

ZONING BOARD OF APPEALS

AUGUST 19, 2019 MEETING MINUTES

**Present:** Chairman Ron Nolland, Scott DeMane, Meghan Weeden  
Joseph McMahon, Building Inspector  
Kyle Burdo, Housing Code Inspector

**Absent:** Kellie Porter, Kathleen Insley, Steve Sullivan

**Also Present:** James J. Allard  
Aaron J. Ovios, representing B&E & JKN LLC  
Aaron J. Ovios, representing George Barnett  
Daniel Liegel  
Wendy Howard  
Eric Libensperger  
Darlene Eddy  
Jesse Feiler  
Matthew Miller, Director of Community Development, City of Plattsburgh  
Gail Henderson King, White and Burke

Mr. Nolland called the meeting to order at 7:01 PM. The following items were on the agenda.

<b>APPEAL</b>	<b>APPLICANT</b>	<b>REQUEST</b>
2209	JAMES J. ALLARD 3 SARATOGA COURT	CLASS B AREA VARIANCE REPLACE AND WIDEN DRIVEWAY TO 19 FEET
2210	B&E & JKN LLC 3 PINE STREET	CLASS B AREA VARIANCE DEVELOPMENT OF ADDITION TO EXISTING BUILDING THAT IS WITHIN 3 FEET FROM PROPERTY LINE
2211	GEORGE BARNETT 5057 SOUTH CATHERINE STREET	CLASS B AREA VARIANCE REQUEST FOR 6 FOOT FENCING IN THE FRONT YARD TO MATCH EXISTING 6 FOOT FENCING
2212	DANIEL LIEGEL 70 LAFAYETTE STREET	CLASS B AREA VARIANCE REQUEST TO REBUILD GARAGE USING EXISTING FOOTPRINT

2213	WENDY R. HOWARD 32 GRACE AVENUE	CLASS B AREA VARIANCE REQUEST TO INSTALL 6 FOOT FENCING AROUND BACK AND NORTH SIDE OF PROPERTY
2214	ERIC LIBENSBERGER 26 LYNDE STREET	SPECIAL USE PERMIT REQUEST TO INSTALL A 4' X 4' PERGOLA, 7 FEET IN HEIGHT, AS PART OF NEW 4 FOOT FENCING TO ENCLOSE BACK YARD
2215	DARLENE EDDY 28 MACDONOUGH STREET	CLASS B AREA VARIANCE REQUEST TO INSTALL A PREBUILT 14' X 20' STORAGE SHED AT THE NORTHEAST REAR OF PROPERTY
2202	CITY OF PLATTSBURGH 22 DURKEE STREET	SPECIAL USE PERMIT ZBA REVIEW OF AMENDED PROPOSED PLANNED UNIT DEVELOPMENT

The agenda will be heard in the order as stated.

Mr. Nolland explained that a full board is 5 members and that only 3 are in attendance. Any motion to be carried requires 3 positive votes. Applicants were given the option to postpone and await a 5-member board, or to proceed with a 3-member board. The board also reserves the right to postpone on their behalf.

The **first** item heard was Appeal # 2209 James J. Allard, 3 Saratoga Court, for a class B area variance to replace and widen driveway to 19 feet.

Board and applicant discussion of proposed driveway project.

Public Comment: None.

MOTION:

By: S. DeMane, seconded by M. Weeden

FOR APPEAL #2209, AFTER REVIEW OF PART 1, IN PART 2 MAY BE CHECKED NO OR SMALL IMPACT MAY OCCUR, AND AS A RESULT OF THAT, IN PART 3, THE CHAIR MAY CHECK THE BOX SAYING THAT BASED ON THE INFORMATION, THIS WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

MOTION:

By: S. DeMane, seconded by M. Weeden

FOR APPEAL #2209, JAMES J. ALLARD, 3 SARATOGA COURT, TO ALLOW HIM TO WIDEN HIS DRIVEWAY TO 19 FEET, WHEN 12 IS THE ALLOWED AMOUNT, NOTING THAT THE PROPERTY IS 96 FEET WIDE, AND IF IT WERE 4 FEET WIDER HE WOULD BE ALLOWED EVEN MORE.

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

The **second** item heard was Appeal #2210, B&E & JKN LLC, 3 Pine Street, for a class B area variance for development of addition to existing building that is within 3 feet from property line.

Board and applicant's representative, Aaron Ovios, engineer of project, discussion of proposed addition and setbacks.

Clinton County Planning Board decision is that this is a local issue, no comments.

Public Comment: None.

MOTION:

By: S. DeMane, seconded by M. Weeden

FOR APPEAL #2210, IN REGARD TO THE SHORT ENVIRONMENTAL ASSESSMENT FORM, AFTER REVIEW OF PART 1, QUESTIONS 1-11, PART 2 MAY BE CHECKED NO OR SMALL IMPACT MAY OCCUR, AND AS A RESULT, THE CHAIR MAY CHECK THE BOX IN PART 3 THAT SAYS, BASED ON THE INFORMATION, THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT.

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

MOTION:

By: S. DeMane, seconded by M. Weeden

FOR APPEAL #2210, B&E & JKN LLC, FOR VARIANCE OF SIDE SETBACK AT 3 PINE STREET (ALSO KNOWN AS WARREN TIRE), THAT THEY ARE ALLOWED TO CONSTRUCT AN ADDITION WITHIN 3 FEET OF THE PROPERTY LINE THAT VIOLATES THE 0 OR MINIMUM 12 FEET SETBACK ON THE NORTH AND THE EAST SIDE OF THAT ADDITION.

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

The **third** item heard was Appeal #2211, George Barnett, 5057 South Catherine Street, class B area variance request for 6 foot fencing in the front yard to match existing 6 foot fencing.

Board and applicant's representative, Aaron Ovios, engineer of project, discuss location of 6 foot fencing.

Public Comment: None.

MOTION:

By: S. DeMane, seconded by M. Weeden

FOR APPEAL #2211, GEORGE BARNETT, 5057 SOUTH CATHERINE STREET, IN REGARD TO THE SHORT ENVIRONMENTAL ASSESSMENT FORM, AFTER REVIEW OF PART 1, QUESTIONS 1-11, PART 2, MAY BE CHECKED NO OR SMALL IMPACT MAY OCCUR, AND AS A RESULT, AFTER REVIEW, THE CHAIR MAY CHECK THE BOX IN PART 3 THAT SAYS, BASED ON THE INFORMATION THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT.

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

MOTION:

By: S. DeMane, seconded by M. Weeden

FOR APPEAL #2211, GEORGE BARNETT, 5057 SOUTH CATHERINE STREET, TO ERECT A 6 FOOT FENCE PLUS OR MINUS MATCHING WHAT IS THERE WITHIN 12 FEET OF THE PROPERTY LINE ALONG THE EAST SIDE OF THE PROPERTY AND THEN TURNING WEST ON THE SOUTH SIDE OF THE PROPERTY FOR THE ADDITIONAL 8 FEET.

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

The **fourth** item heard was appeal #2212, Daniel Liegel, 70 Lafayette Street, class B area variance to rebuild garage using existing footprint.

Board and applicant discussion of proposed garage plans.

Public Comment: None.

MOTION:

By: S. DeMane, seconded by M. Weeden

FOR APPEAL #2212, DANIEL LIEGEL, 70 LAFAYETTE STREET, IN REGARD TO THE SHORT ENVIRONMENTAL ASSESSMENT FORM, AFTER REVIEW OF PART 1, QUESTIONS 1-11 IN PART 2 MAY BE CHECKED NO OR SMALL ENVIRONMENTAL IMPACT MAY OCCUR, AND AS A RESULT OF THIS, THE CHAIRMAN MAY CHECK IN PART 3 THIS WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT.

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

MOTION:

By: S. DeMane, seconded by M. Weeden

FOR APPEAL #2212, DANIEL LIEGEL, 70 LAFAYETTE STREET, TO RECONSTRUCT HIS GARAGE AS SHOWN IN THE PLAN, ESSENTIALLY WITHIN THE FOOTPRINT THAT HE HAS NOW, AND SLIGHTLY SMALLER.

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

The **fifth** item heard was appeal #2213, Wendy Howard, 32 Grace Avenue, class B area variance to install 6 foot fencing around back and north side of property.

Board member discussion regarding placement of fencing from property lines.

Public Comment: None.

MOTION:

By: S. DeMane, seconded by M. Weeden

FOR APPEAL #2213, WENDY R. HOWARD, 32 GRACE AVENUE, AFTER REVIEW OF PART 1, WE DETERMINE THERE IS NO SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECT AS A RESULT OF THIS PROJECT.

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

MOTION:

By: S. DeMane, seconded by M. Weeden

FOR APPEAL # 2213, WENDY R. HOWARD, 32 GRACE AVENUE, TO INSTALL A 6 FOOT FENCE IN THE FRONT YARD SETBACK TO BE FROM THE BACK CORNER OF THE HOUSE TO THE SOUTHEAST CORNER OF THE HOUSE OVER TO THE PROPERTY LINE AND GOING EASTWARD TO THE PROPERTY LINE AND THEN BACK THE 25 FEET IN THE FRONT YARD SETBACK ALONG THE EASTERN SIDE.

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

The **Sixth** item heard was appeal #2214, Eric Libensperger, special use permit to install a 4' x 4' pergola, 7 feet in height, as part of a new 4 foot fencing to enclose back yard.

Public comment: None.

MOTION:

By: S. DeMane, seconded by M. Weeden

FOR APPEAL #2214, ERIC LIBENSPERGER, 26 LYNDE STREET, WITH RESPECT TO THE FULL ENVIRONMENTAL ASSESSMENT FORM, AFTER CHECKING ALL THE APPROPRIATE BOXES AND REVIEW, THIS PROJECT WILL NOT RESULT IN ANY ADVERSE ENVIRONMENTAL IMPACT.

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

MOTION:

By: S. DeMane, seconded by M. Weeden

FOR APPEAL #2214, ERIC LIBENSPERGER, 26 LYNDE STREET, TO INSTALL A PERGOLA ARBOR 7 FEET TALL AS SHOWN IN THE PLANS AS MADE PART OF THE PACKAGE.

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

The **seventh** item heard was #2215, Darlene Eddy, 28 Macdonough Street, class B area variance to install a prebuilt 14' x 20' storage shed at the northeast rear of property

Board member discussion regarding lot coverage. Prebuilt shed has been placed on property. Allowable lot coverage is 30%, after placing shed on property, this causes a lot coverage of 34%.

Public comment:

Jesse Feiler, resident of 32 Macdonough Street, spoke of concerns that this shed does not fit into the neighborhood. He states the hand-drawn sketch provided by Ms. Eddy is misleading and not to scale, making the shed look smaller than it is in reality. Mr. Feiler spoke in opposition of city residents building structures without first obtaining a building permit.

MOTION:

By: S. DeMane, seconded by M. Weeden

MOTION FOR APPEAL #2215, DARLENE EDDY, 28 MACDONOUGH STREET, TO POSTPONE FOR UP TO 2 MONTHS, OR UNTIL A FULL VOTING BOARD IS AVAILABLE, ON THE BOARD'S BEHALF SO AS THE APPLICANT MAY HAVE ACCESS TO A FULL VOTING BOARD.

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

The **eighth** item heard was appeal #2202, City of Plattsburgh, special use permit to establish an amended planned unit development for development of Durkee Street Parking Lot.

No action is to be taken this evening by the Zoning Board of Appeals, as the Generic Environmental Impact Statement (GEIS) has not been completed by the lead agency. This agenda item will be informational only at this time.

Matthew Miller, Director of Community Development and Gail Henderson King, representing White and Burke, present information regarding the proposed planned unit development at 22 Durkee Street.

Board member and applicant discussion of proposed planned unit development project.

Motion to Adjourn:

By: S. DeMane, seconded by M. Weeden

Adjourned at 8:52 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 and for a more detailed discussion, see the recording.

Lisa Beebie  
Secretary  
Zoning Board of Appeals