

ZONING BOARD OF APPEALS

FEBRUARY 12, 2018 MEETING MINUTES

Present: Chairman Ron Nolland, Scott DeMane, Kathleen Insley,
Kellie Porter, Steve Sullivan
Joe McMahon, Building Inspector

Absent: Katie Francisco (Alt.)

Also Present: Kristoff Hertel
Broncie Burnell
Robert Meyer

Mr. Nolland called the meeting to order at 7:05 PM. The following items were on tonight's agenda.

APPEAL	APPLICANT	REQUEST
2112	KRISTOF HERTEL 265 CORNELIA STREET	CLASS B VARIANCE REQUEST TO EXTEND APPEAL #2112 GRANTED ON 7/17/2017
2158	TINY LEADERS CHILDRENS CENTER BRONCIE BURNELL 2 HEALEY AVENUE	CLASS B VARIANCE REQUEST TO OPEN AN OPERATE A DAY CARE CENTER, WHICH DOES NOT MEET PARKING REQUIREMENTS AND LOT SIZE
2159	TINY LEADERS CHILDRENS CENTER 2 HEALEY AVENUE	SPECIAL USE PERMIT OPEN AND OPERATE A DAY CARE CENTER IN A B-2 DISTRICT

Mr. Nolland advised there are no conflicts with any board member being within 500' of any of the above appeals.

The meeting is held one week early due to vacations.

They will hear the agenda in order as stated.

The **first** item heard was Appeal #2112, Kristof Hertel, 265 Cornelia Street for an Extension of his Class B Variance granted on 7/17/2017.

{Meter 1:26}

A letter was received from Fred Keil, Architect explaining the request for this extension.

Mr. Hertel explained it's hard to find contractors to work in winter. He wants to start late spring.

Mr. Nolland asked the board if 6 months extension would be applicable.

MOTION:

By Mr. DeMane, seconded by Ms. Insley

FOR APPEAL #2112, KRISTOF HERTEL, TO EXTEND THE PREVIOUSLY GRANTED VARIANCE FOR 6 MONTHS FROM DATE IT EXPIRED (JANUARY 2018) TO JULY 2018

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **second** and **third** items heard was Appeal #2158, Tiny Leaders Children's Center, Broncie Burnell, 2 Healey Avenue for a Class B Variance requesting to open and operate a day care center, which does not meet parking requirements and lot size and Appeal #2159, Special Use Permit to open and operate a day care center in a B-2 District.

[Meter 6:31)

Mr. McMahon advised Mr. Meyer did provide a survey which shows 107' for the easement, which took into access the deed-access isle in the middle but the 107' is still the dimension to the center of that. 13' of each side of that is supposed to be deeded easement for access on both sides and deeded to both properties. It's a 26' full wide access.

Mr. Nolland clarified this also takes care of the issue of the side parking.

[Discussion on the survey, 13' on each side, 107' to the center, access to the other 13', comments from Infrastructure Division regarding backing out to the North side (Starbucks).]

Comments were also received from Infrastructure Division regarding the play area. Mr. Meyer advised there was an 8' addition on the 60' building. Mr. Nolland advised it was the distance from the property line. She is showing 6 spaces behind the building but they wouldn't be there. The play area would have to go all the way to the building. Mr. Meyers questioned this. The play area on map says 5360 sf. Mr. Nolland explained to get to 5360 sf you have to go to end of building.

[Meter 11:12 – Discussion on play area square feet (sf), needing only 5,000 sf, discrepancy on plan, keeping parking spaces behind building or not, NYS requirements, maximum of 20 kids outside at one time.]

Mr. Nolland quoted city zoning regulations.

Mr. DeMane questioned the Easement and parking.

Ms. Burnell added the NY State regulations call for 50 sf per child, which would allow only a max outside at one time of 20 children. This is due to different age groups. The babies don't go out at all. She has up to 50 children with ages from babies to 5 years.

The NYS Regulations were discussed versus number of children. [Meter 15:50]

Mr. Nolland questioned the play area surface. Ms. Burnell thought for now it would stay tarmac and she is going to use the playground on the next street over in summertime. Eventually she will try to switch it over to the tar stuff.

Mr. Meyer then clarified the play area on the map should be 3,280 instead 5,360 SF. The 8 x 24 is part of play area.

{7:23 PM}

[Meter 18:37 Parking spaces were discussed. State regulations and City ordinance regulations were discussed, large cities vs. City of Plattsburgh, how old are the standards, variances for lot size, parking and play area.]

Mr. McMahon said originally the play area was not a variance because it exceeded the 5,000. With Mr. Meyers new calculation, that changed.

The hours of operation will be 6:45 AM to 5:15 PM. Children are dropped off periodically through this time, not all at once. There are 21 employees but they are not there all day. There is a max of 10 vehicles there at one time of the day. Pick up times start at 3:00 PM and are staggered.

Based on the gross floor area, 49 parking spaces are required. That would be a variance of 21 spaces. 5 or 100 kids would not matter.

The variance for the play area would be for 1600 SF.

The lot size variance would be for 44,000 SF. [Discussion on survey map vs. tax map.]

PUBLIC COMMENTS:

There being none, Mr. Nolland then closed the Public Hearing portion for these 2 appeals.

{7:35 PM}

Mr. Nolland commented how it's always good to keep existing buildings with tenants in them. It's not a bad use. He's not concerned about traffic due to staggered drop off and pick up times. He feels the play area is triple the states requirements so this is not a problem. This business will self-regulate itself.

Mr. DeMane asked about snow removal. Mr. Meyer advised it goes to edge of property. Snow may need a parking spot if there is a heavy snow storm. Mr. Sullivan reminded there is drainage nearby.

Ms. Porter asked how long she has been doing this. Ms. Burnell advised she bought Kaleidoscope in June. Ms. Porter asked if there were regulations for soft surface in play area. Ms. Burnell said no. Ms. Porter asked about fencing.

Mr. Nolland reminded the board she is under jurisdiction of other agencies.

This does not need to go to Planning Board.

CLASS B VARIANCE:

SF SEQ:

MOTION:

By Ms. Insley, seconded by Mr. Sullivan

FOR APPEAL #2158, ON THE SHORT ENVIRONMENTAL ASSESSMENT FORM THE CHAIRMAN CAN MARK NO OR SMALL IMPACT MAY OCCUR ON PART 2 AND SIGN INDICATING THAT THERE WILL BE NO ADVERSE ENVIRONMENTAL IMPACT FROM THE REQUEST

ALL IN FAVOR: 5

Mr. DeMane asked what the state requirement for number of children in building. Ms. Burnell answered said 0-18 months it's 50 SF per child then subtract for crib space. For 18 months higher the requirement is 35 SF. Mr. DeMane advised she has almost twice the space as the state requires. He was having a hard time he was giving a variance for basically 3/5ths of what is required for play area vs. building size. Ms. Burnell advised the state came in and measured everything before she moved forward with these variances. Mr. DeMane added their requirements for the play area is significantly less although ours is based on Square footage not people.

MOTIONS:

VARIANCE A - LOT SIZE:

By Ms. Insley, seconded by Mr. DeMane

FOR APPEAL #2158 FOR A VARIANCE FOR LOT SIZE, THE REQUIREMENT BEING 65,000 SF PER ZONING LAW, AND THE DEFICIENCY BEING THE DIFFERENCE BETWEEN THE 65,000 FEET AND WHAT AVAILABLE ON THIS LOT WHICH IS APPROXIMATELY 44,000 SF, A YES VOTE IS TO APPROVE

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

VARIANCE B - PARKING:

By Mr. DeMane, seconded by Ms. Porter

IN REGARDS FOR APPEAL #2158B VARIANCE FOR PARKING FOR TINY LEADERS CHILDREN'S CENTER WHERE THEY HAVE 28 AND ARE REQUIRED TO HAVE 49, A YES VOTE IS TO ACCEPT 28 PARKING SPACES

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

VARIANCE C – PLAY AREA:

By Ms. Porter, seconded by Ms. Insley

TO GRANT A VARIANCE TO APPEAL #2158C , PLAY AREA OF TINY LEADERS CHILDREN’S CENTER AT 2 HEALEY AVENUE WE ACCEPT THAT WE REQUIRE 5,000 SF OF PLAY AREA, WITH A DEFICIENCY OF 1,612 FEET THAT WE ARE ALLOWING 3388 SF

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

{7:55}

SPECIAL USE PERMIT, APPEAL #2159:

LONG FORM SEQ:

Page 2

- B.c. Add Building Permit.
- g. Add NYS OCFS
- e. Add Health Dept.
- C2a. Check “yes.”

MOTION:

By Ms. Insley, seconded by Mr. Sullivan

AFTER REVIEW OF THE FULL ENVIRONMENTAL ASSESSMENT FORM, THAT WE DETERMINED THAT THE SUP ACTIVITY SOUGHT WOULD HAVE NO ADVERSE ENVIRONMENTAL IMPACT

ALL IN FAVOR: 5

MOTION SUP:

By Mr. DeMane, seconded by Ms. Porter

FOR APPEAL #2159, SUP FOR TINY LEADERS CHILDREN CENTER TO OPERATE A DAY CARE CENTER IN A B-2 DISTRICT FOR UP TO 50 KIDS, A YES VOTE IS TO GRANT THE SUP

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The secretary reminded the Board about the New York Planning Federation training. Mr. McMahon advised he is trying to get together in house training.

MOTION:

By Mr. DeMane, seconded by Mr. Sullivan

TO APPROVE THE JANUARY 16 MINUTES AS WRITTEN

ALL IN FAVOR: 4

(Mr. Nolland, Ms. Insley, Mr. Sullivan, Mr. DeMane)

MOTION PASSED

Motion to Adjourn:

By Mr. DeMane, seconded by Mr. Sullivan

Adjourned at 8:04 PM

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

Denise Nephew
Secretary
Zoning Board of Appeals