

ZONING BOARD OF APPEALS

APRIL 11, 2022 MEETING OF ZONING BOARD OF APPEALS

MINUTES

**Present:** Chairman Scott DeMane, Kellie Porter, Elizabeth Jent, P.J Whitbeck, Justin Stearns  
Kyle Burdo, Housing Code Inspector  
James Welch, Housing Code Inspector

**Absent:** Meghan Weeden

**Also present:** James R. Rock  
Keith Porter  
Dean Lashway, Frontier Property Management  
Darcie Smith  
Resident, 15 Riverside Avenue  
Ken Mousseau

Mr. DeMane called the meeting to order at 7:02 PM. The following items were on the agenda.

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
2312	JAMES R. ROCK 10 RIVERSIDE AVENUE	SPECIAL USE PERMIT REQUEST TO OPERATE A VEHICLE INSPECTION, TOW TRUCK DISPATCH AND LIGHT VEHICLE REPAIR BUSINESS IN R1 ZONED DISTRICT
3213	KEITH PORTER 8 NORTH STREET	CLASS B AREA VARIANCE REQUEST TO BUILD A COVERED PORCH INTO FRONT YARD SETBACK
2314	FRONTIER PROPERTY MANAGEMENT, INC 30 BRINKERHOFF STREET	CLASS B AREA VARIANCE REQUEST FOR A 2% REDUCTION OF LOT DEPTH

The agenda will be heard in the following order:

- Appeal 2313
- Appeal 2314
- Appeal 2312

The **first** item heard is appeal 2313, Keith Porter, 8 North Street, Class B Area Variance request to build a covered porch into front yard setback.

**Discussion:**

- Board and applicant review of proposed covered deck, a 3-season deck proposed to be on side of house facing the river.
- Width of deck 12 feet, length 16 feet, 12 foot of which would be covered.
- Deck will be no closer to street than the house. Will be set back slightly from front of house, behind the meter box.

**Public Comment:**

*Kellie Porter (zoning board member, recused from this appeal), resident of 88 Waterhouse Street: Speaks in favor of the proposed deck. Where the deck is proposed to be placed would be an improvement to the property.*

**MOTION:**

By: E. Jent, seconded by: J. Stearns

*IN REGARD TO APPEAL #2313, MOTION THAT THE ZONING BOARD CHAIR FILL OUT THE SHORT ENVIRONMENTAL ASSESSMENT FORM AND CHECK NO OR SMALL IMPACT MAY OCCUR ON QUESTIONS 1-11 AND SIGN.*

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED  
(K. Porter recused)*

**MOTION:**

By: E. Jent, seconded by: P.J. Whitbeck

*MOTION TO APPROVE APPEAL #2313, KEITH PORTER, 8 NORTH STREET, CLASS B AREA VARIANCE REQUEST TO BUILD A COVERED PORCH INTO FRONT YARD SETBACK AS SHOWN IN PLANS.*

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED  
(K. Porter recused)*

The **second** item heard is appeal 2314, Frontier Property Management, 30 Brinkerhoff Street, Class B Area Variance request for a 2% reduction of lot depth.

**Discussion:**

- Board and applicant discussion of proposed subdivision of 30 Brinkerhoff Street, creating 2 lots, requesting lot #1 have a reduction in lot depth by 2%.
- Preliminary site plan review has been done by City of Plattsburgh Planning Board. This application will need to return to City of Plattsburgh Planning Board for final site plan review.
- Discussion regarding parking for lot #1. No parking requirement necessary for central business district. Parking lot owned by Frontier Property Management will be available to proposed Lot #1 via a deeded easement.

**Public Comment:** None.

*MOTION:*

By: K. Porter, seconded by: E. Jent

*AFTER REVIEW OF THE SHORT FORM ENVIRONMENTAL FORM FOR APPEAL #2314, WE FIND THAT THERE IS LITTLE TO NO ENVIRONMENTAL IMPACT WITH THIS PROJECT AND THE CHAIR OF THE ZONING BOARD MAY MARK QUESTIONS 1-11 IN PART 3 THAT THERE IS LITTLE TO NO ENVIRONMENTAL IMPACT.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

By: E. Jent, seconded by: K. Porter

*MOTION TO APPROVE APPEAL #2314, FRONTIER PROPERTY MANAGEMENT, CLASS B AREA VARIANCE REQUEST FOR A 2% REDUCTION OF LOT DEPTH.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

The **third** item heard is appeal 2312, James R. Rock, 10 Riverside Avenue, Special Use Permit request to operate a vehicle inspection, tow truck dispatch, and light vehicle repair business in R1 zoned district.

Chairman S. DeMane informs applicant, Mr. Rock, that tonight's hearing of his appeal would be presented to a 4-member board as opposed to a full 5-member board. Applicant has the right to postpone at any time during discussion and wait for another meeting comprised of a full 5-member board to hear and vote on his appeal. Board member Kellie Porter has recused herself from this appeal due to owning a residence within 500 feet of above-mentioned property.

**Discussion:**

- Board and applicant discussion of proposed use of tow truck dispatch, light vehicle repair, and vehicle inspection business located in an R1 district located at a property with previous use as a trucking business.
- Chairman DeMane describes and reads zoning ordinance allowing changing nonconforming uses by means of a special use permit with requirements that must be met.
- 24-hour towing dispatch business: Towed vehicles will not be stored at this property, will be stored at Mr. Rock's business in Peru. Tow trucks will be kept in garage when not in use. Mr. Rock would be running tow truck out of this residence himself.
- Vehicle repairs: Small repairs/brake jobs. No customer traffic. Vehicles in need of repair will be transferred from Mr. Rock's shop in Peru and brought to this site for repair and returned to shop in Peru.
- Discussion regarding increased noise to neighborhood and hazardous waste material when performing brake job work.
- Review of Clinton County Planning Board Comments.

**Public Comment:**

*Darcie Smith, resident of 8 Lyon Street: Speaks in opposition to this proposed use. Concern that 24 hour business would be disruptive to her small child. Concern for safety of children in neighborhood playing outside in the neighborhood. Can see the business directly from home, causing an eyesore and additionally concerned for possibly having their property value decreased. Concern that this business would further degrade the street that is already full of potholes. (Darcie also sent a letter detailing her concerns which was reviewed at this meeting).*

*Kellie Porter (zoning board member, recused from this appeal), resident of 88 Waterhouse Street: Speaks in opposition to this proposed use. Describes living in the neighborhood when the previous owners ran a trucking business and how disruptive it was to residential living, causing constant dust in home, constant movement of large and small trucks, and constant noise issues. This is the only house in this area that is a business, entire rest of neighborhood is residential. Has serious concerns that this business will bring back the same issues as the previous business did to this residential community. Agrees with Mr. Mousseau's statement regarding providing strong language and adds that it takes many years and much stress to get positive changes made.*

*Resident of 15 Riverside Avenue: Speaks in opposition to this proposed use. Owns property across from 10 Riverside Avenue. Concern for stress on this residential neighborhood as the roadway is narrow and difficult to come in and of this area with any vehicle. Street is in bad shape already, and concern this business would make the roadway worse. Not safe to have this business on a dead end street.*

*Kenneth Mousseau, Property owner on Riverside Avenue: Speaks in opposition to this use. Speaks to this being a unique opportunity to correct the circumstances that have existed for decades. Perhaps strong language should be provided to give building inspectors ability to police, otherwise could be hard to correct problems that may arise.*

*MOTION:*

By: P.J. Whitbeck, seconded by: E. Jent

*IN REGARD TO APPEAL #2312, MOTION TO APPROVE THE FULL ENVIRONMENTAL ASSESSMENT FORM WITH LITTLE OR NO ENVIRONMENTAL IMPACT.*

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

By: P.J. Whitbeck, seconded by: E. Jent

*MOTION TO APPROVE APPEAL #2312, JAMES R. ROCK, 10 RIVERSIDE AVENUE, SPECIAL USE PERMIT REQUEST TO OPERATE A VEHICLE INSPECTION, TOW TRUCK DISPATCH, AND LIGHT VEHICLE REPAIR BUSINESS IN R1 ZONED DISTRICT WITH THE FOLLOWING PROVISIONS: THERE WILL BE NO CONSUMER GENERATED TRAFFIC; THAT ONLY DURING THE HOURS OF 9 AM TO 5 PM WILL AUTOMOTIVE REPAIR WORK BE PERFORMED WHICH WILL BE LIMITED TO BRAKE WORK; BRAKE WORK IS TO BE COMPLETED INSIDE THE GARAGE WITH THE DOORS CLOSED; OUTSIDE OF THE HOURS OF 9 AM TO 5 PM NO BACK UP ALARMS WILL BE USED ON PROPERTY; COMMERCIAL VEHICLES ARE ALWAYS TO BE PARKED IN GARAGE AND NOT OUTSIDE.*

*ALL IN FAVOR: 3*

*OPPOSED: 1*

*MOTION PASSED*

*MOTION:*

*By: J. Stearns, seconded by E. Jent*

*MOTION TO APPROVE MARCH 21, 2022 MINUTES AS WRITTEN*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

Motion to Adjourn:

By: J. Stearns, seconded by P.J. Whitbeck

Adjourned at 8:18 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



Lisa Beebie <beebl@cityofplattsburgh-ny.gov>

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## 10 Riverside Avenue Objection to Rezoning

1 message

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**Darcy Smith** <smith.darcy@outlook.com>

Sat, Apr 9, 2022 at 9:25 AM

To: "buildinginspector@cityofplattsburgh-ny.gov" <buildinginspector@cityofplattsburgh-ny.gov>

To whom it may concern,

Nathan Conners and I are the homeowners of 8 Lyon street, right across from 10 Riverside Avenue. We OBJECT to this property being rezoned as a business. Attached is our letter of objection.

Thank you.

Darcy Smith and Nathan Conners  
8 Lyon Street, Plattsburgh NY 12901  
(518)570-9986  
[smith.darcy@outlook.com](mailto:smith.darcy@outlook.com)

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 **objection.pdf**  
474K

Darcy Smith, Nathan Conners & child Ella Conners  
8 Lyon Street  
Plattsburgh, NY 12901

To whom it may concern,

We object to the following property being rezoned: 10 Riverside Avenue. Our reasoning is as follows:

1. Nathan and I have a child who is 8 years old. With a tow-truck business next to us operating 24/7, the noise would be very intrusive and disturbing for a child who is trying to sleep.
2. We would be able to see the business directly, since our fence is chain link. The business will be an eye-sore in the community.
3. Every property owner near the business will have their property value lowered, being a taxpayer this causes an issue.
4. Our street is relatively quiet with around 5 cars a day going by our home. With a business next to us, the street will become busy and will further degrade. The street is already falling apart with pot holes.
5. The block would become a hazard to children at play, since there are many children who live on this block. Being summer soon, they play outside and often ride their bikes/skateboards/rollerblades in the road.

In conclusion, we object to this property being rezoned as a business because it would impede our daily lives and cause great stress. This is a kid friendly neighborhood with minimal noise and distraction. This is why we bought a home here. With a business next to us, we would no longer be happy.

Sincerely,  
Nathan Conners



Child Ella Conners (8)



Darcy Smith

