

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?

ATTACHED

(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.

Aug. 26, 2016

AREA VARIANCE ZBA CITY OF PLATTSBURGH

1. NUMBER OF PRINCIPAL BUILDINGS ON THE LOT
2. NUMBER OF ACCESSORY STRUCTURES ON THE LOT
3. NUMBER OF APARTMENT DWELLING UNITS ON THE LOT

Written responses:

1. Will an undesirable change to the character of neighborhood or be a detriment to nearby properties?

The parcel is adjacent to Glens Falls National Bank and future PUD develop lots (lot 42, 221.16-1-17.42 and lot 43, 221.16-1-17-13) of same type of area uses with multiple dwellings, multiple accessory structures and multiple principal buildings as per the 5 acre rule for PUD. Lake Country Village is within 500 feet and is a housing association of over 300 homes, accessory structures and dwelling units.

2. Can the benefit sought by the applicant be achieved by some other method?

The lot is what is left over from PARC multiple subdivisions and property sales over the last 15 years. The lot is not big enough to meet PUD required 5 acres because some property was divided off from this lot for Glens Falls National Bank building and to increase lot 42 and lot 43 to the 5 acre size. The only property left is adjacent to the west and that is zoned Commercial. As per city Code 270 Schedule 2 this property is zoned RC-2 but is required to be developed under R-2 zone rules and bulk control schedule. Because of the unique circumstances of this left over property a lot that is not quite big enough and too big to be successfully used under the restrictive R-2 codes set for much smaller lots. The only other solution would be to re-subdivide this lot into 3 lots: and then the 3.77 acre area would look pretty much the same except with 3 individual curb cuts to US Ave for a greater number of dwelling units (72 apartments vs 36 apartments). Under current Zoning rules for this lot only one building can be on the property and a maximum of 24 dwelling units.

3. Is the area variance substantial?

The area variances made in this application to ZBA are not substantial when ZBA considers how this lot became the odd size of 3.77 acres and the adjacent two RC-2 lots sold in 2015.

4. Will the proposed area variances have an adverse effect or impact on the physical or environmental conditions of neighborhood?

The variances would allow for a well planned development that will be a continuation of the area development and land use.

5. Has the alleged difficulty been self-created?

The difficulty has been created by PARC and the City of Plattsburgh Planning Board. Over the last 15 plus years both agencies have in the process of converting what was once Federal land into property sold to the public. In this process a lot of changes have been made to accommodate buyers and their needs in lot sizes and zoning of parcels being sold. We are at the very end of all the Federal land once occupied as Plattsburgh Air Force Base being sold to the public.

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.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>AREA VARIANCE FOR LOT 41 221.16-1-17-41</i>			
Project Location (describe, and attach a location map): <i>West Side of USA Ave. Adjacent to GFNB</i>			
Brief Description of Proposed Action: <i>Number of Principal Buildings on the Lot Number of Accessory Structures on the Lot Number of Dwelling Units on the Lot</i>			
Name of Applicant or Sponsor: <i>E2 Properties, LLC</i>		Telephone: <i>518 569 7772</i>	
		E-Mail: <i>ejzukowski@yahoo.com</i>	
Address: <i>164 Boynton Ave Suite 307</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 type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>3.77</i> acres	
b. Total acreage to be physically disturbed?		<i>3.5</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>3.77</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" 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			

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?	NO	YES	N/A
	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties?	NO	YES	
	<input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/> YES	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES		
<i>Retention 1st + then overflow to City storm</i>			

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: <u>To Be determined - STORM WATER MANAGEMENT</u>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>EZ Properties, LLC</u>	Date: <u>8/20/14</u>	
Signature: <u>Edward Zukowski</u>		

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

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

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



4.36 AC

30E

17.2
3.0 AC

343.42'

365.29'

OHIO AVENUE SOUTH

396.41'

(66')

349.65'

AVENUE

585.75'

42

37.00'

19.52'

41

17.41
3.77 AC

*appeal # 2090
EB Properties*

17.12
2.40 AC



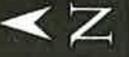
44

1 AIR FORCE BASE

7.11

34 AC

ROAD



1000 ft

