



Planning Board Minutes

Monday, February 28, 2022

6:00 PM

(Work Session at 5:30pm)

Common Council Chambers

41 City Hall Place

Plattsburgh, NY 12901

Optional Zoom Link: <https://zoom.us/j/98044675140>
Zoom Phone Number: 1-646-558-8656
Zoom Meeting ID: 980 4467 5140

Pledge of Allegiance

Welcome New Members

Roll Call: James A. Abdallah (Chair), Rick Perry, Reg Carter, Curt Gervich, Loretta Rietsema, Abby Meuser-Herr (Alternate), Tom Cosgro (Alternate)

Staff Present: Shelise Marbut (Planning Assistant), Barbara Brister (Senior Clerk)

Excused:

A. Monthly Project Review

1. PB# 2021-13, 127 Court Street Historic Site Review **{TABLED}**

Project Description: Request to apply vinyl siding to a historic building in the Court Street Historic District. Zoned RH; Tax Map Parcel ID #207.18-5-16

Applicant: Hilzack Properties, LLC

Plan Preparer: Hilzack Properties, LLC

- Applicant in attendance via Zoom. Applicant has no new information to present;

Discussion:

- Shelise Marbut recapped the history of the application which included the applicants views/responses, quotes received, SHPO responses, etc.
- Shelise Marbut presented a report answering questions submitted by the applicant. The report summarized the history of vinyl siding requests, by Court Street homeowners, since

2014. Findings were that, of the 6 properties questioned by applicant, no approvals for vinyl siding were approved.

Applicant read email sent to Shelise Marbut on 2/27. The letter read as follows:

Good Morning

Regarding those items stated below. Studying the results of these previous applications (where some applicant's applied, some installed without approval), I cannot see any mandated requests for architectural or engineered drawings within any permit requiring of blueprints or drawings. Further, there is no mention of corner-edging meeting in any of the applications which was required at the last Planning Board meeting. Standard installation of siding requires standard and familiar j-channel. Previous Photos were provided initially and subsequent meetings should be adequate examples of the siding process. We provided color copies and photos that include specific areas where siding is to be applied and indicate no unusual, dynamic, or specific sections requiring anything but typical installation. Therefore, the siding will be trimmed with attractive modified j-channel according to my request as previous photos indicate and concurrent with the Board's previous discussions performance of which is White, triple-3 siding that is identical to that presently on the building. We wish to preserve the building in the closest form to its original grandeur and maintain the structural integrity and historical identity.

We understand Planning Board concerns since our initial meeting on June 28, 2021 but find the scrutiny of this project troubling and render the possibility of specific enforcement. While understanding SHPO's indication that "...it is generally recommended..." to which Board members in the previous two meetings indicate that SHPO is implying the decision is up to local agencies for interpretation. Local interpretation a main concern of the Planning Board to apply reason and logic to the subject property. It is our wish that you consider this and allow us to correct this concern.

Thank you

Hilzack Properties, LLC
James N. Latinville, Member

- Curt Gervich cited all the reasons that supported the non-approval of applying vinyl siding to historic buildings which included: City Ordinance; Public Comment; National Park?; SHPO recommendations; . Curt Gervich noted that the City Attorney advised to "use flexibility sparingly" as any decisions made can set a precedent.

A. Motion to disapprove application 2021-13B.

Moved By: Curt Gervich Seconded By: Reg Carter

Roll Call: Rick Perry, Reg Carter, Curt Gervich, Loretta Rietsema, Jim Abdallah

ACTION TAKEN: Adopted Defeated Withdrawn Tabled

1. PB# 22-02, 115 Court Street Historic Site Review

Project Description: Request to perform a series of restorations including roof replacement, in-kind structural repairs to porches, and in-kind repairs to trim and detailing to a contributing historic building in the Court Street Historic District. Zoned RH; Tax Map Parcel ID #207.19-5-18

Applicant: Sharon Santry

Plan Preparer: Sharon Santry

Applicant present at meeting

- A. M
- B. Motion to adopt SEQRA resolution 22-02A

Moved By: Curt Gervich Seconded By: Jim Abdallah

Roll Call: Rick Perry, Reg Carter, Curt Gervich, Loretta Rietsema, Jim Abdallah

ACTION TAKEN: Adopted Defeated Withdrawn Tabled

- C. Motion to adopt project resolution 22-02B.

Moved By: Jim Abdallah Seconded By: Reg Carter

Discussion: It is noted that the alternative roofing is approved in accordance with the recommendation from SHPO where slate is deteriorated to point of replacement with alternative faux presented by applicant; and in light of the scope of work as represented within the application on page 7 of Exhibit 1 of the application; it is noted other work may arise including the garage/carriage house structure and fence that may be outside the original application as determined by the Building Inspector and may require future referrals to the Planning Board.

Roll Call: Rick Perry, Reg Carter, Curt Gervich, Loretta Rietsema, Jim Abdallah

ACTION TAKEN: Adopted Defeated Withdrawn Tabled

2. PB# 22-03, Latour Subdivision

Project Description: Request for a boundary line adjustment (two-lot split/merge subdivision) separating approximately .1 acre from Tax Map Parcel 221.11-2-8 to be merged with Tax Map Parcel 221.11-2-9. Located at 43 Waterhouse Street; Zoned R1; Tax Map Parcel ID #221.11-2-8.

Applicant: Rickey & Karen Latour

Plan Preparer: Dean Lashway, L.S., P.C.

- A. Motion to adopt resolution 22-03 to classify the project as a minor subdivision and approve the sketch subdivision plan.

Moved By: Jim Abdallah Seconded By: Curt Gervich

Discussion: Clarification that there is a garage in front of the building at 30 Hartwell in consideration of parking in the front yard setback.

Roll Call: Rick Perry, Reg Carter, Curt Gervich, Loretta Rietsema, Jim Abdallah

ACTION TAKEN: Adopted Defeated Withdrawn Tabled

3. PB# 22-04, Frontier Property Management Subdivision

Project Description: Request for a minor subdivision of Tax Map Parcel ID # 207.74-2-22 creating an approximately .12 acre new buildable lot to be retained and an approximately .12 acre lot with existing improvements to be sold. Buildable lot to be merged with parcels 207.74-2-23 and 207.74-2-21. Located at 30 Brinkerhoff Street. Zoned C. Tax Map Parcel ID # 207.74-2-22. Area variance needed.

Applicant: Frontier Property Management

Plan Preparer: Dean Lashway, L.S., P.C.

- B. Motion to adopt resolution 22-04 to classify the project as a minor subdivision and approve the sketch subdivision plan.

Moved By: Jim Abdallah Seconded By: Curt Gervich

Discussion:

- 1) The application will present further mapping of buildings, utilities, right of ways as necessary to define the property.
- 2) All deed rights to the property being subdivided and merged to be defined by a draft description to the Planning Board and to be reviewed by the City Attorney.
- 3) The applicant will provide due diligence and research on all egress and access rights to any adjacent properties and/or buildings and reflect those rights on the plan.

Roll Call: Rick Perry, Reg Carter, Curt Gervich, Loretta Rietsema, Jim Abdallah

ACTION TAKEN: Adopted Defeated Withdrawn Tabled

B. Other Business

- A. Status Updates by Staff (if applicable)
- B. AARCH Follow Up
- C. By-Laws

C. Adjournment

James A. Abdallah, Chairperson



CITY OF PLATTSBURGH

PLANNING BOARD

COMMUNITY DEVELOPMENT OFFICE

March 7, 2022

James Latinville
Hilzack Properties, LLC
P.O. Box 1044
Plattsburgh, NY 12901

RE: 127 Court Street Vinyl Historic Site Review
Planning Board Historic Site Review Meeting

Dear Mr. Latinville:

At the regular meeting held February 28, 2022, the City of Plattsburgh Planning Board reviewed your application to apply vinyl siding over existing wood clapboard siding at 127 Court Street within the Court Street Historic District.

We regret to inform you that the board denied your application. In making their determination, the board cited the following findings:

- The City ordinance prioritizes in-kind replacement.
- Public comments suggest the proposed vinyl replacement is not appropriate.
- Guidance from the National Park Service states the proposed vinyl replacement is not appropriate.
- The State Historic Preservation Office presents two alternatives and suggests that the material within the application is not appropriate.
- In the past, the board has only approved in-kind replacement on structures that are contributing to the historic district such as this one; the board has previously denied requests for vinyl siding on contributing structures.
- The City Attorney advises the board to use their flexibility in review of the code as sparingly and minimally as possible and, given the nature of this request, approval would set a precedent that may lead to many more requests for the same flexibility from the standards for review within the Zoning Code.
- The interpretation in this case is not a site-specific one, but one that many homes in the historic district face and an exception in this case would cascade to many other homes, setting a precedent. It is a major new interpretation, not a sparing one as the City Attorney describes, and a major change like this should not be performed by an unelected board interpreting a code, but rather through a democratic process not performed at this board level.
- The board has requested additional engineering and architectural plans from the applicant which have not been provided.

Moved By: Curt Gervich Seconded By: Reg Carter
Roll Call: Affirmative: Curt Gervich, Reg Carter, Jim Abdallah
 Negative: Rick Perry, Loretta Rietsema

ACTION: Adopted Defeated Withdrawn Tabled

Upon your request, each member of the board stated the basis for their vote. The following summary of their comments is provided:

Curt Gervich (Aye):

- Restates reasons cited in motion for denial.

Richard Perry (Nay):

- Mr. Perry states he cannot find the term 'in-kind replacement' within the Historic Site Review section of the City Code.
- Mr. Perry states that all of the guidance provided within the City Code, SHPO, Secretary of the Interior's Standards for the Treatment of Historic Properties, National Parks Service, etc... is *guidance* and not a mandate or requirement.
- Mr. Perry believes it is up to each member of the Planning Board to use their discretion to rationally interpret the regulations and guidelines as individuals.
- Mr. Perry states he believes that national guidance may not apply to local resources.
- Mr. Perry states he believes the priority is preservation of the structure and prefers this option over letting the structure deteriorate.

Reginald Carter (Aye):

- Mr. Carter states that he believes this building is important and is significant to the historic district and should be protected accordingly.
- Mr. Carter states that he believes the application of vinyl siding will detract from the historical significance of the building and district and what the community is trying to preserve within the district.
- Mr. Carter states that the community has identified historic resources as important, including maintaining historical accuracy, style, and design of the building, and this is of critical importance for the community not to lose.

Loretta Rietsema (Nay):

- Ms. Rietsema states she does not understand why vinyl has a "bad rap."
- Ms. Rietsema states the building will appear the same with vinyl siding and should be considered "like for like."
- Ms. Rietsema believes the board should support homeowners who want to invest in their homes and maintain structural integrity and cost should be a consideration.

James Abdallah (Aye):

- Mr. Abdallah states that during his tenure on the Planning Board, many questions have arisen regarding the historic districts, but the same answers typically come back: these are recognized historic districts and properties and we have an ordinance that is very well centered around in-kind replacement and preservation.
- Mr. Abdallah states that his review of the federal standards center around in-kind replacement of existing materials, existing architectural features, maintaining and not replacing except when absolutely necessary, and our ordinance goes one step further in stating that when something is to be replaced, it should match in composition, design, color, texture, and other visual qualities.

- Mr. Abdallah states that staff has provided support in reviewing the history of the board's past review and the properties referenced within the application as having vinyl siding. There was nothing found with a contributing building by this board or a supporting building permit to place vinyl siding on a contributing building.
- Mr. Abdallah states this board has made a past decision on a non-contributing building to approve vinyl siding specifically conditioned upon the building being a non-contributing building.
- Mr. Abdallah states the board also considered a similar application for vinyl siding within the past 1-2 years and sent the applicant back to a position where the applicant did not consider the application any further for vinyl siding and included much of the same board membership as exists today.
- Mr. Abdallah states the board has conducted numerous reviews with the State Historic Preservation Office over the past several years and in the many communication, Mr. Abdallah does not recall an application where the board has not concurred with or considered professionally the opinion of SHPO. On this application, the SHPO recommendation was that "vinyl siding is generally not an appropriate replacement siding material."
- Mr. Abdallah states that he suggests the public become involved in the process of reviewing and reforming the comprehensive plan if we want to allow applicants to maintain these properties as they want to maintain them to result in different guidance within the ordinance.

The following sections of the City of Plattsburgh Zoning Code provide additional information regarding the denial of status of an application that you may find useful. If you need any assistance or have any questions or concerns, please contact the Community Development Office via email at planning@cityofplattsburgh-ny.gov or by phone at (518) 563-7642.

§ 360-56 K. Resubmissions. Where an application is denied by vote of the Board, the same, or substantially the same, application may not be filed until one year after the date of such denial. In cases where the appeal or application is withdrawn by the applicant after public notice of hearing, but before a decision by the Board, the same, or substantially the same, application may not be filed until 90 days after the date of withdrawal.

§ 360-57 A. Grievance procedure. Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals or any officer, department, board or bureau of the City may apply to the Supreme Court for relief by a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York, and, provided such proceeding is commenced within 30 calendar days of filing the decision in the office of the Building Inspector.

Respectfully,



Shelise Marbut
Planning Assistant

pc: Joe McMahon, Building Inspector, (w/o encl.)

Resolution No. 22-02A

Motioned by: Curt Gervich

WHEREAS, the City of Plattsburgh's Planning Board has before it a project known as:

115 Court Street: Request to perform a series of restorations including roof replacement, in-kind structural repairs to porches, and in-kind repairs to trim and detailing to a contributing historic building in the Court Street Historic District. Zoned RH; Tax Map Parcel ID #207.19-5-18. Applicant: Sharon Santry. Plan Preparer: Sharon Santry

SEQR DETERMINATION; and

WHEREAS, Part 617 of the Environmental Conservation Law - "State Environmental Quality Review Act" (SEQRA), provides for the review of any "ACTION" to determine the effect of the action on the environment, along with any related administrative procedures for the implementation, authorization or approval of the action; and

WHEREAS, said Part 617 of the Environmental Conservation Law provides for an involved agency to review any action for the purpose of determining the effect of the action on the environment; and

WHEREAS, public comment opportunity was provided in consideration of this Project on February 28, 2022; and

WHEREAS, the City's Community Development Office received and reviewed the Historic Site Review application, supplemental documentation, and SEQRA Part 1 Short EAF; and

WHEREAS, the City's Planning Board reviewed the information filed with the application for the Project, including but not limited to the EAF Part 1 and additional information provided to supplement and clarify the same; and

WHEREAS, the City's Planning Board conducted a detailed and comprehensive environmental review of the Project to determine whether there was a significant impact which would require the preparation of a Draft Environmental Impact Statement (DEIS);

Now, therefore, be it

RESOLVED, that the City's Planning Board does hereby determine that the project is an Unlisted ACTION in accordance with said Environmental Review procedures and a coordinated review will not be done; and, be it further

RESOLVED, that the City's Planning Board acting as the "Lead Agency" in a SEQRA Review does hereby receive and place on file the Historic Site Review applications, supplemental documentation, completed EAF and other related material submitted; and, be it further

RESOLVED, that the City Planning Board has reviewed the Community Development Office's recommendations and supplemental documents referenced above and does hereby find and determine that the Project does not:

- a) involve a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, solid waste production, potential for erosion, flooding or drainage problems;
- b) involve the removal or destruction of large quantities of vegetation or the interference with plant or animal life or impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of plant or animal, or the habitat area of such species, or other significant adverse impacts to natural resources,
- c) conflict with the City's current plans or goals for the area where the project is located
- d) impair the character or quality of the neighborhood;
- e) represent a major change in the use of energy;
- f) create any hazards to human health;
- g) represent a substantial change in the use of the land;
- h) significantly increase the number of people who would come to the site absent such development; or
- i) impair the environmental characteristics of the area; and, *it is further*

RESOLVED, that the City Planning Board of the City of Plattsburgh after review of the said Historic Site Review application, completed EAF, and related materials does hereby determine as "Lead Agency" for the SEQRA Review process that the "Project" will not have a significant effect on the environment. Therefore, the preparation of a DEIS is not required; and, be it further

RESOLVED, that the City Planning Board does hereby declare that the Project and environmental review process considered for the development does adequately and sufficiently satisfy the requirements of the State Environmental Quality Review Act for the Project; and be it further

RESOLVED, that a copy of this resolution be forwarded to other involved agencies who may be reviewing the Project for their records and files, and that the attached negative declaration be filed accordingly.

RESOLVED, that the Planning Board of the City of Plattsburgh does hereby authorize and direct the Chairman of the Planning Board to have prepared and to execute a "Notice of No

Significant Environmental Impact" (NEGATIVE DECLARATION) for this "Project"; and, be it further

RESOLVED, that the "Notice of No Significant Impact" (NEGATIVE DECLARATION) shall be disseminated to those involved Agencies and Governmental Units as required by said Environmental Conservation and Local Law of the City of Plattsburgh and all related material shall be maintained on file at the City Hall Offices of the Planning Board and available for Public Inspection.

Seconded By: Jim Abdallah

Discussion & Conditions (Not Verbatim):

None

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Roll Call:				
Jim Abdallah	X			
Rick Perry	X			
Reg Carter	X			
Curt Gervich,	X			
Loretta Rietsema	X			

Carried: 5-0-0

Resolution No. 22-02B

Motion by: Jim Abdallah

WHEREAS, the City Planning Board has received and reviewed a request for Planning Board approval of a historic site modification for:

115 Court Street: Request to perform a series of restorations including roof replacement, in-kind structural repairs to porches, and in-kind repairs to trim and detailing to a contributing historic building in the Court Street Historic District. Zoned RH; Tax Map Parcel ID #207.19-5-18. Applicant: Sharon Santry. Plan Preparer: Sharon Santry

; **HISTORIC SITE REVIEW**; and

WHEREAS, the site is in the Court St. Historic District and is subject to historic site review per Zoning Code Section 360-32; and

WHEREAS, the historic site review application and associated materials have been reviewed by the City's Public Works, Building Inspector, Environmental Services, Emergency Services and Municipal Lighting Departments who did not have any additional comment; and

WHEREAS, the historic site review application and related materials have been reviewed by the City's Community Development Office which has submitted a staff report dated February 28, 2022 to the Planning Board for the Planning Board's consideration; and

WHEREAS, public hearing for the said project was held on February 28, 2022 in accordance with the City of Plattsburgh's *Zoning Code* Section 360-56; and now, therefore be it

RESOLVED, that the City of Plattsburgh Planning Board does hereby:

- A. Receive and place on file the said Community Development Office's staff report dated February 28, 2022; and
- B. Concur with the said items and recommendations contained in the said Community Development Office's staff report dated February 28, 2022; and be it further

RESOLVED, that unless otherwise extended by the Planning Board this historic site review decision shall expire upon the following occurrences:

- A. The applicant fails to undertake the proposed action or project; and be it further

RESOLVED, that the Planning Board does hereby establish the following additional conditions of approval:

- A. Subject to the project complying with all Permit requirements; and

- B. Subject to the applicant complying with any requirements of the Planning Board noted in the Planning Board Resolution discussion; and

RESOLVED, that upon the applicant completing all of the above requirements the City's Community Development Office is hereby authorized to transmit one copy of the executed Historic Site Review Approval notice to the applicant and a copy to the City's Building Inspector informing him that the application and supporting materials are in compliance with the City's Planning Board requirements, including any comments noted within the "Discussion" below;

Seconded By: Reg Carter

Discussion & Conditions (Not Verbatim):

It is noted that the alternative roofing is approved in accordance with the recommendation from SHPO where slate is deteriorated to point of replacement with alternative faux presented by applicant; and in light of the scope of work as represented within the application on page 7 of Exhibit 1 of the application; it is noted other work may arise including the garage/carriage house structure and fence that may be outside the original application as determined by the Building Inspector and may require future referrals to the Planning Board.

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Jim Abdallah	X			
Rick Perry	X			
Reg Carter	X			
Curt Gervich,	X			
Loretta Rietsema	X			

Carried: 5-0-0

Resolution No. 22-03

Motion by: James Abdallah

WHEREAS, the City Planning Board has received and reviewed a Sketch Plan Application, Sketch Plan, and supplemental materials for:

LATOUR SUBDIVISION 2022

Request for a boundary line adjustment (two-lot split/merge subdivision) separating approximately .1 acre from Tax Map Parcel 221.11-2-8 to be merged with Tax Map Parcel 221.11-2-9. Located at 43 Waterhouse Street; Zoned R1; Tax Map Parcel ID #221.11-2-8. **Applicant:** Rickey & Karen Latour. **Plan Preparer:** Dean Lashway, L.S., P.C.

MINOR SUBDIVISION SKETCH PLAN REVIEW

WHEREAS, Part 617 of the Environmental Conservation Law - "State Environmental Quality Review Act" (SEQRA), provides for the review of any "ACTION" to determine the effect of the action on the environment, along with any related administrative procedures for the implementation, authorization or approval of the action; and

WHEREAS, said Part 617 of the Environmental Conservation Law provides for an involved agency to review any action for the purpose of determining the effect of said action on the environment; and

WHEREAS, said determination of the effect of said action on the environment will be necessary to determine whether a Draft Environmental Impact Statement (DEIS) is required; and

WHEREAS, the City's Planning Board is considered an involved agency in accordance with State and Local Laws for the purpose of assessing the effect of this "Project" on the environment and whether or not said effect is significant enough to warrant the preparation of a DEIS; and

RESOLVED, that the City of Plattsburgh Planning Board after a review of the said application, sketch plan, EAF and recommended checklist items does hereby determine that the proposed project is as checked below:

- An action involving a Federal Agency - A final EIS for the action has been duly prepared under the National Environmental Policy Act of 1969 and a findings statement pursuant to NYS Environmental Law Part 617.11 will be prepared by the Town's Planning Board.
- Type I Action - a coordinated review is being conducted by the City of Plattsburgh Common Council and GEIS prepared for SEQR determination
- Type II Action - no further environmental review is necessary;
- Unlisted Action:

RESOLVED, that the City of Plattsburgh Planning Board, after a review of the said sketch plan application, sketch plan documents and recommended checklist of items submitted with related materials, does hereby:

- A. Determine this to project to be classified as a minor subdivision per Zoning Code Article II Section 300-5; and
- B. Receive and place on file the subdivision checklist and review comments of the City of Plattsburgh's subdivision application completed by the Community Development Office on February 28, 2022; and
- C. Concur and accept the findings and recommendations contained therein; and
- D. Require that the applicant have her/his licensed land surveyor and/or professional engineer submit four (4) paper copies and one (1) digital copy of a Detailed Preliminary Subdivision Map and Plans in accordance with the subdivision regulations and checklist items as recommended by the City Community Development Office and as shown on the checklist; and
- E. Require that the applicant submit all required permits, applications, drawings, and all other materials as indicated on said checklist; and, be it further

RESOLVED, that the said Detailed Preliminary map, plans and related materials as listed above shall be submitted to the City Planning & Community Development Department three (3) weeks prior to the Planning Board Meeting at which time the above said map, plan and related materials are to be considered.

Seconded By: Curt Gervich

Discussion & Conditions (Not Verbatim):

Clarification that there is a garage in front of the building at 30 Hartwell in consideration of parking in the front yard setback.

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Roll Call:			
Jim Abdallah	X		
Rick Perry	X		
Reg Carter	X		
Curt Gervich	X		
Loretta Rietsema	X		

Carried: 5-0-0

Resolution No. 22-04

Motion by: James Abdallah

WHEREAS, the City Planning Board has received and reviewed a Sketch Plan Application, Sketch Plan, and supplemental materials for:

Frontier Property Management Subdivision 2022

Request for a minor subdivision of Tax Map Parcel ID # 207.74-2-22 creating an approximately .12 acre new buildable lot to be retained and an approximately .12 acre lot with existing improvements to be sold. Buildable lot to be merged with parcels 207.74-2-23 and 207.74-2-21. Located at 30 Brinkerhoff Street. Zoned C. Tax Map Parcel ID # 207.74-2-22. Area variance needed. **Applicant:** Frontier Property Management **Plan Preparer:** Dean Lashway, L.S., P.C.

MINOR SUBDIVISION SKETCH PLAN REVIEW

WHEREAS, Part 617 of the Environmental Conservation Law - "State Environmental Quality Review Act" (SEQRA), provides for the review of any "ACTION" to determine the effect of the action on the environment, along with any related administrative procedures for the implementation, authorization or approval of the action; and

WHEREAS, said Part 617 of the Environmental Conservation Law provides for an involved agency to review any action for the purpose of determining the effect of said action on the environment; and

WHEREAS, said determination of the effect of said action on the environment will be necessary to determine whether a Draft Environmental Impact Statement (DEIS) is required; and

WHEREAS, the City's Planning Board is considered an involved agency in accordance with State and Local Laws for the purpose of assessing the effect of this "Project" on the environment and whether or not said effect is significant enough to warrant the preparation of a DEIS; and

RESOLVED, that the City of Plattsburgh Planning Board after a review of the said application, sketch plan, EAF and recommended checklist items does hereby determine that the proposed project is as checked below:

- An action involving a Federal Agency - A final EIS for the action has been duly prepared under the National Environmental Policy Act of 1969 and a findings statement pursuant to NYS Environmental Law Part 617.11 will be prepared by the Town's Planning Board.
- Type I Action - a coordinated review is being conducted by the City of Plattsburgh Common Council and GEIS prepared for SEQR determination
- Type II Action - no further environmental review is necessary;
- Unlisted Action:

RESOLVED, that the City of Plattsburgh Planning Board, after a review of the said sketch plan application, sketch plan documents and recommended checklist of items submitted with related materials, does hereby:

- A. Determine this to project to be classified as a minor subdivision per Zoning Code Article II Section 300-5; and
- B. Receive and place on file the subdivision checklist and review comments of the City of Plattsburgh's subdivision application completed by the Community Development Office on February 28, 2022; and
- C. Concur and accept the findings and recommendations contained therein; and
- D. Require that the applicant have her/his licensed land surveyor and/or professional engineer submit twelve (12) paper copies and one (1) digital copy of a Detailed Preliminary Subdivision Map and Plans in accordance with the subdivision regulations and checklist items as recommended by the City Community Development Office and as shown on the checklist; and
- E. Require that the applicant submit all required permits, applications, drawings, and all other materials as indicated on said checklist; and, be it further

RESOLVED, that the said Detailed Preliminary map, plans and related materials as listed above shall be submitted to the City Planning & Community Development Department three (3) weeks prior to the Planning Board Meeting at which time the above said map, plan and related materials are to be considered.

Seconded By: Curt Gervich

Discussion & Conditions (Not Verbatim):

- 1) The application will present further mapping of buildings, utilities, right of ways as necessary to define the property.
- 2) All deed rights to the property being subdivided and merged to be defined by a draft description to the Planning Board and to be reviewed by the City Attorney.
- 3) The applicant will provide due diligence and research on all egress and access rights to any adjacent properties and/or buildings and reflect those rights on the plan.

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Roll Call:			
Jim Abdallah	X		
Rick Perry	X		
Reg Carter	X		
Curt Gervich	X		
Loretta Rietsema	X		

Carried: 5-0-0