



Plattsburgh, New York

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

 USE
CLASS A VARIANCE

 X AREA
CLASS B VARIANCE

 X SUP
SPECIAL USE PERMIT

Date: 04/23/20

Appeal No.: 2272

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: NUWAY Car Wash

Applicant's Address: 269 Margaret Street
Plattsburgh, NY 12901

Telephone No.: 518-563-1850

Parcel Identification: 207.17-2-12

Location of Request: 321 Cornelia Street, Plattsburgh, NY 12901

Property Owner: (same as applicant)

Request Description: Area variances for: 4' Side Yard Setback/Commercial 200' from Residential/
Driveway width of 40 ft.; Special Use Permits for: Automobile Car Wash/10' fence in side-rear yards

Zoning District: B2

Section Appealed: Schedule II (Schedule of Area & Bulk Controls) , 360-25B, 360-26E(1)

Previous Appeal: No.: N/A Date:

Identify Applicant's Right to Apply for Variance:

Ownership: Long Term Lease: Contract To Purchase: X

Other (Please Explain):

Applications for Zoning Variances must be accompanied by:
15 copies of existing and proposed site plan
15 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.

 P. J. B. K.
Signature (Owner/Applicant)

 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



ARCHITECTURAL & ENGINEERING
DESIGN ASSOCIATES, P.C.

April 23, 2021

Mr. Joseph McMahon, Building Inspector
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901

Re: NUWAY Car Wash – Proposed 321 Cornelia Street Location

Mr. McMahon,

Enclosed is the application material to support requests for the following area variance and special permits for the above-mentioned project:

Area Variance Requests:

1. Side yard Building Setback
2. Commercial setback from Residential
3. Commercial Drive Width

Special Permit Requests:

1. Automobile Car Wash Use
2. 10' Fence in the side-rear yards

In addition, we would like to discuss with the board an extension of any potential approvals. The current project schedule is to break ground in spring 2022 and we understand that any approvals from the zoning board are good for 6-months without board special approval.

Feel free to contact me if you have any questions or require further information.

Sincerely,

James A. Abdallah, P.E.
Vice President

cc: Perry Buck, Owner/President

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?

See attached separate letter with written response to each item.

(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.

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)

**NUWAY Car Wash
Area Variance(s) & Special Use Permit
Narrative 04-23-21**

Project Description – The applicant, NUWAY Car Wash (Perry Buck, President), proposes to erect a new car wash (3,600 sq.ft.) on an existing commercial lot located in the City of Plattsburgh at 321 Cornelia Street. The lot currently has an existing paved parking area for used car sales.

Required Area Variances – 4’ Sideyard Building Setback (Schedule II – Area & Bulk Controls); 200’ setback from Residential (360-25B); Driveway width of 40ft (360-26E(1)).

Special Use Permit – Automobile Car Wash Use; 10’ fence in side-rear yards.

To demonstrate the reasoning for the variance requests the applicant has prepared the following information in response to the “Five” standard variance request review points:

1. Undesirable change or detriment to nearby properties

- The 4’ side yard setback will not be a detriment as the commercial building on the adjacent property is set back ±22’ from the property line.
- The property has been operating commercially as a used car lot within the 200’ setback of residential property. An automobile car wash will not create and expanded detriment to nearby properties from its current use.
- A 40ft driveway width will provide for controlled access to and from the site and remove potential undesired stacking as exiting the site. This condition will not change or be a detriment to nearby properties.

2. Achieve goal by some other method

The site can be developed in a different layout but the detriment to the design changes can be outlined as follows:

- Less space between the new building and neighboring building will be available
- The site is too small to develop commercially outside the 200’ setback and again currently operates within the setback.
- Reducing the driveway width would create potential stacking as exiting the site.

3. How substantial is the Variance

The variances are not substantial and will foster design conditions that improve the operations and existing conditions of the site.

4. Adverse effects on physical and environmental neighborhood conditions

The proposed development will improve the physical and environmental neighborhood conditions. The addition of a new commercial building, utilities, green space, appurtenances, etc. will improve property:

- Aesthetics

- Function/operation
- Assessed Value

5. Is the difficulty self-created?

Although our proposal could be considered self-created we would ask that the board consider the benefit to area if the variances are granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. As established by the state courts and legislature a self-created hardship is only one factor to be taken into account in considering this application.

By the plan and evidence presented we do not believe this proposal will be a detriment to the health, safety and welfare of the neighborhood or community but will strengthen community and business along the Cornelia Street corridor.

To demonstrate the reasoning for special use requests the applicant offers the following comments/information:

1. An automobile car wash is an allowed use within the Cornelia Street B1 zoning corridor and this site will provide a second community alternative to the lone car wash located within the same corridor. The site offers ample space for on-site car stacking along with sufficient ingress and egress to the public right-of-way.
2. The proposed 10' fence in the side/rear yards will provide for added buffer from the residential neighbors.

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.

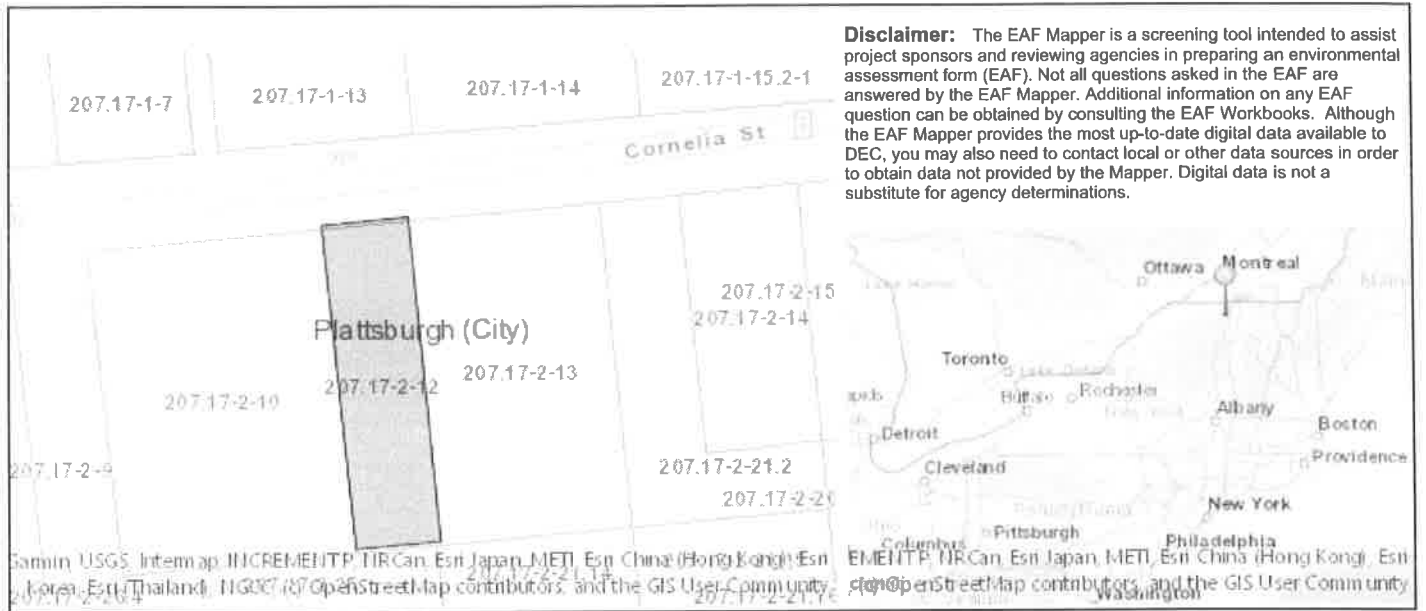
Part 1 – Project and Sponsor Information			
Name of Action or Project: NUWAY Car Wash - Cornelia Street			
Project Location (describe, and attach a location map): 321 Cornelia Street, Plattsburgh, NY			
Brief Description of Proposed Action: Construction of a proposed 3,600 sq.ft. tunnel car wash building with associated office space and site improvements (See "Site Sketch Plan" C100)			
Name of Applicant or Sponsor: NUWAY Car Wash (Attn: Perry Buck)		Telephone: 518-563-1850 E-Mail: perry@nuwaycarwash.com	
Address: 269 Margaret Street			
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 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: Planning Board, Zoning Board, Building Permit			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ .38 acres			
b. Total acreage to be physically disturbed? _____ .38 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ .38 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input 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			

	NO	YES	N/A
5. Is the proposed action, <ul style="list-style-type: none"> a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan? 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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 checked="" type="checkbox"/>	
	<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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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? 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: _____ None Identified. _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	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,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: Mr. Perry Buck Date: 04/23/2021		
Signature: <u><i>Perry Buck</i></u> Title: President		

EAF Mapper Summary Report

Thursday, April 22, 2021 4:32 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Project:

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

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"/>
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"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

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.

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.

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 FORM

