

1. 7:00 P.M. Special Remote Access Statement

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

Please take notice that a special meeting of the City of Plattsburgh Zoning Board of Appeals will take place via a videoconference on Monday, April 6th, 2020 beginning at 7:00 p.m. and will be preceded by a preliminary meeting/work session at 6:30 p.m. that will also take place via a videoconference and which will be held for the purpose of reviewing applications before the Zoning Board of Appeals. This meeting will take the place of the postponed March regular meeting of the Zoning Board of Appeals. The meeting will not be held at City Hall, access to which is presently restricted.

Pursuant to Governor Cuomo's Executive Order 202.1, the public will have the ability to view and/or listen to the proceedings, the meeting will be recorded, and a transcription will be made available to the public at a later date. Videoconferencing will be utilized for board members, City support staff, and applicants to attend the meeting remotely. Members of the public will not be permitted to take part in the videoconference but may view the meeting live on the City of Plattsburgh's YouTube channel at: <https://www.youtube.com/channel/UC7H36PiuYNJkZpczbLvCbw>. In-person attendance of the meeting will not be permitted.

For those items subject to a public hearing, written public comment must be received no later than 12:00 p.m. on April 6th. Upon closure of the public hearing, the board may hold the record open for written comments on the application to be received no later than 12:00 p.m. on April 13th. All written comments must be emailed to [cityinfo@plattsburghcitygov.com](mailto:cityinfo@plattsburghcitygov.com) and must include "Zoning Board of Appeals Comment 4/6/2020" in the Subject line of the email.

2. 7:00 P.M. Agenda For The March 16, 2020 Meeting Of The Zoning Board Of Appeals

Documents:

[ZBA 3.16.20.DOC](#)

2.I. 7:00 PM Appeal 2198 - 61 Beekman St - Class B

Documents:

[2198 APP CLASS B 61 BEEKMAN ST.PDF](#)

2.II. 7:00 PM Appeal 2199 - 61 Beekman St - SUP

Documents:

[2199 APP SUP 61 BEEKMAN ST.PDF](#)  
[2198-2199 SITE PLAN 61 BEEKMAN ST.PDF](#)

2.III. Appeal 2234 - 4994 So Catherine St - SUP

Documents:

[2234 SITE PLAN 4994 SO. CATHERINE ST.PDF](#)  
[2234 APP 4994 SO CATHERINE ST.PDF](#)

2.IV. Appeal 2235 - 261 So Peru St - Class B

Documents:

[2235 APP 261 SO PERU ST.PDF](#)

2.V. Appeal 2236 - 52 US Oval - Class B

Documents:

[2236 APP CLASS B 52 US OVAL.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  
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The Zoning Board of Appeals of the City of Plattsburgh will hold a Public Hearing on March 16, 2020 at 7:00 PM in the Common Council Chambers, City Hall, to hear:

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
2234	STEWART'S SHOPS CORP 4994 SOUTH CATHERINE STREET	SPECIAL USE PERMIT TO ADD A 149 SQ.FT. EXTERIOR FREEZER, 688 SQ.FT. REAR BUILDING ADDITION, NEW SIDEWALK, 128 SQ.FT. SHED, RESTRIPE PARKING
2198	VILAS HOME, LLC 61 BEEKMAN STREET	CLASS B AREA VARIANCE FOR ADDITION TO EXISTING VILAS HOME
2199	VILAS HOME, LLC 61 BEEKMAN STREET	SPECIAL USE PERMIT FOR ADDITION TO EXISTING VILAS HOME
2235	BETH ANN O'NEIL 261 SOUTH PERU STREET	CLASS B AREA VARIANCE TO REPLACE CEDAR SHRUBS WITH 6 FOOT VINYL FENCING
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
2236	CITY OF PLATTSBURGH 52 US OVAL	CLASS B AREA VARIANCE REQUEST FOR A 2-LOT MINOR SUBDIVISION

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.





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 February 21, 2020

ZONING BOARD MEETING DATE March 16, 2020

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings -	\$ 50.00
Multiple Dwellings	\$150.00
Commercial Properties	\$150.00

**All checks should be made payable to the "City Chamberlain"**. In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a variance from the ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to the spirit of the ordinance and do substantial justice. Financial disadvantage to the property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests, which will involve any construction, alterations, or physical change of their property. **THIRTEEN (13) copies of the entire packet including drawings, site plans and the original application are required** (we recommend the plans be approved before the THIRTEEN (13) copies are made).

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

1. Publish the request in three successive issues of the Press-Republican newspaper not less than five (5) nor more than ten (10) days before the hearings.
2. Notify, by letter, all adjoining property owners of your request

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

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

# 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 12801

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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 its 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?

*Please see attached responses for #'s 1-5*

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

(3) Is the requested area variance substantial?

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

(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.

# Variances

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.<sup>2</sup> 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. Steinhilber, 282 NY 71 (1939), Village of Bronxville v. Francis, 150 NYS 2d 906 (1956); Jayne Estates v. Raynor, 22 NY 2d 417 (1968); Douglaston 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 Merritt, Inc. v. Werst, 41 NY 2d 438 (1977).

<sup>4</sup>Waschsberger v. Michalis, 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

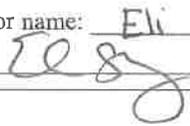
Instructions for Completing

**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: <i>Vilas Home, LLC</i>				
Project Location (describe, and attach a location map): <i>61 Beekman St, Plattsburgh, NY 12901</i>				
Brief Description of Proposed Action: <i>An addition to the existing Vilas Home</i>				
Name of Applicant or Sponsor: <i>Vilas Home, LLC</i>		Telephone: <i>(518) 334-6868</i>		
Address: <i>61 Beekman St.</i>		E-Mail: <i>Eh@champlainassistedliving.com</i>		
City/PO: <i>Plattsburgh</i>	State: <i>NY</i>	Zip Code: <i>12901</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: <i>City of Plattsburgh Planning and Zoning Board</i>			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>3.4</u> acres		
b. Total acreage to be physically disturbed?		<u>3.4</u> acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>3.4</u> 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 checked="" 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>Eli Schwartzberg</u>		Date: <u>1/20/20</u>
Signature: <u></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:	<input type="checkbox"/>	<input type="checkbox"/>
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**





Building and Zoning Department  
41 City Hall Place  
Plattsburgh, New York 12901  
Ph. (518) 563 7707

## Plattsburgh, New York

### PROCEDURE IN APPEALING THE ZONING ORDINANCE SPECIAL USE PERMIT

DEADLINE FOR FILING APPLICATION February 21, 2020

ZONING BOARD MEETING DATE March 16, 2020

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings -	\$100.00
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 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, drawings and plans are required, plus the original application.** 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 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.

## ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

TO: All Applicants for Zoning Variance or Special Use Permit

SUBJECT: Required information for filing application

The Zoning Ordinance stipulates that the Building Inspector determine that all submittals for a Variance or Special Use Permit have adequate information (in form and content - Section 270-54A) for review by the Zoning Board of Appeals. In order to insure such information is consistently provided with each application the following information shall be required with each application:

1. **Existing Site Plan** - showing to scale the property lines, principal buildings, accessory structures, rights-of-ways as may exist and other improvements (city street and facilities abutting the site, driveways, parking areas, drainage structures, fence, etc.). Where the application is a request for the reduction of any yard setback the existing site plan shall be a survey of the property as prepared by a Licensed Land Surveyor and shall show the location of buildings on the abutting property where the yard reduction is proposed.
2. **Proposed Site Plan** - showing clearly to scale what is proposed to be constructed (and removed) under this application. The proposed improvement (s) shall be shaded, colored or contrasted in an acceptable manner to make them easily discernible. Adequately dimension the proposed improvements and indicate the setbacks as applicable.
3. **Area and Bulk Calculations** - Calculations of the lot area, lot dimensions, building area (existing/proposed), lot coverage, open space, all yard setbacks, dwelling unit density, building(s) height, parking required shall be submitted in tabulated form to show existing, proposed and required.
4. **Building Plans** - Submit schematic building plans to scale showing the existing/proposed building layout and identify clearly the existing/proposed use of all building spaces. Include elevation view(s) of proposed construction as applicable.
5. **Area Location Map** - showing all properties on each side of the street and noting the existing occupancy for each such lot on all four sides of the site. A copy of the tax map of the area marked to show the occupancy shall be sufficient for this information.

No application will be accepted after this date unless it contains all of the above information (11 sets). No application will be accepted for the agenda until all such appropriate information has first been filed with this office for a review and determination of zoning compliance/noncompliance (and such a determination has been issued to the applicant in writing).

# ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

## STANDARDS OF PROOF- SPECIAL PERMIT

The burden of proof for a Special Permit is always on the applicant. In order for an applicant to be entitled to a Special Permit, he must satisfy the following criteria:

1. That the proposed use will not, in the circumstances of the particular case and under any conditions that the Board of Appeals considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare. (Applicant should specify any conditions which he can satisfy in order to establish this criterion.) The Zoning Board of Appeals should be prepared to discuss at the hearing any pertinent conditions.

2. That the proposed site plan shows the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping. (Failure to adhere to the site plan precisely as presented or as otherwise modified by order of the Planning Board or ZBA will constitute a violation of the Zoning Ordinance.)

3. That there is no violation of the Zoning Ordinance on the subject premises at the present time.

4. That the:

- a. Location and size of the proposed use
- b. nature and intensity of the operation involved
- c. size of the site in relation to the proposed use
- d. location of the site with respect to existing streets
- e. location of the site with relation to future streets

are all in harmony with the orderly development of the district.

5. That the location, nature and height of

- a. buildings
- b. walls
- c. fences

will not discourage the appropriate development and use of the adjacent lands or buildings or impair the value thereof.

6. That the operations in connection with such proposed use will not be more objectionable to nearby properties by reason of

- a. noise
- b. fumes
- c. vibration
- d. flashing lights

than would be the operations of any specifically permitted use in that zoning district (except in case of S-1 District).

If the applicant proves his compliance with each standard, he is entitled to the Special Use Permit. Conversely, if the applicant fails to address or satisfy any one or part of these standards, he is not entitled to the Special Permit.

**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: Samuel F. Vilas Home		
Project Location (describe, and attach a general location map) 61 Beekman Street, Plattsburgh, NY 12901		
Brief Description of Proposed Action (include purpose or need): The proposed project includes an addition to the existing assisted living residence known as the Vilas Home. The existing facility is approximately 23,400 sq. ft. in size with 42 bedrooms. The addition will be approximately 83,600 sq. ft. in size and add 94 bedrooms and a primary entry to the existing structure. The total anticipated bedroom count of 136 rooms will help to fulfill a need for aging in place within the community. Associated site improvements will be made to support the building expansion.		
Name of Applicant/Sponsor: Vilas Home, LLC	Telephone: 518-334-6868	
	E-Mail: eli@champlainassistedliving.com	
Address: 61 Beekman Street		
City/PO: Plattsburgh	State: NY	Zip Code: 12901
Project Contact (if not same as sponsor; give name and title/role): N/A	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): N/A	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 Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City Planning Board - Site Plan Approval	February 3, 2020
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City Zoning Board - Special Use Permit & Class B variance	February 21, 2020
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City Building Permit	Prior to start of construction
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County 239M Referral	February 24, 2020
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC SPDES General Stormwater Permit	Prior to start of construction
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part I</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?  
R-1 Low Density Residential

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? City of Plattsburgh

b. What police or other public protection forces serve the project site?  
City of Plattsburgh

c. Which fire protection and emergency medical services serve the project site?  
City of Plattsburgh

d. What parks serve the project site?  
City of Plattsburgh

**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)? Residential - assisted living

b. a. Total acreage of the site of the proposed action? 3.4 acres  
 b. Total acreage to be physically disturbed? 3.0 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 3.4 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)? % 270% Area Units: + 94

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  
 No, anticipated period of construction: 12 months  
 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.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				N/A
At completion				
of all phases				94 assisted living units

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,  
 i. Total number of structures 1  
 ii. Dimensions (in feet) of largest proposed structure: 45 height; 123 width; and 282 length  
 iii. Approximate extent of building space to be heated or cooled: 63,600 + 10,000 basement 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: \_\_\_\_\_
- ~~100%~~ percentage 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: \_\_\_\_\_

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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: \_\_\_\_\_ 10,000 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: City of Plattsburgh
- 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: \_\_\_\_\_  
N/A

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: \_\_\_\_\_ 10,000 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): \_\_\_\_\_  
Sanitary wastewater

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

- Name of wastewater treatment plant to be used: City of Plattsburgh
- Name of district: N/A
- 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

Yes  No  
 Yes  No

• Do existing sewer lines serve the project site?  
 • Will a line extension within an existing district be necessary to serve the project?  
 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):  
 N/A

vi. Describe any plans or designs to capture, recycle or reuse liquid waste:  
 N/A

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 \_\_\_\_\_ 0.9 acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ 3.4 acres (parcel size)  
 ii. Describe types of new point sources. A stormwater management system will likely include point discharges from storm drain piping. \_\_\_\_\_  
 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)?  
 Likely storm drain piping will discharge directly to existing City of Pittsburgh closed drainage systems in the surrounding roadways.  
 • If to surface waters, identify receiving water bodies or wetlands:  
 N/A  
 • 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

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 (c.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) \_\_\_\_\_

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 Hydrofluorocarbons (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): \_\_\_\_\_

---

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

---

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

---

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: \_\_\_\_\_ 8am - 5pm \_\_\_\_\_
- Saturday: \_\_\_\_\_ 8am - 5pm \_\_\_\_\_
- Sunday: \_\_\_\_\_ N/A \_\_\_\_\_
- Holidays: \_\_\_\_\_ N/A \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_ 24 hrs daily \_\_\_\_\_
- Saturday: \_\_\_\_\_ 24 hrs daily \_\_\_\_\_
- Sunday: \_\_\_\_\_ 24 hrs daily \_\_\_\_\_
- Holidays: \_\_\_\_\_ 24 hrs daily \_\_\_\_\_

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

---

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
Standard parking lot and building exterior lighting, dark-sky compliant downcast fixtures will be utilized

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:  
 \_\_\_\_\_

---

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?  Yes  No  
 If Yes:  
 Product(s) to be stored \_\_\_\_\_  
 Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 Generally, describe the proposed storage facilities: \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ week (unit of time)  
 • Operation: \_\_\_\_\_ tons per \_\_\_\_\_ week (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: Standard waste minimization to reduce construction costs, recycling of construction material wastes stored by dumpster  
 • Operation: Recycling storage by dumpster  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: Disposal by licensed solid waste hauler with storage by dumpster  
 • Operation: Disposal by licensed solid waste hauler with storage by dumpster

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 Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.75	1.63	+ 0.88
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2.65	1.77	- 0.88
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	0	0	0

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

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:  
 Beyond the project assisted living residence, CVPH Medical Center is adjacent to the west and SUNY Plattsburgh is adjacent to the south \_\_\_\_\_

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: \_\_\_\_\_

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: \_\_\_\_\_  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

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: \_\_\_\_\_

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: \_\_\_\_\_  
 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: \_\_\_\_\_

---

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

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 4 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ 1 %

c. Predominant soil type(s) present on project site: \_\_\_\_\_ Loamy sand \_\_\_\_\_ 100 %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 3 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ 100 % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 100 % 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 N/A (referenced DEC Environmental Resource Mapper) Classification \_\_\_\_\_
- Lakes or Ponds: Name N/A (referenced DEC Environmental Resource Mapper) Classification \_\_\_\_\_
- Wetlands: Name N/A (referenced DEC Environmental Resource Mapper) 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: \_\_\_\_\_

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:  
 1. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site:  
 Typical urban wildlife \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

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?  Yes  No  
 If Yes:  
 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?  Yes  No  
 If Yes:  
 Species and listing: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

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?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. 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?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. 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?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

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?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: Court Street Historic District, Hawkins Hall, Vilas, S. F., Home for Aged & Infirm Ladies

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

---

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?  Yes  No

---

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

---

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: Lakes to Locks Passage

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): National designated Scenic Byway

iii. Distance between project and resource: \_\_\_\_\_ +/- 1 miles.

---

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**F. Additional Information**

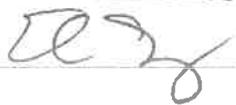
Attach any additional information which may be needed to clarify your project.

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 Eli Schwartzberg Date 11/22/19

Signature  Title member

PRINT FORM



REVISIONS		
#	BY	DATE

**SITE OVERVIEW PLAN**

PROJECT NO. 19085  
DATE 02-03-20  
DRAWN BY JBF  
CHECKED BY MSC

**C101**



**LOCATION PLAN**  
SCALE: 1" = 250'



**PROPOSED DEFICIENCIES SUBJECT TO CLASS B AREA VARIANCE:**  
DENOTED IN SCHEDULE OF AREA & BULK CONTROLS BY (A)

- MAXIMUM BUILDING HEIGHT OF 44 FT
- MAXIMUM NUMBER OF BUILDING STORIES OF 3
- MINIMUM OF 174 REQUIRED PARKING SPACES IS DEFICIENT BY 88 SPACES AS A TOTAL OF 86 SPACES ARE PROPOSED
- EXPANSION OF PARKING WITHIN THE FRONT YARD IN THE R1 ZONE (SEE SCHEDULE OF AREA AND BULK CONTROLS FOR ADDITIONAL INFORMATION)

ZONED - "R1" LOW DENSITY RESIDENTIAL 1			
DESCRIPTION	REQUIRED	EXISTING	PROVIDED
MIN. LOT SIZE	15,000 SF	148,104 SF	148,104 SF
MIN. FRONTAGE / LOT WIDTH	50 FT	385 FT	385 FT
MIN. DEPTH	100 FT	385 FT	385 FT
MIN. FRONT YD SETBACK	25 FT	89 FT MIN.	36 FT MIN.
MIN. SIDE YD SETBACK (ONE/TOTAL)	10 FT / 25 FT	N/A	N/A
MIN. REAR YD. SETBACK	25 FT	105 FT	27 FT
MAX. BLDG. HEIGHT / # STORIES	35 FT OR 2.5 ST	45 FT <sub>(m)</sub> / 3 ST <sub>(m)</sub>	45 FT <sub>(m)</sub> / 3 ST <sub>(m)</sub>
MAX. BLDG. COVERAGE	30%	7%	23%
MIN. OPEN SPACE	50%	78%	52%

**USE BASED SCHEDULE NOTES:**  
USE BASED PER ZONING ORDINANCE SCHEDULE I: NURSING & REST HOMES, REQUIRES SPECIAL PERMIT

**PARCEL NOTES:**  
1. PROPOSED USE: LICENSED NURSING HOME & GROUP RESIDENCE  
2. (\*) DENOTES PRE-EXISTING, NON-CONFORMING ATTRIBUTES OF THE EXISTING BUILDING & AND SITE ATTRIBUTES.

**BUILDING NOTES:**  
1. THE EXISTING ASSISTED LIVING FACILITY HAS A GROSS FLOOR AREA OF 21,396 SF AND A UNIT COUNT OF 42.  
2. THE PROPOSED ASSISTED LIVING RESIDENCE ADDITION WILL HAVE A GROSS FLOOR AREA OF 62,140 SF PLUS AN ADDITIONAL 10,000 SF OF BASEMENT. A TOTAL OF 94 NEW UNITS WILL BE PROVIDED IN THE ADDITION.  
3. A PROPOSED ENTRANCE ADDITION WILL HAVE A GROSS FLOOR AREA OF 1,428 SF.  
4. THE RESULTING TOTAL ANTICIPATED GROSS FLOOR AREA OF THE EXPANDED FACILITY WILL BE 86,964 SF AND UNIT COUNT WILL BE 136 IN TOTAL.

**PARKING NOTES:**  
1. PARKING PROVIDED: TOTAL = 86 SPACES<sub>(m)</sub>  
• APPLICANT DETERMINED PRACTICAL PARKING DEMAND CALCULATED AT 0.63 PARKING SPACES PER ASSISTED LIVING UNITS (ACCOUNTS FOR TENANTS, STAFF AND VISITORS) RESULTING IN DEMAND OF 0.63 x 136 UNITS = 86 SPACES  
• RESULTING EQUIVALENT PARKING PROVIDED BY GROSS FLOOR AREA BASIS IS ONE SPACE PER 1,011 SF BUILDING AREA  
2. PARKING REQUIRED PER ZONING CHAPTER 270-25: TOTAL = 174 SPACES  
• PARKING REQUIREMENT BASED ON 86,964 SF GROSS BUILDING AREA x 1 SPACE PER 500 SF FOR LICENSED NURSING HOMES  
3. ACCESSIBLE PARKING SPACES ARE REQUIRED AT A RATE OF 1 ACCESSIBLE SPACE PER EVERY 25 TOTAL PARKING SPACES IN ACCORDANCE WITH TABLE 208.2 OF THE ADA STANDARDS FOR ACCESSIBLE DESIGN

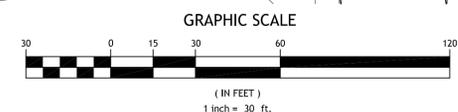
**PARCEL OWNER:**  
SAMUEL F VILAS HOME  
61 BEEKMAN STREET  
PLATTSBURGH, NY 12901

**APPLICANT:**  
ELI SCHWARTZBERG  
VILAS HOME, LLC,  
10 GILLILAND LANE,  
WILLSBORO, NY 12996

**PROJECT PARCEL:**  
TAX MAP ID 207.18-6-38

**FLOODPLAIN NOTE:**  
NO PORTIONS OF THE PROPERTY ARE WITHIN THE 100-YEAR FLOODPLAIN PER FEMA FLOOD INSURANCE RATE MAP #36019C0604D, EFFECTIVE 9/28/2007

**PROPOSED PROJECT:**  
CONSTRUCTION OF A 20,600 SF± ADDITION TO THE EXISTING 9,263 SF± NURSING HOME FACILITY WITH PARKING LOT, LANDSCAPING, SITE LIGHTING AND ASSOCIATED SITE IMPROVEMENTS.



**SITE PLAN**  
SCALE: 1" = 30'

**HATCH LEGEND**

[Hatched Pattern]	PROPOSED PAVEMENT
[Hatched Pattern]	PROPOSED CONCRETE WALK/PAD
[Hatched Pattern]	PROPOSED BUILDING COVERAGE
[Hatched Pattern]	PROPOSED OPEN SPACE
[Hatched Pattern]	PROPOSED ACCESSORY STRUCTURE
[Hatched Pattern]	EXISTING BUILDING COVERAGE

**CITY OF PLATTSBURGH PLANNING BOARD FINAL SITE PLAN**

THE PROJECT SHALL PROVIDE FOR PERPETUAL MAINTENANCE OF THE SITE PER THE FINAL SITE PLAN DRAWINGS

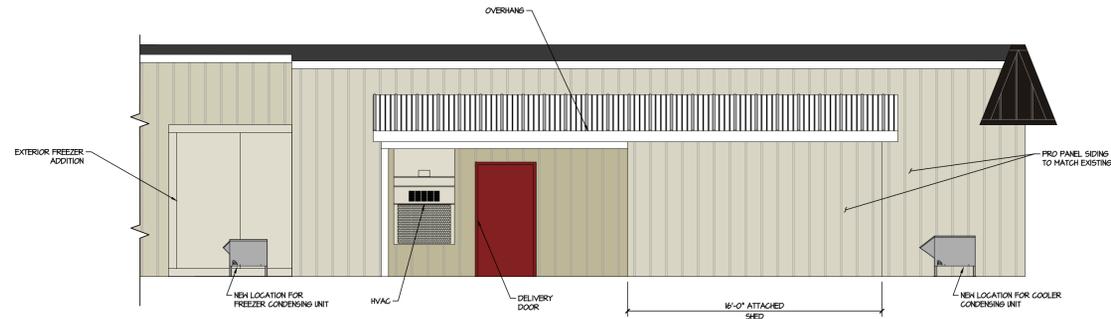
OWNER \_\_\_\_\_ DATE \_\_\_\_\_  
AS PER PLANNING BOARD APPROVAL DATED \_\_\_\_\_  
THESE FINAL SITE PLANS HAVE BEEN REVIEWED AND ARE CERTIFIED TO BE IN COMPLIANCE WITH PLANNING BOARD CONDITIONS.

CITY PLANNER \_\_\_\_\_ DATE \_\_\_\_\_  
THESE SITE PLAN DRAWINGS AND DETAILS FOR THE VILAS HOME EXPANSION PROJECT ARE APPROVED, ACCEPTED FINAL SITE PLANS IN ACCORDANCE WITH THE CITY OF PLATTSBURGH ZONING CODE REGULATIONS.

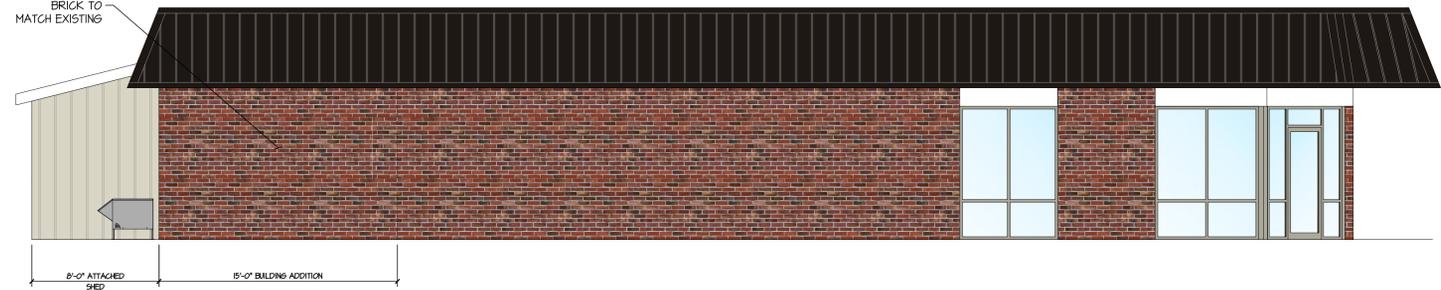
PLANNING BOARD CHAIR \_\_\_\_\_ DATE \_\_\_\_\_  
DOES NOT RELIEVE THE PROJECT APPLICANT/SPONSOR OF ANY RESPONSIBILITY FOR OBTAINING ANY OTHER APPROVALS/PERMIT FROM ANY OTHER FEDERAL, STATE, OR LOCAL AGENCY INCLUDING THE US ARMY CORPS OF ENGINEERS (USACE) WHICH MAY BE REQUIRED".

# PROPOSED STEWART'S SHOP ADDITION

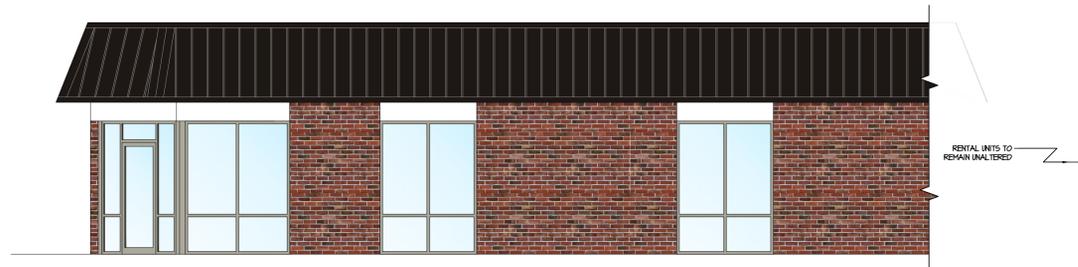
4994 SOUTH CATHERINE STREET - PLATTSBURGH, NY



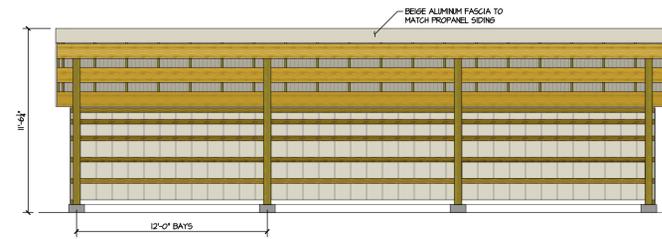
PROPOSED ELEVATION EAST



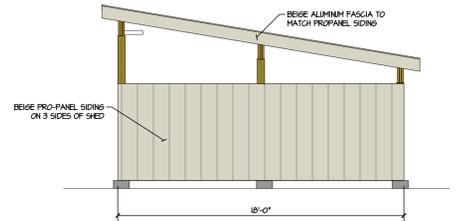
PROPOSED ELEVATION NORTH



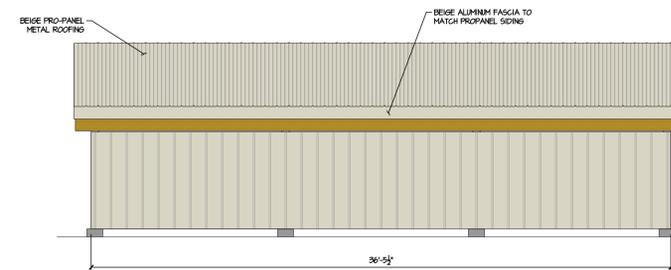
PROPOSED ELEVATION WEST



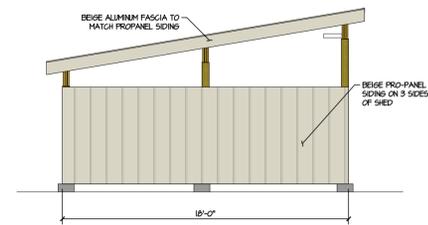
SHED ELEVATION NW



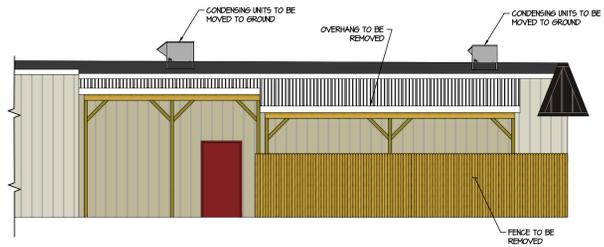
SHED ELEVATION SW



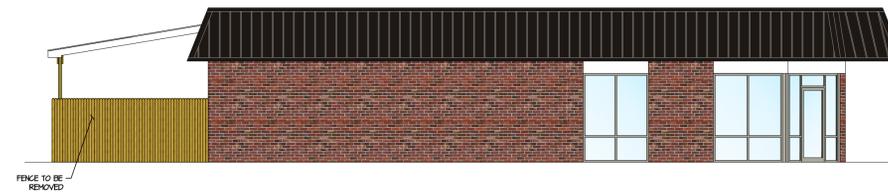
SHED ELEVATION SE



SHED ELEVATION NE



EXISTING ELEVATION EAST



EXISTING ELEVATION NORTH

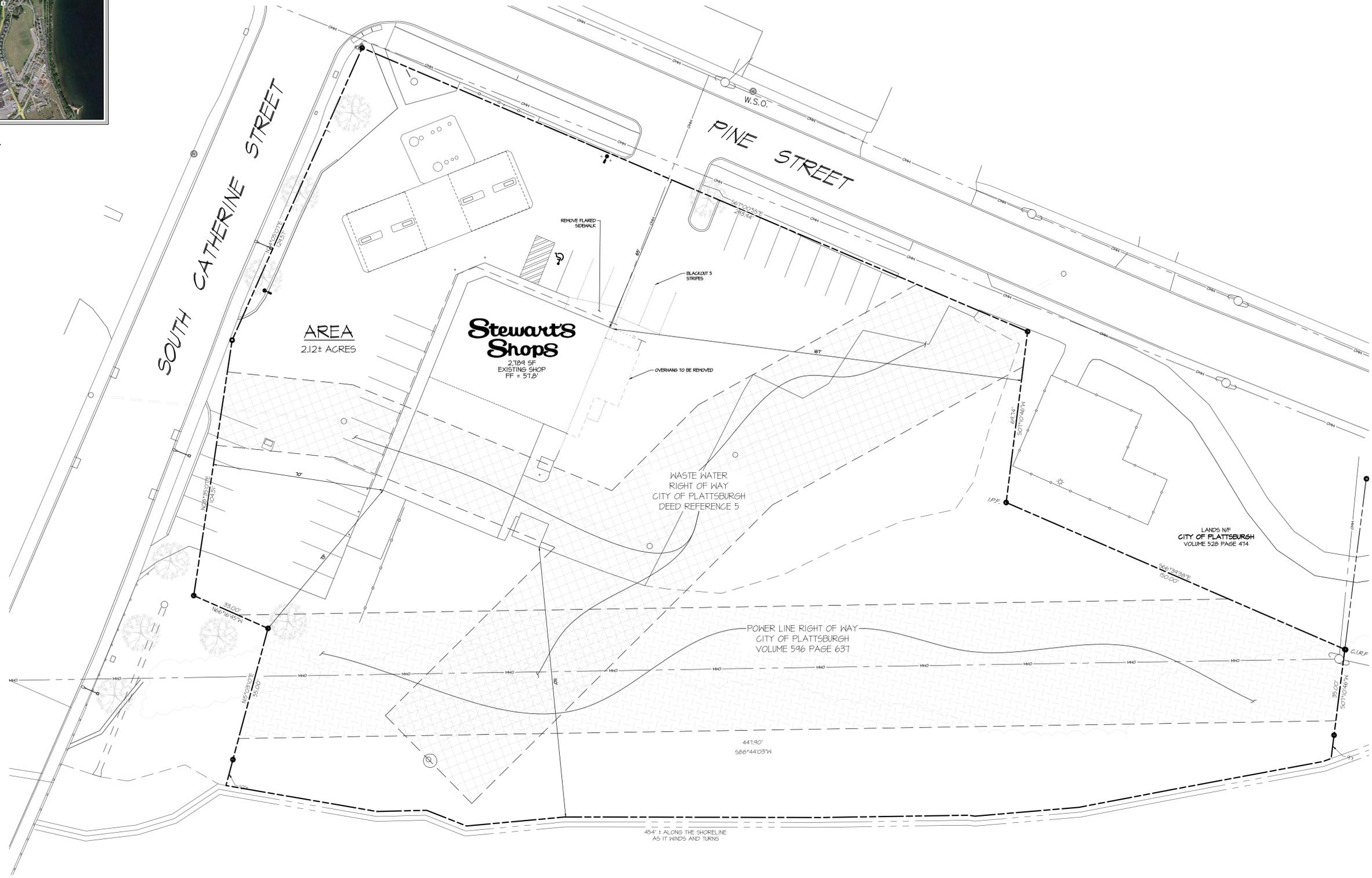


EXISTING ELEVATION WEST

	STORE NAME, ABBREVIATION & NO. <b>PLATTSBURGH - PLAP - 260</b>	
	SITE LOCATION <b>4994 SOUTH CATHERINE STREET - PLATTSBURGH, NY</b>	
	DATE	NO. REVISIONS
	<p>SARATOGA SPRINGS, NY 12866 TEL. (518)501-1200 FAX (518)501-1203</p>	
ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.		DRAWN BY: RR SCALE: NTS DATE: 2/5/20 DRAWING NO. T-1
		TITLE: <b>ELEVATIONS</b>



**SITE LOCATION MAP**  
SCALE: N.T.S.



LEGEND	
PROPERTY LINE	---
FIRE HYDRANT	
WATER VALVE	
GAS VALVE	
SEWER MANHOLE	
SEWER CLEANOUT	
CURB INLET	
CATCH BASIN	
GUY WIRE	
UTILITY POLE	
SIGNPOST	
TRAFFIC SIGNAL CONTROL BOX	
POLE LIGHT	
WELL	
BOLLARD	
IRRIGATION SLEEVE	
OVERHEAD UTILITIES	--- OHW ---
WATER SERVICE, 1" TYPE 1" COPPER	--- W ---
SEWER SERVICE, 4" SDR 26	--- S ---
STORM PIPE, PROPOSED, HDPE	--- ST ---
STORM PIPE, EXISTING	--- ST ---
STOCKADE FENCE	--- SF ---
CHAINLINK FENCE	--- CF ---
SPLITRAIL FENCE	--- SF ---
W/G ELECTRICAL/TELE SERVICE	--- E/UT ---
W/G ELECTRICAL CONDUIT	--- E ---
W/G GAS LINE	--- G ---
W/G CAMERAL CONDUIT	--- C/AM ---
DIESEL PRODUCT LINE	--- D/SL ---
SUPER PRODUCT LINE	--- SUP ---
UNLEADED PRODUCT LINE	--- UNL ---
EXISTING MAJOR CONTOUR	
EXISTING MINOR CONTOUR	
PROPOSED MAJOR CONTOUR	
PROPOSED MINOR CONTOUR	
PROPOSED SPOT ELEVATION	
EXISTING UNCHANGED SPOT ELEVATION	
<b>NOTES:</b>	
1. SOME FEATURES IN LEGEND MAY NOT HAVE BEEN USED.	
2. DASHED LINES INDICATE NEW WORK.	
3. DOTTED LINES INDICATE REMOVED ITEMS.	

**SURVEY NOTES:**

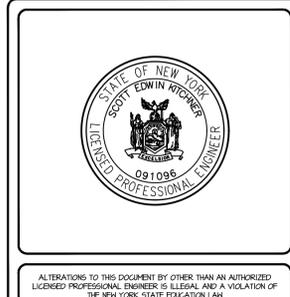
- 1) BASE MAP PREPARED FROM A JANUARY 2020 FIELD SURVEY.
- 2) NORTH ORIENTATION BASED ON DEED REFERENCE 1.
- 3) ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
- 4) UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 1204, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
- 5) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS THEREFORE SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR ANY STATEMENT OF FACTS SUCH DOCUMENT WOULD DISCLOSE.
- 6) UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES HAVE BEEN SHOWN FROM SURFACE LOCATIONS AND MEASUREMENTS OBTAINED FROM A FIELD SURVEY WITHOUT THE BENEFIT OF SURFACE LOCATIONS BEING MARKED BY THE PROPER AUTHORITIES. THERE MAY BE OTHER UTILITIES WHICH THE EXISTENCE OF ARE NOT KNOWN. SIZE TYPE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED IN THE FIELD BY PROPER AUTHORITIES PRIOR TO ANY AND ALL CONSTRUCTION OR DESIGN. CALL DIG SAFE PRIOR TO ANY EXCAVATION.

**MAP REFERENCES:**

- 1) "RIGHT OF WAY PLAN SOUTH CATHERINE STREET - CITY OF PLATTSBURGH SOUTH PLATT STREET CITY OF PLATTSBURGH" DATED FEBRUARY 12, 1993 PREPARED BY STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION.
- 2) "CITY OF PLATTSBURGH ACQUISITION MAP PIN 1ME028.30A" (DEED REFERENCE 4)
- 3) RIGHT-OF-WAY MAP CITY OF PLATTSBURGH MUNICIPAL LIGHTING DEPT. VICINITY OF PINE & SO. CATHERINE STREETS ON LANDS OF IRVING REED & GORDON BURDO" DATED MARCH 08, 1978 PREPARED BY ENGINEERING SERVICES JOSEPH MARTINA PROFESSIONAL ENGINEER.

**DEED REFERENCES:**

- 1) CONVEYANCE TO STEHART'S SHOPS CORP. BY DEED RECORDED IN THE CLINTON COUNTY CLERK'S OFFICE AS INSTR NUMBER: 2010-00232344.
- 2) GRANT OF EASEMENT TO NEW YORK TELEPHONE COMPANY BY DEED RECORDED IN THE CLINTON COUNTY CLERK'S OFFICE IN VOLUME 795 OF DEEDS PAGE III.
- 3) POWER LINE RIGHT OF WAY GRANTED TO THE CITY OF PLATTSBURGH BY DEED RECORDED IN THE CLINTON COUNTY CLERK'S OFFICE IN VOLUME 546 OF DEEDS PAGE 631.
- 4) CONVEYANCE TO THE CITY OF PLATTSBURGH BY DEED RECORDED IN THE CLINTON COUNTY CLERK'S OFFICE AS INSTR NUMBER: 2011-00240343.
- 5) WASTE WATER EASEMENT/RIGHT OF WAY GRANTED TO THE CITY OF PLATTSBURGH BY DEED RECORDED IN THE CLINTON COUNTY CLERK'S OFFICE IN VOLUME 194 OF DEEDS PAGE 22.



STORE NAME, ABBREVIATION & NO.		PLATTSBURGH - PLAP - 260	
SITE LOCATION			
4994 SOUTH CATHERINE STREET - PLATTSBURGH, NY			
DATE	NO.	REVISIONS	
DRAWN BY: RR		SCALE: 1" = 20'	
DATE: 2/4/20		DRAWING NO. S-1	
SARATOGA SPRINGS, NY 12866		TEL. (518)581-1200 FAX (518)581-1204	
TITLE: EXISTING SITE PLAN			

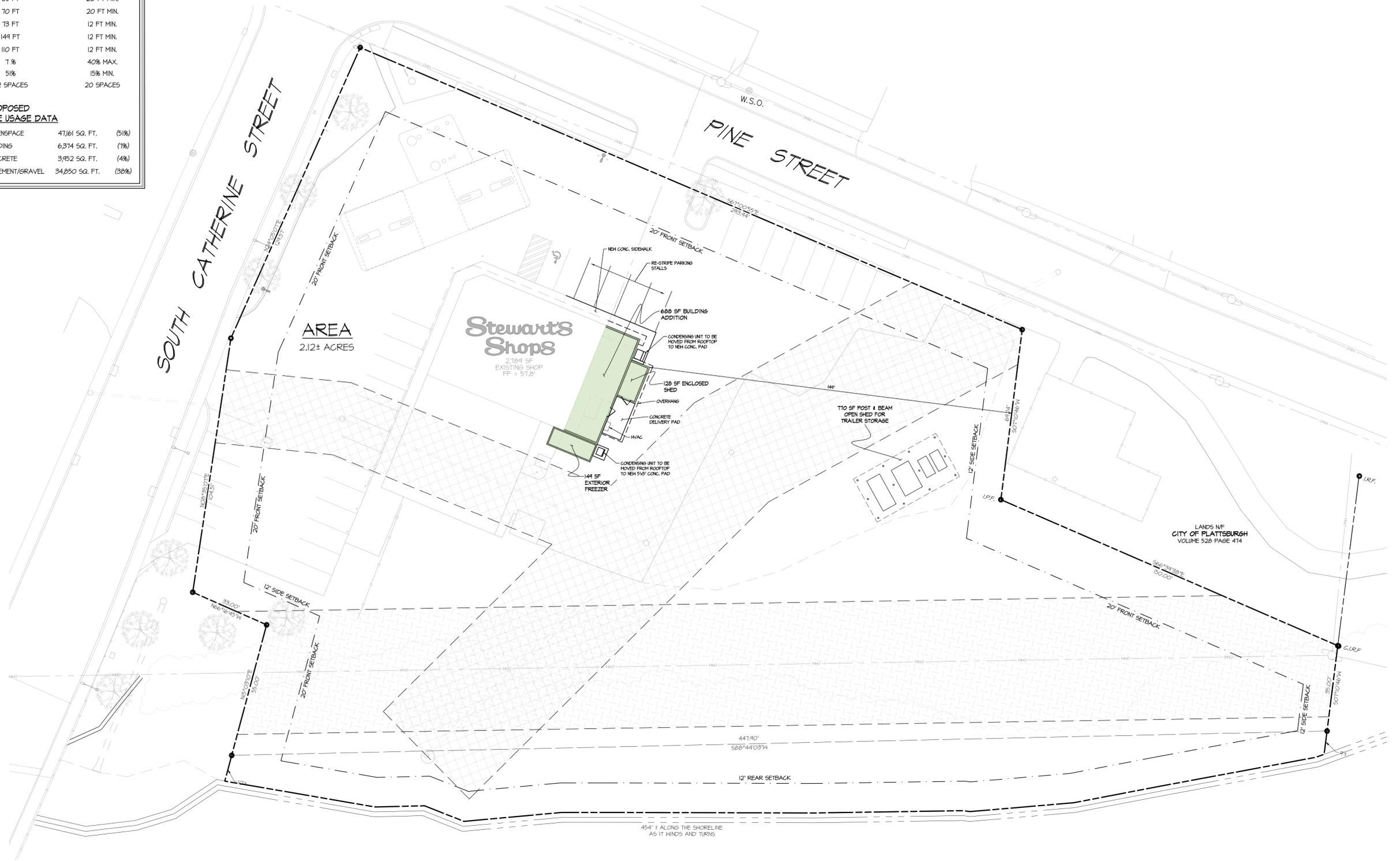
ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.

CITY OF PLATTSBURGH

CLINTON COUNTY PARCEL: 221.7-5-46  
 ZONE: B-1

	EXISTING	PROPOSED	REQUIRED
LOT AREA	92,331 SQ FT (2.12 AC)	92,331 SQ FT (2.12 AC)	5,000 SQ FT MIN.
FRONT BLDG SETBACK (NE)	65 FT	65 FT	20 FT MIN.
FRONT BLDG SETBACK (W)	70 FT	70 FT	20 FT MIN.
SIDE BLDG SETBACK (S)	73 FT	73 FT	12 FT MIN.
SIDE BLDG SETBACK (E)	167 FT	144 FT	12 FT MIN.
REAR SETBACK (INTERIOR)	110 FT	110 FT	12 FT MIN.
BUILDING COVERAGE	6%	7%	40% MAX.
OPEN SPACE	51%	51%	15% MIN.
PARKING SPACES	32 SPACES	32 SPACES	20 SPACES

EXISTING SITE USAGE DATA		PROPOSED SITE USAGE DATA	
GREENSPACE	47,195 SQ. FT. (51%)	GREENSPACE	47,161 SQ. FT. (51%)
BUILDING	5,404 SQ. FT. (6%)	BUILDING	6,314 SQ. FT. (7%)
CONCRETE	3,706 SQ. FT. (4%)	CONCRETE	3,952 SQ. FT. (4%)
PAVEMENT/GRAVEL	36,027 SQ. FT. (39%)	PAVEMENT/GRAVEL	34,850 SQ. FT. (38%)



	STORE NAME, ABBREVIATION & NO. <b>PLATTSBURGH - PLAP - 260</b>	
	SITE LOCATION <b>4994 SOUTH CATHERINE STREET - PLATTSBURGH, NY</b>	
	DATE	NO. REVISIONS
SARATOGA SPRINGS, NY 12866 TEL. (518)501-1200 FAX (518)501-1204		DRAWN BY: RR SCALE: 1" = 20' DATE: 2/4/20
ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.		DRAWING NO. <b>S-2</b>
TITLE: <b>PROPOSED SITE PLAN</b>		



# 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: 2/10/2020

Appeal No.: 2234

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: Stewart's Shops Corp.

Applicant's Address: PO Box 435

Saratoga Springs NY 12866

Telephone No.: 518-581-1261 x 4415

Parcel Identification: 221.7-5-46

Location of Request: 4994 South Catherine St.

Property Owner: applicant

Request Description: add 149 sq ft ext freezer, 688 sq ft rear

blgd addit, new sidewalk, 128 sq ft shed, restripe parking

Zoning District: B1

Section Appealed: SUP

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.

Jennifer Howard  
Signature (Owner/Applicant)  
Jennifer Howard  
Print First and Last Name

Joanne D. McDermott  
Notary Public  
JOANNE D. McDERMOTT  
Notary Public Reg. #01MC6117949  
State of New York, Saratoga County  
Commission Expires Nov. 1, 2020

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



**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: Stewart's Shop #260		
Project Location (describe, and attach a general location map): 4994 South Catherine St., Plattsburgh		
Brief Description of Proposed Action (include purpose or need): add 149 sq ft exterior freezer add 688 sq ft rear bldg addition partial new sidewalk 128 sq ft shed restripe some parking		
Name of Applicant/Sponsor: Stewart's Shops Corp.		Telephone: 518-581-1201 ext 4415
		E-Mail: jhoward@stewartsshops.com
Address: PO Box 435		
City/PO: Saratoga Springs	State: NY	Zip Code: 12866
Project Contact (if not same as sponsor; give name and title/role): Jennifer Howard		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>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Special Use Permit	March 16, 2020
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.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?  
 B1 \_\_\_\_\_

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?  
 NA \_\_\_\_\_

**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)? commercial  
 \_\_\_\_\_

b. a. Total acreage of the site of the proposed action? 2.12 +/- acres  
 b. Total acreage to be physically disturbed? 1500 +/- sq ft acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.12 +/- 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)? % 30 sq ft Units: 1

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 I (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 2  
 ii. Dimensions (in feet) of largest proposed structure: 14'6" height; 15 width; and 46 length  
 iii. Approximate extent of building space to be heated or cooled: 837 sq ft 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? foundation  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): 50 yards  
 • Over what duration of time? during construction  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
removal to approved site  
 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? \_\_\_\_\_ .03 acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ .05 acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ 15 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: \_\_\_\_\_ 700 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): \_\_\_\_\_  
sanitary wastewater

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: \_\_\_\_\_  
 \_\_\_\_\_

---

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

---

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)  
 heavy equipment/delivery vehicles \_\_\_\_\_
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 power generation \_\_\_\_\_
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 NA \_\_\_\_\_

---

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 Hydrofluorocarbons (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): \_\_\_\_\_

---

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):  
 \_\_\_\_\_ during construction only \_\_\_\_\_

---

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 ½ 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

---

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

---

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday:	_____ 7 am - 6 pm _____	• Monday - Friday:	_____ 4 am - 1 am _____
• Saturday:	_____ 7 am - 6 pm _____	• Saturday:	_____ 4 am - 1 am _____
• Sunday:	_____ na _____	• Sunday:	_____ 4 am - 1 am _____
• Holidays:	_____ na _____	• Holidays:	_____ varies _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:  
heavy construction equipment

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

---

n. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
flush mounted soffitt

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

---

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?  Yes  No

If Yes:

i. Product(s) to be stored existing gasoline tanks

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
double wall fiberglass tanks

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ 1 tons per \_\_\_\_\_ 2 month (unit of time)
- Operation : \_\_\_\_\_ 1.5 tons per \_\_\_\_\_ year (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: NA
- Operation: cardboard recycled, bottle return

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: hailed away
- Operation: hailed away

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 Covertype	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: \_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_

iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_

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): 510003, 510007

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

Class A Superfund Site NYSEG  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

---

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

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ unknown 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: \_\_\_\_\_ 8 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 Federal Waters, Federal Waters \_\_\_\_\_ 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: \_\_\_\_\_  
 \_\_\_\_\_

---

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: Principal 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?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

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?  Yes  No  
 If Yes:  
 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?  Yes  No  
 If Yes:  
 i. Species and listing: \_\_\_\_\_  
 \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

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?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. 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?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. 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?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

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?  Yes  No  
 If Yes:  
 i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District  
 ii. Name: \_\_\_\_\_  
 iii. Brief description of attributes on which listing is based: \_\_\_\_\_

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?  Yes  No

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No  
 If Yes:  
 i. Describe possible resource(s): \_\_\_\_\_  
 ii. Basis for identification: \_\_\_\_\_

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No  
 If Yes:  
 i. Identify resource: \_\_\_\_\_  
 ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_  
 iii. Distance between project and resource: \_\_\_\_\_ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No  
 If Yes:  
 i. Identify the name of the river and its designation: \_\_\_\_\_  
 ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**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**

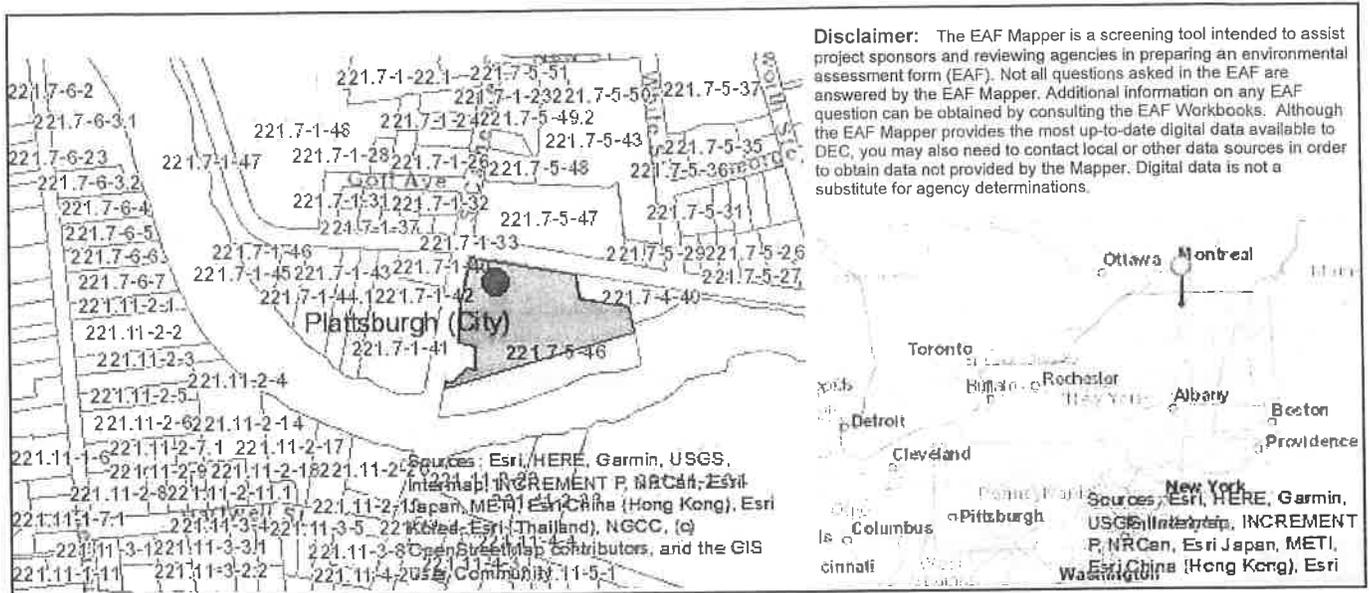
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Stewart's Shops Corp Date 2/24/2020

Signature Jennifer R Howard Title Property Manager

# EAF Mapper Summary Report

Monday, February 24, 2020 11:27 AM



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	510003, 510007
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes

E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



# Plattsburgh, New York

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

DISCOVER  
Plattsburgh

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

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

\_\_\_\_\_  
SUP  
SPECIAL USE PERMIT

Date: 2-21-20

Appeal No.: 2235

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: BethAnn O'Neil

Applicant's Address: 261 S. Peru St.  
Plattsburgh, NY 12901

Telephone No.: 518-420-3219

Parcel Identification: 221.19-1-7.1

Location of Request: 261 S. Peru St.

Property Owner: BethAnn O'Neil

Request Description: Replace cedar shrubs with vinyl fencing (6ft.)

Zoning District: R-2

Section Appealed: 360-29 G

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.

\* BethAnn O'Neil  
Signature (Owner/Applicant)  
BethAnn O'Neil  
Print First and Last Name

Lisa M. Beebie  
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 2-21-20

ZONING BOARD MEETING DATE 3-16-20

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 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 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)

## 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, it is replacing overgrown cedar shrubs. It will make it look much neater.

(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?

Yes, this will give me more of my yard back. The shrubs are overgrown. It will also continue to give me the privacy of my yard.

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

No. As of right now, my overgrown cedar shrubs are impeding on my neighbors property. My neighbor directly across the street received a variance to replace overgrown cedar shrubs with a left. vinyl fence and it looks much neater in the neighborhood.

(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, The shrubs have been maintained. If they ~~was~~ had been maintained differently before I purchased the home this would've been better.

# Variances

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.<sup>2</sup> 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. Steinhilber, 282 NY 71 (1939); Village of Bronxville v. Francis, 150 NYS 2d 906 (1956); Jayne Estates v. Raynor, 22 NY 2d 417 (1968); Douglaston 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>Waschsberger v. Michalis, 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

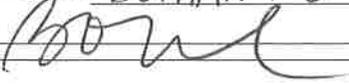
**Instructions for Completing**

**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: <i>Replace overgrown cedar shrubs with 6ft. vinyl fencing</i>			
Project Location (describe, and attach a location map): <i>261 S. Peru St.</i>			
Brief Description of Proposed Action: <i>I'm going to remove overgrown cedar shrubs and replace them with 6ft. vinyl fencing to keep the privacy needed.</i>			
Name of Applicant or Sponsor: <i>BethAnn O'Neil</i>		Telephone: <i>518-420-3219</i>	
		E-Mail: <i>boneil@plattsbsd.org</i>	
Address: <i>261 S. Peru St.</i>			
City/PO: <i>Plattsburgh</i>		State: <i>NY</i>	Zip Code: <i>12901</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<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
<i>City of Plattsburgh Zoning</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>138x64</i> acres	
b. Total acreage to be physically disturbed?		<i>36x39</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>138x64</i> 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 checked="" 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>BethAnn O'Neil</u>	Date: <u>2-21-20</u>	
Signature: <u></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:	<input type="checkbox"/>	<input type="checkbox"/>
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"/>

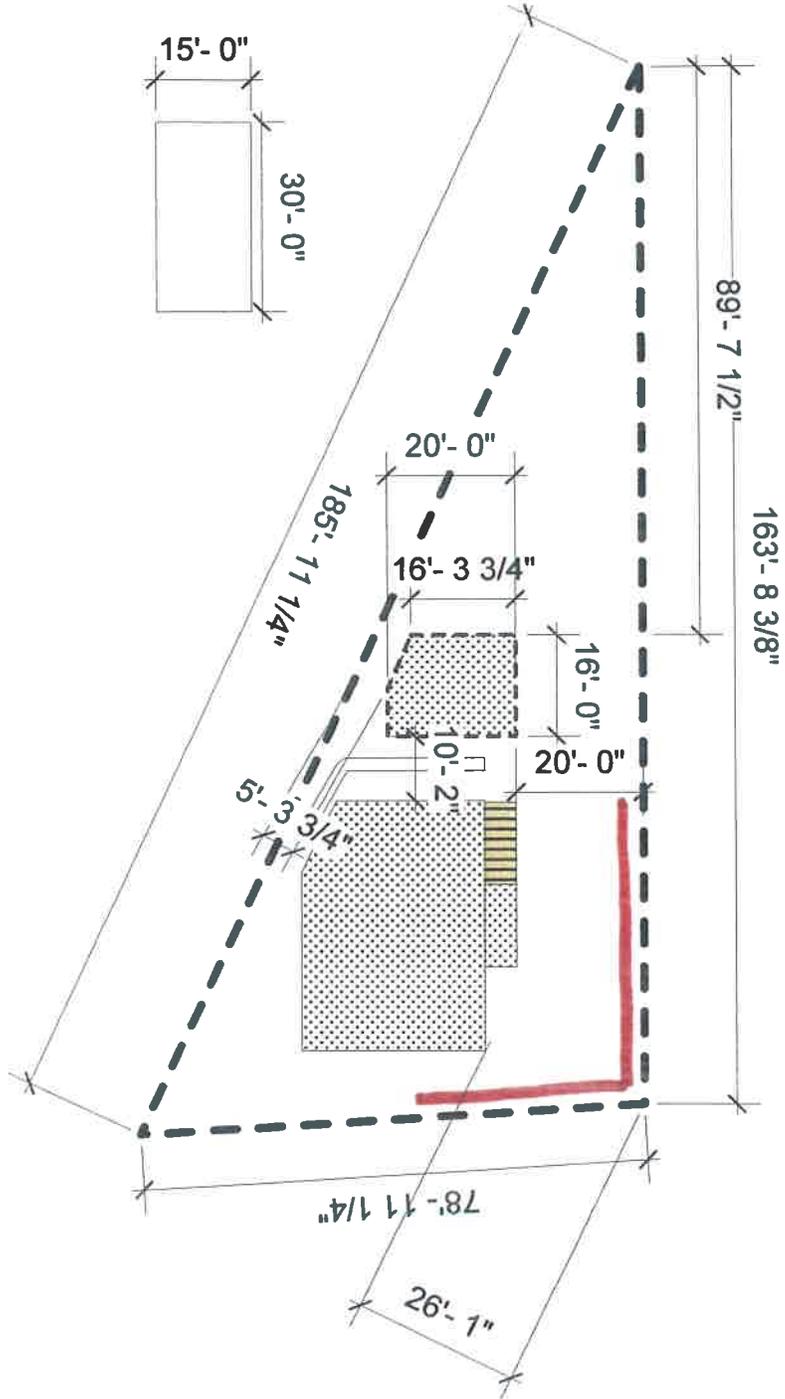
**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant 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**

BethAnn O'Neil  
261 S. Penn St.  
Platts.

~~Shrubs~~  
Shrubs replaced  
with vinyl fence.



# Plattsburgh, New York

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

Plattsburgh

USE  
CLASS A VARIANCE

AREA  
CLASS B VARIANCE

SUP  
SPECIAL USE PERMIT

Date: 2/21/20

Appeal No. 2236

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described.

Applicant: City of Plattsburgh

Applicant's Address: 41 City Hall Place  
Plattsburgh, NY 12901

Telephone No.: 518. 563. 7642

Parcel Identification: 221.12-2-6

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

Property Owner: City of Plattsburgh

Request Description: 3 area variances requested for 2-lot minor  
subdivision. Variances requested for max bldg coverage, min open space, + min  
lot size.

Zoning District: RC-2

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

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

Identify Applicant's Right to Apply for Variance:

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

Other (Please Explain): \_\_\_\_\_

Applications for Zoning Variances must be accompanied by:  
13 copies of existing and proposed site plan plus original application.  
13 copies of existing and proposed floor plan.

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Matthew Miller  
Signature/Owner/Applicant  
Print First and Last Name

Shelise A. Marbut  
Notary Public

SHELISE A. MARBUT  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01MA6365804  
QUALIFIED IN CLINTON COUNTY  
COMMISSION EXPIRES OCTOBER 16, 2021

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



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 2/24/2020

ZONING BOARD MEETING DATE 3/16/2020

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings -	\$ 50.00
Multiple Dwellings	\$150.00
Commercial Properties	\$150.00

**All checks should be made payable to the "City Chamberlain".** In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a variance from the ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to the spirit of the ordinance and do substantial justice. Financial disadvantage to the property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests, which will involve any construction, alterations, or physical change of their property. **THIRTEEN (13) copies of the entire packet including drawings, site plans and the original application are required** (we recommend the plans be approved before the THIRTEEN (13) copies are made).

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

1. Publish the request in three successive issues of the Press-Republican newspaper not less than five (5) nor more than ten (10) days before the hearings.
2. Notify, by letter, all adjoining property owners of your request

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

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



## Project Narrative

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

Dear Members of the Zoning Board:

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

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

Lot 5A (City Rec Center):

*-Deficient in max building coverage*

*-Deficient in min open space*

Lot 5B (Chaplin House)

*-Deficient in min lot size*

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

Thank you for your time and consideration.

Malana Tamer  
City Planner



## AREA OR DIMENSIONAL VARIANCE REQUEST

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

**1.) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?**

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

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

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

**3.) Is the requested area variance substantial?**

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

**Lot 5A**

-Max Bldg Coverage -21% variance

-Min Open Space-23% variance

**Lot 5B**

-Min Lot Size-6,736sq ft variance

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

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

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

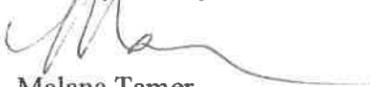
**4.) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?**

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

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

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

Thank you for your time and consideration.

  
 Malana Tamer  
 City Planner

**Short Environmental Assessment Form**  
**Part 1 - Project Information**

**Instructions for Completing**

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

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

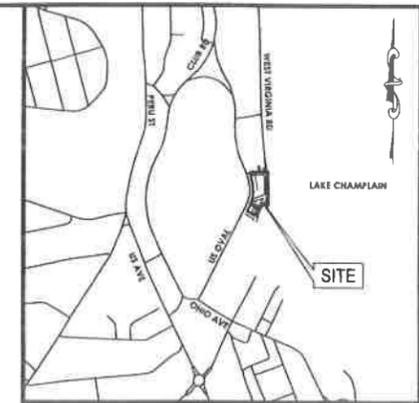
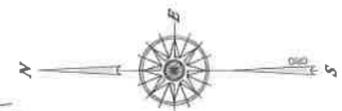
<b>Part 1 – Project and Sponsor Information</b>			
City of Plattsburgh			
Name of Action or Project: City of Plattsburgh 52 US Oval Subdivision 2020			
Project Location (describe, and attach a location map): 52 US Oval			
Brief Description of Proposed Action: 2 lot minor subdivision of City owned property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

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



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

# TERRY JAMES GORDON RECREATIONAL PATH



LOCATION MAP  
N.T.S.

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

tax map ID #221.12-2-5.2  
MOUNTAIN HARBOR PROPERTIES LLC  
Instrument #2018-00299984

**LOT 5-A**  
1.24 ACRES

**LOT 5-B**  
0.19 ACRES

CITY RECREATION CENTER BUILDING

U.S. OVAL

**DEED REFERENCE:**

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

**MAP REFERENCES:**

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

**NOTES:**

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

**NOTICE**

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

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

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

**SCHEDULE OF AREA AND BULK CONTROLS (ZONED - RC-2) (US OVAL HISTORIC DISTRICT)**

DESCRIPTION	REQUIRED	EXISTING	PARCEL 5-A	PARCEL 5-B
MIN. LOT SIZE	15,000 SF	62,188 SF	53,924 SF	8,264 SF <sub>(B)</sub>
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**AREA AND BULK CONTROL DEFICIENCIES:**  
 (A) PRE-EXISTING, NON-COMFORMING ATTRIBUTES WILL NOT BE MADE WORSE BY PROPOSED SUBDIVISION  
 (B) DEFICIENCIES ANTICIPATED TO REQUIRE A VARIANCE FROM THE ZONING BOARD OF APPEALS

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

**CURVE TABLE**

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

**LEGEND:**

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

**PRELIMINARY**

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

**REVISIONS**

NO.	DATE	DESCRIPTION	BY



DESIGNED BY \_\_\_\_\_  
 DRAWN BY: MAD  
 REVIEWED BY: MSC  
 Engineering & Surveying PLLC  
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 Tel: 518.562.1800 Fax: 518.562.1702  
 DATE: 12/20/19  
 SCALE: 1"=20'  
 SHEET: 1