

ZONING BOARD OF APPEALS

DECEMBER 21, 2020 MEETING OF ZONING BOARD OF APPEALS
REMOTE ZOOM MEETING

MINUTES

Present: Chairman Ron Nolland, Scott DeMane, Kellie Porter, Meghan Weeden, Elizabeth Jent, P.J. Whitbeck (alt) , Julie Baughn (alt)
Kyle Burdo, Housing Code Inspector
Joseph McMahon, Building Inspector

Also present: Jay Sussdorff
Stephanie Boswell-Davies
Shawn Davies
Ryan Earle
Jackie Wheelin, Mossbrook
Sarah Stansbury
Matthew Miller, Director of Community Development
Turner Bradford, McFarland-Johnson
Charles Gottlieb, Whiteman, Osterman & Hanna LLP
Stephen Mackenzie, Mackenzie Architects
Dean DeVito, Prime Companies
Emily Gardner, Saratoga Associates
Corey Auerbach(legal), Barclay-Damon

Mr. Nolland called the meeting to order at 7:05 PM.

APPEAL	APPLICANT	REQUEST
2254	JAY D. SUSSDORFF 249 MARGARET STREET	SPECIAL USE PERMIT REQEUST TO USE EXISTING BUILDING AS A VEHICLE DETAILING SHOP
2255	STEPHANIE BOSWELL-DAVIES 175 BOYNTON AVENUE	CLASS A VARIANCE REQUEST TO UTILIZE EXISTING BUILDING FOR COMMERCIAL RETAIL AND EXISTING ACCOUNTANT OFFICE SPACE
2256	SARAH E. STANSBURY 26 HARTWELL STREET	CLASS B AREA VARIANCE REQUEST TO MERGE PARCEL 221.11-2-11.1 (24 HARTWELL STREET) AND PARCEL 221.11-2-11.2 (26 HARTWELL STREET)

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

The **first** item heard is Appeal #2254, Jay D. Sussdorff, 249 Margaret Street, Special Use Permit request to use existing building as a vehicle detailing shop.

Discussion: Board and Applicant discussion of proposed principal allowed use of the existing building at 249 Margaret Street as a vehicle detailing shop. Will not be used as an auto repair shop, detailing only. No more than 2 cars in shop at any given time, shop to provide pickup and delivery service.

Public comment: None.

MOTION:

By: S. DeMane, seconded by K. Porter

IN REGARD TO THE FULL ENVIRONMENTAL ASSESSMENT FORM FOR SPECIAL USE PERMIT FOR APPEAL #2254, AFTER REVIEW OF THE QUESTIONS AND ANSWERS, WE FIND THERE WOULD BE NO OR SMALL ENVIRONMENTAL IMPACT AS A RESULT OF THIS ACTION.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

(P.J. Whitbeck (alt), and J. Baughn (alt) abstained)

MOTION:

By: S. DeMane, seconded by K. Porter

IN REGARD TO APPEAL #2254, SPECIAL USE PERMIT FOR JAY D. SUSSDORFF AT 249 MARGARET STREET, TO APPROVE USE OF THIS LOCATION FOR A VEHICLE DETAILING SHOP.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

(P.J. Whitbeck (alt), and J. Baughn (alt) abstained)

The **second** item heard is Appeal #2255, Stephanie Boswell-Davies, 175 Boynton Avenue, Class A Variance request to utilize existing building for commercial retail and exiting accountant office space.

Discussion: Board, applicant, and potential business owner discussion of Class A hardship variance application.

Per potential owner, Mossbrook, one office is proposed to remain as office space and the other portion of the building is proposed to be a flower shop. Interior remodeling will involve adding a walk in cooler space, eventually replacing windows and making larger display windows on east side of building.

Public comment: None.

MOTION (SEQR):

By: M. Weeden, seconded by E. Jent

AFTER REVIEW OF THE FULL ENVIRONMENTAL ASSESSMENT FORM, WE FIND THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

*(S. DeMane recused)
(J. Baughn (alt) abstained)*

MOTION:

By: K. Porter, seconded by P.J. Whitbeck

*FOR APPEAL #2255, MOTION TO APPROVE THE REQUEST TO UTILIZE THE EXISTING BUILDING ,
PARCEL NUMBER 207.10-3-16, FOR COMMERCIAL USES ALONG WITH THE EXISTING ACCOUNTING
OFFICE BY A NEW OWNER.*

ALL IN FAVOR: 5

OPPOSED: 0

*MOTION PASSED
(S. DeMane recused)
(J. Baughn (alt) abstained)*

The **third** item heard is Appeal #2256, Class B Variance request to merge parcel 221.11-2-11.1 (24 Hartwell Street) and parcel 221.11-2-11.2 (26 Hartwell Street).

Discussion: Board and applicant discussion of application request to merge parcels 24 Hartwell Street and 26 Hartwell Street. Discussion of yearly tax savings by merging these two parcels. If lots are merged, more than one principal use on one lot. If merged, would make selling this property easier, as there is already an encroachment issue with a previously existing shed on 24 Hartwell Street Property. If owner were to sell, would not sell the parcels separately, would sell as a single parcel.

Public comment: None.

MOTION (SEQR):

By: E. Jent, seconded by M. Weeden

*MOTION THAT AFTER REVIEW OF PART 1 OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM,
THAT THE CHAIR CHECK NO OR SMALL IMPACT MAY OCCUR FOR ITEMS 1-11 ON PART 2 OF THE
FORM AND CHECK THE BOX INDICATING THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY
SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT AND SIGN.*

ALL IN FAVOR: 5

OPPOSED: 0

*MOTION PASSED
(P.J. Whitbeck (alt) abstained)
(J. Baughn (alt) abstained)*

MOTION:

By: S. DeMane, seconded by K. Porter

IN REGARD TO APPEAL 2256, AREA VARIANCE FOR ALLOWING TWO PRINCIPAL STRUCTURES ON ONE LOT AT 26 HARTWELL STREET AND 24 HARTWELL STREET, ALLOWING SARAH STANSBURY TO COMBINE THE TWO LOTS INTO ONE.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

(P.J. Whitbeck (alt) abstained)

(J. Baughn (alt) abstained)

The **fourth** item heard is Appeal #2232, 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.

Discussion:

- Applicants confirmed attendance to the 6:30 pm premeeting.
- R. Nolland presents opening statement, overview of 6:30 pm premeeting, history of this PUD Special Use Permit process to date.
- Draft findings statement and draft resolutions that can be voted on at tonight's meeting.

Corey Auerbach provided screen sharing and reading of draft findings statement he prepared based upon input provided by the voting members of the zoning board.

- Following reading of the draft findings statement, board and applicant discussion ensued regarding:
 - The finding statement in general.
 - Zoning board of appeals jurisdiction.
 - Alternate parking calculations.
 - Condition of surface lot providing 92 parking spaces exclusively for public use.
 - Pandemic statement.
 - Compromise between board and applicant.

MOTION:

By: S. DeMane, seconded by: E. Jent

MOTION TO BRIEFLY ADJOURN MEETING FOR BOARD MEMBERS TO OBTAIN LEGAL COUNCEL FROM ZONING BOARD ATTORNEY COREY AUERBACH.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED
(P.J. Whitbeck (alt) abstained)
(J. Baughn (alt) abstained)

MOTION:

By: S. DeMane, seconded by: E. Jent

MOTION TO RECONVENE THIS MEETING.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED
(P.J. Whitbeck (alt) abstained)
(J. Baughn (alt) abstained)

C. Auerbach: Note for record that a brief adjournment was held for the purpose of providing legal counsel to the board. There was a discrete legal issue discussed. There was no deliberation by the board in any way or other discussion other than to receive legal advice on a very discrete legal issue.

R. Noland and C. Auerbach discussion regarding the process of voting on the proposed SEQR findings statement.

Public comment: (closed to verbal comments, written comment accepted and posted on City of Plattsburgh website).

MOTION:

By: S. DeMane, seconded by: K. Porter

MOTION IN REGARD TO STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) FINDINGS STATEMENT AS SUBMITTED BY ATTORNEY COREY AUERBACH, AND AS PRESENTED AT THIS MEETING, THAT WE APPROVE THESE AS WRITTEN, WITH THE CAVEAT THAT ATTORNEY COREY AUERBACH MAY MAKE GRAMMATICAL CORRECTIONS THAT DO NOT HAVE ANY EFFECT ON THE SUBSTANCE OF THE DOCUMENT.

ALL IN FAVOR: 5

OPPOSED: 0

*MOTION PASSED
(M. Weeden recused)
(J. Baughn (alt) abstained)*

Corey Auerbach provided screen sharing and brief reading of draft resolution statement prepared based upon input provided by the voting members of the zoning board.

- Following reading of the draft resolution statement, board and applicant discussion ensued regarding:
 - Board and applicant discussion of zoning board jurisdiction in regard to parking.
 - Board and applicant discussion regarding how probable change in plans to comply with 92 space condition to be consistent will affect proposed zoning board resolution, and how to appropriately address this project change.
 - R. Nolland/C. Auerbach: As long as resolution conditions are fully met, no changes are made that are inconsistent to the resolutions, and 92 parking spaces will remain open to the public, further approval process would not be needed from zoning board of appeals.

MOTION:

By: K. Porter, seconded by: S. DeMane

MOTION TO APPROVE THE RESOLUTIONS DATED DECEMBER 21, 2020, AS WRITTEN REGARDING THE APPROVAL OF BOTH SPECIAL USE PERMITS FOR APPEAL #2232; A SPECIAL USE PERMIT TO AMEND THE BOUNDARIES OF AN EXISTING PANNED UNIT DEVELOPMENT AND A SPECIAL USE PERMIT FOR USE OF APARTMENTS ON THE FIRST FLOOR OF A MULTISTORY BUILDING WITHIN A PLANNED UNIT DEVELOPMENT, SUBJECT TO THE CONDITIONS OBTAINED THEREIN.

ALL IN FAVOR: 5

OPPOSED: 0

*MOTION PASSED
(M. Weeden recused)
(J. Baughn (alt) abstained)*

MOTION:

By: S. DeMane, seconded by: P.J. Whitbeck

MOTION TO CLARIFY THAT THE ZONING BOARD ALLOWS LEGAL COUNSEL TO MAKE GRAMMATICAL MODIFICATIONS THAT HAVE NO SUBSTANDIAL CHANGE TO THE CONTENT OF BOTH THE RESOLUTION, AND AS PREVIOUSLY STATED, THE FINDING STATEMENT.

ALL IN FAVOR: 5

OPPOSED: 0

*MOTION PASSED
(M. Weeden recused)
(J. Baughn (alt) abstained)*

MOTION:

By: S. DeMane, seconded by M. Weeden

TO APPROVE MINUTES FROM OCTOBER 19, 2020 AS WRITTEN.

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

Motion to Adjourn:

By: S. DeMane, seconded by J. Baughn

Adjourned at 9:54 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 and for a more detailed discussion, see the recording.

Lisa Beebie
Secretary
Zoning Board of Appeals