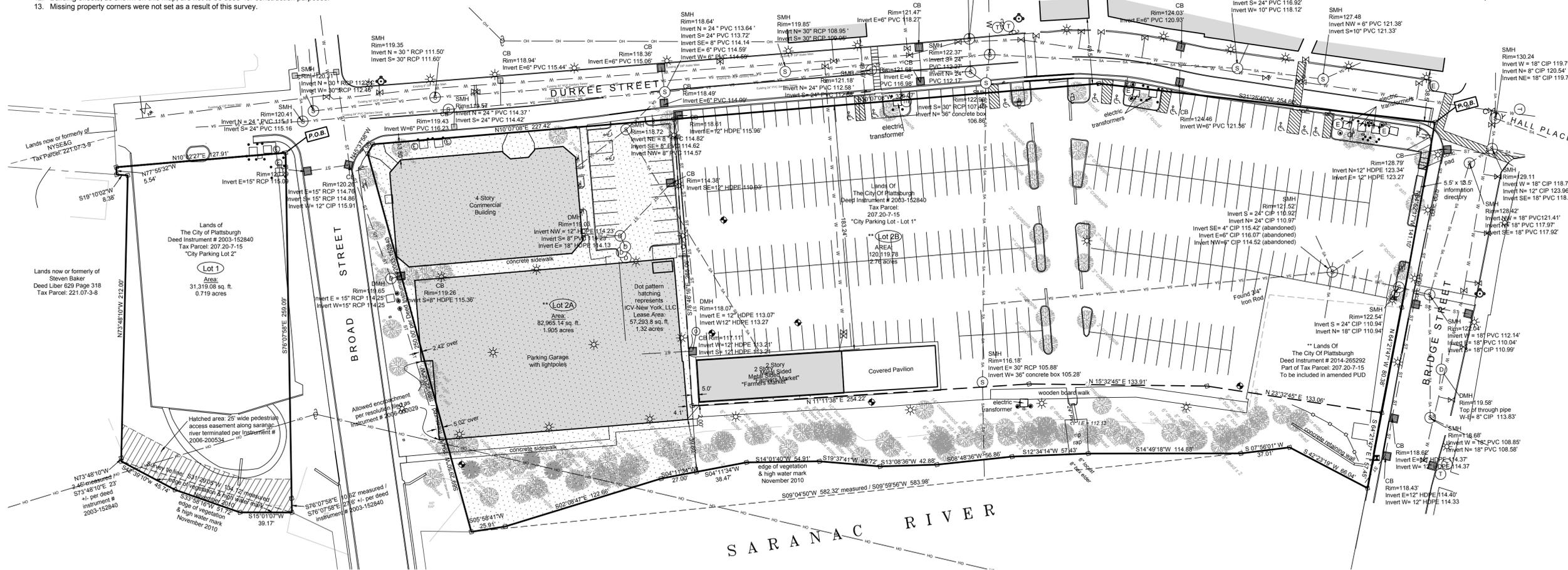


**Tax Map Reference:**

Section 20.20 - Block 7 - Lot 15  
City of Plattsburgh  
County of Clinton

**Legend:**

- 5/8" iron rod w/ RMS survey cap (to be set)
- Found property evidence (as described)
- Computed corner
- ⊕ Fire Hydrant
- ⊙ Sanitary manhole
- ⊙ Drainage manhole
- ⊙ Catch basin round
- ⊠ Catch basin square
- ⊠ Telephone pedestal
- ⊠ Cable pedestal
- ⊠ Water Valve
- ⊠ Water shutoff
- ⊠ Light pole
- ⊠ Utility pole
- ⊠ Sign
- ⊠ Bollard
- ⊠ Monitoring well
- ⊠ Gas marker
- ⊠ Gas meter
- ⊠ Gas valve
- ⊠ Electric meter
- ⊠ Deciduous tree
- ⊠ Coniferous tree
- W — Waterline
- SA — Sanitary line
- ST — Storm line
- UGE — Underground electric
- UGT — Underground telephone
- GAS — Underground gas
- — Property line
- — Adjoiner property line



**Special Note:**

Amended Planned Unit Development will include all of Lot 2A and Lot 2B hereon. Lot 1, as depicted hereon, and those portion of lands along the westerly side of Durkee Street will not be included in the amended Planned Unit Development.

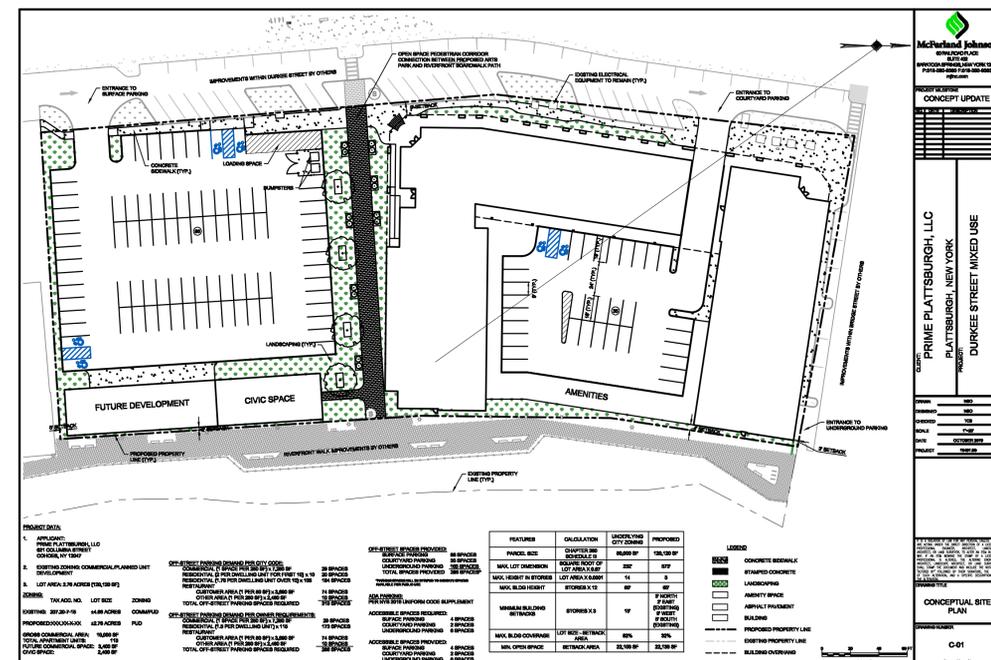
**Certification:**

I hereby certify that this survey was prepared from deeds and maps of record and from an accurate field survey performed during September and October of 2018.

**Zoning Information for Subdivison Parcels:**

LOCATION: Broad Street, Durkee Street and Bridge Street						
ZONE: C, Central Business District						
USE: Public Parking, Public Farmers Market and Leased Office Space						
Item	Requirements		Lot 1-Parking lot south of Broad Street (Low-Rise) To be included from the amended Planned Unit Development	Lot 2 (High Rise) To be included in amended Planned Unit Development	Lot 2A (High-Rise) To be included in amended Planned Unit Development	Lot 2B -Existing Parking Lot To be included in amended Planned Unit Development
	Low-Rise	High-Rise				
Minimum lot area	5,000 sq. ft.	50,000 sq. ft.	31,319.08 sq. ft.	234,404 sq. ft.	82,965.14 sq. ft.	120,119.78 sq. ft.
Minimum area per dwelling	1,500 sq. ft.	N/A	N/A	N/A	N/A	N/A
Minimum lot width	50 ft.	70 ft.	120 ft. ±	275 ft. ±	275 ft. ±	225 ft. ±
Minimum lot depth	100 ft.	100 ft.	235 ft. ±	740 ft. ±	740 ft. ±	538 ft. ±
Minimum front setback	N/A	building stories x 3	N/A	13.5 ft.	-5.02 ft. *	183.24 ft.
Minimum side setback	0 ft. or 12 ft.	building stories x 3	N/A	0 ft. *	3.9 ft. **	2 ft. **
Minimum rear setback	0 ft. or 12 ft.	building stories x 3	N/A	39.8 ft.	39.8 ft.	5 ft. **
Maximum building height	< 36 ft.	Lot area (sq. ft.) x 0.0001	N/A	58.7 ft.	58.7 ft.	N/A
Maximum building coverage	100%	100%	0%	15.7%	41.2%	0%
Minimum open space	N/A	100% of required yards	34.8 %	28%	50.3 %	34.8 %

\* Denotes condition allowed by Board Resolution.  
\*\* Denotes variance required.



Plattsburgh Durkee Street Project  
List of Deviations for PUD Subdivision  
December 5, 2019

Requirement	Central Business Zoning District - High Rise	PUD Requirement	Lot 2A: City Owned (Gateway Complex)	Deviation Requested per § 360-21(D)	Lot 2B: Prime Lot	Deviation Requested per § 360-21(D)
Minimum Lot Area	50,000 sq. ft.		82,965 sq. ft.	Not applicable	120,119 sq. ft.	Not applicable
Minimum Land Area	Not applicable	3 acres for entire PUD area	1.9 acres (totals 4.66 acres with Lot 2)	Not applicable	2.76 acres (totals 4.66 acres with Lot 1)	Not applicable
Minimum Lot Dimension	202 FT for Lot 2A 233 FT for Lot 2B		Previously approved	No	573 FT	No
Width	70 FT for Lot 2A 70 FT for Lot 2B		Previously approved	No	> 500 FT	No
Depth	100 FT for Lot 2A 100 for Lot 2B		Previously approved	No	265 FT	No
Front Setback (Durkee and Bridge Streets)	12 FT for Lot 2A 15 FT for Lot 2B		Previously approved	No	9 FT Durkee Street 3 FT Bridge Street	Yes
Side Setback	12 FT for Lot 2A 15 FT for Lot 2B		3 FT (north)	Yes	2 FT (east)	Yes
Rear Setback	12 FT for Lot 2A 15 FT for Lot 2B		Previously approved	No	5 FT (south)	Yes
Height (FT)	48 FT for Lot 2A 60 FT for Lot 2B		Previously approved	No	65 FT	Yes
Height (Stories)	5 stories for Lot 2A 14 stories for Lot 2B		Previously approved	No	5 stories	No
Minimum Distance Between Buildings		The minimum distance between any two buildings, other than buildings containing common walls, shall be not less than as computed under the following formula: $S=(LA+LB+2(HA+HB))/6$ Where: S = Required minimum horizontal distance between any wall of Building A at any given level and any wall of Building B at any given level or the vertical prolongation of either; LA = Total length of Building A. Building A shall be that structure which is of equal or greater length of the two buildings selected; LB = Length of Building B; HA = Height of Building A. The height of Building A is the average height above the finished grade of the structure; HB = Height of Building B.	Previously approved	No	Minimum distance between buildings is as follows: LA = 305 ft LB = 106 ft HA = 65 ft HB = 18 ft S = 96 ft Actual Distance: 120 FT	No
Maximum Building Coverage	Previously approved for Lot 2A 84% for Lot 2B		Previously approved	No	32%	No
Minimum Open Space	Previously approved for Lot 2A 16% for Lot 2B		Previously approved	No	22,135 SF or 18%	No



**McFarland Johnson**  
 60 RAILROAD PLACE  
 SUITE 402  
 SARATOGA SPRINGS, NEW YORK 12866  
 P:518-580-9380 F:518-580-9383  
 mjnc.com

PROJECT MILESTONE  
**CONCEPT UPDATE**

NO.	DATE	DESCRIPTION

CLIENT: **PRIME PLATTSBURGH, LLC**  
**PLATTSBURGH, NEW YORK**  
 PROJECT: **DURKEE STREET MIXED USE**

DRAWN	NSO
DESIGNED	NSO
CHECKED	TCB
SCALE	1"=20'
DATE	NOVEMBER 2019
PROJECT	18491.00



**PROJECT DATA:**

- APPLICANT:  
PRIME PLATTSBURGH, LLC  
621 COLUMBIA STREET  
COHOES, NY 12047
- EXISTING ZONING: COMMERCIAL/PLANNED UNIT DEVELOPMENT
- LOT AREA: 2.76 ACRES (120,120 SF)

**ZONING:**

TAX ACC. NO.	LOT SIZE	ZONING
EXISTING: 207.20-7-15	±4.66 ACRES	COMM/PUD
PROPOSED:XXX.XX-X-XX	±2.76 ACRES	PUD

GROSS COMMERCIAL AREA: 7,250 SF  
 GROSS RESTAURANT AREA: 6,150 SF  
 60% CUSTOMER AREA: 3,690 SF  
 40% OTHER AREA: 2,460 SF  
 TOTAL APARTMENT UNITS: 115

**OFF-STREET PARKING DEMAND PER CITY CODE:**

COMMERCIAL (1 SPACE PER 250 SF) x 7,250 SF	29 SPACES
RESIDENTIAL (2 PER DWELLING UNIT FOR FIRST 10) x 10	20 SPACES
RESIDENTIAL (1.75 PER DWELLING UNIT OVER 10) x 105	184 SPACES
RESTAURANT	
CUSTOMER AREA (1 PER 50 SF) x 3,690 SF	74 SPACES
OTHER AREA (1 PER 250 SF) x 2,460 SF	10 SPACES
TOTAL OFF-STREET PARKING SPACES REQUIRED	319 SPACES

**OFF-STREET PARKING DEMAND PER OWNER REQUIREMENTS:**

COMMERCIAL (1 SPACE PER 250 SF) x 7,250 SF	29 SPACES
RESIDENTIAL (1.5 PER DWELLING UNIT) x 115	173 SPACES
RESTAURANT	
CUSTOMER AREA (1 PER 50 SF) x 3,690 SF	74 SPACES
OTHER AREA (1 PER 250 SF) x 2,460 SF	10 SPACES
TOTAL OFF-STREET PARKING SPACES REQUIRED	286 SPACES

**OFF-STREET SPACES PROVIDED:**

SURFACE PARKING	86 SPACES
COURTYARD PARKING	35 SPACES
UNDERGROUND PARKING	165 SPACES
TOTAL SPACES PROVIDED	286 SPACES*

\*PARKING SPACES WILL BE STRIPED TO INDICATE SPACES AVAILABLE FOR PUBLIC USE

**ADA PARKING:**  
PER NYS 2016 UNIFORM CODE SUPPLEMENT

**ACCESSIBLE SPACES REQUIRED:**

SURFACE PARKING	4 SPACES
COURTYARD PARKING	2 SPACES
UNDERGROUND PARKING	6 SPACES

**ACCESSIBLE SPACES PROVIDED:**

SURFACE PARKING	4 SPACES
COURTYARD PARKING	2 SPACES
UNDERGROUND PARKING	6 SPACES

FEATURES	CALCULATION	UNDERLYING CITY ZONING	PROPOSED
PARCEL SIZE	CHAPTER 360 SCHEDULE III	50,000 SF	120,120 SF
MIN. LOT DIMENSION	SQUARE ROOT OF LOT AREA X 0.67	232'	216'
MAX. HEIGHT IN STORIES	LOT AREA X 0.0001	14	5
MAX. BLDG HEIGHT	STORIES X 12	60'	65'
MINIMUM BUILDING SETBACKS	STORIES X 3	15'	3' NORTH 2' EAST (EXISTING) 9' WEST 5' SOUTH (EXISTING)
MAX. BLDG COVERAGE	LOT SIZE - SETBACK AREA	82%	32%
MIN. OPEN SPACE	SETBACK AREA	22,105 SF	22,135 SF

**LEGEND**

	CONCRETE SIDEWALK
	STAMPED CONCRETE
	LANDSCAPING
	AMENITY SPACE
	ASPHALT PAVEMENT
	BUILDING
	BUILDING OVERHANG
	PROPOSED PROPERTY LINE
	EXISTING PROPERTY LINE
	BUILDING OVERHANG



IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECT DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

DRAWING TITLE  
**CONCEPTUAL SITE PLAN**

DRAWING NUMBER  
**C-01**  
 01 OF 01



**McFarland Johnson**  
 60 RAILROAD PLACE  
 SUITE 402  
 SARATOGA SPRINGS, NEW YORK 12866  
 P:518-580-9380 F:518-580-9383  
 mjinc.com

PROJECT MILESTONE  
**CONCEPT UPDATE**

NO.	DATE	DESCRIPTION

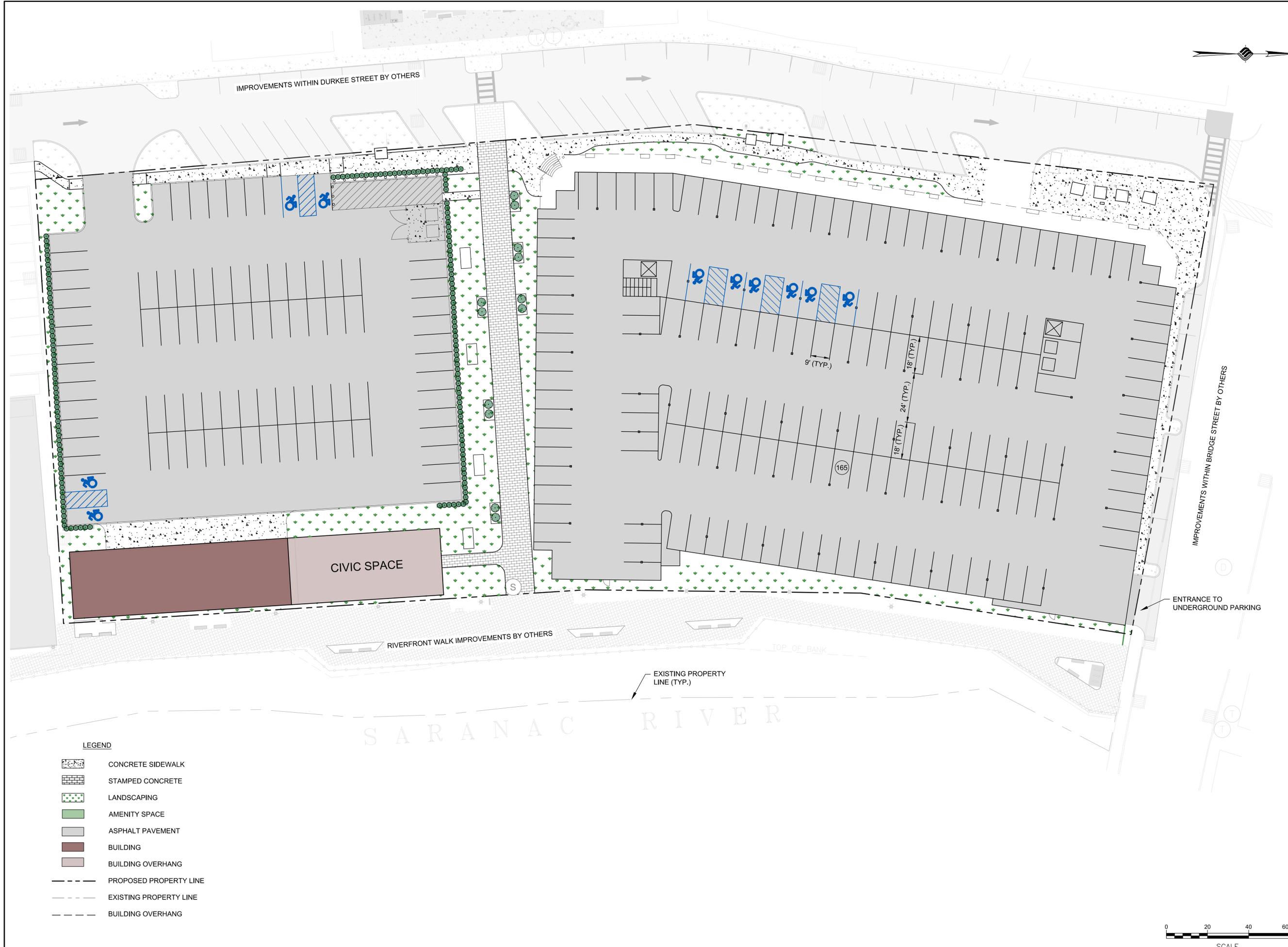
CLIENT: **PRIME PLATTSBURGH, LLC**  
**PLATTSBURGH, NEW YORK**  
 PROJECT: **DURKEE STREET MIXED USE**

DRAWN	NSO
DESIGNED	NSO
CHECKED	TCB
SCALE	1"=20'
DATE	NOVEMBER 2019
PROJECT	18491.00

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DRAWING TITLE  
**BASEMENT PARKING PLAN**

DRAWING NUMBER  
**C-01**





MACKENZIE ARCHITECTS P.C.

162 Battery Street, Burlington, Vermont 05401 802.863.7177 (T) www.mackenziearchitects.com

Plattsburgh Mixed Use  
Development

View from Bridge St & Durkee St

**DRAFT**

The City of Plattsburgh  
Plattsburgh, NY  
10/23/2019

1



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Plattsburgh Mixed Use  
Development  
View from Durkee St

**DRAFT**

The City of Plattsburgh  
Plattsburgh, NY  
10/23/2019

2



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Plattsburgh Mixed Use  
Development  
View Looking Down Durkee St

The City of Plattsburgh  
Plattsburgh, NY  
11/5/2019

Figure 20



**MACKENZIE ARCHITECTS P.C.**

162 Battery Street, Burlington, Vermont 05401 802.863.7177 (T) [www.mackenziearchitects.com](http://www.mackenziearchitects.com)

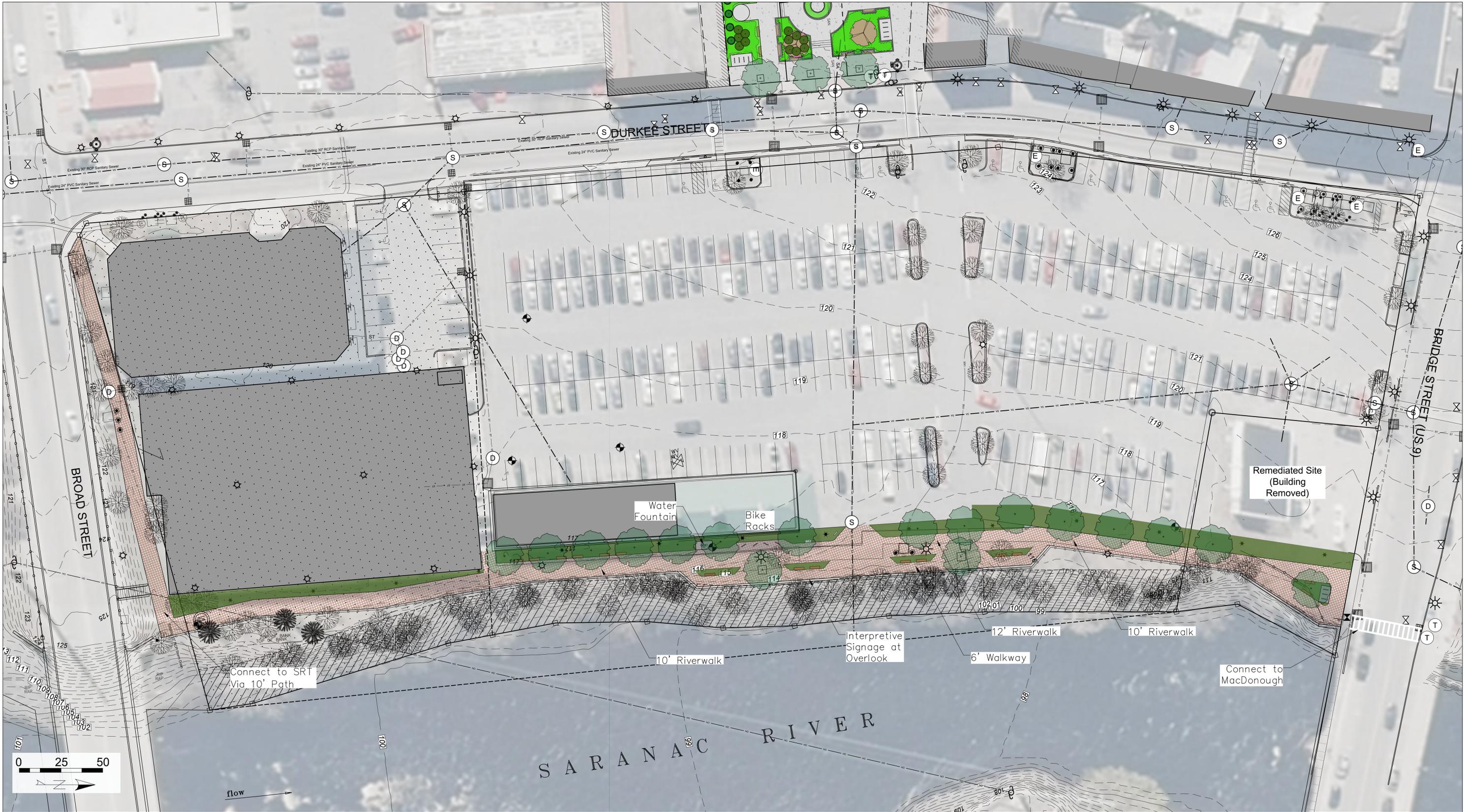
Plattsburgh Mixed Use  
Development  
View Looking Down Bridge St

The City of Plattsburgh  
Plattsburgh, NY  
11/5/2019

Figure 21









Community Development Office  
City of Plattsburgh  
41 City Hall Place  
Plattsburgh, NY 12901  
Phone: 518-563-7642  
[cdo@cityofplattsburgh-ny.gov](mailto:cdo@cityofplattsburgh-ny.gov)

December 19, 2019

Ron Nolland, Chairman  
City of Plattsburgh Zoning Board of Appeals  
41 City Hall Place  
Plattsburgh, NY 12901

Dear Chairman Nolland,

Please be advised the property identified as tax map parcel 207.20-7-15 is owned by the City of Plattsburgh. As owner, the City hereby authorizes Robert M. Sutherland P.C., Prime Plattsburgh, LLC, and McFarland Johnson, Inc. to submit and represent applications relative to the above property for projects within the City of Plattsburgh.

Respectfully,

A handwritten signature in black ink, appearing to read "Matthew Miller". The signature is fluid and cursive, with the first name "Matthew" and the last name "Miller" clearly distinguishable.

Matthew Miller  
Director of Community Development  
City of Plattsburgh

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> <li data-bbox="121 829 1542 861">i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 892 1542 924">ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 924 1542 955">iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul>		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):  
 \_\_\_\_\_  
 Plattsburgh Gateway Project / Durkee Street (Environmental Restoration Project, March 2007)  
 \_\_\_\_\_  
 \_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?  
\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?  
\_\_\_\_\_

d. What parks serve the project site?  
\_\_\_\_\_  
\_\_\_\_\_

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
\_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source.  
 \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):  
 \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting?  Yes  No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
 \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

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f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_  
 \_\_\_\_\_

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g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No  
 If Yes:  
 i. Estimate methane generation in tons/year (metric): \_\_\_\_\_  
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No  
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No  
 If Yes:  
 i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.  
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_  
 iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_  
 iv. Does the proposed action include any shared use parking? Yes No  
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_  
 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No  
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No  
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No  
 If Yes:  
 i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_  
 iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.  
 i. During Construction:  
 • Monday - Friday: \_\_\_\_\_  
 • Saturday: \_\_\_\_\_  
 • Sunday: \_\_\_\_\_  
 • Holidays: \_\_\_\_\_  
 ii. During Operations:  
 • Monday - Friday: \_\_\_\_\_  
 • Saturday: \_\_\_\_\_  
 • Sunday: \_\_\_\_\_  
 • Holidays: \_\_\_\_\_

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

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d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities:  
\_\_\_\_\_

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e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection:  
\_\_\_\_\_

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f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  

- If yes, cite sources/documentation: \_\_\_\_\_

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
\_\_\_\_\_

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g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
\_\_\_\_\_

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h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

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iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_%

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, give a brief description of how the proposed action may affect that use: _____ _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____	

<p>e. 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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District</p> <p>ii. Name: _____</p> <p>iii. Brief description of attributes on which listing is based: _____</p>
<p>f. 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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe possible resource(s): _____</p> <p>ii. Basis for identification: _____</p>
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Identify resource: _____</p> <p>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p>iii. Distance between project and resource: _____ miles.</p>
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Identify the name of the river and its designation: _____</p> <p>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature  \_\_\_\_\_ Title \_\_\_\_\_