

ZONING BOARD OF APPEALS

JUNE 21, 2022 MEETING OF ZONING BOARD OF APPEALS

MINUTES

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

**Absent:** Meghan Weeden, Justin Stearns

**Also present:** Melissa Litts, Christopher Falvey  
Christopher S. Pratt  
Ted P. Chase  
David and Lisa Hoff  
Beck and Courtney Meisenheimer  
Emmanuel Vannier, Scott Allen

Mr. DeMane called the meeting to order at 7:04 PM. The following items were on the agenda.

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
2316	MELISSA LITTS 2 CRESCENT DRIVE	CLASS B AREA VARIANCE REQUEST TO CONSTRUCT A PORCH INTO FRONT YARD SETBACK
2317	CHRISTOPHER S. PRATT 22 CORNELIA STREET	CLASS B AREA VARIANCE REQUEST TO CONSTRUCT A COVERED PORCH INTO FRONT YARD SETBACK
2318	TED P. CHASE JR. 65 LYNDE STREET	CLASS B AREA VARIANCE REQUEST TO CONSTRUCT PORCH INTO FRONT YARD SETBACK
2319	DAVID AND LISA HOFF 4 BAILEY AVENUE	CLASS B AREA VARIANCE REQUEST TO CONSTRUCT A SCREENROOM INTO REAR YARD SETBACK, CREATING OVERAGE IN OPEN SPACE AND LOT COVERAGE
2320	BECK AND COURTNEY MEISENHEIMER 8 NICHOLS AVENUE	CLASS B AREA VARIANCE REQUEST TO INSTALL FENCING GREATER THAN 4 FEET IN HEIGHT INTO FRONT YARD SETBACK, CORNER LOT
2321	AZUR DATACENTER LLC 32 POWER DAM WAY	SPECIAL USE PERMIT REQUEST TO CONVERT VACANT SUITES 101 AND 121 INTO COMBINED HIGH DENSITY/CRYPTOCURRENCY DATACENTER/SERVER FARM UTILIZING IMMERSION COOLING TECHNOLOGY

The **first** item heard is appeal 2316, Melissa Litts, 2 Crescent Drive, Class B area variance request to construct a porch into front yard setback.

**Discussion:**

- Two zoning board members reside within 500 feet of 2 Crescent Drive. Applicant made aware of this and agrees to proceed with these two zoning board members as voting members.
- Porch already constructed; applicant hired contractor who neglected to apply for building permit. Applicant unaware a building permit and/or variance would be a requirement.
- Board and applicant review of application and site plan.
- Discussion of property line location.

*Public Comment: None*

*MOTION:*

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

*IN REGARD TO THE SHORT ENVIRONMENTAL ASSESSMENT FORM FOR APPEAL #2316, THE ZONING BOARD CHAIR MAY CHECK BOXES FOR QUESTIONS 1-11 THAT THERE WILL BE LITTLE TO NO ENVIRONMENTAL IMPACT FOR THIS PROJECT AND SIGN.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

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

*MOTION TO APPROVE APPEAL #2316, REQUEST FOR CLASS B AREA VARIANCE REQUEST TO CONSTRUCT A PORCH INTO THE FRONT YARD SETBACK, FOR JUST THE STEPS OF FRONT PORCH, 2-1/2 FT X 4 FT INTO THE FRONT YARD SETBACK.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

The **second** item heard is appeal 2317, Christopher S. Pratt, 22 Cornelia Street, Class B area variance request to construct a covered porch into front yard setback.

**Discussion:**

- Board and applicant review of application and site plan.
- Example photo of dormer differs in structure from what is actually planned.

*Public Comment: None*

*MOTION:*

By: K. Porter seconded by: E. Jent

*FOR APPEAL #2317 IN REGARD TO THE SHORT ENVIRONMENTAL ASSESSMENT FORM, AFTER REVIEW OF THE ASSESSMENT FORM, THE ZONING BOARD CHAIR MAY CHECK IN PART 2, QUESTIONS 1-11 THAT THERE WILL BE LITTLE TO NO ENVIRONMENTAL IMPACT FOR THIS PROJECT AND SIGN.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

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

*MOTION TO APPROVE APPEAL #2317, CHRISTOPHER S. PRATT, 22 CORNELIA STREET, REMOVAL OF EXISTING COVERED PORCH AND REPLACEMENT WITH A NEW PORCH THAT HAS THE EXACT SPECIFICATIONS WITH THE EXCEPTION THAT THE DORMER BE CONSTRUCTED OVER JUST THE STAIRWAY AREA, AND THAT THIS DORMER SHALL BE SET BACK THE SAME AS THE REMAINING ROOF, NOT LIKE THE EXAMPLE PROVIDED IN THE APPLICATION.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

The **third** item heard is appeal 2318, Ted Chase, 65 Lynde Street, Class B area variance request to construct porch into front yard setback.

**Discussion:**

- Board and applicant review of application and site plan.
- Porch proposed to be 1 foot wider on each end than existing, same depth.

*Public Comment: None*

*MOTION:*

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

*FOR APPEAL #2318, MOTION TO APPROVE THE SHORT ENVIRONMENTAL ASSESSMENT FORM, STATING LITTLE OR NO ENVIRONMENTAL IMPACT.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

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

*MOTION TO APPROVE APPEAL #2318, TED P. CHASE JR., 65 LYNDE STREET, REMOVAL OF EXISTING FRONT PORCH AND TO REPLACE IT WITH A NEW PORCH THAT MAINTAINS THE SAME SETBACK WITH A DEFICIT OF APPROXIMATELY 9 INCHES, BUT INCREASES THE WIDTH OF THE PORCH BY 2 ADDITIONAL FEET.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

The **fourth** item heard is appeal 2319, David and Lisa Hoff, 4 Bailey Avenue, Class B area variance request to construct a screen room into rear yard setback, creating overage in open space and lot coverage.

**Discussion:**

- Board and applicant review of application and site plan.
- Discussion of attached versus detached screen room; applicant reasoning and zoning code applications (coverage and setbacks).

*Public Comment: None*

*MOTION:*

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

*FOR APPEAL #2319, MOTION TO APPROVE THE SHORT ENVIRONMENTAL ASSESSMENT FORM, STATING THAT THERE IS LITTLE OR NO ENVIRONMENTAL IMPACT.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

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

*MOTION TO APPROVE APPEAL #2319, DAVID AND LISA HOFF, 4 BAILEY AVENUE, CLASS B AREA VARIANCE REQUEST TO CONSTRUCT AN ACCESSORY STRUCTURE THAT CREATES AN OVERAGE IN OPEN SPACE AND LOT COVERAGE.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

The **fifth** item heard is appeal 2320, Beck and Courtney Meisenheimer, 8 Nichols Avenue, Class B area variance to install fencing greater than 4 feet in height into front yard setback, corner lot.

**Discussion:**

- Board and applicant review of application and site plan.
- Discussion of property line location.
- Letter from neighbor in favor of fence installation provided by applicant and distributed to board members.
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*Public Comment: None*

*MOTION:*

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

*FOR APPEAL #2320, IN REGARD TO THE SHORT ENVIRONMENTAL ASSESSMENT FORM, AFTER REVIEW OF THE ASSESSMENT FORM, THE ZONING CHAIR CHECK BOXES 1-11 IN PART 2 THAT THERE IS NO OR SMALL IMPACT THAT MAY OCCUR*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

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

*FOR APPEAL #2320, BECK AND COURTNEY MEISEINHEIMER, 8 NICHOLS AVENUE, MOTION TO APPROVE CONSTRUCTION OF A 6 FOOT HIGH FENCE ON A CORNER LOT INTO FRONT YARD SETBACK; FENCE TO REPLACE HEDGE TO BE REMOVED AND SAID FENCE SHALL NOT BE ANY CLOSER THAN 12 FEET FROM THE CURB, OR ON THE PROPERTY LINE, WHICHEVER IS FURTHER FROM THE ROAD.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

The **sixth** item heard is appeal 2321, Azur Datacenter LLC, 32 Power Dam Way, Special Use Permit request to convert vacant suites 101 and 121 into combined high density/cryptocurrency datacenter/server farm utilizing immersion cooling technology.

**Discussion:**

- Board and applicant review of application, plan, and location of business at 32 Power Dam Way property.
- Applicant and board discussion regarding immersion cooling technology and this technology's reduction in external noise creation and effect on surrounding community.
- Applicant states immersion cooling technology to be in use for this site will not create noise levels exceeding city zoning code; any noise created will be water flow noise, not noise from fans.
- Towers may be installed either elevated on building, or placed at ground level.
- Noise levels are closely monitored by City staff at this property.
- Applicant discussion and explanation regarding:
  - Current owner's technology and audible noise issue,
  - Azur Datacenter LLC's cryptocurrency and datacenter business model.
- Company willing to provide baseline decibel measurements.
- City Municipal Lighting Department responded that the grid will accept the power required for this business. City residents will not be affected.

**Public Comment:**

*City resident, 55 Adirondack Lane: Questions how much of property is left after this company comes in for future business to occupy. Expressed concern regarding quality of life impact. Question regarding employment impact from this new business to the community. Agreeable to offer home for decibel level testing.*

*Ernie Gillespie, 89 Main Mill: Voices concerns regarding continuous high decibel noise/zoning ordinances, what is cooling the water and concerns of fan noise to the community. Current business owner at this site has fans that create noise affecting neighboring residents, after residents were assured there would be no audible noise from their fans. Agreeable to offer home for decibel level testing.*

*Laverne Hicks, City Resident: Concern last business owner made the same promises that there would be no noise associated with their business, but there is and it is a continuous problem. Explained the situation regarding this residential area being re-zoned industrial, and has been a strain on the community ever since. Questions if this business does not conform to the city noise ordinance, if this permit can be revoked.*

*Ricardo Smith, City Resident: Satisfied with noise reduction technology explanation by applicant. Question regarding the bitcoin market, seems to be a dying market. Question/discussion regarding datacenter portion of business.*

*City resident, Adirondack Lane: Expresses concern regarding electrical impact this business would create to the community. Finds discussion and language phrasing insensitive to the neighboring community who have been dealing with industry in this area. Describes noise transmits more during different seasons; louder in fall/winter when no leaves on trees.*

*Written comment submitted by Denise Nephew expressing concern for possibility of increased city electric rates.*

Detailed review of full environmental assessment form by board and applicant.

*MOTION:*

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

*MOTION WITH REGARD TO THE FULL ENVIRONMENTAL ASSESSMENT FORM FOR APPEAL #2321, AZUR DATACENTER LLC, THAT AFTER FULL REVIEW OF PARTS 1 AND 2 THE ZONING CHAIR MAY COMPLETE PART 3 OF THE FULL ENVIRONMENTAL ASSESSMENT FORM AND CHECK BOX A THAT THIS PROJECT WILL RESULT IN NO SIGNIFICANT ADVERSE IMPACTS ON THE ENVIRONMENT AND COMPLETE THE FORM IN ITS ENTIRETY FOR THIS APPEAL.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

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

*MOTION TO APPROVE APPEAL 2321, AZUR DATACENTER LLC, SPECIAL USE PERMIT REQUEST TO CONVERT VACANT SUITES 101 AND 121 INTO COMBINED HIGH DENSITY/CRYPTOCURRENCY, DATACENTER/SERVER FARM UTILIZING IMMERSION COOLING TECHNOLOGY IN ACCORDANCE WITH LOCAL LAW P7 OF 2018 AND PART 2 OF FULL ENVIRONMENTAL ASSESSMENT FORM, QUESTION 4B, COOLING TOWER REQUIREMENTS.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*



*MOTION:*

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

*MOTION TO AMMEND THE MINUTES FROM THE MAY 16, 2022 MEETING FOR APPEAL #2315, THAT WE GRANT A VARIANCE TO BUILD A PORCH INTO THE FRONT YARD SETBACK AREA NOT EXCEED 8 FEET FROM THE FRONT OF THE HOUSE TOWARD THE PROPERTY LINE AND NOT TO EXCEED 15 FEET ALONG FRONT OF HOUSE WITH NO ROOF.*

*ALL IN FAVOR: 3*

*OPPOSED: 0*

*MOTION PASSED*

Motion to Adjourn:

By: E. Jent, seconded by C. Hubbell

Adjourned at 9:35 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 <beebiel@cityofplattsburgh-ny.gov>

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## APPEAL #2321 - 32 POWER DAM WAY

1 message

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sunshine19542@charter.net <sunshine19542@charter.net>  
To: "Beebie, Lisa" <BeebieL@cityofplattsburgh-ny.gov>  
Cc: Mike Kelly <kelly.wmichael@gmail.com>

Wed, Jun 15, 2022 at 9:59 AM

To: Zoning Board Members:

I am VERY concerned about the above appeal

The SEQR - k - Page 7 - Says "increased for electric demand."

This will definitely result in extra electrical usage.

WILL THIS BE PASSED ON TO ALL CITY OF PLATTSBURGH RATE PAYERS?

Will Local Law #7 be enough to stop the drain on our cheap electric?

I don't trust this at all.

I know a SUP is a matter of right - but please vote this down - as no way I believe my electrical bill will not be affected. If it won't - can any prove this.

Denise Nephew

24 Smith Street

Plattsburgh, NY 12901

6/15/22, 10:02 AM

City of Plattsburgh Mail - APPEAL #2321 - 32 POWER DAM WAY

Greg and Sue Durocher  
9 Kellogg Court  
Plattsburgh, NY  
518 593 0728  
[mycupofteacatering@gmail.com](mailto:mycupofteacatering@gmail.com)

Tuesday June 21, 2022

To the members of the City of Plattsburgh Zoning Board of Appeals,

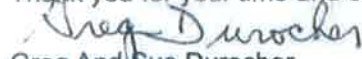
Our names are Greg and Sue Durocher and we are residents of 9 Kellogg Court in the City of Plattsburgh. We have lived in our home for 7 years.

We understand that Courtney and Beck Meisenheimer have applied for a variance from the Zoning Board and are writing this letter to express our support for the fence they would like to build.

We have known Courtney and Beck Meisenheimer since they moved into their home in August 2019. The west side of our property abuts the back of theirs, and we share a large 20 foot hedge. Courtney and Beck have involved us in the conversation about building a fence in their yard from the very beginning. We have discussed the fence layout and design and mutually agreed to take down the large hedge that divides our property.

A variance granted by the Zoning Board to build the proposed fence would not impede on our ability to use our property, and we believe it would not negatively impact the look and feel of our neighborhood.

Thank you for your time and consideration,

  
Greg And Sue Durocher



### Side Yard Fence Variations in our Neighborhood

From left to right: Bailey & Lynde Street, Lynde and Stetson Street, Elm and Lynde Street, Lorraine and Ianeli Street

