

ZONING BOARD OF APPEALS

MAY 20, 2024 MEETING OF ZONING BOARD OF APPEALS

MINUTES

**Present:** Chairperson Scott DeMane, Elizabeth Jent, Christine Hubbell, Kim Hartshorn  
Kyle Burdo, Housing Code Inspector  
James Welch, Housing Code Inspector

**Absent:** Kellie Porter, PJ Whitbeck

**Also present:** Carol Robertson, Pamela Robbins  
Nicholas Seiden, John Seiden  
Ed Boyer, Aaron Ovios, RMS  
Kenneth Mousseau, Scott Allen, AES

Mr. DeMane called the meeting to order at 7:00 PM. The following items were on the agenda.

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
2367	CAROL ROBERTSON 52 SANDRA AVENUE	SPECIAL USE PERMIT REQUEST TO INSTALL A 10 FOOT HIGH VINYL PRIVACY FENCE ACROSS WIDTH OF REAR YARD
2368	NICHOLAS SEIDEN 14 TREMBLAY AVENUE	CLASS B AREA VARIANCE REQUEST TO CONSTRUCT AN ADDITION TO REAR OF HOME, CREATING OVERAGE IN LOT COVERAGE
2369	ED BOYER, WARREN TIRE SERVICE CENTER 36 BROAD STREET	CLASS B AREA VARIANCE REQUEST TO CONSTRUCT A COVERED STORAGE AREA APPROXIMATELY 7 FEET WIDE AND COVERING EXISTING CONCRETE SIDEWALK, CREATING OVERAGE OF SIDE AND REAR SETBACKS
2370	MOUSSEAU PROPERTIES LLC 93 WALL STREET – PROPOSED LOT #1	CLASS B AREA VARIANCE REQUEST, SUBDIVISION CREATING DEFICIENCIES IN LOT DEPTH AND LOT AREA
2371	MOUSSEAU PROPERTIES LLC 93 WALL STREET – PROPOSED LOT #2	CLASS B AREA VARIANCE REQUEST, SUBDIVISION CREATING DEFICIENCIES IN LOT WIDTH AND LOT AREA

The agenda was heard in the following order:

- Appeal 2367
- Appeal 2368
- Appeal 2369
- Appeal 2370
- Appeal 2371

Chairperson Scott DeMane informed applicants in attendance that the board this evening has 4 voting members present, a full board being 5 voting members. Three votes are required to pass a motion. As the board is not a full board at this meeting, Mr. DeMane informed the applicants if they wish, they may postpone on the board's behalf at any point during their appeal hearing until which time a full board is available.

The **first** agenda item heard at this meeting was appeal #2367, 52 Sandra Avenue, Special Use Permit Request to Install a 10 ft high vinyl privacy fence across width of rear yard; represented by Carol Robertson, owner.

**Discussion:**

- Applicant presented proposed vinyl privacy fence plan and rationale for 10 ft high fencing.
- Fencing to replace existing dead/dying hedge row.
- Board and applicant discussed plan and site plan.
  - Property elevation from Sandra Avenue to Cogan Avenue.
  - Fencing material.
  - Method of measurement.
  - Neighboring properties contacted.
  - Neighboring pool approximately 30 feet from proposed fence.

**Public Comment:**

*Written public comment in support of fencing received and attached as addendum to minutes.*

**MOTION:**

By: C. Hubbell, seconded by: E. Jent

*FOR APPEAL 2367, AFTER REVIEW OF THE FULL ENVIRONMENTAL ASSESSMENT FORM, THE BOARD FINDS THAT THERE IS LITTLE OR MINIMAL ENVIRONMENTAL IMPACT.*

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

By: C. Hubbell, seconded by: E. Jent

MOTION TO APPROVE APPEAL 2367, 52 SANDRA AVENUE, SPECIAL USE PERMIT REQUEST TO INSTALL A 10 FOOT HIGH VINYL PRIVACY FENCE ACROSS WIDTH OF REAR YARD

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

The **second** agenda item heard at this meeting was appeal #2368, 14 Tremblay Avenue, request to construct an addition to rear of home, creating overage in lot coverage; represented by Nicholas Seiden (owner) and John Seiden.

**Discussion:**

- Applicant presented addition to existing home and site plan details.
- Board and applicant discussed plan and site plan.
  - Over lot coverage by 4%.
  - Will be built on foundation with crawlspace.
  - Discussion regarding Community Development Office Department comments.

**Public Comment:** *None.*

*MOTION:*

By: E. Jent, seconded by: C. Hubbell

*FOR APPEAL 2368, MOTION THAT THE BOARD CHAIR REVIEW THE SHORT ENVIRONMENTAL ASSESSMENT FORM AND CHECK THAT NO OR SMALL ENVIRONMENTAL IMPACT MAY OCCUR IN QUESTIONS 1-11 AND SIGN.*

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

By: E. Jent, seconded by: C. Hubbell

MOTION TO APPROVE APPEAL 2368, CLASS B AREA VARIANCE REQUEST TO CONSTRUCT AN ADDITION TO REAR OF HOME, CREATING OVERAGE IN LOT COVERAGE AS PER PLANS RECEIVED.

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

The **third** agenda item heard at this meeting was appeal #2369, 36 Broad Street, Class B Area Variance request to construct a covered storage area approximately 7 feet wide and covering existing concrete sidewalk, creating overage of side and rear yard setbacks; represented by Ed Boyer (owner), Aaron Ovios (plan preparer).

**Discussion:**

- Applicant presented proposed storage plan and site plan.
- Board and applicant discussed plan and site plan.
  - Fire exit access.
  - Drainage/gutters.

**Public Comment:**

*MOTION:*

By: E. Jent, seconded by: C. Hubbell

*FOR APPEAL 2369 MOTION THAT THE BOARD CHAIR REVIEW THE SHORT ENVIRONMENTAL ASSESSMENT FORM AND CHECK THAT NO OR SMALL ENVIRONMENTAL IMPACT MAY OCCUR IN QUESTIONS 1-11 AND SIGN.*

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

By: C. Hubbell, seconded by: E. Jent

MOTION TO APPROVE APPEAL 2369, 36 BROAD STREET, CLASS B AREA VARIANCE REQUEST TO CONSTRUCT COVERED STORAGE AREA APPROXIMATELY 7 FEET WIDE AND COVERING EXISTING CONCRETE SIDEWALK, CREATING OVERAGE OF SIDE AND REAR YARD SETBACKS AS PER PLANS PROVIDED AND GUTTERS TO BE ADDED TO EAST SIDE TO APPROPRIATELY DRAIN AND KEEP FIRE EXIT ACCESSABLE.

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

The **fourth and fifth** agenda items heard at this meeting were appeal #2370, 93 Wall Street (47 Main Mill Street) proposed lot #1, Class B Area Variance request, subdivision creating deficiencies in lot depth and lot area; and appeal #2371, 93 Wall Street, proposed lot #2, Class B Area Variance request, subdivision creating deficiencies in lot width and lot area; represented by Mousseau Properties LLC, (owner) and Scott Allen (plan preparer).

**Discussion:**

- Applicant presented proposed subdivision, lot #1 and proposed lot #2 site plans.
- Board and applicant discussed subdivision site plans for both proposed lot #1 and lot #2.
  - Pre-existing conditions discussed.
  - Parcel has been surveyed.
  - Alternate lot line options discussed.

***Public Comment:*** None.

*MOTION:*

By: C. Hubbell, seconded by: E. Jent

MOTION TO APPROVE APPEAL 2370, 93 WALL STREET (47 MAIN MILL STREET), LOT #1, CLASS B AREA VARIANCE REQUEST TO SUBDIVIDE LOT CREATING DEFICIENCY IN LOT DEPTH AND LOT AREA, AND REAR YARD SETBACK, AND ANY REMAINING PRE-EXISTING CONDITIONS REMAIN AS SUCH.

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

By: E. Jent, seconded by: C. Hubbell

MOTION TO APPROVE APPEAL 2371, 93 WALL STREET LOT #2, CLASS B AREA VARIANCE REQUEST TO SUBDIVIDE LOT CREATING DEFICIENCY IN LOT WIDTH AND LOT AREA AND MAKING NOTE THAT WE RECOGNIZE THE PRE-EXISTING SIDE YARD DEFICIENCY

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

By: C. Hubbell, seconded by: K. Hartshorn

*MOTION TO APPROVE APRIL 15, 2024 MINUTES AS WRITTEN WITH CORRECTION IN SPELLING OF ZONING BOARD MEMBER CHRISTINE HUBBELL'S NAME THROUGHOUT.*

*ALL IN FAVOR: 3*

*OPPOSED: 0*

*MOTION PASSED*

Motion to Adjourn:

By: C. Hubbell, seconded by E. Jent

Adjourned at 8:16 PM

For the purpose of this meeting, this meeting was audio and video recorded. This is a true and accurate copy and transcription of the discussion. For a more detailed discussion, please see the recording.

Lisa Beebie  
Secretary  
Zoning Board of Appeals

ADDENDUM - PUBLIC COMMENTS

**Ronald A Marino** <marino5143@charter.net>  
Reply-To: marino5143@charter.net  
To: buildinginspector@cityofplattsburgh-ny.gov

Fri, May 17, 2024 at 2:38 PM

As a resident of Sandra Ave, I am writing in support of Ms. Robertson's appeal to erect a 10 foot high vinyl fence across the rear of her property. The cedars that are currently there are on their way to dying. Taking on the responsibility of taking those down will leave her with lack of privacy with the standard sized fencing. I believe the 10 foot fence will give her the privacy she is seeking as well as being attractive to the neighborhood.

Very truly yours,

Ronald and Diane Marino  
Residents of 47 Sandra Ave  
Plattsburgh, NY 12901

---

**Rafa Bonati** <ralph.bonati@gmail.com>  
To: buildinginspector@cityofplattsburgh-ny.gov

Thu, May 16, 2024 at 9:16 AM

Dear Mr McMahon,  
I am writing to give support to the installation of the 10 foot high vinyl privacy fence by property owner, Carol Robertson, at 52 Sandra Ave, in Plattsburgh. Currently, the hedges along the back of the property are not looking good, and installing a new fence will be an upgrade. This will improve the look, give better privacy, and provide better sound insulation. I will not be attending the in-person meeting, but wanted to officially submit my support for this fence installation.

--

Rafa Bonati  
50 Sandra Avenue