

ZONING BOARD OF APPEALS

JULY 19, 2021 MEETING OF ZONING BOARD OF APPEALS

MINUTES

Present: Chairman Scott DeMane, Ron Nolland, Kellie Porter, Elizabeth Jent, P.J. Whitbeck
Joseph McMahon, Building Inspector
James Welch, Housing Code Inspector

Absent: Meghan Weeden

Also present: James Latinville
Don Verkey
Steven and Cindy Fregeau
Nellie Bonville
Christopher and Sarah Buskey

Mr. DeMane called the meeting to order at 7:02 PM.

Appreciation expressed to Mr. Ron Nolland for his numerous years of service as Chairperson. Introduction of Mr. Scott DeMane as newly appointed chairperson.

APPEAL	APPLICANT	REQUEST
2281	MARGARET STREET PROPERTIES, LLC 244 MARGARET STREET	SPECIAL USE PERMIT REQUEST TO CHANGE USE FROM BEAUTY SALON TO APARTMENT
2282	DON VERKEY 47 GRACE AVENUE	CLASS B AREA VARIANCE REQUEST TO INSTALL A FENCE GREATER THAN 4 FOOT IN HEIGHT IN FRONT YARD SETBACK
2283	STEVEN AND THERESA FREGEAU 5210 NORTH CATHERINE STREET	CLASS B AREA VARIANCE REQUEST TO INSTALL A FENCE GREATER THAN 4 FOOT IN HEIGHT IN FRONT YARD SETBACK
2284	NELLIE BONVILLE 22 HILLCREST AVENUE	SPECIAL USE PERMIT REQUEST TO CREATE A HAIR SALON HOME BUSINESS IN AN R1 ZONING DISTRICT
2285	NELLIE BONVILLE 22 HILLCREST AVENUE	CLASS B AREA VARIANCE REQUEST TO PLACE A SHED CLOSER THAN 5 FEET FROM PROPERTY LINE
2286	CHRISTOPHER BUSKEY 76 PARK AVENUE	CLASS B AREA VARIANCE REQUEST TO INSTALL A POOL CLOSER THAN 5 FEET FROM THE PRINCIPAL STRUCTURE ON LOT

The agenda will be heard in the following order:

Appeal 2281
Appeal 2282
Appeal 2283
Appeal 2284
Appeal 2285
Appeal 2286

The **first** item heard is appeal #2281, Margaret Street Properties, LLC, Special Use Permit request to change use from beauty salon to apartment.

Discussion:

- Board and applicant discussion of proposed change of use from beauty salon to apartment.
- 1000 sq.ft. space 1 bedroom apartment proposal reduces amount of parking, adding 3 parking spaces to lot.

Public Comment: None

MOTION:

By: R. Nolland, seconded by K. Porter

AFTER EXAMINING THE FULL ENVIRONMENTAL ASSESMENT FORM FOR APPEAL #2281 WE FIND NO ADVERSE ENVIRONMETAL IMPACT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: R. Nolland, seconded by E. Jent

IN REGARD TO APPEAL #2281, MOTION TO GRANT THE SPECIAL USE PERMIT FOR THE CHANGE OF USE FROM A BEAUTY SALON TO AN APARTMENT ALLOWING RESIDENTIAL USE IN THAT DISTRICT AS ALLOWED BY SPECIAL USE PERMIT

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **second** item heard is appeal #2282, Don Verkey, 47 Grace Avenue, Class B Area Variance request to install a fence greater than 4 foot in height in the front yard setback.

Discussion:

- Board and applicant discussion of proposed fence installation after removal of dying hedge.
- Proposed fencing to be 12 feet from curb, 52 ft length, 23 ft section to house.

Public Comment: None.

MOTION:

By: K. Porter, seconded by: R. Nolland

FOR APPEAL 2282, REGARDING THE SHORT ENVIRONMENTAL ASSESSMENT FORM, AFTER REVIEW IT IS FOUND THAT THERE IS LITTLE TO NO ENVIRONMENTAL IMPACT AND THE BOARD CHAIR MAY CHECK NO OR SMALL IMPACT MAY OCCUR IN EACH BOX FROM QUESTION 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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

FOR APPEAL #2282, MOTION TO APPROVE A FENCE THAT IS CURRENTLY INSTALLED REPLACING A PRE-EXISTING HEDGE THAT WAS REMOVED. THE FENCE DOES EXCEED THE ALLOWED HEIGHT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **third** item heard is appeal #2283, Steven and Theresa Fregeau, 5210 North Catherine Street, Class B Area Variance request to install a fence greater than 4 foot in height in the front yard setback.

Discussion:

- Board and applicant discussion of proposed fence installation into the front yard setback on the North Catherine side of the property.
- Fence to replace an 8 foot hedge which has been removed.
- Proposed 6' fencing to extend to beginning of sidewalk for privacy from neighboring home.
- Board member concern regarding setting precedence by allowance of 6 foot fencing completely into front yard setback.
- Discussion regarding dropping portion of fence to 4 foot height in the setback, stopping 6 foot panels before 20 foot front yard setback.
- Discussion regarding possibility of having the first 8 foot of setback to be 4 foot high fencing, the remaining amount of fencing to be 6 foot in height.

Public Comment:

Carol Klepper, city resident: Questions how tall shed is in the rear yard of property owner. Question regarding neighboring property, how far is the sidewalk is from his home's front entry steps; expresses concern for privacy of applicant.

MOTION:

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

IN REGARD TO APPEAL #2283, AFTER EXAMINING THE SHORT ENVIRONMENTAL FORM, THAT WE FIND NO OR LITTLE ADVERSE ENVIRONMENTAL IMPACT AND THAT THE BOARD CHAIR MAY MARK NO OR LITTLE ENVIRONMENTAL IMPACT ON QUESTIONS 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2283, MOTION TO APPROVE AN APPROXIMATELY 42 FOOT FENCE, OF WHICH APPROXIMATELY 20 FEET EXCEEDS THE ALLOWED 4 FOOT HEIGHT REQUIREMENT BY BEING 6 FOOT IN HEIGHT TO MATCH THE ALLOWED 6 FOOT HEIGHT AREA.

ALL IN FAVOR: 2

OPPOSED: 3

MOTION DENIED

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2283-A, MOTION TO APPROVE 4 FOOT HIGH FENCING IN THE FIRST 8 FEET OF THE 20 FOOT FRONT YARD SETBACK WITH THE REMAINING 12 FEET TO BE ALLOWED TO HAVE FENCING RISE TO 6 FEET IN HEIGHT TO MATCH THE REMAINING 22 FEET OF 6 FOOT HIGH FENCING.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fourth** item heard is appeal #2284, Nellie Bonville, 22 Hillcrest Avenue, special use permit request to create a hair salon home business in an R1 Zoning District.

Discussion:

- Board and applicant discussion of proposed home occupation hair salon.
- Application should not have been a special use permit. Area variance is appropriate application for this situation. Would be deficient in parking area for a home occupation.
- Code requires additional parking to allow maneuvering, even though existing driveway is long and can fit more than one vehicle.
- Discussion regarding whether hair salon business is a qualified home occupation.

Public Comment: None heard; agenda item tabled for 1 month.

MOTION:

By: R. Nolland, seconded by: K. Porter

MOTION THAT THE ZONING BOARD OF APPEALS PERFORM AN ADMINISTRATIVE REVIEW OF THE DECISION OF THE BUILDING INSPECTOR TO CLAIIFY WHETHER OR NOT APPEAL #2284 PROPOSED USE MEETS THE QUALIFICATIONS FOR A HOME OCCUPATION

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fifth** item heard is appeal #2285, Nellie Bonville, 22 Hillcrest Avenue, Class B area variance request to place a shed closer than 5 feet from property line.

Discussion:

- Board and applicant discussion of location of shed to property line.
- Concern regarding shed being on property line and possibly slightly over property line.
- Applicant had problem finding anyone with appropriate equipment to move shed into rear yard away from property line.

Public Comment:

Carol Klepper, city resident: Obviously shed is on property line. Perhaps postpone appeal until applicant can find someone to move the shed away from the property line.

MOTION:

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

IN REGARD TO APPEAL #2285, NELLIE BONVILLE 22 HILLCREST AVENUE, CLASS B AREA VARIANCE TO PLACE SHED CLOSER THAN 5 FEET FROM PROPERTY LINE, MOTION TO POSTPONE FOR UP TO 2 MONTHS.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **sixth** item heard is appeal #2286, Christopher Buskey, 76 Park Avenue, , Class B area variance request to install a pool closer than 5 feet from the principal structure on the lot.

Discussion:

- Board and applicant discussion of location of pool to home and how it ended up in this location during installation.
- Discussion regarding proximity of pool to electrical conduit for pool pump and grounding.

Public Comment:

Carol Klepper, city resident: Seems pool installing company should have been aware of conduit proximity issue.

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2286, MOTION THAT WE FIND LITTLE TO NO ENVIRONMENTAL IMPACT AND THE CHAIR MAY CHECK ITEMS 1-11 ON THE SHORT ENVIRONMENTAL ASSESSMENT FORM TO SHOW NO OR SMALL IMPACT MAY OCCUR AND SIGN

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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

IN REGARD TO APPEAL #2286, MOTION TO APPROVE REQUEST TO INSTALL A POOL CLOSER THAN 5 FEET FROM THE PRINCIPAL STRUCTURE ON THE LOT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

OPEN PUBLIC COMMENT:

Board allowance to Carol Klepper, city resident, to speak on a matter not on tonight's agenda. Ms. Klepper speaks to her concerns relating to the upcoming proposal to remove off street parking by the City of Plattsburgh Common Council. She has concerns about how removing off street parking would negatively affect the center city in regard to cars parking on green space and illegal overpopulation of housing.

MOTION:

By: K. Porter, seconded by E. Jent

MOTION TO APPROVE JUNE, 21, 2021 MINUTES WITH CORRECTION TO ADD ELIZABETH JENT AS BEING PRESENT

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

Motion to Adjourn:

By: K. Porter, seconded by E. Jent

Adjourned at 8:24 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

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Appeal 2286

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Discussion:

- Board and applicant discussion of proposed change of use from beauty salon to apartment.
- 1000 sq.ft. space 1 bedroom apartment proposal reduces amount of parking, adding 3 parking spaces to lot.

Public Comment: None

MOTION:

By: R. Nolland, seconded by K. Porter

AFTER EXAMINING THE FULL ENVIRONMENTAL ASSESMENT FORM FOR APPEAL #2281 WE FIND NO ADVERSE ENVIRONMETAL IMPACT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: R. Nolland, seconded by E. Jent

IN REGARD TO APPEAL #2281, MOTION TO GRANT THE SPECIAL USE PERMIT FOR THE CHANGE OF USE FROM A BEAUTY SALON TO AN APARTMENT ALLOWING RESIDENTIAL USE IN THAT DISTRICT AS ALLOWED BY SPECIAL USE PERMIT

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **second** item heard is appeal #2282, Don Verkey, 47 Grace Avenue, Class B Area Variance request to install a fence greater than 4 foot in height in the front yard setback.

Discussion:

- Board and applicant discussion of proposed fence installation after removal of dying hedge.
- Proposed fencing to be 12 feet from curb, 52 ft length, 23 ft section to house.

Public Comment: None.

MOTION:

By: K. Porter, seconded by: R. Nolland

FOR APPEAL 2282, REGARDING THE SHORT ENVIRONMENTAL ASSESSMENT FORM, AFTER REVIEW IT IS FOUND THAT THERE IS LITTLE TO NO ENVIRONMENTAL IMPACT AND THE BOARD CHAIR MAY CHECK NO OR SMALL IMPACT MAY OCCUR IN EACH BOX FROM QUESTION 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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

FOR APPEAL #2282, MOTION TO APPROVE A FENCE THAT IS CURRENTLY INSTALLED REPLACING A PRE-EXISTING HEDGE THAT WAS REMOVED. THE FENCE DOES EXCEED THE ALLOWED HEIGHT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **third** item heard is appeal #2283, Steven and Theresa Fregeau, 5210 North Catherine Street, Class B Area Variance request to install a fence greater than 4 foot in height in the front yard setback.

Discussion:

- Board and applicant discussion of proposed fence installation into the front yard setback on the North Catherine side of the property.
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Public Comment:

Carol Klepper, city resident: Questions how tall shed is in the rear yard of property owner. Question regarding neighboring property, how far is the sidewalk is from his home's front entry steps; expresses concern for privacy of applicant.

MOTION:

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

IN REGARD TO APPEAL #2283, AFTER EXAMINING THE SHORT ENVIRONMENTAL FORM, THAT WE FIND NO OR LITTLE ADVERSE ENVIRONMENTAL IMPACT AND THAT THE BOARD CHAIR MAY MARK NO OR LITTLE ENVIRONMENTAL IMPACT ON QUESTIONS 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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ALL IN FAVOR: 2

OPPOSED: 3

MOTION DENIED

MOTION:

By: R. Nolland, seconded by: E. Jent

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ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fourth** item heard is appeal #2284, Nellie Bonville, 22 Hillcrest Avenue, special use permit request to create a hair salon home business in an R1 Zoning District.

Discussion:

- Board and applicant discussion of proposed home occupation hair salon.
- Application should not have been a special use permit. Area variance is appropriate application for this situation. Would be deficient in parking area for a home occupation.
- Code requires additional parking to allow maneuvering, even though existing driveway is long and can fit more than one vehicle.
- Discussion regarding whether hair salon business is a qualified home occupation.

Public Comment: None heard; agenda item tabled for 1 month.

MOTION:

By: R. Nolland, seconded by: K. Porter

MOTION THAT THE ZONING BOARD OF APPEALS PERFORM AN ADMINISTRATIVE REVIEW OF THE DECISION OF THE BUILDING INSPECTOR TO CLAIIFY WHETHER OR NOT APPEAL #2284 PROPOSED USE MEETS THE QUALIFICATIONS FOR A HOME OCCUPATION

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fifth** item heard is appeal #2285, Nellie Bonville, 22 Hillcrest Avenue, Class B area variance request to place a shed closer than 5 feet from property line.

Discussion:

- Board and applicant discussion of location of shed to property line.
- Concern regarding shed being on property line and possibly slightly over property line.
- Applicant had problem finding anyone with appropriate equipment to move shed into rear yard away from property line.

Public Comment:

Carol Klepper, city resident: Obviously shed is on property line. Perhaps postpone appeal until applicant can find someone to move the shed away from the property line.

MOTION:

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

IN REGARD TO APPEAL #2285, NELLIE BONVILLE 22 HILLCREST AVENUE, CLASS B AREA VARIANCE TO PLACE SHED CLOSER THAN 5 FEET FROM PROPERTY LINE, MOTION TO POSTPONE FOR UP TO 2 MONTHS.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **sixth** item heard is appeal #2286, Christopher Buskey, 76 Park Avenue, , Class B area variance request to install a pool closer than 5 feet from the principal structure on the lot.

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MOTION:

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IN REGARD TO APPEAL #2286, MOTION THAT WE FIND LITTLE TO NO ENVIRONMENTAL IMPACT AND THE CHAIR MAY CHECK ITEMS 1-11 ON THE SHORT ENVIRONMENTAL ASSESSMENT FORM TO SHOW NO OR SMALL IMPACT MAY OCCUR AND SIGN

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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

IN REGARD TO APPEAL #2286, MOTION TO APPROVE REQUEST TO INSTALL A POOL CLOSER THAN 5 FEET FROM THE PRINCIPAL STRUCTURE ON THE LOT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

OPEN PUBLIC COMMENT:

Board allowance to Carol Klepper, city resident, to speak on a matter not on tonight's agenda. Ms. Klepper speaks to her concerns relating to the upcoming proposal to remove off street parking by the City of Plattsburgh Common Council. She has concerns about how removing off street parking would negatively affect the center city in regard to cars parking on green space and illegal overpopulation of housing.

MOTION:

By: K. Porter, seconded by E. Jent

MOTION TO APPROVE JUNE, 21, 2021 MINUTES WITH CORRECTION TO ADD ELIZABETH JENT AS BEING PRESENT

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

Motion to Adjourn:

By: K. Porter, seconded by E. Jent

Adjourned at 8:24 PM

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Lisa Beebie
Secretary
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Public Comment: None

MOTION:

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ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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Public Comment: None.

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ALL IN FAVOR: 5

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ALL IN FAVOR: 5

OPPOSED: 0

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ALL IN FAVOR: 2

OPPOSED: 3

MOTION DENIED

MOTION:

By: R. Nolland, seconded by: E. Jent

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ALL IN FAVOR: 5

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MOTION PASSED

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Public Comment: None heard; agenda item tabled for 1 month.

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Public Comment:

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MOTION:

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

IN REGARD TO APPEAL #2285, NELLIE BONVILLE 22 HILLCREST AVENUE, CLASS B AREA VARIANCE TO PLACE SHED CLOSER THAN 5 FEET FROM PROPERTY LINE, MOTION TO POSTPONE FOR UP TO 2 MONTHS.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **sixth** item heard is appeal #2286, Christopher Buskey, 76 Park Avenue, , Class B area variance request to install a pool closer than 5 feet from the principal structure on the lot.

Discussion:

- Board and applicant discussion of location of pool to home and how it ended up in this location during installation.
- Discussion regarding proximity of pool to electrical conduit for pool pump and grounding.

Public Comment:

Carol Klepper, city resident: Seems pool installing company should have been aware of conduit proximity issue.

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2286, MOTION THAT WE FIND LITTLE TO NO ENVIRONMENTAL IMPACT AND THE CHAIR MAY CHECK ITEMS 1-11 ON THE SHORT ENVIRONMENTAL ASSESSMENT FORM TO SHOW NO OR SMALL IMPACT MAY OCCUR AND SIGN

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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

IN REGARD TO APPEAL #2286, MOTION TO APPROVE REQUEST TO INSTALL A POOL CLOSER THAN 5 FEET FROM THE PRINCIPAL STRUCTURE ON THE LOT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

OPEN PUBLIC COMMENT:

Board allowance to Carol Klepper, city resident, to speak on a matter not on tonight's agenda. Ms. Klepper speaks to her concerns relating to the upcoming proposal to remove off street parking by the City of Plattsburgh Common Council. She has concerns about how removing off street parking would negatively affect the center city in regard to cars parking on green space and illegal overpopulation of housing.

MOTION:

By: K. Porter, seconded by E. Jent

MOTION TO APPROVE JUNE, 21, 2021 MINUTES WITH CORRECTION TO ADD ELIZABETH JENT AS BEING PRESENT

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

Motion to Adjourn:

By: K. Porter, seconded by E. Jent

Adjourned at 8:24 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

ZONING BOARD OF APPEALS

JULY 19, 2021 MEETING OF ZONING BOARD OF APPEALS

MINUTES

Present: Chairman Scott DeMane, Ron Nolland, Kellie Porter, Elizabeth Jent, P.J. Whitbeck
Joseph McMahon, Building Inspector
James Welch, Housing Code Inspector

Absent: Meghan Weeden

Also present: James Latinville
Don Verkey
Steven and Cindy Fregeau
Nellie Bonville
Christopher and Sarah Buskey

Mr. DeMane called the meeting to order at 7:02 PM.

Appreciation expressed to Mr. Ron Nolland for his numerous years of service as Chairperson. Introduction of Mr. Scott DeMane as newly appointed chairperson.

APPEAL	APPLICANT	REQUEST
2281	MARGARET STREET PROPERTIES, LLC 244 MARGARET STREET	SPECIAL USE PERMIT REQUEST TO CHANGE USE FROM BEAUTY SALON TO APARTMENT
2282	DON VERKEY 47 GRACE AVENUE	CLASS B AREA VARIANCE REQUEST TO INSTALL A FENCE GREATER THAN 4 FOOT IN HEIGHT IN FRONT YARD SETBACK
2283	STEVEN AND THERESA FREGEAU 5210 NORTH CATHERINE STREET	CLASS B AREA VARIANCE REQUEST TO INSTALL A FENCE GREATER THAN 4 FOOT IN HEIGHT IN FRONT YARD SETBACK
2284	NELLIE BONVILLE 22 HILLCREST AVENUE	SPECIAL USE PERMIT REQUEST TO CREATE A HAIR SALON HOME BUSINESS IN AN R1 ZONING DISTRICT
2285	NELLIE BONVILLE 22 HILLCREST AVENUE	CLASS B AREA VARIANCE REQUEST TO PLACE A SHED CLOSER THAN 5 FEET FROM PROPERTY LINE
2286	CHRISTOPHER BUSKEY 76 PARK AVENUE	CLASS B AREA VARIANCE REQUEST TO INSTALL A POOL CLOSER THAN 5 FEET FROM THE PRINCIPAL STRUCTURE ON LOT

The agenda will be heard in the following order:

Appeal 2281
Appeal 2282
Appeal 2283
Appeal 2284
Appeal 2285
Appeal 2286

The **first** item heard is appeal #2281, Margaret Street Properties, LLC, Special Use Permit request to change use from beauty salon to apartment.

Discussion:

- Board and applicant discussion of proposed change of use from beauty salon to apartment.
- 1000 sq.ft. space 1 bedroom apartment proposal reduces amount of parking, adding 3 parking spaces to lot.

Public Comment: None

MOTION:

By: R. Nolland, seconded by K. Porter

AFTER EXAMINING THE FULL ENVIRONMENTAL ASSESMENT FORM FOR APPEAL #2281 WE FIND NO ADVERSE ENVIRONMETAL IMPACT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: R. Nolland, seconded by E. Jent

IN REGARD TO APPEAL #2281, MOTION TO GRANT THE SPECIAL USE PERMIT FOR THE CHANGE OF USE FROM A BEAUTY SALON TO AN APARTMENT ALLOWING RESIDENTIAL USE IN THAT DISTRICT AS ALLOWED BY SPECIAL USE PERMIT

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **second** item heard is appeal #2282, Don Verkey, 47 Grace Avenue, Class B Area Variance request to install a fence greater than 4 foot in height in the front yard setback.

Discussion:

- Board and applicant discussion of proposed fence installation after removal of dying hedge.
- Proposed fencing to be 12 feet from curb, 52 ft length, 23 ft section to house.

Public Comment: None.

MOTION:

By: K. Porter, seconded by: R. Nolland

FOR APPEAL 2282, REGARDING THE SHORT ENVIRONMENTAL ASSESSMENT FORM, AFTER REVIEW IT IS FOUND THAT THERE IS LITTLE TO NO ENVIRONMENTAL IMPACT AND THE BOARD CHAIR MAY CHECK NO OR SMALL IMPACT MAY OCCUR IN EACH BOX FROM QUESTION 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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

FOR APPEAL #2282, MOTION TO APPROVE A FENCE THAT IS CURRENTLY INSTALLED REPLACING A PRE-EXISTING HEDGE THAT WAS REMOVED. THE FENCE DOES EXCEED THE ALLOWED HEIGHT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **third** item heard is appeal #2283, Steven and Theresa Fregeau, 5210 North Catherine Street, Class B Area Variance request to install a fence greater than 4 foot in height in the front yard setback.

Discussion:

- Board and applicant discussion of proposed fence installation into the front yard setback on the North Catherine side of the property.
- Fence to replace an 8 foot hedge which has been removed.
- Proposed 6' fencing to extend to beginning of sidewalk for privacy from neighboring home.
- Board member concern regarding setting precedence by allowance of 6 foot fencing completely into front yard setback.
- Discussion regarding dropping portion of fence to 4 foot height in the setback, stopping 6 foot panels before 20 foot front yard setback.
- Discussion regarding possibility of having the first 8 foot of setback to be 4 foot high fencing, the remaining amount of fencing to be 6 foot in height.

Public Comment:

Carol Klepper, city resident: Questions how tall shed is in the rear yard of property owner. Question regarding neighboring property, how far is the sidewalk is from his home's front entry steps; expresses concern for privacy of applicant.

MOTION:

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

IN REGARD TO APPEAL #2283, AFTER EXAMINING THE SHORT ENVIRONMENTAL FORM, THAT WE FIND NO OR LITTLE ADVERSE ENVIRONMENTAL IMPACT AND THAT THE BOARD CHAIR MAY MARK NO OR LITTLE ENVIRONMENTAL IMPACT ON QUESTIONS 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2283, MOTION TO APPROVE AN APPROXIMATELY 42 FOOT FENCE, OF WHICH APPROXIMATELY 20 FEET EXCEEDS THE ALLOWED 4 FOOT HEIGHT REQUIREMENT BY BEING 6 FOOT IN HEIGHT TO MATCH THE ALLOWED 6 FOOT HEIGHT AREA.

ALL IN FAVOR: 2

OPPOSED: 3

MOTION DENIED

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2283-A, MOTION TO APPROVE 4 FOOT HIGH FENCING IN THE FIRST 8 FEET OF THE 20 FOOT FRONT YARD SETBACK WITH THE REMAINING 12 FEET TO BE ALLOWED TO HAVE FENCING RISE TO 6 FEET IN HEIGHT TO MATCH THE REMAINING 22 FEET OF 6 FOOT HIGH FENCING.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fourth** item heard is appeal #2284, Nellie Bonville, 22 Hillcrest Avenue, special use permit request to create a hair salon home business in an R1 Zoning District.

Discussion:

- Board and applicant discussion of proposed home occupation hair salon.
- Application should not have been a special use permit. Area variance is appropriate application for this situation. Would be deficient in parking area for a home occupation.
- Code requires additional parking to allow maneuvering, even though existing driveway is long and can fit more than one vehicle.
- Discussion regarding whether hair salon business is a qualified home occupation.

Public Comment: None heard; agenda item tabled for 1 month.

MOTION:

By: R. Nolland, seconded by: K. Porter

MOTION THAT THE ZONING BOARD OF APPEALS PERFORM AN ADMINISTRATIVE REVIEW OF THE DECISION OF THE BUILDING INSPECTOR TO CLAIIFY WHETHER OR NOT APPEAL #2284 PROPOSED USE MEETS THE QUALIFICATIONS FOR A HOME OCCUPATION

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fifth** item heard is appeal #2285, Nellie Bonville, 22 Hillcrest Avenue, Class B area variance request to place a shed closer than 5 feet from property line.

Discussion:

- Board and applicant discussion of location of shed to property line.
- Concern regarding shed being on property line and possibly slightly over property line.
- Applicant had problem finding anyone with appropriate equipment to move shed into rear yard away from property line.

Public Comment:

Carol Klepper, city resident: Obviously shed is on property line. Perhaps postpone appeal until applicant can find someone to move the shed away from the property line.

MOTION:

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

IN REGARD TO APPEAL #2285, NELLIE BONVILLE 22 HILLCREST AVENUE, CLASS B AREA VARIANCE TO PLACE SHED CLOSER THAN 5 FEET FROM PROPERTY LINE, MOTION TO POSTPONE FOR UP TO 2 MONTHS.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **sixth** item heard is appeal #2286, Christopher Buskey, 76 Park Avenue, , Class B area variance request to install a pool closer than 5 feet from the principal structure on the lot.

Discussion:

- Board and applicant discussion of location of pool to home and how it ended up in this location during installation.
- Discussion regarding proximity of pool to electrical conduit for pool pump and grounding.

Public Comment:

Carol Klepper, city resident: Seems pool installing company should have been aware of conduit proximity issue.

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2286, MOTION THAT WE FIND LITTLE TO NO ENVIRONMENTAL IMPACT AND THE CHAIR MAY CHECK ITEMS 1-11 ON THE SHORT ENVIRONMENTAL ASSESSMENT FORM TO SHOW NO OR SMALL IMPACT MAY OCCUR AND SIGN

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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

IN REGARD TO APPEAL #2286, MOTION TO APPROVE REQUEST TO INSTALL A POOL CLOSER THAN 5 FEET FROM THE PRINCIPAL STRUCTURE ON THE LOT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

OPEN PUBLIC COMMENT:

Board allowance to Carol Klepper, city resident, to speak on a matter not on tonight's agenda. Ms. Klepper speaks to her concerns relating to the upcoming proposal to remove off street parking by the City of Plattsburgh Common Council. She has concerns about how removing off street parking would negatively affect the center city in regard to cars parking on green space and illegal overpopulation of housing.

MOTION:

By: K. Porter, seconded by E. Jent

MOTION TO APPROVE JUNE, 21, 2021 MINUTES WITH CORRECTION TO ADD ELIZABETH JENT AS BEING PRESENT

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

Motion to Adjourn:

By: K. Porter, seconded by E. Jent

Adjourned at 8:24 PM

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Lisa Beebie
Secretary
Zoning Board of Appeals

ZONING BOARD OF APPEALS

JULY 19, 2021 MEETING OF ZONING BOARD OF APPEALS

MINUTES

Present: Chairman Scott DeMane, Ron Nolland, Kellie Porter, Elizabeth Jent, P.J. Whitbeck
Joseph McMahon, Building Inspector
James Welch, Housing Code Inspector

Absent: Meghan Weeden

Also present: James Latinville
Don Verkey
Steven and Cindy Fregeau
Nellie Bonville
Christopher and Sarah Buskey

Mr. DeMane called the meeting to order at 7:02 PM.

Appreciation expressed to Mr. Ron Nolland for his numerous years of service as Chairperson. Introduction of Mr. Scott DeMane as newly appointed chairperson.

APPEAL	APPLICANT	REQUEST
2281	MARGARET STREET PROPERTIES, LLC 244 MARGARET STREET	SPECIAL USE PERMIT REQUEST TO CHANGE USE FROM BEAUTY SALON TO APARTMENT
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2286	CHRISTOPHER BUSKEY 76 PARK AVENUE	CLASS B AREA VARIANCE REQUEST TO INSTALL A POOL CLOSER THAN 5 FEET FROM THE PRINCIPAL STRUCTURE ON LOT

The agenda will be heard in the following order:

Appeal 2281
Appeal 2282
Appeal 2283
Appeal 2284
Appeal 2285
Appeal 2286

The **first** item heard is appeal #2281, Margaret Street Properties, LLC, Special Use Permit request to change use from beauty salon to apartment.

Discussion:

- Board and applicant discussion of proposed change of use from beauty salon to apartment.
- 1000 sq.ft. space 1 bedroom apartment proposal reduces amount of parking, adding 3 parking spaces to lot.

Public Comment: None

MOTION:

By: R. Nolland, seconded by K. Porter

AFTER EXAMINING THE FULL ENVIRONMENTAL ASSESMENT FORM FOR APPEAL #2281 WE FIND NO ADVERSE ENVIRONMETAL IMPACT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: R. Nolland, seconded by E. Jent

IN REGARD TO APPEAL #2281, MOTION TO GRANT THE SPECIAL USE PERMIT FOR THE CHANGE OF USE FROM A BEAUTY SALON TO AN APARTMENT ALLOWING RESIDENTIAL USE IN THAT DISTRICT AS ALLOWED BY SPECIAL USE PERMIT

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **second** item heard is appeal #2282, Don Verkey, 47 Grace Avenue, Class B Area Variance request to install a fence greater than 4 foot in height in the front yard setback.

Discussion:

- Board and applicant discussion of proposed fence installation after removal of dying hedge.
- Proposed fencing to be 12 feet from curb, 52 ft length, 23 ft section to house.

Public Comment: None.

MOTION:

By: K. Porter, seconded by: R. Nolland

FOR APPEAL 2282, REGARDING THE SHORT ENVIRONMENTAL ASSESSMENT FORM, AFTER REVIEW IT IS FOUND THAT THERE IS LITTLE TO NO ENVIRONMENTAL IMPACT AND THE BOARD CHAIR MAY CHECK NO OR SMALL IMPACT MAY OCCUR IN EACH BOX FROM QUESTION 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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

FOR APPEAL #2282, MOTION TO APPROVE A FENCE THAT IS CURRENTLY INSTALLED REPLACING A PRE-EXISTING HEDGE THAT WAS REMOVED. THE FENCE DOES EXCEED THE ALLOWED HEIGHT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **third** item heard is appeal #2283, Steven and Theresa Fregeau, 5210 North Catherine Street, Class B Area Variance request to install a fence greater than 4 foot in height in the front yard setback.

Discussion:

- Board and applicant discussion of proposed fence installation into the front yard setback on the North Catherine side of the property.
- Fence to replace an 8 foot hedge which has been removed.
- Proposed 6' fencing to extend to beginning of sidewalk for privacy from neighboring home.
- Board member concern regarding setting precedence by allowance of 6 foot fencing completely into front yard setback.
- Discussion regarding dropping portion of fence to 4 foot height in the setback, stopping 6 foot panels before 20 foot front yard setback.
- Discussion regarding possibility of having the first 8 foot of setback to be 4 foot high fencing, the remaining amount of fencing to be 6 foot in height.

Public Comment:

Carol Klepper, city resident: Questions how tall shed is in the rear yard of property owner. Question regarding neighboring property, how far is the sidewalk is from his home's front entry steps; expresses concern for privacy of applicant.

MOTION:

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

IN REGARD TO APPEAL #2283, AFTER EXAMINING THE SHORT ENVIRONMENTAL FORM, THAT WE FIND NO OR LITTLE ADVERSE ENVIRONMENTAL IMPACT AND THAT THE BOARD CHAIR MAY MARK NO OR LITTLE ENVIRONMENTAL IMPACT ON QUESTIONS 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2283, MOTION TO APPROVE AN APPROXIMATELY 42 FOOT FENCE, OF WHICH APPROXIMATELY 20 FEET EXCEEDS THE ALLOWED 4 FOOT HEIGHT REQUIREMENT BY BEING 6 FOOT IN HEIGHT TO MATCH THE ALLOWED 6 FOOT HEIGHT AREA.

ALL IN FAVOR: 2

OPPOSED: 3

MOTION DENIED

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2283-A, MOTION TO APPROVE 4 FOOT HIGH FENCING IN THE FIRST 8 FEET OF THE 20 FOOT FRONT YARD SETBACK WITH THE REMAINING 12 FEET TO BE ALLOWED TO HAVE FENCING RISE TO 6 FEET IN HEIGHT TO MATCH THE REMAINING 22 FEET OF 6 FOOT HIGH FENCING.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fourth** item heard is appeal #2284, Nellie Bonville, 22 Hillcrest Avenue, special use permit request to create a hair salon home business in an R1 Zoning District.

Discussion:

- Board and applicant discussion of proposed home occupation hair salon.
- Application should not have been a special use permit. Area variance is appropriate application for this situation. Would be deficient in parking area for a home occupation.
- Code requires additional parking to allow maneuvering, even though existing driveway is long and can fit more than one vehicle.
- Discussion regarding whether hair salon business is a qualified home occupation.

Public Comment: None heard; agenda item tabled for 1 month.

MOTION:

By: R. Nolland, seconded by: K. Porter

MOTION THAT THE ZONING BOARD OF APPEALS PERFORM AN ADMINISTRATIVE REVIEW OF THE DECISION OF THE BUILDING INSPECTOR TO CLAIIFY WHETHER OR NOT APPEAL #2284 PROPOSED USE MEETS THE QUALIFICATIONS FOR A HOME OCCUPATION

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fifth** item heard is appeal #2285, Nellie Bonville, 22 Hillcrest Avenue, Class B area variance request to place a shed closer than 5 feet from property line.

Discussion:

- Board and applicant discussion of location of shed to property line.
- Concern regarding shed being on property line and possibly slightly over property line.
- Applicant had problem finding anyone with appropriate equipment to move shed into rear yard away from property line.

Public Comment:

Carol Klepper, city resident: Obviously shed is on property line. Perhaps postpone appeal until applicant can find someone to move the shed away from the property line.

MOTION:

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

IN REGARD TO APPEAL #2285, NELLIE BONVILLE 22 HILLCREST AVENUE, CLASS B AREA VARIANCE TO PLACE SHED CLOSER THAN 5 FEET FROM PROPERTY LINE, MOTION TO POSTPONE FOR UP TO 2 MONTHS.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **sixth** item heard is appeal #2286, Christopher Buskey, 76 Park Avenue, , Class B area variance request to install a pool closer than 5 feet from the principal structure on the lot.

Discussion:

- Board and applicant discussion of location of pool to home and how it ended up in this location during installation.
- Discussion regarding proximity of pool to electrical conduit for pool pump and grounding.

Public Comment:

Carol Klepper, city resident: Seems pool installing company should have been aware of conduit proximity issue.

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2286, MOTION THAT WE FIND LITTLE TO NO ENVIRONMENTAL IMPACT AND THE CHAIR MAY CHECK ITEMS 1-11 ON THE SHORT ENVIRONMENTAL ASSESSMENT FORM TO SHOW NO OR SMALL IMPACT MAY OCCUR AND SIGN

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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

IN REGARD TO APPEAL #2286, MOTION TO APPROVE REQUEST TO INSTALL A POOL CLOSER THAN 5 FEET FROM THE PRINCIPAL STRUCTURE ON THE LOT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

OPEN PUBLIC COMMENT:

Board allowance to Carol Klepper, city resident, to speak on a matter not on tonight's agenda. Ms. Klepper speaks to her concerns relating to the upcoming proposal to remove off street parking by the City of Plattsburgh Common Council. She has concerns about how removing off street parking would negatively affect the center city in regard to cars parking on green space and illegal overpopulation of housing.

MOTION:

By: K. Porter, seconded by E. Jent

MOTION TO APPROVE JUNE, 21, 2021 MINUTES WITH CORRECTION TO ADD ELIZABETH JENT AS BEING PRESENT

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

Motion to Adjourn:

By: K. Porter, seconded by E. Jent

Adjourned at 8:24 PM

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Lisa Beebie
Secretary
Zoning Board of Appeals

ZONING BOARD OF APPEALS

JULY 19, 2021 MEETING OF ZONING BOARD OF APPEALS

MINUTES

Present: Chairman Scott DeMane, Ron Nolland, Kellie Porter, Elizabeth Jent, P.J. Whitbeck
Joseph McMahon, Building Inspector
James Welch, Housing Code Inspector

Absent: Meghan Weeden

Also present: James Latinville
Don Verkey
Steven and Cindy Fregeau
Nellie Bonville
Christopher and Sarah Buskey

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Discussion:

- Board and applicant discussion of proposed change of use from beauty salon to apartment.
- 1000 sq.ft. space 1 bedroom apartment proposal reduces amount of parking, adding 3 parking spaces to lot.

Public Comment: None

MOTION:

By: R. Nolland, seconded by K. Porter

AFTER EXAMINING THE FULL ENVIRONMENTAL ASSESMENT FORM FOR APPEAL #2281 WE FIND NO ADVERSE ENVIRONMETAL IMPACT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: R. Nolland, seconded by E. Jent

IN REGARD TO APPEAL #2281, MOTION TO GRANT THE SPECIAL USE PERMIT FOR THE CHANGE OF USE FROM A BEAUTY SALON TO AN APARTMENT ALLOWING RESIDENTIAL USE IN THAT DISTRICT AS ALLOWED BY SPECIAL USE PERMIT

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **second** item heard is appeal #2282, Don Verkey, 47 Grace Avenue, Class B Area Variance request to install a fence greater than 4 foot in height in the front yard setback.

Discussion:

- Board and applicant discussion of proposed fence installation after removal of dying hedge.
- Proposed fencing to be 12 feet from curb, 52 ft length, 23 ft section to house.

Public Comment: None.

MOTION:

By: K. Porter, seconded by: R. Nolland

FOR APPEAL 2282, REGARDING THE SHORT ENVIRONMENTAL ASSESSMENT FORM, AFTER REVIEW IT IS FOUND THAT THERE IS LITTLE TO NO ENVIRONMENTAL IMPACT AND THE BOARD CHAIR MAY CHECK NO OR SMALL IMPACT MAY OCCUR IN EACH BOX FROM QUESTION 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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

FOR APPEAL #2282, MOTION TO APPROVE A FENCE THAT IS CURRENTLY INSTALLED REPLACING A PRE-EXISTING HEDGE THAT WAS REMOVED. THE FENCE DOES EXCEED THE ALLOWED HEIGHT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **third** item heard is appeal #2283, Steven and Theresa Fregeau, 5210 North Catherine Street, Class B Area Variance request to install a fence greater than 4 foot in height in the front yard setback.

Discussion:

- Board and applicant discussion of proposed fence installation into the front yard setback on the North Catherine side of the property.
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Public Comment:

Carol Klepper, city resident: Questions how tall shed is in the rear yard of property owner. Question regarding neighboring property, how far is the sidewalk is from his home's front entry steps; expresses concern for privacy of applicant.

MOTION:

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

IN REGARD TO APPEAL #2283, AFTER EXAMINING THE SHORT ENVIRONMENTAL FORM, THAT WE FIND NO OR LITTLE ADVERSE ENVIRONMENTAL IMPACT AND THAT THE BOARD CHAIR MAY MARK NO OR LITTLE ENVIRONMENTAL IMPACT ON QUESTIONS 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2283, MOTION TO APPROVE AN APPROXIMATELY 42 FOOT FENCE, OF WHICH APPROXIMATELY 20 FEET EXCEEDS THE ALLOWED 4 FOOT HEIGHT REQUIREMENT BY BEING 6 FOOT IN HEIGHT TO MATCH THE ALLOWED 6 FOOT HEIGHT AREA.

ALL IN FAVOR: 2

OPPOSED: 3

MOTION DENIED

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2283-A, MOTION TO APPROVE 4 FOOT HIGH FENCING IN THE FIRST 8 FEET OF THE 20 FOOT FRONT YARD SETBACK WITH THE REMAINING 12 FEET TO BE ALLOWED TO HAVE FENCING RISE TO 6 FEET IN HEIGHT TO MATCH THE REMAINING 22 FEET OF 6 FOOT HIGH FENCING.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fourth** item heard is appeal #2284, Nellie Bonville, 22 Hillcrest Avenue, special use permit request to create a hair salon home business in an R1 Zoning District.

Discussion:

- Board and applicant discussion of proposed home occupation hair salon.
- Application should not have been a special use permit. Area variance is appropriate application for this situation. Would be deficient in parking area for a home occupation.
- Code requires additional parking to allow maneuvering, even though existing driveway is long and can fit more than one vehicle.
- Discussion regarding whether hair salon business is a qualified home occupation.

Public Comment: None heard; agenda item tabled for 1 month.

MOTION:

By: R. Nolland, seconded by: K. Porter

MOTION THAT THE ZONING BOARD OF APPEALS PERFORM AN ADMINISTRATIVE REVIEW OF THE DECISION OF THE BUILDING INSPECTOR TO CLAIIFY WHETHER OR NOT APPEAL #2284 PROPOSED USE MEETS THE QUALIFICATIONS FOR A HOME OCCUPATION

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fifth** item heard is appeal #2285, Nellie Bonville, 22 Hillcrest Avenue, Class B area variance request to place a shed closer than 5 feet from property line.

Discussion:

- Board and applicant discussion of location of shed to property line.
- Concern regarding shed being on property line and possibly slightly over property line.
- Applicant had problem finding anyone with appropriate equipment to move shed into rear yard away from property line.

Public Comment:

Carol Klepper, city resident: Obviously shed is on property line. Perhaps postpone appeal until applicant can find someone to move the shed away from the property line.

MOTION:

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

IN REGARD TO APPEAL #2285, NELLIE BONVILLE 22 HILLCREST AVENUE, CLASS B AREA VARIANCE TO PLACE SHED CLOSER THAN 5 FEET FROM PROPERTY LINE, MOTION TO POSTPONE FOR UP TO 2 MONTHS.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **sixth** item heard is appeal #2286, Christopher Buskey, 76 Park Avenue, , Class B area variance request to install a pool closer than 5 feet from the principal structure on the lot.

Discussion:

- Board and applicant discussion of location of pool to home and how it ended up in this location during installation.
- Discussion regarding proximity of pool to electrical conduit for pool pump and grounding.

Public Comment:

Carol Klepper, city resident: Seems pool installing company should have been aware of conduit proximity issue.

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2286, MOTION THAT WE FIND LITTLE TO NO ENVIRONMENTAL IMPACT AND THE CHAIR MAY CHECK ITEMS 1-11 ON THE SHORT ENVIRONMENTAL ASSESSMENT FORM TO SHOW NO OR SMALL IMPACT MAY OCCUR AND SIGN

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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

IN REGARD TO APPEAL #2286, MOTION TO APPROVE REQUEST TO INSTALL A POOL CLOSER THAN 5 FEET FROM THE PRINCIPAL STRUCTURE ON THE LOT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

OPEN PUBLIC COMMENT:

Board allowance to Carol Klepper, city resident, to speak on a matter not on tonight's agenda. Ms. Klepper speaks to her concerns relating to the upcoming proposal to remove off street parking by the City of Plattsburgh Common Council. She has concerns about how removing off street parking would negatively affect the center city in regard to cars parking on green space and illegal overpopulation of housing.

MOTION:

By: K. Porter, seconded by E. Jent

MOTION TO APPROVE JUNE, 21, 2021 MINUTES WITH CORRECTION TO ADD ELIZABETH JENT AS BEING PRESENT

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

Motion to Adjourn:

By: K. Porter, seconded by E. Jent

Adjourned at 8:24 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

ZONING BOARD OF APPEALS

JULY 19, 2021 MEETING OF ZONING BOARD OF APPEALS

MINUTES

Present: Chairman Scott DeMane, Ron Nolland, Kellie Porter, Elizabeth Jent, P.J. Whitbeck
Joseph McMahon, Building Inspector
James Welch, Housing Code Inspector

Absent: Meghan Weeden

Also present: James Latinville
Don Verkey
Steven and Cindy Fregeau
Nellie Bonville
Christopher and Sarah Buskey

Mr. DeMane called the meeting to order at 7:02 PM.

Appreciation expressed to Mr. Ron Nolland for his numerous years of service as Chairperson. Introduction of Mr. Scott DeMane as newly appointed chairperson.

APPEAL	APPLICANT	REQUEST
2281	MARGARET STREET PROPERTIES, LLC 244 MARGARET STREET	SPECIAL USE PERMIT REQUEST TO CHANGE USE FROM BEAUTY SALON TO APARTMENT
2282	DON VERKEY 47 GRACE AVENUE	CLASS B AREA VARIANCE REQUEST TO INSTALL A FENCE GREATER THAN 4 FOOT IN HEIGHT IN FRONT YARD SETBACK
2283	STEVEN AND THERESA FREGEAU 5210 NORTH CATHERINE STREET	CLASS B AREA VARIANCE REQUEST TO INSTALL A FENCE GREATER THAN 4 FOOT IN HEIGHT IN FRONT YARD SETBACK
2284	NELLIE BONVILLE 22 HILLCREST AVENUE	SPECIAL USE PERMIT REQUEST TO CREATE A HAIR SALON HOME BUSINESS IN AN R1 ZONING DISTRICT
2285	NELLIE BONVILLE 22 HILLCREST AVENUE	CLASS B AREA VARIANCE REQUEST TO PLACE A SHED CLOSER THAN 5 FEET FROM PROPERTY LINE
2286	CHRISTOPHER BUSKEY 76 PARK AVENUE	CLASS B AREA VARIANCE REQUEST TO INSTALL A POOL CLOSER THAN 5 FEET FROM THE PRINCIPAL STRUCTURE ON LOT

The agenda will be heard in the following order:

Appeal 2281
Appeal 2282
Appeal 2283
Appeal 2284
Appeal 2285
Appeal 2286

The **first** item heard is appeal #2281, Margaret Street Properties, LLC, Special Use Permit request to change use from beauty salon to apartment.

Discussion:

- Board and applicant discussion of proposed change of use from beauty salon to apartment.
- 1000 sq.ft. space 1 bedroom apartment proposal reduces amount of parking, adding 3 parking spaces to lot.

Public Comment: None

MOTION:

By: R. Nolland, seconded by K. Porter

AFTER EXAMINING THE FULL ENVIRONMENTAL ASSESMENT FORM FOR APPEAL #2281 WE FIND NO ADVERSE ENVIRONMETAL IMPACT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: R. Nolland, seconded by E. Jent

IN REGARD TO APPEAL #2281, MOTION TO GRANT THE SPECIAL USE PERMIT FOR THE CHANGE OF USE FROM A BEAUTY SALON TO AN APARTMENT ALLOWING RESIDENTIAL USE IN THAT DISTRICT AS ALLOWED BY SPECIAL USE PERMIT

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **second** item heard is appeal #2282, Don Verkey, 47 Grace Avenue, Class B Area Variance request to install a fence greater than 4 foot in height in the front yard setback.

Discussion:

- Board and applicant discussion of proposed fence installation after removal of dying hedge.
- Proposed fencing to be 12 feet from curb, 52 ft length, 23 ft section to house.

Public Comment: None.

MOTION:

By: K. Porter, seconded by: R. Nolland

FOR APPEAL 2282, REGARDING THE SHORT ENVIRONMENTAL ASSESSMENT FORM, AFTER REVIEW IT IS FOUND THAT THERE IS LITTLE TO NO ENVIRONMENTAL IMPACT AND THE BOARD CHAIR MAY CHECK NO OR SMALL IMPACT MAY OCCUR IN EACH BOX FROM QUESTION 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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

FOR APPEAL #2282, MOTION TO APPROVE A FENCE THAT IS CURRENTLY INSTALLED REPLACING A PRE-EXISTING HEDGE THAT WAS REMOVED. THE FENCE DOES EXCEED THE ALLOWED HEIGHT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **third** item heard is appeal #2283, Steven and Theresa Fregeau, 5210 North Catherine Street, Class B Area Variance request to install a fence greater than 4 foot in height in the front yard setback.

Discussion:

- Board and applicant discussion of proposed fence installation into the front yard setback on the North Catherine side of the property.
- Fence to replace an 8 foot hedge which has been removed.
- Proposed 6' fencing to extend to beginning of sidewalk for privacy from neighboring home.
- Board member concern regarding setting precedence by allowance of 6 foot fencing completely into front yard setback.
- Discussion regarding dropping portion of fence to 4 foot height in the setback, stopping 6 foot panels before 20 foot front yard setback.
- Discussion regarding possibility of having the first 8 foot of setback to be 4 foot high fencing, the remaining amount of fencing to be 6 foot in height.

Public Comment:

Carol Klepper, city resident: Questions how tall shed is in the rear yard of property owner. Question regarding neighboring property, how far is the sidewalk is from his home's front entry steps; expresses concern for privacy of applicant.

MOTION:

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

IN REGARD TO APPEAL #2283, AFTER EXAMINING THE SHORT ENVIRONMENTAL FORM, THAT WE FIND NO OR LITTLE ADVERSE ENVIRONMENTAL IMPACT AND THAT THE BOARD CHAIR MAY MARK NO OR LITTLE ENVIRONMENTAL IMPACT ON QUESTIONS 1-11 AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: R. Nolland, seconded by: E. Jent

IN REGARD TO APPEAL #2283, MOTION TO APPROVE AN APPROXIMATELY 42 FOOT FENCE, OF WHICH APPROXIMATELY 20 FEET EXCEEDS THE ALLOWED 4 FOOT HEIGHT REQUIREMENT BY BEING 6 FOOT IN HEIGHT TO MATCH THE ALLOWED 6 FOOT HEIGHT AREA.

ALL IN FAVOR: 2

OPPOSED: 3

MOTION DENIED

MOTION:

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ALL IN FAVOR: 5

OPPOSED: 0

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Discussion:

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- Application should not have been a special use permit. Area variance is appropriate application for this situation. Would be deficient in parking area for a home occupation.
- Code requires additional parking to allow maneuvering, even though existing driveway is long and can fit more than one vehicle.
- Discussion regarding whether hair salon business is a qualified home occupation.

Public Comment: None heard; agenda item tabled for 1 month.

MOTION:

By: R. Nolland, seconded by: K. Porter

MOTION THAT THE ZONING BOARD OF APPEALS PERFORM AN ADMINISTRATIVE REVIEW OF THE DECISION OF THE BUILDING INSPECTOR TO CLAIIFY WHETHER OR NOT APPEAL #2284 PROPOSED USE MEETS THE QUALIFICATIONS FOR A HOME OCCUPATION

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OPPOSED: 0

MOTION PASSED

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Public Comment:

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MOTION:

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IN REGARD TO APPEAL #2285, NELLIE BONVILLE 22 HILLCREST AVENUE, CLASS B AREA VARIANCE TO PLACE SHED CLOSER THAN 5 FEET FROM PROPERTY LINE, MOTION TO POSTPONE FOR UP TO 2 MONTHS.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **sixth** item heard is appeal #2286, Christopher Buskey, 76 Park Avenue, , Class B area variance request to install a pool closer than 5 feet from the principal structure on the lot.

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ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

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IN REGARD TO APPEAL #2286, MOTION TO APPROVE REQUEST TO INSTALL A POOL CLOSER THAN 5 FEET FROM THE PRINCIPAL STRUCTURE ON THE LOT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

OPEN PUBLIC COMMENT:

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OPPOSED: 0

MOTION PASSED

Motion to Adjourn:

By: K. Porter, seconded by E. Jent

Adjourned at 8:24 PM

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