

Plattsburgh, New York

Building & Zoning Dept.
41 City Hall Place
Plattsburgh, New York 12901
Ph: 518-563-7707
Fax: 518-563-6426

Plattsburgh

 USE
CLASS A VARIANCE

 X AREA
CLASS B VARIANCE

 SUP
SPECIAL USE PERMIT

Date: November 19, 2021

Appeal No: 2307

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: Keith L. Howe

Applicant's Address: 16 Jemmy Drive
Plattsburgh, N.Y. 12901

Telephone No.: (518) 569-8129

Parcel Identification: Tax Map# 233, C-1-6.2

Location of Request: Arizona Avenue, Plattsburgh, New York

Property Owner: Keith L. Howe

Request Description: Applicant wishes to construct self-storage
units on the subject property (More than one (1) principle

Zoning District: R2 structure).

Section Appealed: Section 270-17

Previous Appeal: No.: N/A Date:

Identify Applicant's Right to Apply for Variance:

Ownership: X Long Term Lease: Contract To Purchase:

Other (Please Explain):

Applications for Zoning Variances must be accompanied by:
13 copies of existing and proposed site plan plus original application.
13 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.

* Keith L. Howe
Signature (Owner/Applicant)
Keith L. Howe
Print First and Last Name

Thomas M. Murnane
Notary Public

Thomas M. Murnane
Notary Public, State of New York
No. 4904132
Qualified in Clinton County
Commission Expires August 10, 2025

*Signatures other than Property Owner require a Letter of Authorization to apply



STAFFORD • OWENS

PILLER • MURNANE • KELLEHER & TROMBLEY, PLLC

Attorneys & Counselors at Law

One Cumberland Avenue

PO Box 2947

Plattsburgh, NY 12901

P 518.561.4400

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staffordowens.com

William L. Owens
Edward J. Trombley
Thomas M. Murnane
Jacqueline M. Kelleher
Jessica L. Miller
Justin R. Meyer
Brendan P. Owens
Meghan E. Zedick

November 19, 2021

HAND DELIVERED

City of Plattsburgh
Zoning Board of Appeals
41 City Hall Place
Plattsburgh, NY 12901

Susanna S. Piller (Retired)

Re: Keith L. Howe
3.63 Acre Parcel, Arizona Avenue, City of Plattsburgh
Tax Map No. 233.6-1-6.2

Dear Sirs/Madams:

Please be advised that the undersigned represents Mr. Keith L. Howe with respect to the attached Class A Variance Application and a Class B Variance Application for the above-referenced parcel of property.

Please note that Mr. Howe has contracted to sell the subject property to WJB Properties, LLC for the construction of self-storage units on the subject property.

I enclose herewith as Exhibit "A" a copy of a Contract for Purchase and Sale of Real Estate entered into between Mr. Howe and WJB Properties, LLC for the subject property. It should be noted that this Contract is contingent upon the approval by the City of Plattsburgh Planning and Zoning Boards and the Building Inspector's Office for all necessary permits to locate self-storage units on the subject property.

I also enclose herewith as Exhibit "B" a copy of Mr. Howe's deed dated December 7, 2011, a copy of the tax map of the subject property (Exhibit "C"), and a copy of the Assessment Sheet for the subject property (Exhibit "D").

It just recently came to light that the proposal of WJB Properties would require a Class A Variance and a Class B Variance for the construction of said self-storage units on the subject property.

In reviewing the Zoning Map for the City of Plattsburgh located online and located in the City of Plattsburgh Zoning Ordinance it was noted that this property was in a I (Industrial) Zone. However, upon a more thorough review of the project by the City Building Inspector's Office it came to light that the property is actually located in a R2 (Residential) Zone. This apparently was an error by the zoning mappers for the City in denoting that the property was in an Industrial Zone.

Ronald B. Stafford
(1935-2005)



It should be noted that on the Assessment Sheet for the subject property same also indicates that the subject property is in an Industrial Zone (See Exhibit "D"). Please note that if the property was located in an Industrial Zone a Class A Variance would not be necessary for the project.

We are aware that in attempting to obtain approval from the Zoning Board for a Class A Variance, certain standards must be proven. These standards are as follows:

1. Lack of a Reasonable Return.

Please be aware that Mr. Howe has advised that the subject property has been listed for sale for either an industrial use or a residential use since at least 2016. See listing sheet confirming the above attached hereto as Exhibit "E". Mr. Howe had employed Mr. Scott Tetreault to sell the property, however, since 2016 there have been no Contracts produced until the Contract provided by WJB Properties.

In reviewing the subject property, it is clear, in our opinion, that this property's best use is as a use as proposed by WJB Properties. The property on the west is bordered by Arizona Avenue, on the southeast by South Peru Street, on the North by New York State Route 22 and on the west by Wall Street and a large transformer site owned and used by the City of Plattsburgh Municipal Lighting Department. There are also a couple of small residential parcels located at the northeast corner of the subject property.

We will also be presenting a report from Mr. Derek Rosenbaum which confirms that the best use of Mr. Howe's property is a commercial/industrial use. Mr. Rosenbaum's report will confirm that Mr. Howe cannot realize a reasonable return for a use allowed in the R2 Zone.

As noted above, the subject property is surrounded by commercial/industrial uses and/or properties and does not lend itself to any type of residential uses.

I also attach hereto as Exhibit "F" a copy of a proposed Site Plan by R.M.S, P.C. for WJB Properties which shows the layout of the proposed self-storage project. We would call the Board's attention to the several easements that cross the subject property. We maintain that these easements significantly limit residential uses and/or other potential



commercial uses. It also should be noted that the Site Plan provides for a buffer around smaller residential properties located on Wall Street.

This project also provides for fencing around the self-storage facility.

Accordingly, we believe the above clearly indicates that Mr. Howe cannot realize a reasonable return for a use allowed in the R2 zoned area.

2. Uniqueness.

As noted above, Mr. Howe has owned this property since 2011. He has attempted to sell the subject property for at least ten years without any offers until the offer from WJB Properties. We maintain that the confusion with the erroneous zoning map may have contributed to the lack of offers.

We contend that it is clear that the subject property is unique due to its size, the easements running across the subject property, and the uses which adjoin the subject property.

We maintain that the hardship to Mr. Howe is unique to this property.

3. Essential Character of the Neighborhood.

The subject property is currently vacant and wooded. In the neighborhood in which the property is located there are a number of industrial and/or commercial uses. In addition, as noted above, there is a large transformer site owned by the City of Plattsburgh Municipal Lighting Department located to the north and east of the subject property.

The use proposed by WJB Properties will have no impact on the neighborhood and, in our opinion, will actually enhance the neighborhood.

Accordingly, we contend that it is clear that the use proposed by WJB Properties will not change the essential character of the neighborhood.

4. Self-Created Hardship.



As noted in the Contract entered into by Mr. Howe and WJB Properties, same is contingent upon the approval by the Zoning Board of Appeals of all necessary variance and/or permits to allow the proposed self-storage facility to be located at the subject property.

Accordingly, there is no self-created hardship present.

Accordingly, we contend that the Applicant can meet all of the burdens necessary to obtain a Class A Variance for the subject property.

With respect to the Class B Variance, we are also aware that there are certain standards that must be met in order to obtain such a Variance. These standards are as follows:

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?

We contend that it is clear that the proposed use by WJB Properties will not produce an undesirable change to the character of the neighborhood. As noted above, the neighborhood in which the subject property is located is mainly commercial and/or industrial. Therefore, the use proposed by WJB Properties for self-storage units will not create an undesirable change in the character of the neighborhood.

2. Whether the benefits sought by the applicant can be achieved by some other feasible method.

It is our position that WJB Properties has reviewed all of its options for the number and location of the self-storage units on the subject property. To accommodate the costs associated with the purchase and construction of the self-storage units, we contend that the project as proposed (i.e., the number of units) is the least number that is possible to achieve WJB Properties' objectives.

3. Whether the request for an area variance is substantial.

We contend that the request for an area variance is not substantial. It should be noted that the Class B Variance is required due to the number of principal use structures proposed for the self-storage project which are more than one (1). We maintain that the number of structures is the



minimum required to allow this project to proceed from an economic standpoint.

Accordingly, it is clear that the request is not substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the district.

As noted above, we contend that it is clear that the proposed variance will not have adverse effect or impact on the physical or environmental conditions in the neighborhood.

In fact, the project, we maintain will have a positive effect on the neighborhood as it will be cleaning up a wooded area of property that is essentially unusable and add an increased tax base for the City. We also believe that the proposed use will blend in nicely with the neighborhood and certainly not have an adverse effect.

5. Self-created hardship.

As noted above, in our Class A Variance argument, it is clear that the alleged hardship is not a self-created hardship. The Contract entered into by Mr. Howe and WJB Properties clearly indicates that same is contingent upon the approvals by the City of Plattsburgh for all necessary variances and approvals to construct self-storage units on the subject property.

Accordingly, we contend that it is clear that the Applicant has met all the burdens necessary to obtain a Class B Variance.

I also enclose as Exhibit "G" a Letter of Representation from Mr. Howe to the undersigned.

Based upon the evidence, documentation produced and the information contained in the Applications we believe the Applicant has met his burdens and the Class A Variance and Class B Variance Applications for the subject property should be approved.

If the Zoning Board and/ or the Building Inspector's Office should have any questions or comments with respect to this letter, please do not hesitate to contact the undersigned.

Thanking you for your kind consideration, I remain



STAFFORD • OWENS

PILLER • MURNANE • KELLEHER & TROMBLEY, PLLC

Attorneys & Counselors at Law

Page 6

Very truly yours,

**STAFFORD, OWENS, PILLER, MURNANE,
KELLEHER & TROMBLEY, PLLC**

By:

Thomas M. Murnane, Esq.

TMM/kmm

Enclosure

cc: Mr. Keith Howe
WJB Properties

Exhibit A



**CONTRACT FOR PURCHASE AND SALE OF REAL ESTATE
(Applicable to Residential Sales)**

**THIS IS A LEGALLY BINDING CONTRACT
WHICH REQUIRES ATTORNEY APPROVAL**

1. PARTIES:

Seller: Keith L. Howe
Address: 16 Jerry Drive, Plattsburgh, NY 12901
Citizenship/ Residency: (check all that apply)
 U.S. Citizen U.S Resident Alien
 New York Resident Other _____

Purchaser: WJB Properties
Address: 5 Jerry Drive, Plattsburgh, NY 12901
Citizenship/ Residency: (check all that apply)
 U.S. Citizen U.S Resident Alien
 New York Resident Other _____

2. PROPERTY: The property that this contract intends to convey is described as:

Address: Arizone Avenue, Plattsburgh, NY 12901 3.63 acres + or -
Located in the Township or City of Plattsburgh in Clinton County.
Recorded in the Clinton County Clerk's office in Liber/Page or Instrument# 2012 245484
Also referred to as Parcel APN# (Assessor's Parcel Number) 233.6-1-6.2

A copy of the deed(s) and a copy of the tax map are attached hereto and made a part hereof.

3. AGREEMENT: The seller agrees to sell and the purchaser agrees to purchase the premises under all the terms and conditions stated herein.

4. PURCHASE PRICE: The purchase price is \$75,000.
It shall be payable as follows:

\$1,000 deposit upon the signing of this agreement;

\$N/A additional deposit due on or before _____;

\$74,000 Lender's Attorney Trust Account check, cashier's check or certified check upon transfer of title;

\$N/A by purchaser giving to seller a purchase money mortgage for N/A years with interest at N/A % per year, with the first payment to be made N/A after closing.

5. WARRANTY DEED: The seller shall convey marketable title (marketable title has been defined as one that is free from reasonable doubt as to any fact or point of law upon which its validity depends) to the premises to the purchaser by Warranty Deed, with Lien covenant, in proper form for recording. If the Seller conveys in any trust capacity (e.g. Executor, Administrator, Trustee, etc.), the usual deed given in such cases shall be accepted. The deed shall be prepared, duly executed and acknowledged by the seller, at the seller's

12. HOME INSPECTION:

The Purchaser's obligations hereunder are contingent upon purchasers' receipt of a written home inspection report on the premises from a Licensed Home Inspector satisfactory to the purchasers. Such report may, at Purchasers option and expense, include inspections for structural and mechanical matters, pests, including wood boring insects, lead paint, asbestos, UFFI, radon gas, other hazardous substances, underground tanks, septic system and well water.

Inspection reports will be completed within 10 calendar days following acceptance of this purchase-sale agreement.

Should the results of any such test on inspection be unsatisfactory to the Purchasers, this agreement may be cancelled by giving written notice together with a copy of the report to the Seller, within five (5) calendar days of receipt of inspections. Whereupon all obligations of the parties shall cease and Purchasers deposits shall be promptly returned in full.

Purchasers' failure to give such notice within 15 calendar days shall be considered a waiver of Purchasers' right to cancel under this paragraph. The Purchasers and Purchasers consultants shall have the right of access to the premises for the purpose of conducting a home inspection, at reasonable and agreed upon times.

Purchaser acknowledges the benefits of home inspections and by initialing here waives their right to home inspection.

13. PERSONAL PROPERTY: The following personal property, currently owned by the Seller, free of all liens and encumbrances, shall be left at the property as a courtesy to the Purchaser at no additional cost or consideration:

N/A

14. TAX AND OTHER ADJUSTMENTS: The following, if any, shall be apportioned so that the Purchaser and Seller are assuming the expenses of the property and income from the property as of the date of transfer of title:

- a. rents and security deposits: Seller shall assign to Purchaser all written leases and security deposits affecting the premises;
- b. taxes, sewer, water rents, and condominium or homeowner association fees;
- c. municipal assessment yearly installments;
- d. fuel oil and kerosene shall be adjusted for a standard 275 gallon tank based on 260 gallons if the tank is full, or the appropriate fraction thereof if the tank is not full, at the cash price as of the day of closing as determined by the seller's fuel provider;
- e. propane or other fuel.

15. REAL ESTATE BROKER: The Purchaser and Seller agree that N/A _____ (Listing Broker) brought about this sale and seller agrees to pay his commission. It is further agreed that the listing broker shall hold any and all deposits made by purchaser in an escrow account. This sale is Co-Brokered through N/A _____ (Selling Broker). The fax number for the listing Broker to which legal notice may be sent is (518) _____.


23. SEE ATTACHED ADDENDA (incorporated herein by reference):


YES NO

- Addendum "A" - Agency Disclosure
- Addendum "B" - Lead Paint Disclosure
- Addendum "C" - Property Condition Disclosure
- Addendum "D" - 72 Hour Contingency
- Addendum "E" - Section 1031 Addendum
- Addendum "F" - Agricultural Disclosure
- Addendum "G" - Utility Disclosure
- Addendum "H" - Sellers Concessions

24. OTHER

Subject to approval by city of Plattsburgh planning, zoning boards, permits and any and all government agencies. City of Plattsburgh must approve a minimum of 110 units in order for this project to be completed. If Purchasers are unable to receive approval on the project this contract becomes null & void and said deposit is returned.

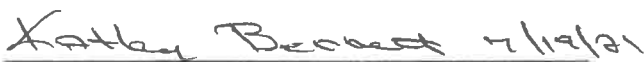
 7/19/21
 Seller Date

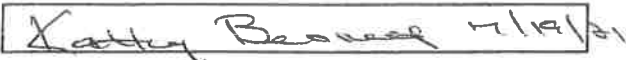
 Warren J. Bennett
 Purchaser Date dotloop verified 07/15/21 2:47 PM EDT N22H-W5IH-HQVS-VIOC

 Seller Date

 Purchaser Date

I hereby certify that the contract's execution date for this Agreement is 7/19/21, and that all necessary signatures and/or initials have been obtained from the Parties hereto on or before this date.

 Kathy Bennett 7/19/21
 Print Name Date

 Kathy Bennett 7/19/21
 Sign Name Date

THE FORM OF THIS CONTRACT HAS BEEN APPROVED BY THE CLINTON COUNTY BOARD OF REALTORS AND THEIR ATTORNEY. IT IS RECOMMENDED YOU CONSULT AN ATTORNEY BEFORE SIGNING.

Exhibit B



John H. Zurlo, County Clerk
 137 Margaret St
 Ste 101
 Plattsburgh, NY 12901-2966
 (518) 565-4700

Handwritten signature

Clinton County Clerk Recording Cover Sheet

Received From :
 CLINTON ABSTRACT

Return To :
 JOSEPH LAVORANDO, ESQ.
 30 CLINTON ST
 PLATTSBURGH, NY 12901

First 1ST PARTY(---OR)
 PLATTSBURGH AIRBASE REDEVELOPMENT CORP

First 2ND PARTY(--EE)
 HOWE, KEITH L

Instr Number : 2012-00245484

Index Type : Land Records

Type of Transaction : Deed - (Other Property)
 Recording Fee : \$315.00

Recording Pages : 4

The Property affected by this instrument is situated in Plattsburgh (City), in the County of Clinton, New York

Real Estate Transfer Tax

RETT # :	1047
Deed Amount :	\$20,000.00
RETT Amount :	\$80.00
Total Fees :	\$395.00

State of New York
 County of Clinton
 I hereby certify that the within and foregoing was recorded in the Clerk's office for Clinton County, New York
 On (Recorded Date) : 01/19/2012
 At (Recorded Time) : 1:01:00 PM



Doc ID - 004096940004

Handwritten number: 2336-1-6.2

Signature of John H. Zurlo
 JOHN H. ZURLO, County Clerk



This sheet constitutes the Clerks endorsement required by Section 319 of Real Property Law of the State of New York

Entered By: MARY Printed On : 01/19/2012 At : 1:01:43PM

OK
Doc has made
E.S.G

This Quitclaim Deed is made and entered into this 7th day of November, Two Thousand Eleven by and

~~December~~

Between

PLATTSBURGH AIRBASE REDEVELOPMENT CORP., a not-for-profit corporation organized under the laws of the State of New York, with offices at 130 Arizona Avenue, Suite 2000, Plattsburgh, New York 12903 ("Grantor"), and

KEITH L. HOWE, residing at 45 Champlain Street, Plattsburgh, NY 12903 ("Grantee"),

I. CONSIDERATION AND CONVEYANCE

Witnesseth that the Grantor, in consideration of **ONE DOLLAR (\$1.00)**, lawful money of the United States, does hereby quitclaim and release unto the Grantee, its successors, and assigns forever, all of that certain real property located in the City of Plattsburgh, County of Clinton, State of New York, and more particularly described on:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

II. APPURTENANCES

Together with the appurtenances and all the estate and rights of the Grantor in and to said premises.

III. EXCEPTIONS

Excepting therefrom all utility systems owned by the United States of America, Primelink, Inc., New York State Electric & Gas Corporation, County of Clinton Industrial Development Agency, Grantor or the City of Plattsburgh, including wire, cables, conduit, pipes, transformers, pumps, switching gear, poles, anchors, guys, towers, and appurtenant installations, structures, facilities, and equipment, reserving the rights of way and easements shown on existing subdivision plans or that may be revealed by a detailed survey and physical inspection of the premises, in the United States of America, Primelink, Inc., New York State Electric & Gas Corporation, County of Clinton Industrial Development Agency, Grantor and the City of Plattsburgh to keep, operate, inspect, maintain, repair, remove, and replace such utility systems, and for ingress and egress to and from such systems. Not included in this exception are those parts of the utility system that serve only a specific building(s) or building lot(s), and that, in the practice of public utility in the City of Plattsburgh, Clinton County, New York, are usually controlled by individual realty owners and not by utility providers.

SUBJECT TO all utility easements and rights of way on the premises conveyed by the Grantor to the City of Plattsburgh by Assignment and Assumption of Grant of Easement for Utility Systems dated the 26th day of September, 2002, and recorded in the Office of the Clerk of Clinton County on the 26th day of September, 2002, as Instrument Number 147217.

SUBJECT TO all utility easements and rights of way on the premises conveyed by the Grantor to New York State Electric & Gas Corporation by Assignment and Assumption of Grant of Easement dated as of the 16th day of December, 2004, and recorded in the Office of the Clerk of Clinton County on the 11th day of January, 2005, as Instrument Number 05178762.

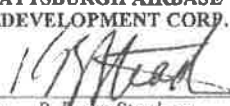
SUBJECT TO the right of New York State Electric & Gas Corporation, its successors and assigns, to obtain an easement for the installation, operation and maintenance of facilities on, over, through or under the property, the location of such easement being subject to the consent of the owner, which consent shall not be unreasonably withheld, conditioned or delayed. This provision shall be a covenant running with the land.

SUBJECT TO the following covenant: The Grantee acknowledges the restrictive covenant regarding the future expansion of Arizona Avenue set forth in that certain deed dated the 23rd day of May, 2011, by and between Lakeside Container Corp and Plattsburgh Airbase Redevelopment Corp., and recorded in the Clinton County Clerk's Office on even date as Instrument Number 2011-00240295, and the development of the premises conveyed herein shall accommodate any future expansion of Arizona Avenue in an easterly direction.

In Witness Whereof, the Grantor has hereunto caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer this day of November, 2011.

IN PRESENCE OF:

PLATTSBURGH AIRBASE
REDEVELOPMENT CORP.


BY: R. Bruce Steadman
ITS: President & CEO

STATE OF New Jersey)
) ss:
COUNTY OF Monmouth)

On the 7th day of ~~November~~ ^{December} 2011, in the year 2011 before me, the undersigned, a Notary Public in and for said State, personally appeared R. BRUCE STEADMAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


Notary Public

Bethany Henderson
Notary Public
State of New Jersey
My Commission Expires 4-8-2013

Record & Return to:

EXHIBIT A

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being in the City of Plattsburgh, County of Clinton, State of New York, being Parcel 3 as shown on a subdivision map entitled "Lakeside Container Corporation Proposed Subdivision 2001", located at Arizona Avenue and New York State Route 22, City of Plattsburgh, Clinton County, New York, as reflected on a survey map drawn by R.M. Sutherland, PC dated May 22, 2001 and recorded and filed with the Clinton County Clerk's office on August 31, 2001 as Map PL-B-187, said parcel being more particularly described as follows:

BEGINNING at a street monument set in the southerly bounds of New York State Route 22 said point being the northeast corner of Parcel 2 as illustrated on said subdivision map and said point being the most northwesterly corner of the parcel herein described; from said point and place of beginning, thence turning and running S 54° 49' 59" E and traveling a distance of 43.16 feet to an iron pin; thence turning and running N 84° 10' 34" E and traveling a distance of 100.00 feet to an iron pin; thence turning and running S 6° 17' 36" E a distance of 132.16 feet to an iron pin marking the southwest bounds of lands now or formerly owned by Pearl Laundry by virtue of a deed recorded with the Clinton County Clerk's office in Volume 363 at page 405; thence turning and running N 84° 13' 18" E a distance of 198.20 feet along the southerly bounds of Laundry (Volume 363, page 405) and the southerly bounds of lands now or formerly owned by Mayotte (Volume 514, page 119) to an iron pin set or found at a point which marks the southeast corner of lands now or formerly owned by Mayotte as aforesaid; Thence turning and running S 5° 50' 27" E along the assumed westerly bounds of Wall Street Extension a distance of 287.11 feet to an iron pin; thence turning and running N 72° 13' 42" E a distance of 227.17 feet to an iron pin; thence turning and running S 55° 2' 58" E and traveling a distance of 109.05 feet to an iron pin; thence turning and running S 34° 13' 34" W and traveling a distance of 287.09 feet to a point; thence continuing S 35° 46' 14" W and traveling a distance of 150.53 feet to a street monument set which point marks the southwest corner of the parcel herein described and is also the southeast corner of Parcel 2 as shown on the above referenced subdivision map; thence turning and running N 29° 28' 5" W along the easterly bounds of Parcel 2 a distance of 877.97 feet to the point and place of beginning.

HEREBY INTENDING TO DESCRIBE AND CONVEY Parcel 3 on the above referenced subdivision map containing 3.63 acres of land. In the event of any typographical error or discrepancy between the narrative description contained herein and the above referenced subdivision map (PL-B187) it is the intention of the parties that the subdivision map description shall control.

SUBJECT TO any and all easements as shown on said map, as well as any other easements, covenants, rights of way or restrictions of record or visible upon an inspection of the premises.

Being part of the premises (Parcel B) conveyed by the United States of America to Lakeside Container Corp. by deed dated February 2, 2000 and recorded on February 16, 2000 as Instrument No. 119334 of Deeds in the office of the Clinton County Clerk.

ALSO BEING a part of the premises conveyed by Lakeside Container Corp. to Plattsburgh Airbase Redevelopment Corp. by deed dated May 23, 2011 and recorded in the Clinton County Clerk's Office on the same date in the Deed Index as Instrument Number 2011-00240295.

Exhibit C



Exhibit D



Property Description Report For: Arizona Ave,
Municipality of City of Plattsburgh

No Photo Available

Total Acreage/Size:	3.63	Status:	Active
Land Assessment:	2021 - \$45,000	Roll Section:	Taxable
Full Market Value:	2021 - \$45,000	Swls:	091300
Equalization Rate:	2021 - 100.00%	Tax Map ID #:	233.6-1-6.2
Deed Book:	20122	Property Class:	340 - Vacant Indus
Grid East:	761198	Site:	COM 1
		In Ag. District:	No
		Site Property Class:	340 - Vacant Indus
		Zoning Code:	06 - I-Industrial
		Neighborhood Code:	13506 - Mixed Comm
		School District:	Plattsburgh
		Total Assessment:	2021 - \$45,000
		Property Desc:	Survey Map 20011/34415 Vacant Land
		Deed Page:	48916
		Grid North:	2128962

Owners

Keith L Howe
16 Jerry Dr
Plattsburgh NY 12901

Sales

Sale Date	Price	Property Class	Sale Type	Prior Owner	Value Usable	Arms Length	Add. Parcels	Deed Book and Page
5/25/2012	\$1	340 - Vacant indus	Land Only	Howe, Keith L	No	No	No	20122/48916
12/7/2011	\$20,000	340 - Vacant indus	Land Only	PARC	No	No	No	20122/45484
5/23/2011	\$1	340 - Vacant Indus	Land Only	Lakeside Container Corp	No	No	No	20112/40295

Utilities

Sewer Type:	Comm/public	Water Supply:	Comm/public
Utilities:	Gas & elec		

Inventory

Overall Eff Year Built:		Overall Condition:	Normal
Overall Grade:	Average	Overall Desirability:	3

Buildings

AC%	Sprinkler%	Alarm%	Elevators	Basement Type	Year Built	Eff Year Built	Condition	Quality	Gross Floor Area (sqft)	Stories
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Improvements

Structure	Size	Grade	Condition	Year
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Special Districts for 2021

No information available for the 2021 roll year.

Exemptions

Year	Description	Amount	Exempt %	Start Yr	End Yr	V Flag	H Code	Own %
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Taxes

Year	Description	Amount
2021	County	\$760.35
2021	School	\$1,043.64
2020	County	\$790.73
2020	School	\$1,047.41

*** Taxes reflect exemptions, but may not include recent changes in assessment.**

Exhibit E

MLS#: 157175 0 Arizona Avenue Plattsburgh, NY 12901

Photo/Document History

Date/Eastern Time	Changed By	Change
7/20/2016 2:02:00 PM	Nicole Bombard (Office Staff)	New Listing (\$98,000)
7/20/2016 2:02:00 PM	NavicaMLS	Photo for Main View Processed
7/22/2016 10:43:00 AM	Nicole Bombard (Office Staff)	Main view Deleted
7/22/2016 10:44:00 AM	NavicaMLS	Photo for Main View Processed
6/15/2017 9:41:00 PM	Nicole Bombard (Office Staff)	Expire Date Modified (7/18/2017 to 7/18/2018)
6/15/2017 3:41:00 PM	Nicole Bombard (Office Staff)	Misc. Change
7/26/2017 4:29:00 PM	Nicole Bombard (Office Staff)	Price Change (\$98,000 to \$59,000)
7/26/2017 4:29:00 PM	Nicole Bombard (Office Staff)	Misc. Change
6/11/2018 11:17:00 AM	Nicole Bombard (Office Staff)	Expire Date Modified (7/18/2018 to 7/18/2019)
6/11/2018 11:17:00 AM	Nicole Bombard (Office Staff)	Misc. Change
6/27/2019 10:35:00 AM	Karen Thornton (Office Staff)	Expire Date Modified (7/18/2019 to 7/18/2020)
6/27/2019 10:35:00 AM	Karen Thornton (Office Staff)	Misc. Change
7/19/2020 1:45:00 AM	NavicaMLS	Expired by system

Exhibit F

Exhibit G



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November 16, 2021

City of Plattsburgh
Zoning Board of Appeals
41 City Hall Place
Plattsburgh, NY 12901

Re: Variance Application
Arizona Property – City of Plattsburgh

Susanna S. Piller (*Retired*)

Dear Sir/Madam:

I, Keith L. Howe, hereby authorize Thomas M. Murnane, Esq. to represent my interests with respect to the Variance Applications before the City of Plattsburgh Zoning Board of Appeals and any other necessary Applications required by the City of Plattsburgh Boards.

Keith L. Howe

Ronald B. Stafford
(1935-2005)

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

STANDARDS OF PROOF - AREA VARIANCE

A. The applicant for an area variance is not entitled to an area variance unless he has furnished competent proof to satisfy the "practical difficulty standard" and that the variance, if granted will not alter the essential character of the neighborhood.

In order to satisfy the practical difficulty standard, the applicant must prove that the Zoning Ordinance as it applies to his land creates significant economic injury and that the variance, if granted, will not produce a substantial change in the character of the neighborhood. The courts of this state hold that "significant economic injury cannot be established except by dollars and cents proof which includes:

1. The original purchase price of the premises.
2. The current market value of the premises without an area variance.
3. The projected market value of the premises with the variance having been granted."

"Projected market value" in item 3 does not include any cost of valuation for the proposed construction. It includes only the current market value without any variance plus the "value of the right to build." The "value of the right to build" may be said to be the "value of the building permit". How much more valuable is the entire property with a building permit allowing the future construction of the proposed work? Projected market value which includes the value of the work to be constructed will be rejected.

Projected market value can be best shown by the in-person testimony of a real estate appraiser who is present at the hearing. Written appraisals may be less satisfactory because the writer is not present to answer any questions.

The difference between the current market value without the variance and the projected market value with the variance is the amount of economic injury. If the Zoning Board of Appeals determines that this economic injury is significant, then the applicant may be entitled to the area variance.

However, if a town official comes forward at the hearing with testimony establishing that it is important in this particular instance to enforce the Zoning Ordinance as it is written, in order to protect the health, safety and welfare, then the application must be denied. It is important to note that such testimony must be by a town official or someone hired by the town to give the testimony. If the Zoning Board of Appeals agrees with the Town Official that it is important in this case to enforce the Zoning Ordinance as written, then the applicant is not entitled to the area variance, unless he presents further testimony that the enforcement of the ordinance as written will deprive him of any reasonable use of his land. If applicant proves that, then he is entitled to the area variance.

B. The second question to be determined by the Zoning Board of Appeals is whether the the propose will alte the essential character of the neighborhood. Will a substantial detriment to adjoining properties be created? If it will, then the variance may be denied.

C. Other Grounds for Denial:

1. Whether the variance applied for is the minimum variance that is necessary.
2. Is the variance sought one that is merely desirable for the greater enjoyment of the property, as opposed to one that is necessary for continued practical utilization of the premises? (Bielak v. Zoning Board of Appeals, 78 AD 2d 435).

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

-2-

STANDARDS OF PROOF - AREA VARIANCE

3. Is this hardship self-created? An area variance cannot be denied solely on the ground of self-created hardship, but is a factor to be considered.
4. Is the plight of the owner due to personal problems of the owner as opposed to matters dealing with the land or buildings? While an area variance may not be denied solely on this basis, it is a factor to be considered.

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)

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?

(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.

Variations

One of the basic powers given by law to a zoning board of appeals is called the "variance" power. The board has the authority to "vary," or modify, the strict letter of a zoning ordinance or local law in cases where this strict interpretation could cause practical difficulties or unnecessary hardships for an individual.

Appeals boards are frequently confronted with requests for variances. There are two types of requests that come before the board, and the standards by which they are judged differ. A use variance is a request to utilize property for a use or activity which is not permitted by the zoning ordinance, and the applicant must demonstrate "unnecessary hardship." An area variance is a request for relief from dimensional standards contained in the zoning ordinance, and it requires a demonstration of "practical difficulty."

The basic standards for determining unnecessary hardship and practical difficulty have been established and refined by the courts in numerous cases.

Use Variance

An individual who wants to utilize property for a use that is not permitted by the zoning ordinance must apply for a use variance. An applicant for a use variance must demonstrate unnecessary hardship by satisfying each of the following three tests:

1. Uniqueness

The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone AND that these features make it impossible to earn a reasonable return without some adjustment. If the features or conditions are generally applicable throughout the district, a variance should not be granted. In those situations where the difficulty is shared by others, the relief should be accomplished by an amendment to the zoning ordinance, not a variance.

2. Reasonable Return

The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted by the zoning ordinance. There must be a "dollars and cents" proof of the applicant's inability to realize reasonable return; speculation or qualitative assessment is inadequate.² Failure to realize the highest return is not considered a hardship.

3. Character

The applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the "spirit" of the ordinance or local law should be preserved.

The applicant for a use variance must meet all three tests before the appeals board may grant relief. A use variance should not be granted if the "unnecessary hardship" was created by the applicant. If the appeals board grants a use variance to an applicant who has failed to meet each of the tests, it runs the risk of assuming the function of the legislative body and making a decision contrary to the legislative intent of the zoning ordinance.

An increasing number of use variance requests is often the sign of an "aged" zoning regulation. The appeals board should not circumvent the legislative process by granting use variances. Instead, the appeals board should advise the governing body of the need to reexamine and amend the zoning ordinance.

Area Variance

In the case of an area variance, the applicant is seeking modification of dimensional standards, such as yard requirements, set-back lines, lot coverage, frontage requirements or density regulations, so that the property may be utilized for one of the uses permitted by the zoning ordinance. The appeals board may grant relief if the applicant can demonstrate that strict compliance with the regulations would cause practical difficulty.

The determination of practical difficulty is a three-step process.³

1. First, the applicant must demonstrate that the application of the zoning ordinance to his property causes significant economic injury.
2. Once the applicant has demonstrated economic injury, then the municipality must show that the regulation in question is reasonably related to a legitimate exercise of the police power.
3. Last, assuming the municipality has met its burden of proof, the applicant must demonstrate that the restrictions, as strictly applied in his case, are unrelated to the public health, safety or welfare of the community and that granting the variance will not adversely affect the community.

In making a determination of practical difficulty, the appeals board may consider:⁴

1. How substantial the variation is in relation to the requirement;
2. The potential effect of increased density on available municipal, county and state facilities and services;
3. Whether the variance will cause a substantial change in the character of the neighborhood;
4. Whether the difficulty can feasibly be mitigated by some other method; or
5. Whether the interests of justice will be served in granting the variance.

The appeals board should grant the minimum relief necessary to allow reasonable use of the land in question. Not every applicant for an area variance is automatically entitled to receive relief. Each application should be carefully considered against the requirement for proof of practical difficulty.

Summary

The major difference between a use variance and an area variance involves the use of the property. An area variance results in a modification of physical restrictions so that an allowable use may be established on the property. By contrast, a use variance permits the establishment of a use which is prohibited by the zoning ordinance and the zoning map. It is for this reason that the standards for a use variance are more stringent than the standards established for an area variance.

Frequently, the appeals board is encouraged to make legislative decisions under the guise of use variance requests. The appeals board should exercise caution when confronted with a request for a use variance, and only grant those which meet the tests established for determining unnecessary hardship. The appeals board should resist the inclination to correct deficiencies in the zoning ordinance through the exercise of its variance power. If particular provisions of the zoning ordinance are inappropriate or unjust, the appeals board should recommend that the legislative body (City Council, Town Board, Board of Trustees) take the necessary steps to amend the ordinance or local law.

¹Otto v. Steinhilber, 282 NY 71 (1939), Village of Bronxville v. Francis, 150 NYS 2d 906 (1956); Jayne Estates v. Raynor, 22 NY 2d 417 (1968); Douglaston Civic Association, Inc. v. Klein, 51 NY 2d 963 (1980).

²Fayetteville v. Jarrold, 53 NY 2d 254 (1981).

³Fulling v. Palumbo, 21 NY 2d 30 (1967); National Merrit, Inc. v. Werst, 41 NY 2d 438 (1977).

⁴Wachsberger v. Michalis, 19 Misc 2d 909 (1959).

Department of Planning



Note:

This Tech Memo was prepared by the
publication for municipal governments.

Department of Planning as an informational
It is not intended to be a legal opinion.

617.20
Appendix B
Short Environmental Assessment Form

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: Howe Class B. Variance.			
Project Location (describe, and attach a location map): Arizona Avenue, Plattsburgh, New York			
Brief Description of Proposed Action: Construction of self-storage units on the subject property.			
Name of Applicant or Sponsor: Keith L. Howe		Telephone: (518) 529-8129	
Address: 16 Jerry Drive		E-Mail:	
City/PO: Plattsburgh		State: New York	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	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		3.63	acres
b. Total acreage to be physically disturbed?		1.88	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.63	acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input checked="" 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, a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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?	<input type="checkbox"/>	<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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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: _____	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	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 AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Kerth L. Howe</u>	Date: <u>November 14, 2021</u>	
Signature: <u>[Signature]</u>		

Zoning Board to Fill out. Applicant does not fill out Part 2.

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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"/>

	No, or small impact may occur	Moderate to large impact may occur
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"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. 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.

<input type="checkbox"/>	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.
<input type="checkbox"/>	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