

ZONING BOARD OF APPEALS

FEBRUARY 14, 2022 MEETING OF ZONING BOARD OF APPEALS

MINUTES

**Present:** Chairman Scott DeMane, Kellie Porter, Meghan Weeden, Elizabeth Jent, Justin Stearns  
Joseph McMahon, Building Inspector  
James Welch, Housing Code Inspector

**Absent:** P.J. Whitbeck

**Also present:** Julieta A. Hood  
Stephanie Boswell-Davies  
Shawn Davies

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

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
2309	JULIETA A. HOOD 104 MONTCALM AVENUE	SPECIAL USE PERMIT REQUEST TO TO CONVERT PREVIOUSLY EXISTING GROCERY STORE TO A DRESS ALTERATION SEAMSTRESS SERVICE BUSINESS
2310	STEPHANIE BOSWELL-DAVIES 78 BROAD STREET	CLASS A USE VARIANCE REQUEST TO INCREASE OCCUPANCY TO GREATER THAN 4 UNRELATED INDIVIDUALS RESIDING IN A 5- BEDROOM RESIDENCE IN A RH ZONED DISTRICT

The agenda will be heard in the following order:  
Appeal 2309  
Appeal 2310

The **first** item heard is appeal 2309, Special Use Permit request to convert a previously existing grocery store to a dress alteration seamstress service business.

**Discussion:**

- Applicant and board discussion regarding proposed change of use.
- Proposed use is allowable via special use permitting.
- Ms. Hood submitted a building permit application to create smaller interior usable space.
- Use as a small seamstress shop would create less vehicle traffic than previous use as a grocery store.

*Public Comment: None.*

*MOTION:*

By: M. Weeden, seconded by: J. Stearns

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

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

*MOTION:*

By: M. Weeden, seconded by: K. Porter

*MOTION TO APPROVE APPEAL #2309, JULIETA HOOD, 104 MONTCALM AVENUE, SPECIAL USE PERMIT TO CONVERT THE CURRENT GROCERY STORE SECTION OF THE BUILDING INTO AN ALTERATION SERVICE*

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **second** item heard is appeal 2310, Class A Use Variance request to increase occupancy to greater than 4 unrelated individuals residing in a 5-bedroom residence in a RH zoned district.

**Discussion:**

- Applicant and board discussion regarding proposed change of use.
- Proposed use is not an allowable use in RH zoned district.
- Applicant purchased home not knowing current zoning requirements regarding number of occupants allowable.
- Applicant has done many improvements to the property. Applicant states one less occupant would incur a significant negative economic impact.
- Board discussion regarding property listing as a single family home.
- Board and applicant discussion and review of Class A Use Variance criteria (lack of reasonable return, hardship is unique to property, change in essential character of neighborhood, hardship has not been self-created).
- Discussion of alternate allowable uses for 78 Broad Street property in RH zoning district.

*Public Comment:*

*Anne Whitmore Hansen, Plattsburgh College Foundation Executive Director: Submitted written opposition comment.*  
*Alexander Enyedi, Ph.D., State University of New York at Plattsburgh, President: Submitted written opposition comment.*

*Written public comments submitted into record and attached to minutes.*

**MOTION:**

By: M. Weeden, seconded by: K. Porter

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

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

*MOTION:*

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

*MOTION TO APPROVE APPEAL #2310 CLASS A USE VARIANCE REQUEST TO INCREASE THE OCCUPANCY TO FIVE STUDENTS IN THE HOME*

ALL IN FAVOR: 0

OPPOSED: 5

MOTION DENIED

*MOTION:*

By: M. Weeden, seconded by E. Jent

*MOTION TO APPROVE JANUARY 18, 2022 MINUTES AS WRITTEN*

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

Motion to Adjourn:

By: M. Weeden, seconded by K. Porter

Adjourned at 7:40 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



101 Broad Street  
Plattsburgh, NY 12901-2681  
Toll: 800-964-1889  
giving@plattsburgh.edu

February 10, 2022

Joseph McMahon  
Building Inspector  
Building & Zoning Dept  
41 City Hall Place  
Plattsburgh, NY 12901

Dear Mr. McMahon,

The Plattsburgh College Foundation is a supporting organization of SUNY Plattsburgh. As an owner of a property within 500 feet of 78 Broad Street, we are responding in regards to the Notice of Public Hearing – February 14, 2022 for the Class A Use Variance (Appeal 2310) at 78 Broad Street, Plattsburgh, NY. We are also responding in order to express the concerns of SUNY Plattsburgh, the organization served by the Plattsburgh College Foundation, regarding the requested variance.

The Plattsburgh College Foundation and SUNY Plattsburgh object to the granting of a variance which would permit the increase of unrelated individuals at 78 Broad Street. Increasing the number of unrelated individuals living in the residence will not be supportive of the wellbeing of the individuals who live within 78 Broad Street and increase potential risks to their health and safety.

We object to the request for relief of the Zoning Ordinance via a Class A Use Variance at 78 Broad Street and submit, for the consideration of the Zoning Board of Appeals, the enclosed specific concerns of SUNY Plattsburgh. Thank you.

Sincerely,

Anne Whitmore Hansen  
Executive Director

Enclosure

STATE UNIVERSITY OF NEW YORK  
**PLATTSBURGH**

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February 10, 2022

Joseph McMahon  
Building Inspector  
Building & Zoning Dept  
41 City Hall Place  
Plattsburgh, NY 12901

**OFFICE OF THE PRESIDENT**  
159 HAWKINS HALL

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Dear Mr. McMahon,

SUNY Plattsburgh supports the objection of the Plattsburgh College Foundation to the request for relief of the Zoning Ordinance via a Class A Use Variance at 78 Broad Street for the following reasons:

City Zoning restrictions are in place to protect the city, renters and community members from situations where too many people are living in residences designed for smaller numbers of occupants. The primary purpose of zoning restrictions is to protect the health, safety and general wellbeing of residents and neighbors living within a community.

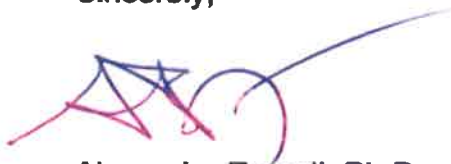
Since many of SUNY Plattsburgh students live in off-campus housing and the college has an obligation to do all we can to ensure their wellbeing while they are enrolled at SUNY Plattsburgh, we oppose the granting of this variance to increase the occupancy level of unrelated individuals residing in 78 Broad Street or any rental unit within the city.

Our major concern relates to the increase in risks related to fire and the ability of a larger number of residents to exit a residence in the event of an emergency. This risk of loss of life is very significant and should be of utmost concern to the Zoning Board of Appeals.

In addition, the approval of a variance for the property at 78 Broad Street will set a precedent, thus encouraging other applications from other property owners to increase the occupancy of unrelated individuals at other rental properties within the city.

Thank you for considering our concerns related to the health, safety and wellbeing of SUNY Plattsburgh students and all residents living within the city.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alexander Enyedi', with a long, sweeping flourish extending to the right.

Alexander Enyedi, Ph.D.  
President