1. 7:00 P.M. Special Remote Access Statement

ZONING BOARD OF APPEALS
CITY OF PLATTSBURGH
41 CITY HALL PLACE
(518) 563-7707

Please take notice that a special meeting of the City of Plattsburgh Zoning Board of Appeals will take place via a videoconference on Monday, April 6th, 2020 beginning at 7:00 p.m. and will be preceded by a preliminary meeting/work session at 6:30 p.m. that will also take place via a videoconference and which will be held for the purpose of reviewing applications before the Zoning Board of Appeals. This meeting will take the place of the postponed March regular meeting of the Zoning Board of Appeals. The meeting will not be held at City Hall, access to which is presently restricted.

Pursuant to Governor Cuomo's Executive Order 202.1, the public will have the ability to view and/or listen to the proceedings, the meeting will be recorded, and a transcription will be made available to the public at a later date. Videoconferencing will be utilized for board members, City support staff, and applicants to attend the meeting remotely. Members of the public will not be permitted to take part in the videoconference but may view the meeting live on the City of Plattsburgh's YouTube channel at: https://www.youtube.com/channel/UC7H36PiuYNJJkZpczbLvCbw. In-person attendance of the meeting will not be permitted.

For those items subject to a public hearing, written public comment must be received no later than 12:00 p.m. on April 6th. Upon closure of the public hearing, the board may hold the record open for written comments on the application to be received no later than 12:00 p.m. on April 13th. All written comments must be emailed to cityinfo@plattsburghcitygov.com and must include "Zoning Board of Appeals Comment 4/6/2020" in the Subject line of the email.

2. 7:00 P.M. Agenda For The March 16, 2020 Meeting Of The Zoning Board Of Appeals

Documents:

ZBA 3.16.20.DOC

2.I. 7:00 PM Appeal 2198 - 61 Beekman St - Class B

Documents:

2198 APP CLASS B 61 BEEKMAN ST.PDF

2.II. 7:00 PM Appeal 2199 - 61 Beekman St - SUP

Documents:

2199 APP SUP 61 BEEKMAN ST.PDF
2198-2199 SITE PLAN 61 BEEKMAN ST.PDF

2.III. 7:00 PM Appeal 2232 - 22 Durkee St - SUP

Documents:

2232 APP.PDF
2232 PH COMMENT RESPONSES.PDF
PUB COMMENT 4.6.20 - DURKEE SUPPORT.PDF
PUB COMMENT 4.6.20 - PAUSE NY.PDF
PUB COMMENT 4.6.20- DURKEE OPPOSITION.PDF
PUBLIC COMMENT 4.6.20- 22 DURKEE ST - ATTORNEY FULLER LETTER.PDF

2.IV. Appeal 2234 - 4994 So Catherine St - SUP

Documents:

2234 SITE PLAN 4994 SO. CATHERINE ST.PDF
2234 APP 4994 SO CATHERINE ST.PDF

2.V. Appeal 2235 - 261 So Peru St - Class B

Documents:

2235 APP 261 SO PERU ST.PDF

2.VI. Appeal 2236 - 52 US Oval - Class B

Documents:

2236 APP CLASS B 52 US OVAL.PDF

Building and Zoning Department
41 City Hall Place
Plattsburgh, NY 12901
Ph: 518-563-7707
Fax: 518-563-6426

ZONING BOARD OF APPEALS
CITY OF PLATTSBURGH
41 CITY HALL PLACE
(518) 563-7707

The Zoning Board of Appeals of the City of Plattsburgh will hold a Public Hearing on March 16, 2020 at 7:00 PM in the Common Council Chambers, City Hall, to hear:

APPEAL	APPLICANT	REQUEST
2234	STEWART'S SHOPS CORP 4994 SOUTH CATHERINE STREET	SPECIAL USE PERMIT TO ADD A 149 SQ.FT. EXTERIOR FREEZER, 688 SQ.FT. REAR BUILDING ADDITION, NEW SIDEWALK, 128 SQ.FT. SHED, RESTRIPE PARKING
2198	VILAS HOME, LLC 61 BEEKMAN STREET	CLASS B AREA VARIANCE FOR ADDITION TO EXISTING VILAS HOME
2199	VILAS HOME, LLC 61 BEEKMAN STREET	SPECIAL USE PERMIT FOR ADDITION TO EXISTING VILAS HOME
2235	BETH ANN O'NEIL 261 SOUTH PERU STREET	CLASS B AREA VARIANCE TO REPLACE CEDAR SHRUBS WITH 6 FOOT VINYL FENCING
2232	CITY OF PLATTSBURGH 22 DURKEE STREET	SPECIAL USE PERMIT TO AMEND THE BOUNDARIES OF AN EXISTING PLANNED UNIT DEVELOPMENT AND A SPECIAL USE PERMIT FOR USE OF APARTMENTS ON THE FIRST FLOOR OF A MULTI-STORY BUILDING WITHIN A PLANNED UNIT DEVELOPMENT
2236	CITY OF PLATTSBURGH 52 US OVAL	CLASS B AREA VARIANCE REQUEST FOR A 2-LOT MINOR SUBDIVISION

NOTE: THE ORDER OF THE AGENDA IS SUBJECT TO CHANGE WITHOUT NOTICE. A PRELIMINARY MEETING WILL BE HELD AT 6:30 PM IN THE BUILDING INSPECTORS OFFICE AND IS OPEN TO THE PUBLIC.

Plattsburgh, New York

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

Plattsburgh

_____ USE
CLASS A VARIANCE

✓ AREA
CLASS B VARIANCE

_____ SUP
SPECIAL USE PERMIT

Date: 11/20/20 Appeal No.: 2198

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described.

Applicant: Vilas Home, LLC

Applicant's Address: 61 Beekman St.
Plattsburgh, NY 12901

Telephone No.: (518) 334-6868

Parcel Identification: 207.18-6-38

Location of Request: 61 Beekman St

Property Owner: Vilas Home, LLC

Request Description: adding an addition to the existing Vilas Home

Zoning District: R-1

Section Appealed:

Previous Appeal: No.: Date:

Identify Applicant's Right to Apply for Variance:

Ownership: X Long Term Lease: Contract To Purchase:

Other (Please Explain):

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

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

* Eli Schwartzberg
Signature (Owner/Applicant)

Eli Schwartzberg
Print First and Last Name

Notary Public

DOUGLAS CARL SCHREIBER
Notary Public, State of New York
Reg. No. 01SC6398858
Qualified in Essex County
Commission Expires 10/07/2023

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

Building and Zoning Department
41 City Hall Place
Plattsburgh, NY 12901
Ph.: 518 563 7707
Fax: 518-563 6426

DISCOVER
Plattsburgh

Plattsburgh, New York

PROCEDURE IN APPEALING THE ZONING ORDINANCE
CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION February 21, 2020

ZONING BOARD MEETING DATE March 16, 2020

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings -	$ 50.00
Multiple Dwellings	$150.00
Commercial Properties	$150.00

All checks should be made payable to the "City Chamberlain". In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a variance from the ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to the spirit of the ordinance and do substantial justice. Financial disadvantage to the property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests, which will involve any construction, alterations, or physical change of their property. **THIRTEEN (13) copies of the entire packet including drawings, site plans and the original application are required** (we recommend the plans be approved before the THIRTEEN (13) copies are made).

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

1. Publish the request in three successive issues of the Press-Republican newspaper not less than five (5) nor more than ten (10) days before the hearings.

2. Notify, by letter, all adjoining property owners of your request

This office is responsible for implementing the above requirements.

If there are any questions, please contact this office. Thank you for your cooperation.

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

STANDARDS OF PROOF - AREA VARIANCE

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

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

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

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

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

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

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

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

C. Other Grounds for Denial:

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

STANDARDS OF PROOF - AREA VARIANCE

3. Is this hardship self-created? An area variance cannot be denied solely on the ground of self-created hardship, but is a factor to be considered.

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

Area Variances Standards

The state statues define area variances as: "the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by dimensional or physical requirements of the applicable zoning regulations."

General City Law, 81-b(1)

The state statues then go on to provide the zoning board with the standards for granting the area variances;

"(b) In making it's determination, the zoning board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(3) whether the requested area variance is substantial;

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and

(5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The board of appeals , in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community."

General City Law, 81-b(4)

Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

Please see attached responses for #'s 1-5

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

(3) Is the requested area variance substantial?

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

(5) Has the alleged difficulty been self-created?
This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

Variances

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

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

The basic standards for determining unnecessary hardship and practical difficulty have been established and refined by the courts in numerous cases.[1]

Use Variance

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

1. Uniqueness

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

2. Reasonable Return

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

3. Character

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

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

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

Area Variance

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

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

1. First, the applicant must demonstrate that the application of the zoning ordinance to his property causes significant economic injury.

2. Once the applicant has demonstrated economic injury, then the municipality must show that the regulation in question is reasonably related to a legitimate exercise of the police power.

3. Last, assuming the municipality has met its burden of proof, the applicant must demonstrate that the restrictions, as strictly applied in his case, are unrelated to the public health, safety or welfare of the community and that granting the variance will not adversely affect the community.

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

1. How substantial the variation is in relation to the requirement;

2. The potential effect of increased density on available municipal, county and state facilities and services;

3. Whether the variance will cause a substantial change in the character of the neighborhood;

4. Whether the difficulty can feasibly be mitigated by some other method; or

5. Whether the interests of justice will be served in granting the variance.

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

Summary

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

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

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

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

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

[4] Waschsberger v. Michalis, 19 Misc 2d 909 (1959).

Department of Planning

Note: This Tech Memo was prepared by the Department of Planning as an informational publication for municipal governments. It is not intended to be a legal opinion.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project: Vilas Home, LLC

Project Location (describe, and attach a location map): 61 Beekman St Plattsburgh, NY 12901

Brief Description of Proposed Action: an addition to the existing Vilas Home

Name of Applicant or Sponsor:	Telephone: (518) 334-6868
Vilas Home, LLC	E-Mail: Eli@champlainassistedliving.com

Address: 61 Beekman St.

City/PO:	State:	Zip Code:
Plattsburgh	NY	12901

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☒	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: City of Plattsburg Planning and Zoning Board	☐	☒

3.a. Total acreage of the site of the proposed action? 3.4 acres
b. Total acreage to be physically disturbed? 3.4 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 3.4 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☒	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: Closed cell insulation, high efficiency furnace efficient windows	☐	☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☐	☒	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☐	☒	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☒	☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☒ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☒	☐
16. Is the project site located in the 100 year flood plain?	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☒ NO ☐ YES	☐	☒
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☒ YES Retention areas		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☒	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Eli Schwartzberg Date: 1/20/20

Signature: ES

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

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

Plattsburgh, New York

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

Discover Plattsburgh

____ USE — CLASS A VARIANCE
____ AREA — CLASS B VARIANCE
✓ SUP — SPECIAL USE PERMIT

Date: 1/20/20 Appeal No.: 2199

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described.

Applicant: Vilas Home, LLC

Applicant's Address: 61 Beekman St.
Plattsburgh, Ny 12901

Telephone No.: (518) 334-6868

Parcel Identification: 207.18-6-38

Location of Request: 61 Beekman St, Plattsburg Ny

Property Owner: Vilas Home, LLC

Request Description: adding an addition to the existing Vilas Home

Zoning District: R-1

Section Appealed:

Previous Appeal: No.: Date:

Identify Applicant's Right to Apply for Variance:

Ownership: X Long Term Lease: Contract To Purchase:

Other (Please Explain):

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

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

* Eli Schwartzberg
Signature (Owner/Applicant)

Eli Schwartzberg
Print First and Last Name

Notary Public

DOUGLAS CARL SCHREIBER
Notary Public, State of New York
Reg. No. 01SC6398858
Qualified In Essex County
Commission Expires 10/07/2023

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

Building and Zoning Department
41 City Hall Place
Plattsburgh, New York 12901
Ph. (518) 563 7707

DISCOVER Plattsburgh

Plattsburgh, New York

PROCEDURE IN APPEALING THE ZONING ORDINANCE
SPECIAL USE PERMIT

DEADLINE FOR FILING APPLICATION February 21, 2020

ZONING BOARD MEETING DATE March 16, 2020

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings -	$100.00
Multiple Dwellings	$150.00
Commercial Properties	$150.00

All checks should be made payable to the "City Chamberlain". In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a Variance from the Ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests which will involve any construction, alterations, or physical change of their property. **Thirteen (13) copies of the application, drawings and plans are required, plus the original application.** We recommend the plans be approved before the thirteen (13) copies are made.

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

1. Publish the request in three successive issued of the Press-Republican newspaper not less than five nor more than ten days before the hearings.
2. Notify, by letter, all property owners within 500 feet of the appeal property location of your request.

This office is responsible for implementing the above requirements.

If there are any questions, please feel free to contact this office.

Thank you for your cooperation.

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

TO: All Applicants for Zoning Variance or Special Use Permit

SUBJECT: Required information for filing application

The Zoning Ordinance stipulates that the Building Inspector determine that all submittals for a Variance or Special Use Permit have adequate information (in form and content - Section 270-54A) for review by the Zoning Board of Appeals. In order to insure such information is consistently provided with each application the following information shall be required with each application:

1. **Existing Site Plan** - showing to scale the property lines, principal buildings, accessory structures, rights-of-ways as may exist and other improvements (city street and facilities abutting the site, driveways, parking areas, drainage structures, fence, etc.). Where the application is a request for the reduction of any yard setback the existing site plan shall be a survey of the property as prepared by a Licensed Land Surveyor and shall show the location of buildings on the abutting property where the yard reduction is proposed.

2. **Proposed Site Plan** - showing clearly to scale what is proposed to be constructed (and removed) under this application. The proposed improvement (s) shall be shaded, colored or contrasted in an acceptable manner to make them easily discernible. Adequately dimension the proposed improvements and indicate the setbacks as applicable.

3. **Area and Bulk Calculations** - Calculations of the lot area, lot dimensions, building area (existing/proposed), lot coverage, open space, all yard setbacks, dwelling unit density, building(s) height, parking required shall be submitted in tabulated form to show existing, proposed and required.

4. **Building Plans** - Submit schematic building plans to scale showing the existing/proposed building layout and identify clearly the existing/proposed use of all building spaces. Include elevation view(s) of proposed construction as applicable.

5. **Area Location Map** - showing all properties on each side of the street and noting the existing occupancy for each such lot on all four sides of the site. A copy of the tax map of the area marked to show the occupancy shall be sufficient for this information.

No application will be accepted after this date unless it contains all of the above information (11 sets). No application will be accepted for the agenda until all such appropriate information has first been filed with this office for a review and determination of zoning compliance/noncompliance (and such a determination has been issued to the applicant in writing).

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

STANDARDS OF PROOF- SPECIAL PERMIT

The burden of proof for a Special Permit is always on the applicant. In order for an applicant to be entitled to a Special Permit, he must satisfy the followin criteria:

1. That the proposed use will not, in the circumstances of the particular case and under any conditions that the Board of Appeals considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare. (Applicant should specify any conditions which he can satisfy in in order to establish this criterion.) The Zoning Board of Appeals should be prepared to discuss at the hearing any pertinent conditions.

2. That the proposed site plan shows the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping. (Failure to adhere to the site plan precisely as presented or as otherwise modified by order of the Planning Board or ZBA will constitute a violation of the Zoning Ordinance.)

3. That there is no violation of the Zoning Ordinance on the subject premises at the present time.

4. That the:

a. Location and size of the proposed use
b. nature and intensity of the operation involved
c. size of the site in relation to the proposed use
d. location of the site with respect to existing streets
e. location of the site with relation to future streets

are all in harmony with the orderly development of the district.

5. That the location, nature and height of

a. buildings
b. walls
c. fences

will not discourage the appropriate development and use of the adjacent lands or buildings or impair the value thereof.

6. That the operations in connection with such proposed use will not be more objectionable to nearby properties by reason of

a. noise
b. fumes
c. vibration
d. flashing lights

than would be the operations of any specifically permitted use in that zoning district (except in case of S-1 District).

If the applicant proves his compliance with each standard, he is entitled to the Special Use Permit. Conversely, if the applicant fails to address or satisfy any one or part of these standards, he is not entitled to the Special Permit.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Samuel F. Vilas Home		
Project Location (describe, and attach a general location map): 61 Beekman Street, Plattsburgh, NY 12901		
Brief Description of Proposed Action (include purpose or need): The proposed project includes an addition to the existing assisted living residence known as the Vilas Home. The existing facility is approximately 23,400 sq.ft. in size with 42 bedrooms. The addition will be approximately 63,600 sq.ft. in size and add 94 bedrooms and a primary entry to the existing structure. The total anticipated bedroom count of 136 rooms will help to fulfill a need for aging in place within the community. Associated site improvements will be made to support the building expansion.		
Name of Applicant/Sponsor: Vilas Home, LLC	Telephone: 518-334-6868 E-Mail: eli@champlainassistedliving.com	
Address: 61 Beekman Street		
City/PO: Plattsburgh	State: NY	Zip Code: 12901
Project Contact (if not same as sponsor; give name and title/role): N/A	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): N/A	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Counsel, Town Board, or Village Board of Trustees ☐Yes☑No		
b. City, Town or Village Planning Board or Commission ☑Yes☐No	City Planning Board - Site Plan Approval	February 3, 2020
c. City, Town or Village Zoning Board of Appeals ☑Yes☐No	City Zoning Board - Special Use Permit & Class B variance	February 21, 2020
d. Other local agencies ☑Yes☐No	City Building Permit	Prior to start of construction
e. County agencies ☑Yes☐No	County 239M Referral	February 24, 2020
f. Regional agencies ☐Yes☑No		
g. State agencies ☑Yes☐No	NYSDEC SPDES General Stormwater Permit	Prior to start of construction
h. Federal agencies ☐Yes☐No		

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes☑No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes☑No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
R-1 Low Density Residential

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located? City of Plattsburgh

b. What police or other public protection forces serve the project site?
City of Plattsburgh

c. Which fire protection and emergency medical services serve the project site?
City of Plattsburgh

d. What parks serve the project site?
City of Plattsburgh

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential - assisted living

b. a. Total acreage of the site of the proposed action? 3.4 acres
b. Total acreage to be physically disturbed? 3.0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 3.4 acres

c. Is the proposed action an expansion of an existing project or use? ☑ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 270% Area Units: + 94

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed?
iv. Minimum and maximum proposed lot sizes? Minimum Maximum

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
If No, anticipated period of construction: 12 months
If Yes:
- Total number of phases anticipated
- Anticipated commencement date of phase 1 (including demolition) month year
- Anticipated completion date of final phase month year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				N/A
At completion of all phases				94 assisted living units

g. Does the proposed action include new non-residential construction (including expansions)? ☑ Yes ☐ No

If Yes,

i. Total number of structures 1

ii. Dimensions (in feet) of largest proposed structure: 45 height; 123 width; and 282 length

iii. Approximate extent of building space to be heated or cooled: 63,600 + 10,000 basement square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☑ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☑ No

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☑ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes☐No
If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes☐No
If Yes:
- acres of aquatic vegetation proposed to be removed:
- acreage of aquatic vegetation remaining after project completion
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):
- proposed method of plant removal:
- if chemical/herbicide treatment will be used, specify product(s):

v. Describe any proposed reclamation/mitigation following disturbance:

c. Will the proposed action use, or create a new demand for water? ☑Yes☐No
If Yes:
i. Total anticipated water usage/demand per day: 10,000 gallons/day
ii. Will the proposed action obtain water from an existing public water supply? ☑Yes☐No
If Yes:
- Name of district or service area: City of Plattsburgh
- Does the existing public water supply have capacity to serve the proposal? ☑Yes☐No
- Is the project site in the existing district? ☑Yes☐No
- Is expansion of the district needed? ☐Yes☑No
- Do existing lines serve the project site? ☑Yes☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes☑No
If Yes:
- Describe extensions or capacity expansions proposed to serve this project:
- Source(s) of supply for the district:

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes☑No
If, Yes:
- Applicant/sponsor for new district:
- Date application submitted or anticipated:
- Proposed source(s) of supply for new district:

v. If a public water supply will not be used, describe plans to provide water supply for the project:
N/A

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☑Yes☐No
If Yes:
i. Total anticipated liquid waste generation per day: 10,000 gallons/day
ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):
Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☑Yes☐No
If Yes:
- Name of wastewater treatment plant to be used: City of Plattsburgh
- Name of district: N/A
- Does the existing wastewater treatment plant have capacity to serve the project? ☑Yes☐No
- Is the project site in the existing district? ☑Yes☐No
- Is expansion of the district needed? ☐Yes☑No

- Do existing sewer lines serve the project site? ☑ Yes ☐ No
- Will a line extension within an existing district be necessary to serve the project? ☐ Yes ☑ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: ____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☑ No

If Yes:

- Applicant/sponsor for new district: ____
- Date application submitted or anticipated: ____
- What is the receiving water for the wastewater discharge? ____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

N/A

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: ____

N/A

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 0.9 acres (impervious surface)

_____ Square feet or 3.4 acres (parcel size)

ii. Describe types of new point sources. A stormwater management system will likely include point discharges from storm drain piping.

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Likely storm drain piping will discharge directly to existing City of Plattsburgh closed drainage systems in the surrounding roadways.

- If to surface waters, identify receiving water bodies or wetlands:

N/A

- Will stormwater runoff flow to adjacent properties? ☐ Yes ☑ No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☑ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☑ No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____ Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐Morning ☐Evening ☐Weekend ☐Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

☒Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

☒Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 8am - 5pm
- Saturday: 8am - 5pm
- Sunday: N/A
- Holidays: N/A

ii. During Operations:

- Monday - Friday: 24 hrs daily
- Saturday: 24 hrs daily
- Sunday: 24 hrs daily
- Holidays: 24 hrs daily

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe:

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Standard parking lot and building exterior lighting, dark-sky compliant downcast fixtures will be utilized

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

Product(s) to be stored

Volume(s) _____ per unit time _____ (e.g., month, year)

Generally, describe the proposed storage facilities:

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☑ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: 10 tons per week (unit of time)
- Operation : 6 tons per week (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Standard waste minimization to reduce construction costs, recycling of construction material wastes stored by dumpster
- Operation: Recycling storage by dumpster

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Disposal by licensed solid waste hauler with storage by dumpster
- Operation: Disposal by licensed solid waste hauler with storage by dumpster

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☑ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.75	1.63	+ 0.88
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2.65	1.77	- 0.88
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	0	0	0

c. Is the project site presently used by members of the community for public recreation? ☐Yes☑No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☑Yes☐No

If Yes,

i. Identify Facilities:

Beyond the project assisted living residence, CVPH Medical Center is adjacent to the west and SUNY Plattsburgh is adjacent to the south

e. Does the project site contain an existing dam? ☐Yes☑No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes☑No

If Yes:

i. Has the facility been formally closed? ☐Yes☐No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities:

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes☑No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes☑No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes☐No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes☑No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☑ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? 4 feet

b. Are there bedrock outcroppings on the project site? ☑ Yes ☐ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? 1 %

c. Predominant soil type(s) present on project site: Loamy sand 100 %
_____ %
_____ %

d. What is the average depth to the water table on the project site? Average: 3 feet

e. Drainage status of project site soils: ☑ Well Drained: 100 % of site
☐ Moderately Well Drained: _____ % of site
☐ Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: ☑ 0-10%: 100 % of site
☐ 10-15%: _____ % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☑ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name N/A (referenced DEC Environmental Resource Mapper) Classification _____
- Lakes or Ponds: Name N/A (referenced DEC Environmental Resource Mapper) Classification _____
- Wetlands: Name N/A (referenced DEC Environmental Resource Mapper) Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired. _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:
Typical urban wildlife

n. Does the project site contain a designated significant natural community? ☐Yes☑No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation):
ii. Source(s) of description or evaluation:
iii. Extent of community/habitat:
- Currently: acres
- Following completion of project as proposed: acres
- Gain or loss (indicate + or -): acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes☑No
If Yes:
i. Species and listing (endangered or threatened):

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes☑No
If Yes:
i. Species and listing:

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes☑No
If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes☑No
If Yes, provide county plus district name/number:

b. Are agricultural lands consisting of highly productive soils present? ☐Yes☑No
i. If Yes: acreage(s) on project site?
ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes☑No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes☑No
If Yes:
i. CEA name:
ii. Basis for designation:
iii. Designating agency and date:

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☑ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☑ Historic Building or District

ii. Name: Court Street Historic District, Hawkins Hall, Vilas, S. F., Home for Aged & Infirmed Ladies

iii. Brief description of attributes on which listing is based:

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s):

ii. Basis for identification:

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

i. Identify resource: Lakes to Locks Passage

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): National designated Scenic Byway

iii. Distance between project and resource: +/- 1 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation:

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Eli Schwartzberg Date 1/22/19

Signature [signature] Title mentor

PRINT FORM

SITE PLAN

SCALE: 1" = 30'

LOCATION PLAN

SCALE: 1" = 250'

ZONED - "R1" LOW DENSITY RESIDENTIAL 1			
DESCRIPTION	REQUIRED	EXISTING	PROVIDED
MIN. LOT SIZE	15,000 SF	148,104 SF	148,104 SF
MIN. FRONTAGE / LOT WIDTH	50 FT	385 FT	385 FT
MIN. DEPTH	100 FT	385 FT	385 FT
MIN. FRONT YD SETBACK	25 FT	89 FT MIN.	36 FT MIN.
MIN. SIDE YD SETBACK (ONE/TOTAL)	10 FT / 25 FT	N/A	N/A
MIN. REAR YD. SETBACK	25 FT	105 FT	27 FT
MAX. BLDG. HEIGHT / # STORIES	35 FT OR 2.5 ST	45 FT(*) / 3 ST(*)	45 FT(A) / 3 ST(A)
MAX. BLDG. COVERAGE	30%	7%	23%
MIN. OPEN SPACE	50%	78%	52%

USE BASED SCHEDULE NOTES:
USE BASED PER ZONING ORDINANCE SCHEDULE I: NURSING & REST HOMES, REQUIRES SPECIAL PERMIT

PARCEL NOTES:
1. PROPOSED USE: LICENSED NURSING HOME & GROUP RESIDENCE
2. (*) DENOTES PRE-EXISTING, NON-CONFORMING ATTRIBUTES OF THE EXISTING BUILDING & AND SITE ATTRIBUTES.

BUILDING NOTES:
1. THE EXISTING ASSISTED LIVING FACILITY HAS A GROSS FLOOR AREA OF 21,396 SF AND A UNIT COUNT OF 42.
2. THE PROPOSED ASSISTED LIVING RESIDENCE ADDITION WILL HAVE A GROSS FLOOR AREA OF 62,140 SF PLUS AN ADDITIONAL 10,000 SF OF BASEMENT. A TOTAL OF 94 NEW UNITS WILL BE PROVIDED IN THE ADDITION.
3. A PROPOSED ENTRANCE ADDITION WILL HAVE A GROSS FLOOR AREA OF 1,428 SF.
4. THE RESULTING TOTAL ANTICIPATED GROSS FLOOR AREA OF THE EXPANDED FACILITY WILL BE 86,964 SF AND UNIT COUNT WILL BE 136 IN TOTAL.

PARKING NOTES:
1. PARKING PROVIDED: TOTAL = 86 SPACES(A)
   - APPLICANT DETERMINED PRACTICAL PARKING DEMAND CALCULATED AT 0.63 PARKING SPACES PER ASSISTED LIVING UNITS (ACCOUNTS FOR TENANTS, STAFF AND VISITORS) RESULTING IN DEMAND OF 0.63 x 136 UNITS = 86 SPACES
   - RESULTING EQUIVALENT PARKING PROVIDED BY GROSS FLOOR AREA BASIS IS ONE SPACE PER 1,011 SF BUILDING AREA
2. PARKING REQUIRED PER ZONING CHAPTER 270-25: TOTAL = 174 SPACES
   - PARKING REQUIREMENT BASED ON 86,964 SF GROSS BUILDING AREA x 1 SPACE PER 500 SF FOR LICENSED NURSING HOMES
3. ACCESSIBLE PARKING SPACES ARE REQUIRED AT A RATE OF 1 ACCESSIBLE SPACE PER EVERY 25 TOTAL PARKING SPACES IN ACCORDANCE WITH TABLE 208.2 OF THE ADA STANDARDS FOR ACCESSIBLE DESIGN

PROPOSED DEFICIENCIES SUBJECT TO CLASS B AREA VARIANCE:
DENOTED IN SCHEDULE OF AREA & BULK CONTROLS BY (A) -
- MAXIMUM BUILDING HEIGHT OF 44 FT
- MAXIMUM NUMBER OF BUILDING STORIES OF 3
- MINIMUM OF 174 REQUIRED PARKING SPACES IS DEFICIENT BY 88 SPACES AS A TOTAL OF 86 SPACES ARE PROPOSED
- EXPANSION OF PARKING WITHIN THE FRONT YARD IN THE R1 ZONE

(SEE SCHEDULE OF AREA AND BULK CONTROLS FOR ADDITIONAL INFORMATION)

PARCEL OWNER:
SAMUEL F VILAS HOME
61 BEEKMAN STREET
PLATTSBURGH, NY 12901

APPLICANT:
ELI SCHWARTZBERG
VILAS HOME, LLC,
10 GILLILAND LANE,
WILLSBORO, NY 12996

PROJECT PARCEL:
TAX MAP ID 207.18-6-38

FLOODPLAIN NOTE:
NO PORTIONS OF THE PROPERTY ARE WITHIN THE 100-YEAR FLOODPLAIN PER FEMA FLOOD INSURANCE RATE MAP #36019C0604D, EFFECTIVE 9/28/2007

PROPOSED PROJECT:
CONSTRUCTION OF A 20,600 SF± ADDITION TO THE EXISTING 9,263 SF± NURSING HOME FACILITY WITH PARKING LOT, LANDSCAPING, SITE LIGHTING AND ASSOCIATED SITE IMPROVEMENTS.

HATCH LEGEND

- PROPOSED PAVEMENT
- PROPOSED CONCRETE WALK/PAD
- PROPOSED BUILDING COVERAGE
- PROPOSED OPEN SPACE
- PROPOSED ACCESSORY STRUCTURE
- EXISTING BUILDING COVERAGE

CITY OF PLATTSBURGH PLANNING BOARD
FINAL SITE PLAN

THE PROJECT SHALL PROVIDE FOR PERPETUAL MAINTENANCE OF THE SITE PER THE FINAL SITE PLAN DRAWINGS

OWNER _____ DATE _____

AS PER PLANNING BOARD APPROVAL DATED _____, THESE FINAL SITE PLANS HAVE BEEN REVIEWED AND ARE CERTIFIED TO BE IN COMPLIANCE WITH PLANNING BOARD CONDITIONS.

CITY PLANNER _____ DATE _____

THESE SITE PLAN DRAWINGS AND DETAILS FOR THE VILLAS HOME EXPANSION PROJECT ARE APPROVED, ACCEPTED FINAL SITE PLANS IN ACCORDANCE WITH THE CITY OF PLATTSBURGH ZONING CODE REGULATIONS.

PLANNING BOARD CHAIR _____ DATE _____

"NOTE: THE ISSUANCE OF THIS AUTHORIZATION, APPROVAL OR PERMIT DOES NOT RELIEVE THE PROJECT APPLICANT/SPONSOR OF ANY RESPONSIBILITY FOR OBTAINING ANY OTHER APPROVALS/PERMIT FROM ANY OTHER FEDERAL, STATE, OR LOCAL AGENCY INCLUDING THE US ARMY CORPS OF ENGINEERS (USACOE) WHICH MAY BE REQUIRED".

Established in 1985
AEDA
Architectural & Engineering DESIGN Associates, P.C.
1246 Rt. 3
P.O. Box 762
Plattsburgh, New York 12901
tel: 518.562.1800
fax: 518.562.1702
email: aedapc@aedapc.com

UNAUTHORIZED ALTERATIONS AND/OR ADDITIONS TO THIS DRAWING BEARING A LICENSED ARCHITECTS OR ENGINEERS SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

ONLY COPIES FROM THE ORIGINAL OF THIS DRAWING BEARING THE ORIGINAL ARCHITECT'S OR ENGINEER'S SEAL AND SIGNATURE SHALL BE CONSIDERED VALID TRUE COPIES.

SAMUEL F VILAS HOME
SITE PLAN 2019

61 BEEKMAN STREET, CITY OF PLATTSBURGH, CLINTON COUNTY, NY

DESIGN DEVELOPMENT PHASE SERVICES 30%
NOT FOR
AEDA Architectural & Engineering DESIGN Associates P.C.
CONSTRUCTION

REVISIONS		
#	BY	DATE

SITE OVERVIEW PLAN

PROJECT NO.	19085
DATE	02-03-20
DRAWN BY	JBF
CHECKED BY	MSC

C101

Plattsburgh, NewYork

Building and Zoning Department
41 City Hall Place
Plattsburgh, New York 12901
Ph: (518) 563-7707
Fax: (518) 563-6426

PROCEDURE IN APPEALING THE ZONING ORDINANCE
SPECIAL USE PERMIT

DEADLINE FOR FILING APPLICATION December 20, 2019

ZONING BOARD MEETING DATE January 20, 2020

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings -	$100.00
Multiple Dwellings	$150.00
Commercial Properties	$150.00

All checks should be made payable to the "City Clerk". In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a Variance from the Ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests which will involve any construction, alterations, or physical change of their property. **THIRTEEN (13) copies of the application and THE ORIGINAL APPLICATION, of drawings and site plans are required** (we recommend the plans be approved before the THIRTEEN (13) copies are made).

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

1. Publish the request in three successive issued of the Press-Republican newspaper not less than five nor more than ten (10) days before the hearings.
2. Notify, by letter, all property owners within 500 feet of the appeal property location of your request.

This office is responsible for implementing the above requirements.

If there are any questions, please feel free to contact this office.
Thank you for your cooperation.

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

Plattsburgh, NewYork

_____USE
CLASS A VARIANCE

_____AREA
CLASS B VARIANCE

✓ SUP
SPECIAL USE PERMIT

Date: 12/19/19

Appeal No.:_____

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described.

Applicant: City of Plattsburgh

Applicant's Address: 41 City Hall Place
Plattsburgh, NY 12901

Telephone No.: 518-536-7520

Parcel Identification: 207.20-7-15

Location of Request: Durkee St.

Property Owner: City of Plattsburgh

Request Description: Special Use Permit to amend boundaries of existing Planned Unit Development

Zoning District:

Section Appealed: 360-31 (Special Use Permits)

Previous Appeal: No.:_____ Date: _____

Identify Applicant's Right to Apply for Variance:

Ownership: ✓ Long Term Lease: _____ Contract To Purchase: _____

Other (Please Explain): _____

Applications for Zoning Variances must be accompanied by:
13 copies of existing and proposed site plan
13 copies of existing and proposed floor plan

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

* _____
Signature (Owner/Applicant)
Mathew Miller
Print First and Last Name

Shelise A. Marbut
Notary Public
SHELISE A. MARBUT
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01MA6365804
QUALIFIED IN CLINTON COUNTY
COMMISSION EXPIRES OCTOBER 16, 2021

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

Plattsburgh, NewYork

Building and Zoning Department
41 City Hall Place
Plattsburgh, New York 12901
Ph: (518) 563-7707
Fax: (518) 563-6426

PROCEDURE IN APPEALING THE ZONING ORDINANCE
SPECIAL USE PERMIT

DEADLINE FOR FILING APPLICATION December 20, 2019

ZONING BOARD MEETING DATE January 20, 2020

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings -	$100.00
Multiple Dwellings	$150.00
Commercial Properties	$150.00

All checks should be made payable to the "City Clerk". In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a Variance from the Ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests which will involve any construction, alterations, or physical change of their property. **THIRTEEN (13) copies of the application and THE ORIGINAL APPLICATION, of drawings and site plans are required** (we recommend the plans be approved before the THIRTEEN (13) copies are made).

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

1. Publish the request in three successive issued of the Press-Republican newspaper not less than five nor more than ten (10) days before the hearings.
2. Notify, by letter, all property owners within 500 feet of the appeal property location of your request.

This office is responsible for implementing the above requirements.

If there are any questions, please feel free to contact this office.
Thank you for your cooperation.

Plattsburgh, NewYork

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

_____ USE — CLASS A VARIANCE
_____ AREA — CLASS B VARIANCE
✓ SUP — SPECIAL USE PERMIT

Date: 12/19/19 Appeal No.: _____

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described.

Applicant: City of Plattsburgh

Applicant's Address: 41 City Hall Place
Plattsburgh, NY 12901

Telephone No.: 518-536-7520

Parcel Identification: 207.20-7-15

Location of Request: Durkee St.

Property Owner: City of Plattsburgh

Request Description: Special Use Permit for use of apartments on the first floor of a multistory building within a Planned Unit Development

Zoning District: _____

Section Appealed: 360-31 (Special Use Permits)

Previous Appeal: No.: _____ Date: _____

Identify Applicant's Right to Apply for Variance:

Ownership: ✓ Long Term Lease: _____ Contract To Purchase: _____

Other (Please Explain): _____

Applications for Zoning Variances must be accompanied by:
13 copies of existing and proposed site plan
13 copies of existing and proposed floor plan

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

* M Miller
Signature (Owner/Applicant)
Mathew Miller
Print First and Last Name

Shelise A. Marbut
Notary Public
SHELISE A. MARBUT
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01MA6365804
QUALIFIED IN CLINTON COUNTY
COMMISSION EXPIRES OCTOBER 16, 2021

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

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Durkee Street Mixed Use Development		
Project Location (describe, and attach a general location map): The Durkee Street Parking Lot, Plattsburgh, New York - Tax ID: 207.20-7-15		
Brief Description of Proposed Action (include purpose or need): The Durkee Street Mixed Use Development project consists of one five story building with below grade parking and the redevelopment of the 5,800 sf Farmers' Market building, which includes 3,400 sf of commercial/restaurant space and 2,400 sf of civic space (the "Project"). The five story building will have 115 residential units (52 one-bedroom, 59 two-bedroom, 4 three-bedroom). Within the lot, there will be 286 parking spaces (86 in the surface lot, 35 spaces in the courtyard, and 165 spaces in the below grade lot beneath the building). The Project site, tax lot 207.20-7-15, is currently owned by the City of Plattsburgh. To facilitate the Project, the City of Plattsburgh will also be seeking a minor subdivision and a Planned Unit Development ("PUD") subdivision pursuant to Zoning Code Section 360-21. Once subdivided, Prime will purchase from the City the lands that will comprise the Durkee Street Mixed Use Development, a portion of tax lot 207.20-7-15, which will be approximately 2.8-acres in downtown Plattsburgh, NY. The Project site is in the Commercial "C" zoning district and is currently within an existing PUD. As part of the Project, the City will be seeking the following special use permits from the City Zoning Board of Appeals ("ZBA"): 1) PUD amendment and 2) residential units on the first floor of a building within a PUD. In addition, the City will be seeking a minor subdivision and a PUD subdivision approval from the Planning Board, which will also request that certain zoning area and bulk deviations be made under the authority set forth in Zoning Code Section 360-21. Concurrently, Prime will be seeking site plan approval from the Planning Board for the specific Durkee Street Mixed Use Development project. The Project it bound by Durkee Street to the west, Bridge Street to the north, the Saranac River to the east, and an existing office building to the south. In addition to the buildings, the project will provide on-grade parking as well as an open space corridor to connect Durkee Street to a new pedestrian Riverwalk (by others). The site is being developed in response to an RFP from the City of Plattsburgh entitled "Mixed-Use Development Opportunity for the Durkee Street Site in Downtown Plattsburgh". The City has commenced the SEQRA process by requiring that a Generic Environmental Impact Statement be prepared to assess the potential impacts of the Project and related improvements.		
Name of Applicant/Sponsor: Prime Plattsburgh, LLC	Telephone: (518) 785-9000 ext. 126 E-Mail: tcurley@CBCPrime.net	
Address: 621 Columbia Street		
City/PO: Cohoes	State: New York	Zip Code: 12047
Project Contact (if not same as sponsor; give name and title/role): McFarland Johnson - Turner Bradford, PE (Agent for Applicant)	Telephone: (518) 580-9380 E-Mail: tbradford@mjinc.com	
Address: 60 Railroad Place, Suite 402		
City/PO: Saratoga Springs	State: New York	Zip Code: 12866
Property Owner (if not same as sponsor): City of Plattsburgh	Telephone: (518) 563-7702 E-Mail:	
Address: 41 City Hall Place		
City/PO: Plattsburgh	State: New York	Zip Code: 12901

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☑Yes☐No	City of Plattsburgh - SEQRA (GEIS), Termination of GML Redevelopment Plan, Disposition of City-owned property and related easements, Development Agreement	02/01/2019
b. City, Town or Village Planning Board or Commission ☑Yes☐No	City of Plattsburgh Applications - Minor Subdivision, PUD Amendments, Prime Applications - Site Plan	11/29/2019
c. City, Town or Village Zoning Board of Appeals ☑Yes☐No	City of Plattsburgh - Special Use Permit PUD, Special Use Permit - Residential on first floor	12/20/2019
d. Other local agencies ☐Yes☐No	City of Plattsburgh DPW - Highway Work Permit for Non-Utility Work, Highway Work Permit for Utility Work, Water, Electric, Sewer Connections	02/01/2019
e. County agencies ☑Yes☐No	Clinton County Planning Board - GML Referral, Clinton County Industrial Development Agency - Payment in Lieu of Taxes (PILOT) approval	Clinton County Planning Board - 11/29/2019 Clinton County IDA - 02/01/2019
f. Regional agencies ☐Yes☐No		
g. State agencies ☑Yes☐No	NYSDEC - SPDES General Permit GP-0-15-002 NYSOPRHP - Consultant pursuant to Section 14.09	02/01/2019
h. Federal agencies ☐Yes☐No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☐No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes☐No

If Yes, identify the plan(s):

Remediaton Sites:E510020

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☐No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
PUD - Planned Unit Development
C - Commercial

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? Note: PUDs in the City of Plattsburgh are Special Use Permits not a typical zone change.

C.4. Existing community services.

a. In what school district is the project site located? Plattsburgh City School District

b. What police or other public protection forces serve the project site?
Plattsburgh City Police Department, Clinton County Sheriff, New York State Police

c. Which fire protection and emergency medical services serve the project site?
Plattsburgh City Fire Department

d. What parks serve the project site?
Plattsburgh City Parks

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential, Commercial, Retail, Restaurant, Civic

b. a. Total acreage of the site of the proposed action? 2.76 +/- acres
b. Total acreage to be physically disturbed? 2.76 +/- acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 4.66 +/- acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No
i. If No, anticipated period of construction: 18 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	0	0	0	0
At completion of all phases	0	0	0	1 building (115 total units)

g. Does the proposed action include new non-residential construction (including expansions)? ☑ Yes ☐ No

If Yes,

i. Total number of structures 2

ii. Dimensions (in feet) of largest proposed structure: 65 height; 210 width; and 315 length

iii. Approximate extent of building space to be heated or cooled: 193,150 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☐ No

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed:
- expected acreage of aquatic vegetation remaining after project completion:
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):
- proposed method of plant removal:
- if chemical/herbicide treatment will be used, specify product(s):

v. Describe any proposed reclamation/mitigation following disturbance:

c. Will the proposed action use, or create a new demand for water? ☑ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: 29,640 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☑ Yes ☐ No
If Yes:

- Name of district or service area: City of Plattsburgh
- Does the existing public water supply have capacity to serve the proposal? ☑ Yes ☐ No
- Is the project site in the existing district? ☑ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☑ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project:
- Source(s) of supply for the district:

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If, Yes:

- Applicant/sponsor for new district:
- Date application submitted or anticipated:
- Proposed source(s) of supply for new district:

v. If a public water supply will not be used, describe plans to provide water supply for the project:

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☑ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: 29,640 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):
Typical residential, commercial, retail, restaurant sanitary wastewater.

iii. Will the proposed action use any existing public wastewater treatment facilities? ☑ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: Plattsburgh Water Pollution Control Plant
- Name of district: City of Plattsburgh Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☑ Yes ☐ No
- Is the project site in the existing district? ☑ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

- Do existing sewer lines serve the project? ☑Yes☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes☑No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes☐No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

61,420 Square feet or 1.41 acres (impervious surface)

43,995 Square feet or 1.01 acres (parcel size)

ii. Describe types of new point sources. Project will have permitted discharge points into the Saranac River. All existing discharge points from the current parking lot will be removed or abandoned as part of the project.

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

The water from the site will discharge into the Saranac River, required water quality treatment will be provided.

- If to surface waters, identify receiving water bodies or wetlands: Saranac River
- Will stormwater runoff flow to adjacent properties? ☐Yes☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑Yes☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes☐No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes☐No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes☐No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐Morning ☐Evening ☐Weekend
☐Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☑Yes☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action:
390,000 kwh/year

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
City of Plattsburgh Municipal Lighting Department

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes☑No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 7am - 7pm
- Saturday: 7am - 7pm
- Sunday: N/A
- Holidays: N/A

ii. During Operations:

- Monday - Friday: Consistent w/ proposed commercial uses
- Saturday: Consistent w/ proposed commercial uses
- Sunday: Consistent w/ proposed commercial uses
- Holidays: Consistent w/ proposed commercial uses

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

Noise levels will temporarily increase during construction periods as a result of the construction equipment. Upon completion of construction, noise levels will not exceed normal levels as no noise generating features are proposed.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: _____

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Area lights on poles and wall mounted light fixtures. Lights will be directed to parking areas and pedestrian access ways.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☑ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: TBD tons per TBD (unit of time)
- Operation : 3.1 tons per day (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Recycling wood, paper, and cardboard
- Operation: Recycling paper, plastics, and cardboard

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: To be hauled off-site by a private hauler in a legal manner.
- Operation: To be hauled off-site by a private hauler in a legal manner.

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☑ Urban ☐ Industrial ☑ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☑ Other (specify): Municipal parking

ii. If mix of uses, generally describe:

The project is located in downtown Plattsburgh, an urban environment with commercial, retail, and residential uses around the site. There are also two municipal parks near the project site.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	2.76 +/-	2.76 +/-	-
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☑ Yes ☐ No

If Yes,

i. Identify Facilities:

Stafford Middle School (Plattsburgh City School District), Saint Johns Academy (Pre-K through 6th grade Catholic School), YMCA Preschool, Plattsburgh State College Childcare

e. Does the project site contain an existing dam? ☐ Yes ☐ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☑ Yes ☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☑ Yes ☐ No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☑ Yes – Environmental Site Remediation database — Provide DEC ID number(s): E510020

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☑ Yes ☐ No

If yes, provide DEC ID number(s): 510007, V00637, C510022, 510016, E510020

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

The groundwater on the site has been monitored over time and the DEC has deemed the site's groundwater no longer requires monitoring and the monitoring wells can be decommissioned.

v. Is the project site subject to an institutional control limiting property uses? ☐Yes ☐No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes ☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? +/- 25 feet

b. Are there bedrock outcroppings on the project site? ☐Yes ☐No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: Urban 100 %
_____ %
_____ %

d. What is the average depth to the water table on the project site? Average: 20 feet

e. Drainage status of project site soils:
☐ Well Drained: _____% of site
☑ Moderately Well Drained: 50 % of site
☑ Poorly Drained 50 % of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 100 % of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐Yes ☑No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐Yes ☑No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑Yes ☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑Yes ☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Saranac River Classification Class C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☑No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes ☑No

j. Is the project site in the 100-year Floodplain? ☐Yes ☑No

k. Is the project site in the 500-year Floodplain? ☐Yes ☑No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑Yes ☐No
If Yes:

i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site:
Project Site is an urban parking lot and contains no predominant wildlife.

n. Does the project site contain a designated significant natural community? ☐Yes ☑No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation):
ii. Source(s) of description or evaluation:
iii. Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑No
If Yes:
i. Species and listing (endangered or threatened):

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☑Yes ☐No
If Yes:
i. Species and listing:
Common Loon

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☐No
If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☑No
If Yes, provide county plus district name/number:

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☐No
i. If Yes: acreage(s) on project site?
ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No
If Yes:
i. CEA name:
ii. Basis for designation:
iii. Designating agency and date:

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☑ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☑ Historic Building or District

ii. Name: Eligible property:3-story/brick/commercial w/storefront, Eligible property:NAT COMM BANK & TRUST, Eligible property:C...

iii. Brief description of attributes on which listing is based:

Downtown Plattsburgh Historic District (Eligible District)

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s):

ii. Basis for identification:

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

i. Identify resource: (1) Cumberland Bay State Park, (2) Samuel Champlain Monument Park

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): (1) State park with lake access for campers and day users; (2) City park with lake access and walking paths

iii. Distance between project and resource: (1) 4 miles; (2) 1 mile miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation:

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Natalie Olivieri for Turner Bradford Date 12/06/2019

Signature Title Junior Engineer

PRINT FORM

DISCOVER
Plattsburgh

Community Development Office
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
Phone: 518-563-7642
cdo@cityofplattsburgh-ny.gov

February 21, 2020

Mr. Joe McMahon, Building Inspector
Mr. Ron Nolland, Chairman, Zoning Board of Appeals

Re: Plattsburgh Durkee Street Development

Dear Joe and Ron:

The City of Plattsburgh, as part of its Downtown Revitalization Initiative (DRI) award from the State of New York, is now moving forward with permitting for the redevelopment of the City owned Durkee Street lot bordered by Bridge, Durkee, and Broad Streets and the Saranac River. The redevelopment of the Durkee Street lot will involve approvals from both the City Planning Board and the City Zoning Board of Appeals (ZBA).

City Permitting

As part of this redevelopment, we have submitted several applications to the City Planning Board that include the following:

- *City Minor Subdivision application* – for a 2-lot subdivision that will formally separate the Broad Street parking lot from the rest of the Durkee Street site;
- *City Planned Unit Development (PUD) application* – for a 2-lot PUD; and
- *Prime Site Plan application* for Lot 2B within the PUD for the proposed Prime Plattsburgh Durkee Street Mixed-Use Development.

Additional supporting information for the Planning Board applications will be submitted for consideration at that board's March 2020 meeting.

The City has previously submitted Special Use Permit (SUP) applications along with supporting materials. In our current submission for consideration at the ZBA's March 2020 meeting,

DISCOVER
Plattsburgh

Community Development Office
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
Phone: 518-563-7642
cdo@cityofplattsburgh-ny.gov

additional information in support of those SUP applications has been provided. These applications include the following:

- *SUP application* to replace the existing PUD with new PUD boundaries; and
- *SUP application* for the use of apartments on the first floor of a multistory building within a PUD. *See* Zoning Code – Schedule I, Schedule of Permitted Uses – Part B.

The City has submitted a single application packet to the ZBA for these two SUPs. Consideration of the PUD itself is the responsibility of the Planning Board. The ZBA is responsible only for reviewing the SUPs to replace the previously approved PUD (Zoning Code § 360-31).

SEQRA Process

The SEQRA process is being handled by the Common Council as lead agency. A Draft Generic Environmental Impact Statement (DGEIS) was prepared and deemed sufficient for public review and comment. A public hearing was conducted on December 9, 2019 and the public comment period for the DGEIS ended December 23, 2019. Following the close of the public comment period, all substantive comments received were addressed in a Final Generic Environmental Impact Statement (FGEIS) that was prepared and accepted as complete by the Common Council on January 30, 2020. A SEQRA Findings Statement was prepared and adopted by the Common Council on February 20, 2020.

Although a GEIS and related SEQRA Findings Statement have been issued, the Planning Board and the ZBA will need to make a SEQRA determination on the specific applications taking into consideration their involved agency status. These determinations should be made by the Planning Board for the Minor Subdivision action, the PUD Subdivision action, and for Prime's Site Plan and by the ZBA for the two SUPs. An Environmental Assessment Form ("EAF") and SEQRA narrative will accompany each application to guide the Board's review of each Project's potential environmental impacts and to utilize in its review and application of the Common Council's GEIS Findings Statement

In this instance, because of the comprehensive nature of the DGEIS, FGEIS, and Findings Statement, the Planning Board and ZBA may find that no further SEQRA review is required

DISCOVER
Plattsburgh

Community Development Office
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
Phone: 518-563-7642
cdo@cityofplattsburgh-ny.gov

because the specific actions will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS or its Findings Statement. In furtherance of the above, copies of the DGEIS, FGEIS, Findings Statement, and all other SEQRA materials have been submitted to the Planning Board and the ZBA for inclusion within their respective administrative records.

We look forward to working with you on the review of our applications to the ZBA.

Sincerely,

Matthew Miller
Director of Community Development

Attachments

CITY OF PLATTSBURGH
COMMUNITY DEVELOPMENT OFFICE

February 20, 2020

Ron Nolland
Zoning Board Chairman
City of Plattsburgh
41 City Hall Pl
Plattsburgh, NY 12901

Dear Mr. Nolland:

Please consider this letter to appoint McFarland Johnson, Inc. as an authorized representative of the City of Plattsburgh in relation to appeal number 2232 for a Special Use Permit before the Zoning Board of Appeals. This authorization permits McFarland Johnson to act for and on behalf of the City of Plattsburgh in responding to comments and questions regarding the proposed mixed-use development located at 22 Durkee Street as they relate to the Special Use Permit application.

The vast majority of comments and questions raised during the February 10th, 2020 public hearing for the application were in regard to the proposed mixed-use development to be located on the site. As the project engineer for Prime Plattsburgh, LLC, McFarland Johnson is the appropriate entity to respond to comments related to the specific project.

If the Zoning Board of Appeals has any concerns about the permission being granted by this letter, please contact me at MillerMa@cityofplattsburgh-ny.gov or the phone number listed below. Thank you for your attention to this notice.

Matthew Miller
Director of Community Development

(Encl.)

CC: Joseph McMahon, *Building Inspector*

MATTHEW MILLER, COMMUNITY DEVELOPMENT DIRECTOR
41 City Hall Place, Plattsburgh, NY 12901 · Phone: (518) 563-7642

DISCOVER
Plattsburgh

Community Development Office
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
Phone: 518-563-7642
cdo@cityofplattsburgh-ny.gov

MEMORANDUM

To: Joe McMahon, Building Inspector
Ron Nolland, Chairman, Zoning Board of Appeals

From: Matthew Miller, City Director of Community Development
Gail Henderson-King, White + Burke

Re: City Application for Special Use Permits – Supplemental Materials
Durkee Lot Mixed Use Development (DLMUD)

Date: February 21, 2020

On behalf of the City of Plattsburgh, enclosed please find copies of the City's Special Use Permit applications and additional supporting materials for the Durkee Lot Mixed Use Development:

1. Special Use Permit application to replace the existing Durkee Street Planned Unit Development (PUD) with new PUD boundaries dated December 19, 2019.
2. Special Use Permit application for apartments on the first floor of a multistory building within the Durkee Street PUD dated December 19, 2019.
3. City's updated SUP application Project Narrative dated February 21, 2020 including letter from McFarland Johnson and associated documentation submitted in support of Prime Plattsburgh, LLC's request that an alternative method of calculating parking demand be utilized for the DLMUD dated February 4, 2020.
4. Prime Plattsburgh Development – SEQRA Involved Agency Narrative from Whiteman, Osterman & Hanna, LLP dated February 21, 2020.
5. City's updated PUD application Project Narrative dated February 3, 2020.
6. City's PUD permit application dated November 11, 2019.
7. Prime Plattsburgh, LLC Durkee Street Mixed Use Conceptual Site Plan and Basement Parking Plan C-01 prepared by McFarland Johnson dated November 2019.
8. Updated list of requested deviations from underlying zoning regulations within the proposed PUD dated February 3, 2020.

Community Development Office
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
Phone: 518-563-7642
cdo@cityofplattsburgh-ny.gov

9. Memorandum and associated documentation submitted in support of the City's overall parking plans for the downtown area dated February 20, 2020.
10. Draft floor plans for the DLMUD from Mackenzie Architects dated January 21, 2020.
11. Responses to public comments received during the SUP application public hearing held on February 10, 2020 from McFarland Johnson dated February 21, 2020. Associated documentation is also provided.
12. DLMUD Site Plan application and associated drawing set from McFarland Johnson dated February 3, 2020.

Please let us know if you need additional information.

Thank you.

City of Plattsburgh - Plattsburgh Durkee Street Development
City Application for Special Use Permits

Revised Project Narrative
February 21, 2020

This document reflects the changes that have been made to the original Special Use Permit narrative dated January 24, 2020 ("Supplemental SUP Narrative"). As discussed at the February 10, 2020 public hearing, the Project has undergone changes to its parking computation as a result of public input. Therefore, we have revised the Supplemental SUP Narrative's section related to "the provision for automobile parking or storage". Accordingly, the new section related to the provision for automobile parking or storage is noted below and further set forth in the public hearing comment response document at comment response #3.

III City Special Use Permit Review

The provision for automobile parking or storage

PUD Boundary SUP

Prime's Project would replace an auto-oriented use (a surface parking lot) with a pedestrian-oriented mixed-use development, which, in combination with the proposed improvements to the deteriorating riverwalk and adjacent Bridge and Durkee Streets, would bring more pedestrians to the site and to the waterfront. The proposed project will also include a 2,400-SF publicly-accessible civic space within an open-air pavilion with access from the new pedestrian walkway.

Per the City's Zoning Code, 317 spaces would need to be provided on-site for the residential and commercial components of the Project. However, in the DGEIS it is noted that the City's off-street parking requirements have not been updated in some time. Realizing that the City's off-street parking requirements do not currently reflect parking requirements in an urban setting, the City has the ability within the PUD regulations to deviate from the Zoning Code's parking requirements. Per City Code § 360-21, the Planning Board is authorized to allow deviations from parking requirements established in § 360-26 for a PUD where the applicant can demonstrate that another method of computation will adequately serve the proposed mixed or multiple use.

Such parking deviations may be based on support that examines a totality of the circumstance to ensure that the appropriate amount of off-street parking is provided in accordance with these findings. It has been noted in the SEQRA record that an abundance

of vacant parking areas within an urban setting can disrupt achieving a walkable community and commercial development in a downtown core. Furthermore, vacant parking areas is an eyesore that can obstruct commercial tenants from bringing their business to a downtown area.

As part of the PUD, the Project will be requesting an alternate calculation for parking demand in accordance with the Zoning Code Section 360-21. The Project is requesting a parking demand that is based upon the approved, constructed, and occupied parking demand from its most similar project that it has recently constructed.

The deviation being requested is:

Zoning Requirement – 317 off-street parking spaces
Parking Demand Based on Similar Development – 226
Proposed public parking spaces – 50
Off-Street Parking Provided – 286 (include an additional 10 spaces for Prime's Project).

This deviation is based on a similar project known as "The Hamlet" in Saratoga Springs, NY. The Hamlet consists of three mixed use buildings surrounding a courtyard surface parking lot with residential basement parking beneath one of the buildings. It was approved with the following parking demand:

Use	Calculation
Residential	1.5 per unit
Commercial/Retail/Restaurant	1 per 300 sf
Employee Parking	½ per employee 1 employee per 900 sf of comm/retail/restaurant

The approved cover sheet and site plan are provided as an attachment. The Hamlet has been operating for more than four years with the following uses: more than 10,800 sf of restaurant space; more than 20,000 sf of retail/commercial space; a more than 20,000 sf market; and 145 residential units. Within that time the Hamlet has not experienced a parking deficiency. It should be noted that while the Hamlet's use and layout is very similar to the DLMUD, it should be noted that the Hamlet's location is different. The Hamlet is not within the urban core of Saratoga Springs. There is no additional parking off-site that can be accessed by Hamlet users; if you cannot park on-site you cannot use the Hamlet. In addition, the Hamlet is not connected to a walkable community; virtually everyone who accesses the Hamlet is using an automobile to access it. For these two reasons the DLMUD's parking demand is expected to be less than the Hamlet's. Based

upon the information above, the project is confident that the proposed parking calculation is adequate to serve the proposed uses.

Information related to the example provided to the ZBA is annexed hereto as Exhibit A, which demonstrates that this alternate parking computation has been successfully implemented in a similar development.

Please note that the City of Plattsburgh Building Inspector has reviewed this revised parking computation and stated that "[b]ased on my review of this documentation, I concur with Prime's assessment that the method used to calculate the off-street parking requirements for The Hamlet, a method which has been shown to work effectively during the years since it was originally approved, is adequate for use in calculating the off-street parking requirements for the DLMUD. Per this method, it is my opinion that the provision of 226 spaces on-site is adequate to meeting the parking demand for the proposed DLMUD." *See* Exhibit B.

This parking calculation indicates that the need for the Project is 226 parking spaces. Prime will be supplying an additional 10 spaces above this demand. In addition, the 50 public spaces are still proposed to be included on the Project Site, brining the total parking spaces on the Project Site to 286 parking spaces.

Notwithstanding, please note the other similarly situated municipalities and their downtown parking requirements, which would require even less parking on the Project Site.

	Residential	Restaurant	Retail	Office	Code Section
Albany, Mixed Use, Downtown	0	0	0	0	Unified Sustainable Development Ordinance § E (1)(c)(ii)
Port Chester-Commercial Districts	0	0	0	0	Zoning Code § 345-14 (A)(3)

The City of Albany is a similarly situated urban environment currently going through a revitalization process that resulted in the adoption of a Unified Sustainable Development Ordinance. Similarly, the Village of Port Chester (which is an urban environmental along the Byram River in Westchester County) eliminated parking requirements in their downtown core area to facilitate a walkable community and spark a less vehicle dependent downtown area. This has been successfully implemented in the City of Albany and the Village of Port Chester in attracting urban mixed use development.

The existing, publicly accessible parking spaces located on the site will be relocated to several nearby downtown lots and public streets. The City anticipates that the majority

of these parking spaces will be operational prior to the start of construction of the proposed development. The DGEIS outlines and documents the new locations of these publicly accessible spaces. The City is implementing this parking relocation process as part of their Public Parking Plan.

Globally, throughout the City, the future parking public parking supply within the SAD is expected to decrease by a total of 20 spaces to 800. This represents a 2% reduction in the total parking supply. Please note the following analysis that is being considered as part of the SEQRA process:

Existing and Future Publicly Accessible Parking Supply within SAD

	Existing Public Supply[1]	Future Public Supply	Change in Public Supply
DSMPL (existing) / DLMUD (future)	289	50	-239
BSMPL	59	80[2,3]	+21
APMPP	0	103[3]	+103
Westelcom Park[5]	4	0	-4
Clinton County Lot	0	69[2,4]	+69
Court Street Lot	44[7]	44[7]	0
City Hall Place Lot	17[7]	17[7]	0
Off-Street Totals	***413***	***363***	***-50***
Durkee Street (Broad St. to Bridge St.)	15	53	+38
Bridge Street (Durkee St. to Peru St.)	32	38	+6
Court Street (north side from Margaret St. to Oak St.)	28	19	-9
Margaret Street (west side from Brinkerhoff St. to Division St.)	9	4	-5
On-Street Totals (All Streets within SAD)	***407***	***437[6]***	***+30***
Total On- and Off- Street Spaces	***820***	***800***	***-20***

Notes:
[1] Based on a parking supply survey conducted by the City of Plattsburgh's Community Development Office.
[2] Includes one motorcycle space.
[3] Reflects revised plan.
[4] Reflects additional information provided by Clinton County subsequent to issuance of the DGEIS.
[5] The four existing off-street parking spaces at Westelcom Park will be eliminated as part of the WPI.
[6] The nine fewer spaces on the north side of Court Street between Margaret and Oak Streets are due to adjustments to the Clinton County Lot and the loss of five spaces on the west side of Margaret Street between Brinkerhoff and Division Streets is due to construction of the proposed APMPP.
[7] Parking numbers reflect existing supply and have been updated to correct errors contained in the DGEIS.

To address the fact that the total parking supply within the SAD is expected to slightly decrease, public parking demand within the district was assessed to determine whether there would be an adequate parking supply in the future with approval of the proposed action. To determine the existing parking demand within the SAD, the City's Community

Development Office conducted 89 separate off-street parking lot counts of the City-owned lots within the SAD and 32 separate on-street parking counts of the entire SAD. Of these, 43 off-street counts and 29 on-street counts were conducted during the work week over the course of 6 months at various times of the day. The remaining counts were conducted on weekends and the utilization rates observed during these weekend counts were considerably less than those observed during the week. Those weekend counts have not been included in this analysis. The results of these extensive parking counts indicate an existing peak public parking demand of 542 spaces (with 278 available spaces) during the weekday 1:00 – 2:00 p.m. peak demand period. With 820 existing parking spaces within the SAD, this represents an existing public parking utilization rate of 66.1% (see below table).

Existing and Future Parking Utilization

	Public Parking Supply	Peak Public Parking Demand	Available Public Parking Spaces	Public Parking Utilization
Existing	820	542	278	66.1%
Future	800	542	258	67.8%
Change	-20	No change[1]	-20	+1.7%

Notes:
[1] As indicated in the DGEIS, all the DLMUD's parking demand could be fully accommodated on-site.

As described above, future parking supply within the SAD is expected to decrease by 20 spaces in the future with approval of the proposed action. No changes in public parking demand are anticipated, as all of the Prime Project parking demand could be fully accommodated on-site. Therefore, as presented in the table above, the public parking utilization within the SAD is expected to increase by 1.7% to 67.8% with approval of the proposed action, and there would continue to be 258 available public parking spaces during the weekday 1:00 – 2:00 p.m. peak demand period, with more spaces available at other times of the day and on weekends.

An abundance of vacant parking areas within an urban setting can disrupt achieving a walkable community and commercial development in a downtown core. Furthermore, vacant parking areas are an eyesore that can obstruct commercial tenants from bringing their business to a downtown area. Thus, the 67.8% parking utilization rate proposed as a result of the PUD SUP is adequate for the City's needs. It provides for appropriate parking, while not having an excess of vacant spaces.

As discussed in the DGEIS, the City caused a parking study to be conducted, which is part of the SEQRA process. In the fall of 2017, the City of Plattsburgh engaged Carl Walker Consulting ("Walker") to conduct a parking study ("Parking Study") for its downtown. During this study, an inventory and assessment of current parking conditions and an evaluation of current parking demand and patron service levels was completed.

As a component of the Parking Study, an evaluation of the potential impacts of displacing public parking as a result of a redevelopment of Prime's Project was conducted, and several parking management options were developed for the City to consider. The Parking Study explains that when parking use exceeds 90% is when users generally note limited availability of parking. Thus, because parking utilization rate as a result of the proposal is 67.8%, there is an adequate supply of parking provided.

Accordingly, the PUD SUP sought provides for the right amount of parking for the proposes uses. Please also note that the parking is being considered by the DGEIS, FGEIS and the Findings Statement, which will be incorporated into this application record.

Residential Units on First Floor SUP

The above analysis also demonstrated that the SUP for residential units on the first floor will have appropriate off-street parking. As noted above, in general, for all residential units Prime will be requesting from the Planning Board that 1.5 spaces per dwelling unit be provided. To this end, please note that Prime has 35 years of experience in the residential and hospitality industry including the management of over 2,000 residential units. Based upon a residential parking ratio of 1.5 spaces per 1 residential unit at a performing, comparable mixed-use building in a similar environment, Prime is confident it has the experience to project the needs and demand of its project.

Please also note that resident parking will be provided in the proposed underground garage, which will be completely secure from those not residing in the dwelling units.

Accordingly, the SUP for residential units on the first floor will not adversely impact off-street parking and not adverse impacts will result.

Exhibit A

Parking Request Information

McFarland Johnson
Innovative Solutions / Sustainable Results

60 Railroad Place • Suite 402 • Saratoga Springs, NY 12866
Phone: 518-580-9380 • Fax: 518-580-9383
www.mjinc.com

February 4, 2020

Joe McMahon
Building Inspector
City Hall - 1st Floor
41 City Hall Place
Plattsburgh, NY 12901

Re: Durkee Street Mixed Use Development (DSMUD): Parking Demand

Mr. McMahon,

In the DGEIS and FGEIS, it is noted that the City's off-street parking requirements have not been amended in some time. Therefore, as part of the above referenced project, pursuant to the City's Zoning Section 360-21 (D)(5)(d)(5) Planned Unit Development, Prime is requesting an alternate method of calculating parking demand as part of the PUD. As a part of this PUD process, the project would like to respectfully request your concurrence with the parking demand calculations below, which better reflect modern off-street parking requirements that are designed to facilitate a walkable downtown core.

This same alternative parking method was proposed, approved, and constructed by Prime on a project in northern New York State, which project includes the same uses as the DSMUD. This project has been occupied and operated by Prime for multiple years and has never experienced a parking deficiency. The referenced project extremely similar to the proposed DSMUD; It is a mixed used residential, commercial, retail, and restaurant development in Saratoga Springs, NY called "The Hamlet". The project has three buildings surrounding a central surface parking lot. One of the buildings contains 54 residential units with basement parking; and the other two are mixed use commercial, retail, and restaurant. Included in the restaurant space is more than 10,800 square feet of restaurant space including Kru Coffee, Smashburger, Urban Roots, and Gennaro's Pizza. The Hamlet's square foot uses are listed below:

BUILDING 1	
The Fresh Market	20,105 square feet
BUILDING 2	
Kru Coffee (manufacturing and restaurant)	3,232 square feet
Bennington Mattress	2,582 square feet
Smashburger	3,252 square feet
Charles Schwab	1,600 square feet
Gennaro's Pizza	2,093 square feet
Urban Roots	2,285 square feet
The Curtain Exchange	2,700 square feet
Saratoga Springs Nails	1,980 square feet

BUILDING 3

Coldwell Banker	4,807 square feet
Spa Garment Care	1,120 square feet
Trinity Construction	3,801 square feet
Pure Barre	1,504 square feet

The Hamlet's parking demand was based upon the following demand:

Use	Calculation
Residential	1.5 per unit
Commercial/Retail/Restaurant	1 per 300 sf
Employee Parking	½ per employee 1 employee per 900 sf of comm/retail/restaurant

Based upon this demand, the DSMUD will have the following parking calculation:

	Parking Demand Per PUD	
Use	Calculation	No. of Spaces
Residential	(1.5 per unit) x 115	173
Commercial	(1 Space per 300 sf) x 13,400 sf	45
Employee Parking	(1/2 Space per employee) x 15	8
	Total Demand	**226**

This would be compared to the project's parking demand calculated per the City's Zoning Code as follows:

	Parking Demand Per City Code	
Use	Calculation	No. of Spaces
Residential	(2 per DU for first 10) x 10 + (1.75 per DU over 10) x 105	204
Commercial	(1 Space per 250 sf) x 7,250 sf	29
Restaurant - Customer area	(1 per 50 sf) x 3,690 sf	74
Restaurant - Other Area	(1 per 250 sf) x 2,460 sf	10
	Total Demand	**317**

It should be noted that, aside from limited on street parking available, there is no additional off-site parking near the Hamlet to meet any demand beyond what the site is able to provide. In short, if a visitor cannot park on-site at the Hamlet, they will not be able to park. With this condition, over the course of more than four years, the Hamlet has not had a parking deficiency. This proposed alternative parking

method would meet the suggested parking utilization rate that is discussed in the DGEIS and FGEIS and therefore would not result in any adverse off-street parking impacts.

As part of this request it should be noted that the DSMUD is part of a New York State Downtown Revitalization Initiative (DRI) grant. The purpose of DRI grants in general, the City of Plattsburgh DRI grant, and the DSMUD specifically is to enhance the downtown urban core of the City by promoting modern walkable development that does not revolve around the automobile. To this end, please note that the proposed DSMUD project site is within the City of Plattsburgh's downtown core. Thus, residents and visitors will not be vehicle dependent and will utilize the development and related commercial amenities without vehicle travel. Compare the Hamlet in Saratoga Springs, which was developed outside of the City of Saratoga's downtown core (approximately .7 miles) and is therefore more of a vehicle dependent development. Thus, while the same parking method would be implemented for the DSMUD, because the DSMUD is located in the downtown core and therefore less vehicle dependent than the Hamlet, it can be expected that this parking method will provide more than enough parking for the DSMUD project, without creating unnecessary parking that wastes valuable space in the downtown core.

Based on the above, the proposed parking demand of 226 spaces is sufficient to meet the project's uses. If there is any additional information you need to assess this request, please let us know.

Sincerely,

Turner Bradford, PE
Project Engineer

encl:

cc: Matt Miller – Plattsburgh Community Development

The Hamlet at Saratoga Springs Development

Excelsior Avenue Mixed Use Development

Amended Site Plan Application

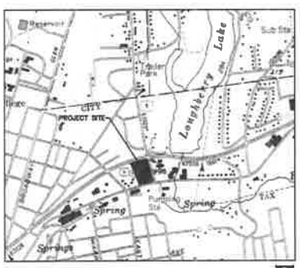
46, 52, 56 Marion Avenue

Saratoga Springs, New York

October 3, 2013
Revised: November 15, 2013
Revised: September 18, 2014

Vicinity Map:

SCALE: NTS



Project Location Map:

SCALE: NTS

SITE STATISTICS

PROPOSED USE:	COMMERCIAL UPPER LEVEL (MARION) LOWER LEVEL (EXCELSIOR) RESIDENTIAL APARTMENTS: 54 UNITS
PARCEL SIZE:	4.46 ACRES
TAX MAP PARCEL NUMBER:	(166.30-2-1) - (166.30-2-11)
EXISTING ZONING:	I-5 NEIGHBORHOOD CENTER
FRONTAGE BUILD-OUT:	(MINIMUM 70%) 93% PROPOSED
BUILD-TO LINE ALL BUILDINGS FROM FRONTAGE LINE:	0 FT. TO 12 FT
SIDE SETBACK BUILDING 3:	0 FT MINIMUM
BUILDING HEIGHT:	50 FT MAX. HEIGHT 50 FT PROPOSED (BUILDING 3)

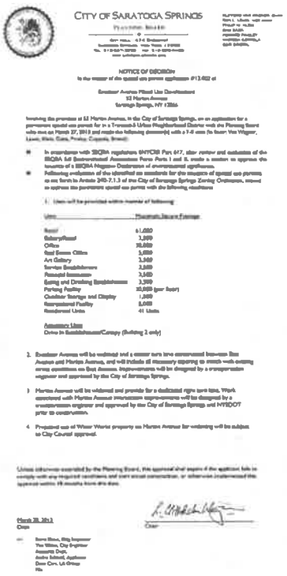
PARKING DEMAND	APPROVED				PROPOSED AMENDED			
AREA/USE	#UNITS/SEATS	REQUIREMENTS/ZONING	# REQUIRED	# PROVIDED	#UNITS/SEATS (REVISED 10/3/2013)	#REQUIRED (REVISED 10/3/2013)	#PROVIDED (REVISED 10/3/2013)	
APARTMENTS	41 UNITS	1.5/UNIT	62		54 UNITS	81		
COMMERCIAL BUILDING 1&2	40,000 SF	1/300 SF	134		40,000 SF	134		
BUILDING 3	13,707 SF	1/300 SF	46		14,287 SF	48		
EMPLOYEES	60±	1/2 EMPLOYEES	30		60±	30		
TOTAL REQUIRED			272			293		
TOTAL ON-SITE				275			286	
TOTAL STREET PARKING				11			11	
TOTAL PROVIDED				286			297	

CITY OF SARATOGA SPRINGS STANDARD NOTES

1. All work must conform to all Federal, State and City Codes, specifications, ordinances, rules and regulations.
2. The elevation base for the contours and benchmarks are based on the National Geodetic Vertical Datum, 1929.
3. All refuse, debris and miscellaneous items to be removed shall be legally disposed of off-site by the Contractor to a location approved by the City Engineer.
4. The Contractor must set up a pre-construction meeting with the City Engineer prior to any construction. Construction inspections by the Design Professional or a designated representative are required. The cost of the construction inspections is the responsibility of the Applicant/Developer. An escrow account to cover the cost of the proposed sitework must be established with the city prior to any construction.
5. The contractor must obtain a blasting permit from the Building Inspector if any blasting is required for the project.
6. The contractor must obtain a street opening permit issued by the Department of Public Works for any work in the street or right-of-way of any city street, road or alley.
7. All points of construction ingress or egress shall be maintained to prevent tracking or flowing of sediment or debris onto a public road.
8. No Certificate of Occupancy will be issued until all site work has been completed in accordance with the approved plans, and an as-built drawing has been prepared in accordance with the requirements of the City Engineer.
9. The applicant must verify that the proposed project can accommodate the turning movements of any fire truck that the fire department so designates.

SHEET INDEX:

	COVER SHEET
SU-1	EXISTING CONDITIONS SURVEY
SU-2	LOT LINE ADJUSTMENT MAP
L-1	SITE DEMOLITION & PREPARATION PLAN
L-2	SITE LAYOUT PLAN
L-3	SITE GRADING AND DRAINAGE PLAN
L-4	EROSION AND SEDIMENT CONTROL PLAN (BLDG 1&2)
L-4.1	EROSION AND SEDIMENT CONTROL PLAN (BLDG 3)
L-5	SITE UTILITIES PLAN
L-6	SITE LANDSCAPING PLAN
L-7	SITE LIGHTING PLAN
L-8	SITE DETAILS
L-9	SITE DETAILS
L-10	SITE DETAILS
L-11	UTILITY DETAILS
L-12	STORMWATER DETAILS
L-13	STORMWATER DETAILS



CITY OF SARATOGA SPRINGS

NOTICE OF DECISION

Excelsior Avenue Mixed Use Development
52 Marion Avenue
Saratoga Springs, NY 12866

March 20, 2014
Date

Chair

Approved Project
Planning Board # 13.006.1

Assessor

Approved under authority of a resolution adopted _____ by the Planning Board of the City of Saratoga Springs.

_____ Chairperson

Date Signed _____

Applicant/Owner:
Prime Beechwood, LLC
621 Columbia Street
Cohoes, NY 12047

Prepared By:
the LA group
Landscape Architecture and Engineering, P.C.
49 Long Alley
Saratoga Springs
New York 12866
518/581-1630
Telefax 518/581-1220

Architect:
balzer tuck architecture pllc
468 broadway
Saratoga Springs, NY 12866
p 518-580-8818

Schopfer Architects, LLP
1111 James Street
Syracuse, NY 13203
P: 315-474-6501
F: 315-474-1922

N.Y.S. ROUTE 50
ASPHALT PAVEMENT - VARIABLE R.O.W
(WIDTH VARIES)
MARION AVENUE
EXCELSIOR AVENUE
LAYOUT NOTES
1. ALL WORK TO BE PERFORMED SHALL BE IN ACCORDANCE WITH THE LATEST APPROVED SITE PLAN AS APPROVED BY THE CITY OF SARATOGA SPRINGS.
2. ALL LINE AND GRADE FOR PAVING SHALL BE LAID OUT BY A NEW YORK STATE LICENSED SURVEYOR AND SHALL BE CERTIFIED BY HIM TO BE IN ACCORDANCE WITH SITE IMPROVEMENTS SHALL BE APPROVED BY THE CITY ENGINEER OR HIS REPRESENTATIVE PRIOR TO INSTALLATION.
3. EXISTING GRADES AND CONTOURS SHOWN ARE APPROXIMATE AND ARE BASED ON AERIAL MAPPING. THE CONTRACTOR SHALL VERIFY ALL EXISTING GRADES IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE ENGINEER REPRESENTATIVE.
4. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITY LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER PROMPTLY IN THE EVENT OF ANY DISCREPANCIES OR CONFLICTS.
5. AT ELEVATIONS WHERE EXISTING SIDEWALK, DRIVEWAY OR CONCRETE ELEMENTS ARE TO BE MATCHED, THE CONTRACTOR SHALL SAW CUT OR CAREFULLY REMOVE EXISTING CONCRETE TO THE NEAREST JOINT AND PROVIDE NEW CONCRETE AS REQUIRED TO MATCH EXISTING GRADES. PROVIDE EXPANSION JOINT MATERIAL BETWEEN NEW AND EXISTING CONCRETE PAVEMENT.
6. BEFORE PLACEMENT OF BITUMINOUS CONCRETE BASE COURSE, ALL CATCH BASINS, MANHOLES, VALVE BOXES, ETC. SHALL BE ADJUSTED TO FINAL GRADE.
7. ALL LIGHT STANDARDS SHALL BE LOCATED AT A MINIMUM OF 2 FEET BACK OF CURB. A MOCK-UP OF THE LIGHT STANDARD SHALL BE PROVIDED FOR REVIEW AND APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
8. ALL CONCRETE SURFACES SHALL BE BROOM FINISHED UNLESS OTHERWISE NOTED. ALL EXPOSED CONCRETE EDGES SHALL HAVE A 1/2" CHAMFER.
9. ALL NEW WORK SHALL BE STAKED-OUT PRIOR TO CONSTRUCTION AND THE ENGINEER REPRESENTATIVE SHALL BE NOTIFIED OF ANY DISCREPANCIES.
10. FIELD ADJUSTMENTS SHALL BE APPROVED BY THE ENGINEER REPRESENTATIVE AND THE CITY ENGINEER OR MUNICIPAL OFFICIALS PRIOR TO CONSTRUCTION.
11. ALL CONSTRUCTION ACTIVITIES SHALL TAKE PLACE WITHIN PROPERTY LINES. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY AND ALL PERMITS REQUIRED FOR WORK WITHIN THE RIGHT-OF-WAY OF EXCELSIOR AVENUE AND N.Y.S. ROUTE 50.
12. WORK ASSOCIATED WITH THE REMOVAL OF EXISTING CURB, SIDEWALK, PAVEMENT, ETC. SHALL BE SAW CUT AT A STRAIGHT LINE AT THE BOTTOM OF CURB TO FACE OF CURB TO BE RESTORED.
13. ALL CONCRETE SURFACES SHALL BE STAINED-OUT PRIOR TO CONSTRUCTION AND THE ENGINEER REPRESENTATIVE SHALL BE NOTIFIED OF ANY DISCREPANCIES.
14. ALL NEW WORK SHALL BE STAKED-OUT PRIOR TO CONSTRUCTION AND THE ENGINEER REPRESENTATIVE SHALL BE NOTIFIED OF ANY DISCREPANCIES.
15. FIELD ADJUSTMENTS SHALL BE APPROVED BY THE ENGINEER REPRESENTATIVE AND THE CITY ENGINEER OR MUNICIPAL OFFICIALS PRIOR TO CONSTRUCTION.
16. ALL CONSTRUCTION ACTIVITIES SHALL TAKE PLACE WITHIN PROPERTY LINES. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY AND ALL PERMITS REQUIRED FOR WORK WITHIN THE RIGHT-OF-WAY OF EXCELSIOR AVENUE AND N.Y.S. ROUTE 50.
17. WORK ASSOCIATED WITH THE REMOVAL OF EXISTING CURB, SIDEWALK, PAVEMENT, ETC. SHALL BE SAW CUT AT A STRAIGHT LINE AT THE BOTTOM OF CURB TO FACE OF CURB TO BE RESTORED.
LEGEND
CONCRETE WALK
BITUMINOUS ASPHALT PAVING
CONCRETE APRON
CONCRETE PAD
PARKING SPACE NUMBER
DECORATIVE STREET LIGHT TYP
BOLLARD
PROPERTY LINE
TYPE 1 CURB
FLUSH CURB
FLUSH CURB WITH STONE GUARDRAIL
PROJECT LIMITS
Planning Board # 13.006.1
Approved under authority of a resolution adopted
by the Planning Board of the City of Saratoga Springs.
Date Signed
GRAPHIC SCALE
1 inch = 10 feet
EXCELSIOR AVENUE MIXED USE DEVELOPMENT
MARION AND EXCELSIOR AVENUE
SARATOGA SPRINGS, NY 12866
SITE LAYOUT PLAN
PREPARED FOR
Prime Beechwood, LLC
621 Columbia Street
Cohoes, NY 12047
the LA group
Landscape Architecture
812 C Pruyn Hill
Glenmont, NY 12077
518.432.8282
www.thelagroup.com
Design DRC
Drawn CJM
Checked DRC
Revisions
Project 2013.04
Date 11/05/2013
Drawing
L-2

Exhibit B
City Building Inspector Letter

Building and Zoning Department
41 City Hall Place
Plattsburgh, NY 12901
Ph: 518-563-7707
Fax: 518-563-6426

February 10, 2020

Mr. Jim Abdallah, Chairman, Planning Board
Mr. Ron Nolland, Chairman, Zoning Board of Appeals

Re: Durkee Lot Mixed Use Development (DLMUD) Parking Requirements

Dear Jim and Ron,

McFarland Johnson, on behalf of Prime Plattsburgh, LLC (Prime), has asked the Building Inspector's Office to review Prime's request that an alternative method of calculating the off-street parking requirements for the proposed DLMUD be utilized by the City's Planning Board and Zoning Board of Appeals during their review of the DLMUD. My office has been provided with documentation in support of Prime's request. As currently proposed and per the City's Zoning Code, the DLMUD would normally be required to provide 317 parking spaces on-site. The proposed DLMUD provides a total of 286 spaces on site. However, the Zoning Code permits the Planning Board to accept an alternative method of calculating a mixed use project's off-street parking requirements within a Planned Unit Development (PUD). The relevant ordinance is found in Section § 360-21(D)(5)(d)(5) and is included in its entirety below:

> Mixed or multiple uses. In the case of mixed or multiple uses within a single structure or building or in the use of land, the amount of off-street parking required shall be determined by the sum of the requirements of the various uses computed separately in accordance with § 360-26 of this chapter, except where the applicant can demonstrate to the satisfaction of the Planning Board that another method of computation will adequately serve the proposed mixed or multiple use.

As stated above, Prime has provided detailed information from a mixed use development they have recently constructed and continue to operate in Saratoga Springs, New York known as "The Hamlet". This documentation included that project's approved site plan application, the approved parking calculations based upon the proposed uses, the square footage breakdowns for those uses, a description of the area surrounding The Hamlet, and an analysis of how those surroundings contrast with those of the proposed DLMUD.

Based upon my review of this documentation, I concur with Prime's assessment that the method used to calculate the off-street parking requirements for The Hamlet, a method which has been shown to work effectively during the years since it was originally approved, is adequate for use in calculating the off-

street parking requirements for the DLMUD. Per this method, it is my opinion that the provision of 226 spaces on-site is adequate to meet the parking demand of the proposed DLMUD.

Please distribute this letter to the membership of your respective boards for their consideration.

Thank you,

Joseph McMahon
Building Inspector
City of Plattsburgh

WHITEMAN
OSTERMAN
& HANNA LLP

Attorneys at Law
www.woh.com

Charles J. Gottlieb
Associate
518.487.7612 phone
cgottlieb@woh.com

One Commerce Plaza
Albany, NY 12260
518.487.7600 phone
518.487.7777 fax

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

RE: **Prime Plattsburgh Development - State Environmental Quality Review Act**
Involved Agency Narrative

DATE: **February 21, 2020**

New York State Environmental Quality review Act Review Process

The City of Plattsburgh Common Council (the "Common Council") is the Lead Agency for the Generic Environmental Impact Statement ("GEIS") process being done pursuant to the New York State Environmental Quality Review Act ("SEQRA"). This SEQRA process is being conducted in connection with a number of projects that are the result of New York State Downtown Revitalization Initiative ("DRI") funding provided to the City, which DRI funds are intended to improve the vitality of urban centers throughout the State.

In connection with the DRI, the City of Plattsburgh is undertaking a series of revitalization efforts that are collectively described as the Downtown Area Improvement Projects ("DAIP"). One of the DAIP projects considered in the GEIS process is the Durkee Lot Mixed-Use Development ("DLMUD" or the "Project"), which is being developed by Prime Plattsburgh, LLC (the "Developer" or "Prime").

As stated in the Common Council's SEQRA Findings Statement, which was adopted by the Common Council on February 21, 2020 (the "Common Council's Findings Statement"), the Common Council has reviewed a Draft GEIS ("DGEIS"), a Final GEIS ("FGEIS") and the related environmental studies and public comment. This resulted in the Common Council making their Findings Statement on the DAIP.

We respectfully submit that this narrative will demonstrate to the City of Plattsburgh Zoning Board of Appeals ("ZBA") that the GEIS and related Common Council Findings Statement properly addresses all potential environmental impacts related to the Project and special use permits currently before the ZBA for the Project. Thus, the ZBA should issue findings consistent the with Lead Agency's SEQRA record and Findings Statement.

SEQRA Actions of the Involved Agencies

The ZBA is an involved agency to the Common Council's SEQRA. As an involved agency, the ZBA must make their own Findings Statement for the Project related to the approvals before them. However, the Findings Statement of the involved agencies must be based on the SEQRA environmental review record and be based on substantial evidence in the record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015) (holding that "the Supreme Court properly annulled the Board's findings statement as unsupported by the evidence. The Board was required to render its conclusions regarding the sufficiency of mitigation measures, the propriety of permit approvals, and a balancing of considerations, based on the evidence contained in the environmental review. The Board's conclusions in the findings statement were based, at least in part, on factual findings which were contradicted by the scientific and technical analyses included in the FEIS and not otherwise supported by empirical evidence in the record.). The Findings of an involved agency cannot be an unsupported act to prohibit development outside of the environmental review. *See Orchards Assocs. v. Planning Bd. of Town of N. Salem*, 114 A.D.2d 850, 853 (2d Dep't 1985) (holding, in part, that "[t]e provisions of SEQRA are not to be used as a subterfuge through which commercial development may be totally prohibited.").

Accordingly, as demonstrated herein, we respectfully submit that all potential environmental impacts associated with the Project and the ZBA applications have been assessed during the Common Council's GEIS process and therefore the ZBA should make their findings consistent with the Common Council's Findings Statement and associated environmental record, to which they were a part of as an involved agency.

Project Description

The Applicant has proposed a five-story, approximately 200,000 square foot (SF) mixed-use development including approximately 115 apartments, approximately 10,000 SF of commercial space, a surface parking lot including approximately 50 spaces to be made available for use by the public, and an underground parking garage for tenants only. Additionally, the project proposes the rehabilitation of the existing Plattsburgh Farmers' and Crafters' Market ("PFCM") building for use as a commercial space and a publicly-accessible civic space in an open-air pavilion with access from the new pedestrian walkway to be constructed as part of the DLMUD.

The DLMUD would replace the Durkee Street Municipal Parking Lot ("DSMPL)". The site encompasses approximately 2.8 acres and is located on a portion of tax parcel 207.20-7-15. A second tax parcel, 207.20-7-14, was recently merged with parcel 207.20-7-15 and the proposed project will occupy a portion of the former footprint of tax parcel 207.20-7-14 as well (the "Project Site").

The DLMUD will require two Special Use Permits from the City's Zoning Board of Appeals (ZBA): 1) to amend boundaries of and replace an existing Planned Unit Development (PUD) with new PUD boundaries and 2) to allow apartments on the first floor of a multistory building within a PUD. The project will also require Planning Board approval for a minor subdivision to subdivide the site from the Broad Street Municipal Parking Lot; for internal subdivision of and amendments to the existing PUD boundaries; and for Site Plan Approval.

The SEQRA and Generic Environmental Impact Statement Process

The City/Prime has submitted an Environmental Assessment Form ("EAF"), as well as other information to the ZBA that will support the below (e.g. project narratives, site plans, renderings, reports and studies.). As noted below, many of these materials were included in the DGEIS and FGEIS and incorporated into the ZBA applications because of their involved agency status.

Accordingly, based on the Project as described herein and as submitted to the ZBA, we submit the following assessment of the potential significant environmental impacts:

1) Project Purpose and Need

The Project's purpose and need was appropriately reviewed as a part of the Common Council's SEQRA review and related Findings Statement. *See* Common Council Findings Statement Section 2.6; FGEIS Section 2.5.4. Since the FGEIS and Common Council Findings Statement, there have been no substantial changes in the Project's purpose and need presented to the ZBA during the consideration of the special use permit applications. To this end, note that the Project, which is the subject of the ZBA special use permit requests, is a component of the DAIP that is being undertaken to support downtown revitalization in the City and was specifically addressed in the FGEIS and Common Council Findings Statement.

The DAIP are expected to bring in temporary and permanent jobs, downtown revenue, and improve the City's fiscal status. As a result of these projects, parking resources will be spread out more evenly throughout the downtown and will allow easier access for a variety of users. The City's public-private partnership with Prime to develop the DLMUD will spur economic development on the underutilized property and is consistent with objectives outlined in various public policies of the City. By replacing a parking lot with mixed-use development, the DLMUD will increase visibility and economic activity in this area of the downtown and bring attention to other riverfront resources like the Saranac River Trail Greenway.

We respectfully submit that the environmental record supports the above conclusions and circumstances have not changed and new information not provided that would alter this analysis.

2) Findings Concerning Environmental Impacts

a. Land Use, Community Character, Zoning and Public Policy

The DGEIS, FGEIS and Common Council Findings Statement has addressed the potential impacts to land use, community character, zoning and public policy related to the Project and the ZBA applications. *See* Common Council Findings Statement Section 2.1; FGEIS Section 2.5.1; DGEIS Section 3.1.

As discussed below, the information submitted as a part of the ZBA application package is consistent with the SEQRA environmental record noted above and the Common Council's Findings Statement. The Project has not significantly changed as contemplated in the DGEIS, FGEIS and Common Council Findings Statement and new substantial information has not been provided that would alter this analysis. The City of Plattsburgh has not amended their Zoning Code and/or public policies. Also, the character of the City's downtown core has not drastically changed since the SEQRA process commenced in a manner that would invalidate the lead agency's review. To this end, we submit that the Project is consistent with the findings made by the Lead Agency and the environmental record. Therefore, the ZBA should issues findings

consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015).

Land Use

For the below reasons, the Project will not have an adverse impact on land use within the City of Plattsburgh:

1) The land use patterns in the City of Plattsburgh and adjacent the Project Site have not changed since the SEQRA environmental record was developed and associated findings made. *See* Common Council Findings Statement Section 2.1; FGEIS Section 2.511; DGEIS Section 3.1; *See also,* City of Plattsburgh Planning Board Submission dated February 3, 2020, which was forwarded to the ZBA on February 21, 2020 (the "Planning Board Submission").

2) The proposed PUD boundaries allow for the redevelopment of the Project Site with an infill building bordering the roadways and sidewalks that have been contextually designed to define the streetscape and fit into the general character of the surrounding area. *See* Planning Board Submission, Site Plan; *See* Project Renderings prepared by Mackenzie Architects dated January 24, 2020 ("Project Renderings"); Public Comment Responses prepared by McFarland Johns and dated February 21, 2020 ("Public Comment responses") #13, 22; Special Use Permit Project Narrative ("SUP Project Narrative") dated January 24, 2020 and revised February 21, 2020; Common Council's Findings Statement Section 2.1; DGEIS Section 3.1 et. seq.

3) The Project Site is within the City's downtown core area, which is comprised of an urban environment that includes a diverse mix of land uses (commercial, municipal, institutional, civic and religious uses with some mixed-use residential and commercial buildings). The proposed land uses of the Project are consistent with this downtown core because it includes 115 residential units above commercial uses that are typically found within downtown area and all permitted within the underlining C zoning district (e.g. retail, personal services, restaurant). *See* SUP Project Narrative; Public Comment Response #13; Common Council's Findings Statement Section 2.1; DGEIS Section 3.1 et. seq.

4) Due to the topography on the Project Site, the residential uses appear aligned with the building's second floor as the grade is much lower nearer to the River. *See* FGEIS Section Appendix C – Section Views by McFarland Johnson and dated January 2020 (also submitted to the ZBA on January 24, 2020); SUP Project Narrative.

5) As such, the typical concerns with a first-floor dwelling unit, such as privacy and security will not apply. The interior of the first-floor units will not be visible or accessible from the adjacent exterior. *See* FGEIS Section page 46 – Response 3.7; See FGEIS Section Appendix C – Section Views by McFarland Johnson and dated January 2020 (also submitted to the ZBA on January 24, 2020); SUP Project Narrative.

6) The ZBA application has demonstrated that all special use permit criteria has been satisfied and therefore the Project and related special use permits are in harmony with the general zoning plan and will not adversely affect the neighborhood. *See* SUP Project Narrative. [1]

For the reasons stated above, the Project and related special use permits will not have a significant adverse impact on land uses in the City of Plattsburgh and is consistent with the DGEIS, FGEIS and Common Council Findings Statement. Therefore, the ZBA should issues findings consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015).

Community Character

For the below reasons, the Project will not have an adverse impact on the City of Plattsburgh's community character:

1) The existing condition of the Project Site is out of character with the surrounding built context, as the Project Site is an open surface parking lot in a suburban form that disrupts the urban context. Thus, the Project and related ZBA applications are an environmental benefit. *See* Common Council Findings Statement Section 2.1; DGEIS Section 3.1; SUP Project Narrative; Public Comment responses #13, 44, 58, PCC Response #1, and related exhibits; SUP Project Narrative.

2) Pedestrian paths have been incorporated in the Project design, including a pathway that separates the proposed building from the proposed 86-space surface parking lot and is buffered on both sides by landscaping. The pedestrian pathway will connect with the proposed improved riverwalk and the proposed improved Westelcom Park. *See* Common Council Findings Statement Section 2.1; Planning Board Submission, Site Plan.

3) Building material and colors have been chosen to be consistent with the characteristics of the surrounding neighborhood to the greatest extent possible. The buildings are proposed to feature a mix of materials, including stone, cement board and plank, frieze and cornice detailing with contrasting metal detailing to mark fenestration and other fine details. Landscaping will be provided around the perimeter of the building and within the parking areas and pedestrian walkway. *See* SUP Project Narrative; Public Comment Response #13, 44, 45; Common Council Findings Statement Section 2.1; Project Renderings; DGEIS Section 3.1, et. seq.

4) The proposed project was reviewed by New York State Office of Parks, Recreation, and Historical Preservation ("NYSOPRHP"), including a review of the proposed site plan along with building elevations and any available renderings of the proposed new construction. In a letter dated

[1] *See N. Shore Steak House, Inc. v. Bd. of Appeals of Inc. Vill. of Thomaston*, 30 N.Y.2d 238, 243 (1972) (holding that "[t]he inclusion of the permitted use in the ordinance is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood."); *see also C & A Carbone, Inc. v. Holbrook*, 188 A.D.2d 599, 600, 591 N.Y.S.2d 493, 495 (1992) (holding that "once the petitioner shows that the contemplated use is in conformance with the conditions imposed, the special permit must be granted unless there are reasonable grounds for denying it that are supported by substantial evidence.").

December 23, 2019, NYSOPRHP concluded that the proposed project would result in no adverse effects to historic properties, including archaeological and/or historic resources. Accordingly, Prime's Project will be consistent with the general character of this downtown area of the City and will revitalize the downtown core. *See* FGEIS 2.5.5.

5) The proposed building height will be 65 feet tall with 5 stories (one level underground, four stories above ground, and a mezzanine level). *See* Planning Board Submission, Project Elevations. This is similar to heights of other buildings within the Central Business/Commercial Zoning District in the surrounding area. *See* Public Comment Response #32, 39, 43, 58, Exhibit D. For instance, the Ashley building reaches a height of almost 60 feet. Compare that to a proposed development within the C zoning district, which is permitted at a building height of 12 stories. *See* Public Comment Response #32, 39, 43, 58, Exhibit D; DGEIS Table 12.

6) The proposed uses within the PUD are all uses that would typically be found in a downtown environment (multifamily, restaurant, retail, personal service). *See* Common Council Findings Statement Section 2.1; DGEIS Section 3.1; SUP Project Narrative.

7) The apartments on the first floor will be consistent with and not adversely impact general character, height and uses within this downtown area. Due to the elevation change, the units will appear allgned with the building's second floor as the grade is much lower nearer to the River. *See* FGEIS at Appendix C – Section Views by McFarland Johnson and dated January 2020 (also submitted to the ZBA on January 24, 2020).

For the reasons stated above, the Project and related special use permits will not have a significant adverse impact on community character in the City of Plattsburgh and is consistent with the DGEIS, FGEIS and Common Council Findings Statement. Therefore, the ZBA should issues findings consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015).

Zoning

For the below reasons, the Project will not have an adverse impact on the City of Plattsburgh's zoning:

1) The Zoning Code has not been changed or amended since the SEQRA environmental record and related findings were issued.

2) The City of Plattsburgh Zoning Ordinance allows for the creation of PUDs in §360-21. The purpose of a PUD is to enable and encourage flexibility in the design of a project so as to preserve the natural and scenic qualities of open lands.

3) The DLMUD will require some deviations from the underlying C Zoning District requirements, which act as guidelines for the design of a PUD. The Planning Board is authorized to vary these guidelines in pursuit of a desirable project. The deviations affect bulk (setbacks, height, and maximum lot dimension) and parking and site access guidelines and reflect the unique circumstances of the Project Site, which is partially developed and borders public land on the waterfront. The City has provided the Planning Board with the required information

demonstrating that these deviations are warranted. *See* City Planned Unit Development (PUD) Subdivision Permit Application – Supplemental Project Narrative dated February 3, 2020. Despite this submission of Planning Board materials, granting the requested deviations are not within the jurisdiction of the ZBA. *See* SUP Project Narrative; Public Comment Responses #37.

4) A development compliant with the regulations within the C zoning district would result in a 12 story building with multiple levels of parking garages. Thus, it is obvious that a zoning compliant development would be much more detrimental than the placement of a PUD, which is designed to mitigate these impacts resulting from a zoning compliant plan. *See* Public Comment Response #37.

For the reasons stated above, the Project and related special use permits will not have a significant adverse impact on zoning in the City of Plattsburgh and is consistent with the DGEIS, FGEIS and Common Council Findings Statement. Therefore, the ZBA should issues findings consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015).

Public Policy

For the below reasons, the Project will not have an adverse impact on the City of Plattsburgh's public policy:

1) The City's public policy documents have not changed or been amended since the SEQRA environmental record and related findings were issued.

2) The 1999 Comprehensive Plan called out the need for 'intense development' for revitalization of the Downtown Area. *See* Common Council Findings Statement Section 2.1; DGEIS Section 3.1.1.3.

3) The 2016 Local Waterfront Revitalization Plan (LWRP) places a strong emphasis on economic development and downtown revitalization. Durkee Street and the surrounding downtown sub-area is sited as "a gateway to the downtown and a focal area in linking the downtown to the waterfront at Dock Street". The area is recognized by the LWRP as a prime location for mixed-use development, parking, and river access. *See* Common Council Findings Statement Section 2.1; DGEIS Section 3.1.1.3.

4) In 2010 the City of Plattsburgh produced a Brownfield Opportunity Area (BOA) Pre-Nomination Study (the "BOA study") in response to an economic revival following the redevelopment and repurposing of the Plattsburgh Air Force Base, which included the DSMPL as Site 22 amongst other sites that could be redeveloped to create visual and physical connections between the Downtown and the waterfront and could serve as housing opportunities available near the Downtown where brownfield sites could be re-used or developed. *See* Common Council Findings Statement Section 2.1; DGEIS Section 3.1.1.3.

5) In 2003, the Plattsburgh Downtown/Waterfront – Economic Enhancement Strategy was developed to guide and spur redevelopment in Downtown through the establishment of zones

and districts, including Arts and Entertainment, Government, and Waterfront. The Arts and Entertainment District (containing many of the DAIP) Economic Enhancement Strategy placed specific emphasis on Bridge Street, from Margaret Street to the Saranac River; and Durkee Street, from Bridge Street to Broad Street and recommended a diverse set of retail, office and residential uses to complement and enhance the downtown, with infill development of the DSMPL. *See* Common Council Findings Statement Section 2.1; DGEIS Section 3.1.1.3.

6) The Economic Enhancement Strategy for the Lakefront District, within which the PFCM would be relocated, states that all development in the Lakefront District should place an emphasis on the creation of an attractive and vibrant waterfront community. The Plan recommends prepared food uses, marine-oriented entertainment, convenience retail, and housing and other uses. *See* Common Council Findings Statement Section 2.1; DGEIS Section 3.1.1.3.

The Project will result in the development of an existing parking lot into residential units and commercial space, which will facilitate a walkable community and spur economic development in the downtown care in accordance with the above.

For the reasons stated above, the Project and related special use permits will not have a significant adverse impact on public policy in the City of Plattsburgh and is consistent with the DGEIS, FGEIS and Common Council Findings Statement. Therefore, the ZBA should issue findings consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015).

b. Aquatic and Natural Resources

The DGEIS, FGEIS and Common Council Findings Statement has addressed the potential impacts to aquatic and natural resources related to the Project and the ZBA applications. *See* Common Council Findings Statement Section 2.2; FGEIS Section 2.5.2; DGEIS Section 3.2. This information is consistent with the EAF submitted by the Applicant for the ZBA applications. The Project and the required special use permits have not been altered in a manner that would make these GEIS findings inapplicable to the Project.

The Project will not have an adverse impact on aquatic and/or natural resources for the following reasons:

1) There have been no changes as a result of the ZBA applications that would disrupt the aquatic and natural resources analysis provided in the SEQRA environmental record.

2) The Project Site and the PUD area do not contain any mapped NYSDEC regulated wetlands or adjacent areas or significant natural communities. *See* Common Council Findings Statement Section 2.2; FGEIS 2.5.2; DGEIS Section 3.2 et. seq.

3) The Saranac River is a NYSDEC-regulated Class C stream (Regulation 830-54.1), which has a standard identification of C(TS) for waters supporting fisheries and suitable for non-contact activities and with the ability to support trout spawning. *See* Common Council Findings Statement Section 2.2; FGEIS 2.5.2; DGEIS Section 3.2 et. seq.

4) The US Fish and Wildlife Services (USFWS) National Wetland Inventory (NWI) mapper also identifies the Saranac River as a riverine (R2UBH) resource. *See* Common Council Findings Statement Section 2.2; FGEIS 2.5.2; DGEIS Section 3.2 et. seq.

5) Prime will obtain a Protections of Water Article 15 permit from the NYSDEC for work related to stormwater discharges adjacent the Saranac River in compliance with all NYSDEC regulations.

6) The Saranac River is identified as a regulatory floodway by the Federal Emergency Management Agency (FEMA). Riverbank areas adjoining the Saranac are identified as being within the 100- and 500-year floodplains or having a one percent or 0.2 percent annual flood risk, respectively. *See* Common Council Findings Statement Section 2.2; FGEIS 2.5.2; DGEIS Section 3.2 et. seq.

7) The planned Riverwalk is located at an elevation of approximately 115 – 119 feet above the base flood elevation (or 100-year flood level) established at 105 – 108 feet. Therefore, no adverse impacts will result. *See* Common Council Findings Statement Section 2.2; FGEIS 2.5.2; DGEIS Section 3.2 et. seq.

8) The DLMUD will be designed in conformance with the NYSDEC's Stormwater Management Design Manual and Standards and Specifications for Erosion and Sediment Control. As such, it will contain water quality and erosion control measures and will obtain a State Pollution Discharge Elimination System (SPDES) Permit. In order to obtain this permit, the Project has developed a full Stormwater Pollution Prevention Plan ("SWPPP") which will include measures to mitigate pollution both during construction and throughout the life of the project with a maintenance program for all water quality features. *See* Common Council Findings Statement Section 2.2; FGEIS 2.5.2; DGEIS Section 3.2 et. seq.

9) Blasting is not anticipated at this time. If blasting is required, it will be performed in accordance with New York State Department of Transportation (NYSDOT) Geotechnical Engineering Manual #22 "Procedures for Blasting" latest edition. *See* Common Council Findings Statement Section 2.2.

10) The NYSDEC reports there are no known occurrences of endangered, threatened, or rare species or a Significant Natural Community on or in the vicinity of any of the Project Sites. *See* Common Council Findings Statement Section 2.2; FGEIS 2.5.2; DGEIS Section 3.2.1.2.

11) The NYSDEC indicates that there are known occurrences of the Common Loon, a Species of Special Concern, on or in the vicinity of the DLMUD Project Site, the Riverwalk project site, and the relocation site for the PFCM (Building 4 at 26 Green Street). NYS does not regulate species that are not listed as endangered or threatened. *See* Common Council Findings Statement Section 2.2; FGEIS 2.5.2; DGEIS Section 3.2.1.2.

12) There is potential for the Northern Long-eared Bat (threatened) on or in the vicinity of each of the project sites. It is recommended that no tree clearing occur between March 31st and October 31st to avoid potential take of the Northern Long-eared Bat. Here, substantial tree clearing is not

proposed and therefore no adverse impacts will result. *See* Common Council Findings Statement Section 2.2; FGEIS at Section 2.5.2; DGEIS Section 3.2.1.2.

For the reasons stated above, the Project and related special use permits will not have a significant adverse impact on aquatic and natural resources in the City of Plattsburgh and is consistent with the DGEIS, FGEIS and Common Council Findings Statement. Therefore, the ZBA should issues findings consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015

c. Municipal Utilities

Stormwater and Drainage

The SEQRA environmental record evaluates and assess stormwater and drainage related to the Project and the ZBA applications. *See* Common Council Findings Statement Section 2.3; DGEIS Section 3.3, et. seq. The Project is consistent with this SEQRA environmental record and will not have a significant adverse impact for the following reasons:

1) Since the development of the Lead Agency's SEQRA record, the Prime has prepared a SWPPP and has designed stormwater control measures that are consistent with the NYSDEC regulations to ensure that adverse environmental impacts do not result from stormwater run-off. *See* Planning Board Submission, SWPPP.

2) At the Project Site, stormwater runoff flows directly into the Saranac River via a drainage pipe and sheet flow. As a result of the SWPPP and stormwater controls to be implemented, the stormwater run-off control and drainage on the Project Site will be improved as a result of the Project. *See* Common Council Findings Statement Section 2.3; See DGEIS Section 3.3.1.

Water Supply and Sanitary Sewer

The SEQRA environmental record evaluates and assess water supply and sanitary sewer related to the Project and the ZBA applications. *See* Common Council Findings Statement Section 2.3; DGEIS Section 3.3, et. seq. The Project is consistent with this SEQRA environmental record and will not have a significant adverse impact for the following reasons:

1) There have been no changes as a result of the ZBA applications that would disrupt the water supply and sanitary sewer analysis provided in the SEQRA environmental record.

2) The Project Site and the PUD areas are located within the City of Plattsburgh Water and Sewer service areas, which are maintained by the Department of Public Works (DPW). *See* Common Council Findings Statement Section 2.3; See DGEIS Section 3.3.1/2.

3) The DLMUD is expected to generate 29,355 gallons per day (gpd) of domestic water demand and corresponding sanitary flow. *See* Common Council Findings Statement Section 2.3; See DGEIS Section 3.3.1/2.

4) The DLMUD will connect to the existing municipal water line and the existing municipal sewer manhole located just west of the site in Durkee Street. An additional sewer line will be constructed

to provide an overflow line for the siphon manhole located on the east side of the project site. This overflow line will be connected to a separate connection system's existing manhole in Bridge Street. *See* Common Council Findings Statement Section 2.3; See DGEIS Section 3.3.1/2.

5) The City's Department of Public Works has confirmed the City has adequate water and sewer capacity to serve the DLMUD and other proposed projects. *See Common Council Findings Statement Section 2.3; FGEIS – Appendix D.*

Accordingly, no adverse impact to water supply or sanitary sewer from the Project is anticipated.

Solid Waste

The SEQRA environmental record evaluates and assesses solid waste related to the Project and the ZBA applications. *See* Common Council Findings Statement Section 2.3; DGEIS Section 3.3, et. seq. The Project is consistent with this SEQRA environmental record and will not have a significant adverse impact for the following reasons:

1) There have been no changes as a result of the ZBA applications that would disrupt the solid waste analysis provided in the SEQRA environmental record.

2) Solid waste generated from the Project will be accepted by Clinton County Landfill (the "Landfill") located on Sand Road in the Town of Schuyler Falls. *See* Common Council Findings Statement Section 2.3; DGEIS Section 3.3.3.1/2.

3) The Project is anticipated to generate 3.1 ± tons of solid waste per day, or 95.5 ± tons per month. The waste generated is assumed to be typical municipal solid waste, as well as recyclable materials. *See* Common Council Findings Statement Section 2.3; DGEIS Section 3.3.3.1/2.

4) Prime will contract with a licensed hauler who will transport the waste/recyclables to the Landfill. Construction and demolition waste will be sorted so that materials can be salvaged as desired. Materials that are not salvageable will be transported off-site to the Landfill.

5) The Clinton County Landfill has adequate capacity to accommodate solid waste generated from the Project and the other DAIP projects. *See* Common Council Findings Statement Section 2.3; DGEIS Section 3.3.3.1/2.

Accordingly, no adverse impact on solid waste disposal is anticipated from the DAIP.

For the reasons stated above, the Project and related special use permits will not have a significant adverse impact on municipal utilities in the City of Plattsburgh and is consistent with the DGEIS, FGEIS and Common Council Findings Statement. Therefore, the ZBA should issues findings consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015

d. Traffic and Transportation

The SEQRA environmental record evaluates and assesses traffic and transportation related to the Project and the ZBA applications. *See* Common Council Findings Statement Section 2.4; DGEIS Section 3.4, et.

seq. To this end, as a part of the DGEIS and SEQRA environmental record and traffic study was conducted by Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C. and dated October 18, 2019, which is the basis for the Lead Agency's SEQRA review and related findings. The Project has not been changed or revised as compared to the SEQRA review that was conducted. Therefore, the Project is consistent with this SEQRA environmental record and will not have a significant adverse impact for the following reasons:

1) There have been no changes as a result of the ZBA applications that would disrupt the traffic and transportation analysis provided in the SEQRA environmental record.

2) The Project will be relocating two existing curb cuts; one along Durkee Street and one along Bridge Street; and adding one new curb cut along Durkee Street. *See* Common Council Findings Statement Section 2.4; DGEIS Section 3.4.1/2 et. seq; Planning Board Submission, Site Plan.

3) The three vehicles access points will be coordinated with the City of Plattsburgh DPW and require City Driveway Permits.

4) The southern Durkee Street access drive will enter into the at-grade 86 car parking lot. This entrance will be access controlled for parking revenue collection. *See* Common Council Findings Statement Section 2.4; DGEIS Section 3.4.1/2.

5) The northern Durkee Street access drive will enter into the courtyard parking lot and will also be access controlled. The access drive along Bridge Street will enter into the basement of the building and will be accessed controlled for private use by building tenants. *See* Common Council Findings Statement Section 2.4; DGEIS Section 3.4.1/2.

6) Pedestrian access is provided along the west, north, and east perimeters of the site by public walkways including street-side sidewalks and the City's DRI Riverwalk project. *See* Common Council Findings Statement Section 2.4; DGEIS Section 3.4.1/2; Planning Board Submission, Site Plan.

7) The building entrances and site in general will be ADA accessible with transversable sidewalks or access ramps to all entrances. *See* Common Council Findings Statement Section 2.4; DGEIS Section 3.4.1/2; Planning Board Submission, Site Plan; Public Comment Responses #19, 26, 27, 29, 47, 49, 54.

8) A Trip Generation Assessment was prepared for Prime's Project based on the proposed project's 115 residential units, 7,250 SF of retail use, 6,150 SF of restaurant use, and 50 parking spaces to be made available for use by the public. *See* DGEIS Section 3.4.1/2.

9) The analysis provided in the DGEIS, FGEIS and Common Council Findings Statement notes that with the expected trips from the project and the expected on-street parking spaces, the levels of services will remain consistent and only minor delays (approximately 5 seconds). *See DGEIS Section page 150.*

10) The SEQRA record demonstrates that the traffic analysis shows that the proposed improvements will have a minimal impact on traffic and that no mitigation is necessary. *See* Common Council Findings Statement Section 2.4; DGEIS Section 3.4.3. There have been no Project changes or additional information submitted that would alter this assessment.

For the reasons stated above, the Project and related special use permits will not have a significant adverse impact on traffic and transportation in the City of Plattsburgh and is consistent with the DGEIS, FGEIS and Common Council Findings Statement. Therefore, the ZBA should issues findings consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015).

e. Parking

The SEQRA environmental record evaluates and assesses parking related to the Project and the ZBA applications. *See* Common Council Findings Statement Section 2.5; FGEIS Section 2.5.3; DGEIS Section 3.5, et. seq. The Project is consistent with this SEQRA environmental record and will not have a significant adverse impact for the following reasons:

1) The proposed off-street parking demand for the Project has been adjusted based on public comment and input from the respective City of Plattsburgh land use boards. *See* SUP Project Narrative (as revised on February 21, 2020); Public Comment Responses #3.

2) This parking computation alteration reflects comments designed to ensure that the 50 parking spaces proposed to be open to the public are not double counted in Prime's parking demand for the Project. *See* SUP Project Narrative (as revised on February 21, 2020); Public Comment Responses #3.

3) This alternate parking computation calculates a parking demand for the Project at 226 spaces. Despite this demand, Prime is providing 236 spaces for its Project in addition to the 50 spaces remaining open for the public (residential and commercial). *See* SUP Project Narrative (as revised on February 21, 2020); Public Comment Responses #3.

4) As noted below, this alternate parking computation is permitted by the Zoning Code and remains within the thresholds examined by Common Council as Leady Agency and set forth in their Findings Statement as well as the SEQRA environmental record.

5) The SEQRA record and the Common Council Findings Statement states that "the City's off-street parking requirements have not been amended in some time." *See* Common Council Findings Statement Section 2.5; DGEIS Section 3.5.3; Public Comment Responses #3.

6) Per City Code § 360-21, the Planning Board is authorized to allow deviations from parking requirements established in § 360-26 for a PUD where the applicant can demonstrate that another method of computation will adequately serve the proposed mixed or multiple use. *See* Common Council Findings Statement Section 2.5; DGEIS Section 3.5.3; Public Comment Responses #3.

7) The Common Council found, and the SEQRA record reflects that "parking deviations may be based on support that examines a totality of the circumstance to ensure that the appropriate amount of off-street parking is provided in accordance with these findings. The City Council finds that an abundance of vacant parking areas within an urban setting can disrupt achieving a walkable community and commercial development in a downtown core. Furthermore, vacant parking areas is an eyesore that can obstruct commercial tenants from bringing their business to a downtown area." *See* Common Council Findings Statement Section 2.5; DGEIS Section 3.5.3; SUP Project Narrative (as revised on February 21, 2020); Public Comment Responses #3.

8) The Common Council also found, and the SEQRA record reflects that "depending on the proposed uses in such a mixed use development, among other factors that may be considered, support shall be provided for each development project to demonstrate that the proposed alternate parking computation would be in accordance with these Findings (e.g. reliance on the Parking Study, the industry's generally accepted parking standards (ITE Standards), similar development examples, etc.)...proposed off-street parking shall avoid an abundance of vacant parking areas, which can disrupt the purpose of this downtown revitalization to achieve a walkable community and commercial development in Plattsburgh's downtown core." *See* Common Council Findings Statement Section 2.5; DGEIS Section 3.5.3; SUP Project Narrative (as revised on February 21, 2020); Public Comment Responses #3.

9) In accordance with the above, and in response to public input, the Project proposes the following off-street parking, which has been based on similar developments previously constructed by Prime:

   Zoning Requirement – 317 off-street parking spaces

   Parking Demand Based on Similar Development – 226

   Proposed public parking spaces – 50

   Off-Street Parking Provided – 286 (include an additional 10 spaces for Prime's Project).

   See SUP Project Narrative (as revised on February 21, 2020); Public Comment Responses #3.

10) Prime has provided the ZBA with data from a prior development and utilized an identical parking computation, which has been operating for approximately 4 years without any parking issues. The example utilized is from the Hamlet development in the City of Saratoga Springs and is further from the City's downtown core and therefore more vehicle dependent than the proposed DLMUD. Thus, the parking computation provided, noted a demand of 226 parking spaces, is a conservative approach. *See* SUP Project Narrative (as revised on February 21, 2020); Public Comment Responses #3.

11) Notwithstanding, Prime is providing an additional 10 spaces above this determined parking demand to ensure appropriate parking is provided. *See* SUP Project Narrative (as revised on February 21, 2020); Public Comment Responses #3; Planning Board Submission, Site Plan.

12) 165 parking spaces will be provided in an underground garage which will be well lit and secured for use by residents only. *See* Planning Board Submission, Basement Plan.

13) In addition, we note that providing more parking than noted herein would be a detriment to the City because it would disrupt the ability for the City to develop a walkable downtown core.

14) To support this revised parking plan, the City of Plattsburgh Building Inspector has submitted an opinion that "it is my opinion that the provision of 226 spaces on-site is adequate to meet the parking demand of the proposed DLMUD." Further, the City's parking consultant provided a letter stating "the parking occupancy data collected by the City supports the conclusion that there will be adequate public parking capacity during construction and after all the proposed projects have been completed." *See* SUP Project Narrative (as revised on February 21, 2020); Public Comment Responses #3.

For the reasons stated above, the Project and related special use permits will not have a significant adverse impact on parking in the City of Plattsburgh and is consistent with the DGEIS, FGEIS and Common Council Findings Statement. Therefore, the ZBA should issues findings consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015

f. Fiscal and Economic Conditions

The SEQRA environmental record evaluates and assesses fiscal and economic conditions related to the Project and the ZBA applications. *See* Common Council Findings Statement Section 2.6; FGEIS Section 2.5.4; DGEIS Section 3.6, et. seq. The Project is consistent with this SEQRA environmental record and will not have a significant adverse impact for the following reasons:

1) There have been no changes as a result of the ZBA applications that would disrupt the fiscal and economic conditions analysis provided in the SEQRA environmental record.

2) While this potential impact is not relevant for purposes of the ZBA's special use permit applications, we note that the Project Site is owned by the City of Plattsburgh and it currently exempt from taxation. *See* Common Council Findings Statement 2.6; FGEIS Section 2.5.4; DGEIS Section 3.6, et. seq.

3) The transfer of the Project Site to a private developer will result in the Project Site being added onto the tax rolls and will result in financial benefits to the City. *See* Common Council Findings Statement 2.6; FGEIS Section 2.5.4.

For the reasons stated above, the Project and related special use permits will not have a significant adverse impact on fiscal and economic conditions in the City of Plattsburgh and are consistent with the DGEIS, FGEIS and Common Council Findings Statement. Therefore, the ZBA should issues findings consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015

g. Historic and Cultural Resources

The SEQRA environmental record evaluates and assesses historic and cultural resources related to the Project and the ZBA applications. *See* Common Council Findings Statement Section 2.7; FGEIS Section 2.5.5; DGEIS Section 3.7, et. seq. The Project is consistent with this SEQRA environmental record and will not have a significant adverse impact for the following reasons:

1) There have been no changes in the ZBA applications that would disrupt this historic and cultural resources analysis provided in the SEQRA environmental record.

2) The SEQRA record includes a Phase 1A Archaeological Survey (A Literature Search and Sensitivity Study or Phase 1A) was completed for the DLMUD and Riverwalk in June 2019. *See* Common Council Findings Statement Section 2.7; FGEIS Section 2.5.5; DGEIS Section 3.7; Public Comment Responses #13, 58.

3) NYSOPRHP provided a December 23, 2019 response letter indicating "Based upon our review the reports prepared by Curtin Archaeological Consulting, Inc (Curtin & Dymond, June 2019) and Hudson Valley Cultural Resource Consultants (Selig, October 2019) and the response to our request for additional information/clarifications about the project, it is the opinion of the New York SHPO that this undertaking will result in No Adverse Effect to historic properties, including archaeological and /or historic resources." *See* Common Council Findings Statement Section 2.7; FGEIS Section 2.5.5; DGEIS Section 3.7; Public Comment Responses #13, 58.

4) The project design for the DLMUD is consistent with the Secretary of Interior's Standards for Rehabilitation, which encourages contemporary design for additions to existing properties, rather than engaging in repetition of the past. *See* Common Council Findings Statement Section 2.7; FGEIS Section 2.5.5; DGEIS Section 3.7; Public Comment Responses #13, 44, 58.

5) The Project design does not seek to replicate any of the surrounding architectural styles but intentionally incorporates contemporary elements that reflect the neighborhood's existing character to accomplish an interesting urban dynamic. *See* Common Council Findings Statement Section 2.7; FGEIS Section 2.5.5; FGEIS Section page 41 – Response 3.2; DGEIS Section 3.7.

For the reasons stated above, the Project and related special use permits will not have a significant adverse impact on historic and cultural resources in the City of Plattsburgh and is consistent with the DGEIS, FGEIS and Common Council Findings Statement. Therefore, the ZBA should issues findings consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015

h. Environmental Contamination

The SEQRA environmental record evaluates and assesses environmental contamination related to the Project and the ZBA applications. *See* Common Council Findings Statement Section 2.8; DGEIS Section 3.8, et. seq. The Project is consistent with this SEQRA environmental record and will not have a significant adverse impact for the following reasons:

1) There have been no changes as a result of the ZBA applications that would disrupt the environmental contamination analysis provided in the SEQRA environmental record.

2) In March 2007, NYSDEC issued a Record of Decision (ROD) for the restoration of the Plattsburgh Gateway Project/Durkee Street Site identified as being located at 14 Bridge Street and that occupies part of the DLMUD project site. *See* Common Council Findings Statement Section 2.7; DGEIS Section 3.8.

3) Remediation of the site was completed, and a Certificate of Completion was issued by NYSDEC on September 13, 2016 documenting this milestone and requiring the City to implement a Site Management Plan (SMP). The SMP stipulates the future use of the property is subject to institutional and engineering controls including an environmental easement. *See* Common Council Findings Statement Section 2.7; DGEIS Section 3.8.

4) The environmental easement was executed on November 9, 2011 by the NYSDEC for 1) 14 Durkee Street, 207.20-7-15 (4.38 acres) and 2) Broad Street (0.72 acres) to ensure protection of human health and to achieve the requirements for remediation. *See* Common Council Findings Statement Section 2.7; DGEIS Section 3.8.

5) According to the easement, the property may be used for Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii) , Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) , and Industrial as described in 6 NYCRR Part 375-I.8(g)(2)(iv). *See* Common Council Findings Statement Section 2.7; DGEIS Section 3.8.

6) The Engineering /Institutional Controls affecting the DLMUD site are summarized below:
   a. The use and development of the property are limited to restricted residential, commercial, or industrial use, as described in 6 NYCRR Part 375-I.8(g)(2).
   b. Compliance with the approved SMP is required.
   c. The use of groundwater as a source of potable or process water is not allowed, without necessary water quality treatment as determined by NYSDOH.
   d. The property owner must submit a periodic certification of institutional and engineering controls to the NYSDEC.
   e. The NYSDEC must be notified of any ground intrusive work or change in use and the proposed management of the final cover system, which will be required to restrict excavation below the pavement layer, or buildings.
   f. Any excavated topsoil is required to be tested and properly handled to protect the health and safety of workers and the nearby community and managed in a manner acceptable to the NYSDEC.
   g. An evaluation of the potential for vapor intrusion for any buildings developed on the project site is required, including provision of mitigation of any impacts identified.
   h. Monitoring of groundwater is required.
   i. Monitoring of the installed sub-slab vapor mitigation system in the existing office building (the Gateway Complex) presently under construction is required.

See Common Council Findings Statement Section 2.7; DGEIS Section 3.8.

7) The redevelopment of the DLMUD will require a Change of Use notification and ongoing coordination with the NYSDEC to ensure the proposed project design and construction will not adversely affect the health and safety of local residents, workers, visitors, or construction workers. A Health and Safety Plan is required to be implemented during construction. *See* Common Council Findings Statement Section 2.7; DGEIS Section 3.8.

8) The current and future owners of the property are required to comply with the terms and conditions of the SMP. As indicated above, these include measures related to the excavation and handling of soils during construction, and installation of a sub-slab vapor barrier system. *See* Common Council Findings Statement Section 2.7; DGEIS Section 3.8.

9) According to NYSDEC, there are no public exposure risks at the project site. Future exposure risks are limited to construction workers performing ground intrusive work at the site. Construction work must be conducted using a Health and Safety Plan to minimize exposures. *See* Common Council Findings Statement Section 2.7; DGEIS Section 3.8.

10) In a December 10, 2018 letter, the NYSDEC stated, "no further groundwater monitoring is necessary at the location; site groundwater contaminants show a decreasing contaminant trend and are just slightly above groundwater standards, groundwater is not utilized in the area, and the monitoring wells are becoming aged and in disrepair. Proper decommissioning of all monitoring wells is required, and a monitor well decommissioning report must be submitted to the Department. This work can occur in 2019 with the return of warmer weather." *See* Common Council Findings Statement Section 2.7; DGEIS Section 3.8.

11) The developer will comply with all NYSDEC requirements.

For the reasons stated above, the Project and related special use permits will not have a significant adverse impact on environmental contamination in the City of Plattsburgh and is consistent with the DGEIS, FGEIS and Common Council Findings Statement. Therefore, the ZBA should issues findings consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015

i. **Recreation and Open Space**

The SEQRA environmental record evaluates and assesses recreation and open space related to the Project and the ZBA applications. *See* Common Council Findings Statement Section 2.9; DGEIS Section 3.9, et. seq. The Project is consistent with this SEQRA environmental record and will not have a significant adverse impact for the following reasons:

1) There have been no changes as a result of the ZBA applications that would disrupt the recreation and open space analysis provided in the SEQRA environmental record.

2) The Project will include certain amenities for the private use of residents including outdoor recreation (provided within the courtyard), office, and gym space. It is anticipated that new residents will primarily utilize existing facilities in the downtown and within walking distance to

Durkee Street. *See* Common Council Findings Statement Section 2.9; DGEIS Section 3.9; Planning Board Submission, Site Plan; SUP Project Narrative; Public Comment Responses #12, 22, 46.

3) Pursuant to the definition section of the Zoning Code, parking lots are not considered open space. *See* City of Plattsburgh Zoning Code ("Zoning Code") § 360-5.

4) The proposed PUD and related Prime Project will result in 18% (22,135 SF) of the lot being open space where 18% is required under the Zoning Code. Calculations for the entire PUD include providing 22% (45,185 SF) open space, where 15% is required. The proposed open spaces are as follows:

   a. Along the Saranac River, an identified top priority for the City, to be designed as a riverfront walk with site furnishings and landscape plantings that will connect Broad, Durkee, and Bridge Streets to the riverfront;
   b. Bordering the riverfront walk and the surface parking lot;
   c. Walkway and landscape plantings from Durkee Street to the riverfront walk;
   d. Walkways along Durkee and Bridge Streets; and
   e. Walkways and amenities in the courtyard of the building. These open spaces will include sidewalks, boardwalks, landscape plantings, and site furnishings all consistent with downtown amenities.

   See Public Comment Responses; Planning Board Submission, Site Plan; Public Comment Responses #12, 22, 46.

5) The PUD SUP and the resulting development will allow for the revitalization of the riverwalk along the Saranac River. Currently, the existing riverfront on the Durkee Street Lot is underutilized and in need of repair. *See* Common Council Findings Statement Section 2.9; DGEIS Section 3.9; Planning Board Submission, Site Plan; SUP Project Narrative; Public Comment Responses #12, 22, 46, 47, 48.

6) The PUD will allow for the riverwalk to be improved and access will be provided, in part, through a pedestrian walkway through Prime's Project from Durkee Street to the Saranac River. This will enhance the open space areas and provide more opportunities for residents and visitors. *See* Common Council Findings Statement Section 2.9; DGEIS Section 3.9; Planning Board Submission, Site Plan; SUP Project Narrative; Public Comment Responses #12, 22, 42, 46, 47, 48.

7) The City of Plattsburgh has confirmed that the proposed Riverwalk, being adjacent to Prime's Project will not result in a danger of safety risk. *See* Public Comment Responses

For the reasons stated above, the Project and related special use permits will not have a significant adverse impact on recreation and open space in the City of Plattsburgh and is consistent with the DGEIS, FGEIS and Common Council Findings Statement. Therefore, the ZBA should issues findings consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015).

j. Visual Resources

The SEQRA environmental record evaluates and assesses visual resources related to the Project and the ZBA applications. *See* Common Council Findings Statement Section 2.10; FGEIS in Table 13, and page 35; DGEIS Section 3.10, et. seq.. The Project is consistent with this SEQRA environmental record and will not have a significant adverse impact for the following reasons:

1) There have been no changes in the ZBA applications that would disrupt the visual resources analysis provided in the SEQRA environmental record.

2) As a part of the ZBA applications, the City and Prime have submitted to the ZBA updated Project renderings, Project elevations, and cross section analysis that confirm no impacts to the City visual resources (e.g. the Saranac River is currently cannot be seen from Durkee Street). *See* Planning Board Submission.

3) The Project will be developed to incorporate compatibility with visual resources, including enhancing the overall fabric of the downtown through restoration of the street edges along Durkee and Bridge Streets; and maintaining sensitivity to the Durkee and Bridge Street contexts in terms of scale, building character, materials, color, fenestration, and detailing. With regard to the downtown fabric, the new DLMUD building will reestablish street edges and maintain setback lines similar to existing buildings to the west and north. Less attractive parking uses are concealed by placing them either below the building or within the interior courtyard. The entire eastern edge of the basement parking deck will be enclosed and screened by a heavily landscaped base, with a landscaped buffer that will blend with the Riverwalk treatment. *See* Common Council Findings Statement Section 2.10; DGEIS Section 3.10; Public Comment Responses #39, 44, 58; SUP Project Narrative.

4) With regard to design sensitivity, the primary massing scale is similar in height to the existing four, three, and two-story buildings to the west. The strong cornice lines Section the corners and along both streets reinforces the relationship. The mid-block and end sections of the building will step back above the fourth level to reduce the visual scale along both streets and the Riverwalk. The north side of the building will step down another level at the northeast corner to parallel the street slope and further reduce its visual impact. *See* Common Council Findings Statement Section 2.10; DGEIS Section 3.10; Public Comment Responses #39, 44, 58; SUP Project Narrative.

5) The DLMUD building will employ a variety of visual elements sympathetic to many other downtown buildings, including a mix of building materials, punched openings, stone sill and lintel aesthetic, opening proportions similar in scale, larger ground level glazing for commercial uses, and strong cornice expression. *See* Common Council Findings Statement Section 2.10; DGEIS Section 3.10; Public Comment Responses #39, 44, 58; SUP Project Narrative.

6) The DLMUD will not impact or obstruct views of the Saranac River and lighting will be installed consistent with City code and addressed during site plan review.

7) The proposed DLMUD building is an improvement compared to the existing parking lot.

For the reasons stated above, the Project and related special use permits will not have a significant adverse impact on recreation and open space in the City of Plattsburgh and is consistent with the DGEIS, FGEIS and Common Council Findings Statement. Therefore, the ZBA should issues findings consistent with the Lead Agency's SEQRA review and related environmental record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.*, 131 A.D.3d 1237, 1240 (2d Dep't 2015).

City of Plattsburgh - Plattsburgh Durkee Street Development
City Planned Unit Development (PUD) Subdivision Permit Application
Supplemental Project Narrative
February 3, 2020

I. Overview and Background

The City of Plattsburgh (City) is working with Prime Plattsburgh, LLC. (Prime) on a public-private partnership for the redevelopment of the Durkee Street lot. The State of New York (NYS) identified the Durkee Street Site as the centerpiece of Plattsburgh's Downtown Revitalization Initiative (DRI) award. Consistent with the City's October 17, 2018 Request for Proposals, Prime is proposing a mixed-use development consisting of approximately 115 residential units, 10,000 square feet of commercial space, 5,800 square feet of renovated farmers market building space for commercial and civic use, parking, and open space (Prime's Project).

The Durkee Street lot fronts on Durkee Street and is bordered by Broad Street to the south, Bridge Street to the north, and the Saranac River to the east. It currently includes the Gateway building and associated parking leased to Investors Corporation of Vermont (ICV), a municipal parking lot, a farmers' market structure, the remediated site of a former gas and service station (Highway Oil site), and a path along the Saranac River riverfront.

The Durkee Street lot is in an existing PUD within the C- Central Business/Commercial Zoning District and has several previous approvals from the Planning Board.

- January 5, 2004 – Planning Board approved the Durkee Street Parking Lot Planned Unit Development (PUD).
- February 28, 2005 – City's Planning Board approved the PUD site plan for the Durkee Street Redevelopment, specifically the site plan for the proposed Gateway building and parking garage. The site plan, proposed structures, uses and all other aspects of the previously approved PUD did not change.
- September 26, 2005 – Planning Board approved the amended PUD that removed the requirement for ICV to build a second parking structure on the Broad Street lot and adjusted parking expectations accordingly.
- May 22, 2006 – Planning Board approved an amended PUD that reflects the changes in the amended redevelopment plan.

This application seeks to amend the existing PUD boundaries and related area and bulk zoning requirements. In addition to PUD permitting before the Planning Board (e.g. the PUD 2-lot

Subdivision), the City will be seeking two special use permits before the City's Zoning Board of Appeals ("ZBA"). Pursuant to the City's Zoning Code, PUDs are permitting by a special use permit issued by the ZBA, which the City is concurrently seeking. In addition, the City will be requesting a second special use permit from the ZBA for residential units on the first floor of the development.

Related to all applications, the Common Council, acting as Lead Agency, has commenced the New York State Environmental Quality Review Act ("SEQRA") process for the City's Downtown Revitalization Initiative projects.

The City Council approved the Final Generic Environmental Impacts Statement ("FGEIS") that was prepared to assess the potential significant adverse environmental impacts related to the downtown area improvement projects at their January 30, 2020 meeting. Importantly, the creation of the PUD (including the related special use permits being sought) was one of the downtown area improvements projects assessed in the Final GEIS and related SEQRA Findings Statement. The City Planning Board and the ZBA are listed as Involved agencies for this GEIS process. Throughout the course of this application, the City will demonstrate that the GEIS and related Findings Statement have assessed the potential significant adverse impacts related to the Project and therefore no further SEQRA review is required.

Along with this project narrative, we have included for the Planning Board's review the Revised Conceptual Site Plan prepared by McFarland Johnson (the "Site Plan"), which have been changed to reflect comments received from the City's Planning Board at its December 23, 2019 meeting, and an updated List of Deviations spreadsheet. Additional materials are also included in the Prime's Durkee Street Development Project ("Prime's Project") Site Plan application for Planning Board review.

II. PUD Subdivision Permit Application

The City is proposing to amend the PUD approval to establish 2 lots. The 2 lot PUD has been revised from the August 2019 application that the City submitted to the City Planning Board. It includes the following:

- Boundary of the PUD: Currently, the existing PUD includes the Durkee Street lot bordered by Bridge Street to the north, Durkee Street to the west, Broad Street to the south, and the Saranac River to the east; the Broad Street parking lot; and the footprint

of Broad Street between Durkee Street and the Broad Street bridge. It does not include the former Highway Oil lot. The total land area of the existing PUD is 5.3 acres.

The proposed adjusted boundary of the PUD is to include lands bordered by Bridge Street to the north, Durkee Street to the west, Broad Street to the south, and the Saranac River to the east. This includes the Durkee Street lot with the Gateway building and the former Highway Oil lot. The total land area of the proposed PUD boundary is 4.66 acres. The Broad Street parking lot, the footprint of Broad Street between Durkee Street and the Broad Street bridge will no longer be included in the PUD.

The proposed boundary of the PUD meets the minimum land area requirements of 3 acres as outlined in Section 360-21, C (9) of the City Zoning Regulations for the C-Commercial Zoning District. The boundary of the PUD is before the Zoning Board for approval as part of the SUP applications submitted by the City.

- Proposed PUD Subdivision: The proposal includes the creation of a 2 lots within the PUD.

  Lot 2A (1.9 acres) will include the existing Gateway lot with the ICV building and parking structure, and the land bordering the Saranac River extending from Broad Street to Bridge Street that will be for the Riverwalk improvements. Lot 2A (2.76 acres) will include a portion of the former Highway Oil lot. Lot 2B is the Durkee Street Development project that includes the existing municipal parking lot and a portion of the former Highway Oil lot.

The Durkee Street Development is a mixed use project. It consists of an approximately 200,000 gross sq. ft. of space, 65-foot-tall, five story building with underground parking, open space and two surface parking lots. The building will have approximately 10,000 sq. ft. of commercial space on the first floor along Durkee Street. The remainder of the first floor and the upper floors will have approximately 115 one, two and three bedroom residential units. There will be approximately 286 total parking spaces with 86 spaces in a surface lot adjacent to the south side of the building, 35 spaces in the surface lot within the building courtyard, 165 spaces beneath the building, and a loading berth space. The project also proposes rehabilitation of the existing Farmer's Market building for a 3,400 sq. ft. commercial space and a 2,400 sq. ft. publicly-accessible civic space within an open-air pavilion with access from the new pedestrian walkway. An outdoor amenities area is provided within the courtyard for residents. Open space consists of a pedestrian corridor connecting Durkee Street and the Arts Park to a new pedestrian riverfront walkway, which is being designed by Saratoga Associates and will be constructed by the City.

- Proposed Uses within the PUD Boundaries: The Zoning Code § 360-21(C)(7) states that "[a] planned unit development may include any mixture of uses, permitted as of right or by special use permit that are permitted within the zoning district." The proposed uses within Prime's Project will potentially include retail businesses and commercial uses, personal and business service establishments, residential apartments, and parking and loading areas, all of which are permitted in the C Zoning District.

III. City PUD Development Review

In what follows we have provided information on the Project that addresses the review criteria in conformance with PUD requirements as described in *Section 360-21 Planned Unit Developments* in the City's Zoning Ordinance. Some of these items will be addressed in more detail as part of the GEIS that the City is undertaking for this project and others related NYS DRI award projects.

The City of Plattsburgh Zoning Regulations allow for the creation of PUDs in Section 360-21. The purpose of a PUD is to enable and encourage flexibility in the design of a project as to preserve the natural and scenic qualities of open lands. PUDs are designed to allow "*…A subdivision plat or plats, approved pursuant to City Code Chapter 300, Subdivision of Land, in which the minimum lot size requirements, minimum yard requirements, and minimum open space requirements as specified in Schedule II16 of this chapter of the City Code, and in which the maximum number of structures and dwelling units on a lot as specified in § 360-18 of this chapter of the City Code, and any amendments thereto, may be varied to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of open lands.*"
The existing Gateway building and parking structure on Lot 2A within the proposed PUD was previously approved by the Planning Board. Lot 2A also includes the land bordering the Saranac River.

The proposed Durkee Street development project on Lot 2B within the proposed PUD has been designed to revitalize an underutilized parcel in the downtown with a mixed-use development. It will help redefine the streetscape with a building edge along Durkee and Bridge Streets, is designed to fit into the existing fabric of the downtown and provide an open space pedestrian corridor connection from the proposed Arts Park (Westelcom Park) to the Saranac River Riverfront walkway. The emphasis of this project has been on balancing the mixed-use development with parking needs and open space connections within the PUD.

The attached updated List of Deviations for PUD Subdivision table outlines the existing and proposed deviations for Lots 2A and 2B in the PUD and are summarized below.

Section 360-21, C Grant of authority and general conditions

(1) This procedure may be followed at the discretion of the Planning Board if, in said Board's judgment, its application would benefit the City.

The proposed PUD Subdivision will benefit the City by redeveloping an underutilized lot within the downtown core with an infill building bordering the roadways and sidewalks that have been contextually designed to define the streetscape and fit into the general character of the surrounding area. Prime's Project is an infill project within the downtown fabric of the city. Many years ago, there were buildings on the project site, but have since been removed.

As noted in the FGEIS, "*The planned addition of market rate housing and restaurant/retail uses will have positive benefits to the Downtown by providing additional retail and restaurant options, expanding and improving housing opportunities. The DLMUD is a project that is fulfilling public policy objectives as stated in the City's Comprehensive Plan. The planned DLMUD is located on a surface parking lot which contributes very little to the elements that make Downtown Plattsburgh unique. The loss of surface parking may have a positive impact on community character.*"

This proposed PUD will allow the flexibility to have buildings close to the sidewalks, which resembles an urban environment and facilitates a walkable community. As a result of the amended PUD, Prime's Project will be developed in a manner that is consistent with the downtown urban setting and will facilitate a walkable downtown community. Prime's Project will add residents to the downtown area, who will utilize the downtown area and related commercial uses. The uses that will result from the PUD and Prime's Project include residential apartments, retail businesses and commercial uses, personal and business service establishments, residential apartments, and parking and loading areas. It will provide improved access between the downtown and the Saranac River riverfront with enhanced connections to nearby green spaces - the improved Arts Park and the Saranac River trail. There will be economic benefits to the City in new tax revenue, new jobs, and new residents who are anticipated to frequent downtown businesses. Not only are all of these consistent with its urban setting, they are permitted uses within the C Zoning District and therefore have been deemed to be in harmony with the neighborhood.

(2) A planned unit development shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of Chapter 360 applicable to the district or districts in which such land is situated and conforming to all other applicable requirements.

The proposed PUD will not exceed the number of building lots or dwelling units that could be permitted if the land was subdivided conventionally. According to Section 360 Attachment 2, Schedule III, C-Central Business District, High-rise building, the maximum number of dwelling units is 276 and proposed is 115 units. The minimum lot size is 50,000 sq. ft. Both proposed lots exceed this.

(3) The Planning Board as a condition of plat approval may establish such conditions on the ownership, use, and maintenance of such open lands shown on the plat as it deems necessary to ensure the preservation of the natural and scenic qualities of such open lands. The Planning Board shall consider the goals, objectives and recommendations contained in the City of Plattsburgh Comprehensive Plan, the City of Plattsburgh Local Waterfront Revitalization Plan, and the Re-Use Plan for the former Plattsburgh Air Force Base before approving such plan.

The proposed open lands within the PUD that will be maintained for public use include the Riverfront walk and the walkway connection to this walk from Durkee Street opposite the Arts Park. The Riverfront walk will remain in City ownership and there will be an easement agreement between Prime Plattsburgh, LLC and the City for the walkway connection to ensure its public access and will define maintenance responsibilities.

In the *City of Plattsburgh Comprehensive Plan – 1999*, the Central Business District has defined land use as "…predominately commercial, retail and office use." The Plan recommends these mix of uses including service, parking and residential uses be allowed in the Central Business District. Several of the goals and objectives that are relevant to the Durkee Street Development include "…actively support intensified development in the area to the greatest extent feasible, allow compatible residential uses in the upper levels of structures to provide for more intense development and use of the area. The range of upper floor housing types and costs should be broadened." In the Recreation and Related uses section, a goal is to address tourism to maximize recreational and public access to the Saranac River.

In the *City of Plattsburgh Local Waterfront Revitalization Plan (LWRP)*, it states that economic development and downtown revitalization are a significant component of the LWRP and Durkee Street and the surrounding downtown sub-area is sited as "a gateway to the downtown and a focal area in linking the downtown to the waterfront at Dock Street". The area is recognized by the LWRP as a prime location for mixed-use development, parking, and river access. Durkee Street is also specifically cited in Policy 1 of the program which is to "Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development". The program states that Durkee Street has excellent potential for waterfront revitalization projects that highlight existing resources, meet community and regional needs, make beneficial use of a waterfront location, and incorporate recreation, public access, open space, and amenities. The program also recommends that proposed projects for this area should have a complete streets approach, accommodating both bicycles and pedestrians to enhance connectivity to the Downtown Area. The LWRP also references potential opportunities in the creation of an Arts District Corridor between Durkee Street and Brinkerhoff/Court Street. The LWRP recommends that as Durkee Street is developed as urban space, pedestrian and streetscape improvements should extend westward towards the park space between Durkee and Margaret Streets.

The proposed PUD is a crucial part of downtown revitalization that will support economic development along with taking advantage of the Saranac Riverfront for enhanced public access and use.

(4) The minimum percentage of open space contained in the entire PUD shall be the minimum percentage required by Schedule II for the zoning district in which the PUD is located. In calculating the area of required open space, § 360-17B of this chapter shall apply.

The minimum percentage of open space proposed in the entire PUD exceeds the minimum percentage of required open space. The minimum open space calculated based on Schedule II for the C – Central Business district, which is 100% of required setbacks, is 15%. The minimum open space proposed in the PUD subdivision is 22%. This exceeds the minimum requirements for the entire PUD of 15% open space. The proposed open spaces are as follows:

- Along the Saranac River, an identified top priority for the City, to be designed as a riverfront walk with site furnishings and landscape plantings that will connect Broad, Durkee, and Bridge Streets to the riverfront;
- Bordering the riverfront walk and the surface parking lot;

- Walkway and landscape plantings from Durkee Street to the riverfront walk;
- Walkways along Durkee and Bridge Streets; and
- Walkways and amenities in the courtyard of the building. These open spaces will include sidewalks, boardwalks, landscape plantings, and site furnishings all consistent with downtown amenities.

Importantly, the PUD Subdivision and the resulting development will allow for the revitalization of the riverwalk along the Saranac River. Currently, the existing riverfront on the Durkee Street Lot is underutilized and in need of repair. The PUD Subdivision will allow for the riverwalk to be improved and access will be provided, in part, through a pedestrian walkway through Prime's Project. This will enhance the open space areas and provide more opportunities for residents and visitors.

(5) The plat showing such planned unit development may include areas within which structures may be located, the height and spacing of buildings, open spaces and their landscaping, off-street open and enclosed parking spaces, streets, driveways, and any other features required by the Planning Board.

The PUD plan includes the location of the structures, spacing of buildings, open spaces, parking – off street and enclosed, and driveways. The Prime Site Plan application shows more detail of the various features proposed for Lot 2B.

(6) Planned unit developments are permitted in all zoning districts except RH.

The PUD is proposed in the C – Central Business district, which is permitted in the Zoning Regulations.

(7) A planned unit development may include any mixture of uses, permitted as of right or by special use permit that are permitted within the zoning district.

The proposed uses within the PUD are a mixture of uses that are permitted as of right and by special use permit in the C – Central Business district. They include the following:

- *Permitted Principal Uses*: retail business and commercial uses, personal and business service establishments, eating and drinking establishments, parks and recreation facilities, apartments above the first floor.
- *Accessory Uses*: parking and loading areas.

- *Uses Requiring Special Use Permit*: PUDs, apartments on the first floor of a multistory building within a PUD.

As mentioned above, the City is applying for two Special Use Permit (SUP) requests for the proposed PUD boundary and the uses to include the PUD and apartments on the first floor of a multistory building within a PUD that are before the City Zoning Board of Appeals.

(8) In reviewing and approving all plans, the Planning Board, in addition to the standards set forth herein, may utilize the standards of the subdivision and site plan review requirements, as well as the opinions of the City Planner, other department heads and City consultants.

This PUD does have a connected Site Plan application for Lot 2B. The goal is for the Planning Board to review these applications simultaneously and utilize both the PUD, subdivision and site plan review requirements.

(9) No tract, parcel or lot or tracts, parcels or lots shall be developed as a planned unit development unless it shall contain an area of adjoining and contiguous land as specified in the following table and shall contain sufficient access to the public road system as designated on the Official Map of the City of Plattsburgh, as amended.

The PUD is proposed for the C – Central Business district which requires a minimum land area of 3 acres as specified in the table. The proposed PUD contains approximately 4.66 acres which meets this requirement.

Section 360-21, D. Guidelines for Review and Approval of Planned Unit Developments

The Planning Board shall consider the following guidelines in reviewing and approving planned unit developments. Notwithstanding the use of the word "shall," the Planning Board may vary the requirements of the guidelines upon a showing that standards for obtaining an area variance have been met.

In the following review, we have addressed the standards for obtaining an area variance related to deviations from the guidelines in accordance with Section 360-54 (D) (3) (b) Area variances. In considering the granting of the deviations the Planning Board should consider the standards set forth for area variances. Thus, the Planning Board shall consider whether the benefit to the applicant if the deviation is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

In weighing the aforementioned balancing test, the law requires that the following considerations be made: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the deviation; (2) whether the benefit sought by the applicant can be achieved by some method, feasible to the applicant to pursue, other than the deviation; (3) whether the requested deviation is substantial; (4) whether the proposed deviation will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the deviation.

(1) Boundary line and internal street setback requirements

Lot 2A – Gateway Building (ICV)

The front yard setbacks, as determined in the underlying C - Central Business zoning district, are to be the height in stories times 3, which is 12 feet for the 4 story Gateway building. The front yard setbacks were previously approved for the Gateway building (ICV) by the Planning Board. The northern boundary line was approved by the Planning Board and is accounted for as a separate lot in the City tax database but was never formally subdivided as a separate lot. The side yard setback for the existing parking garage from the northern boundary line is 3 feet. This is a 9 foot deviation from the underlying C – Central Business zoning district requirements.

Lot 2B – Durkee Street development

The required front yard setback for the proposed building from Durkee and Bridge Streets is 15 feet. The proposed building is 9 feet from Durkee Street and 3 feet from Bridge Street. These front yard setbacks deviate from the underlying C - Central Business zoning district requirements by 6 feet and 12 feet respectively. The required side and rear yard setbacks are 15 feet. The proposed building is 2 feet from the Lot 2A property line and the existing farmers' market is 5 feet from the Lot 2A property line. These are measured from an existing farmers' market building that is being rehabilitated and deviate 13 feet and 10 feet respectively. The building height requirement is based on the number of stories times 12 feet. For a five story building (which is what's proposed), the building height requirement is 60 feet. The proposed building height is 65 feet, which is a deviation from the underlying C – Central Business zoning district requirement by 5 feet. These are requested deviations for Lot 2B and are outlined on the attached List of Deviations for PUD table. There are no proposed public or private streets within the PUD.

In support of this deviation request, we respectfully submit that the benefit to the applicant is granting the deviation clearly outweighs any detriment caused by such a grant. To this end, please note the following considerations:

(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

The above requested front, side and rear setback deviations will not create an undesirable change in the character of the neighborhood. The proposed building front setbacks will be greater than what exists for the surrounding buildings on Bridge and Durkee Streets which abut the municipal sidewalks. Existing buildings bordering sidewalks exists throughout the neighborhood and downtown which allows for pedestrians to easily stroll and access retail and commercial businesses. The proposed side building setback allows for more open space lands bordering the Saranac River for the Riverwalk improvements and public access. The proposed rear setback for the existing farmers' market building from Lot 2A exists based on the original approval of the Gateway complex. These side and rear setbacks allow for open space to remain along the Saranac River and for a broader area for the Riverfront improvements.

(b) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

To have the proposed building and development fit into the context of the neighborhood and be part of the streetscape fabric and a walkable downtown, there is not another option. Please also note that the range of appropriate alternatives is limited by two standards: First, the alternative must still provide the benefit sought by the applicant and, second, it must be feasible for the applicant to pursue. The Board may not consider an alternative design that is a "profound departure" from, or substantially more costly than, the design proposed in the variance.

(c) Whether the requested area variance is substantial;

The requested setback deviations are not substantial because they are consistent with the character of the physical buildings and streetscape fabric of the neighborhood and downtown.

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

The proposed setback deviations will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The Durkee Street reconfiguration/streetscape and Bridge Street streetscape improvements will be coordinated with the PUD and will create a more consistent street wall and allow for more pedestrian friendly sidewalks, increased on street parking, and additional landscape plantings. In addition, improved green space and pedestrian access to the Saranac River and improved pedestrian facilities will be beneficial to the neighborhood and downtown.

(e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

The setback deviations would be considered self-created. However, as stated above, the proposed building will be placed to be consistent with and in character with the surrounding neighborhood and the downtown. Notwithstanding, the fact that an area variance is self-created "shall not necessarily preclude the granting of the area variance".

(2) Building height.

The maximum allowable building height in stories is determined by the lot area times 0.0001. For Lot 2A, the maximum building height is 5 stories. The existing ICV building is 4 stories.

For Lot 2B, the maximum allowable building height in stories is 14. The proposed building is 5 stories tall and meets this requirement. The proposed height in feet for a building in this district is the number of stories times 12, which equates to 60 feet for a 5 story building. The proposed building is 65' tall. This is a requested deviation for Lot 2B as outlined in the attached List of Deviations for PUD table.

In accordance with Section 360-54 (D) (3) (b) Area variances determination, the Planning Board shall consider the following:

(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

The proposed building height of 5 feet above the required 60 foot story height for a 5 story building is similar to and consistent with building heights within the surrounding area.

(b) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

The five story building (one level underground, four stories above ground, and a mezzanine level) is designed to accommodate underground parking. Due to the site sloping down towards the Saranac River, there is not a feasible option to adjust to this grade difference. As noted above, alternatives that are profound departures or cost prohibitive shall not be considered.

(c) Whether the requested area variance is substantial;

The building height deviation is not substantial. The Zoning Regulations do allow for a building height of 14 stories in this C - Central Business District, which equates to 168 feet tall. The 65 feet height of the proposed building is considerably less than this.

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

There will not be any adverse impacts on the physical or environmental conditions in the neighborhood as a result of this height deviation. The proposed building structure is consistent with what is typically found in downtown Plattsburgh and is conceptually designed to have similar architectural details that exist in surrounding buildings to blend in with the character of the neighborhood.

(e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

The difficulty of maintaining the height of the building is impacted by the physical challenges of the sloping site. Notwithstanding, the fact that an area variance is self-created "shall not necessarily preclude the granting of the area variance.

(3) Distance between buildings.
The buildings (Gateway building and parking garage) on Lot 2A were previously approved by the Planning Board. There is only one building proposed on Lot 2B. The distance between buildings on Lot 2A and Lot 2B is approximately 235 feet. The farmers' market building is existing.

(4) Land use density.

Each lot within the PUD and the entire PUD development meets the land use density (maximum building coverage, minimum area, area per dwelling unit, and minimum open space) requirements for the C – Central Business zoning district. The entire PUD development also meets the land use density requirements for the C – Central Business zoning district as follows:

	Underlying Zoning District	Proposed
Maximum Building Coverage	85%	39%
Minimum Area	50,000 sq. ft.	82,965 sq. ft.
Maximum # of Dwelling Units	276	115
Minimum Open Space	15%	22%

(5) Open space.

(a) Required percentage of site and (b) Computation

As noted above, the entire PUD development and the individual lots meet the required percentage of open space. The proposed open space for the PUD includes easements for the pedestrian connection from Durkee Street to the Riverwalk and utility easements for water, sewer and stormwater. Lot 2B minimum open space meets the requirements of 360-17(B).

(b) Modification

The proposed open space for the PUD includes easements for public use for the Riverfront walkway, pedestrian connection from Durkee Street to the Saranac River Riverfront walkway, and utility easements for water, sewer and stormwater.

(c) Circulation and off street parking

Lot 2A was previously approved for off-street parking for the Gateway building.

Lot 2B has proposed 286 parking spaces for its project. The Zoning Regulations off street parking demand requires 317 parking spaces.

In the DGEIS and FGEIS, it is noted that the City's off-street parking requirements have not been amended in some time. An alternative source for parking generation data is the Institute of Transportation Engineers (ITE) "Parking Generation" (5th Edition, 2019) manual that includes parking demand data for over 100 different land uses. The ITE Parking Generation Manual shows a total demand of 272 parking spaces for the Durkee

Street Development residential and commercial components, which is 45 spaces less than the City's Parking Standard.

The existing 289 publicly accessible parking spaces located on the site will be relocated and replaced in several nearby downtown lots. The FGEIS outlines and documents these replacement publicly accessible parking spaces.

The proposed 9 feet by 18 feet parking spaces conform to the required dimensions. The proposed 24 foot aisle within the parking areas is less than the 26 foot aisle width required in the Zoning Regulations resulting in a 2 foot deviation. The proposed access driveways are in excess of the required 50 feet from street intersections. The northern access driveway on Durkee Street is approximately 170 feet from the Durkee and Bridge Street intersection; the southern access driveway on Durkee Street is approximately 270 feet from the Durkee and Broad Street intersection; and the driveway access on Bridge Street is approximately 380 feet from the Durkee and Bridge Street intersection.

As allowed by the City's Zoning Section 360-21 (D)(5)(d)(5) Planned Unit Development Prime is requesting an alternate method of calculating the parking demand for the project. It states "*Mixed or multiple uses. In the case of mixed or multiple uses within a single structure or building or in the use of land, the amount of off-street parking required shall be determined by the sum of the requirements of the various uses computed separately in accordance with § 360-26 of this chapter, except where the applicant can demonstrate to the satisfaction of the Planning Board that another method of computation will adequately serve the proposed mixed or multiple use.*"

The following are the project's parking demands calculated per the City's Zoning Code and per the requested PUD Subdivision.

	Parking Demand Per City Zoning Code	
Use	**Calculation**	**No. of Spaces**
Residential	(2 per DU for first 10) x 10 + (1.75 per DU over 10) x 105	204
Commercial	(1 Space per 250 sf) x 7,250 sf	29
Restaurant		
Customer area	(1 per 50 sf) x 3,690 sf	74
Other Area	(1 per 250 sf) x 2,460 sf	10
Public Parking for City Use	-	50
	Total Demand	**367**

	Parking Demand Per PUD	
Use	**Calculation**	**No. of Spaces**
Residential	(1.5 per DU) x 115	173
Commercial	(1 Space per 300 sf) x 13,400 sf	45
Employee Parking	(1/2 Space per employee) x 15	8
Public Parking for City Use	-	50
	Total Demand	**276**

Total Required (per PUD)	276
Total Provided	286

The Durkee Street Mixed Use Development will provide sufficient parking to meet all of the proposed demand from its site. As part of the PUD Subdivision Approval process, the applicant will request an alternative calculation for the residential parking demand, as stipulated in Section 360-21.-D-5-d-5 of the City Zoning Code. The Planning Board has the authority to approve an alternate method of parking calculation if the applicant can provide sufficient justification for the calculation. Instead of the methods stipulated in Section 360-26, the applicant is requesting the demand calculations shown above. The applicant has based this demand on another similarly sized project in the region that they have constructed and operated for multiple years with similar uses, layout, and construction. The applicant has operated without any parking issues.

(6) Off-street loading requirements.

The required off street loading berth is based on 1 space per 10,000 to 25,000 sq. ft. of floor area. This pertains to the commercial space and 1 off street loading berth is provided.

(7) Streets.

There are no proposed internal streets for the PUD. Therefore, this is not applicable.

(8) Other improvements.

All proposed utility improvements: water, sewer, and stormwater, will be designed in accordance with City, County and State regulations.

CITY OF PLATTSBURGH APPLICATION TO PLANNING BOARD FOR:

PLANNED UNIT DEVELOPMENT	**PRELIMINARY SUBMITTAL:**	Date: 11/26/19
SITE PLAN REVIEW	**FINAL SUBMITTAL:**	Date:

NAME OF PROPOSED DEVELOPMENT: Durkee Street PUD Subdivision

Applicant:
Name City of Plattsburgh
Address 41 City Hall Place
City Plattsburgh
State NY Zip 12901
Telephone#: 518-536-7520
Fax #:

Plans prepared by:
Name Robert M. Sutherland P.C.
Address 11 MacDonough St.
City Plattsburgh
State NY Zip: 12901
Telephone(518) 561-6145
Fax #:

Owner (if different) ((if more than one owner, provide info. for each)

Name City of Plattsburgh
Address 41 City Hall Place
City Plattsburgh
State NY Zip 12901
Telephone

Purchase Option:

Location of site: Durkee Street between Bridge Street and Broad Street.

Property description/class: Municipal Paved Parking Lot & Leased ICV Site

Parcel ID No.: 207.20-7-15 **Lot Size:** 4.66 acres

Current Zoning District: C (existing PUD)

Variance #: (if any) Approved: Yes No

City, State and Federal permits needed: Development Agreement (City), Site Plan Approval (City PB), Special Use Permit (City ZBA), Creation of a PUD (City PB), Water, Sewer, Electric Connections (City), NYSDEC SPDES (State)

Proposed uses(s) of site: Mixed Use Commercial and Residential Development & Existing ICV Site.

Total site area (square feet or acres): 4.66 acres

Anticipated construction time: 18 months (for mixed use) (days, months, years)

Will development be Phased: No

Current land use of site(agriculture,commercial, undeveloped,):
Municipal Paved Parking Lot, Farmers' Market structure, 4-story commercial building w/ associated parking garage.

Current conditions of site(buildings, brush, etc.):
Asphalt paving, concrete curbing, a metal sided building with an adjacent pavilion, 4-story commercial building w/ associated parking garage. Trees and brush along bank of Saranac River.

Character of surrounding lands(suburban,agriculture,wetlands,etc.):

The site is in an urban, mixed-use, downtown environment with the Saranac River on the eastern boundary.

Estimated cost of proposed improvement: $ 25,000,000

Anticipated increase in number of residents, shoppers, employees:
Approximately 236 new residents, approximately 25-30 new shoppers per hour during the peak hour, and approximately 4 new full-time employees. See associated mixed-use site plan for more information.

Describe proposed use, including primary and secondary uses; ground floor area; height; and number of stories for each building:

- for residential buildings include number of dwellings units by size(efficiency, one-bedroom, two-bedroom,three or more bedrooms) and number of parking spaces to be provided.
- for nonresidential buildings, include total floor area and total sales area; number of automobile and truck parking spaces.
- other proposal structures

The proposed PUD would include an approx. 200,000 gross SF, five-story building with approximately 10,000 SF of commercial space on the first floor along Durkee Street. The remainder of the first floor and floors 2-5 will have approximately 115 residential units. There will be approximately 286 parking spaces (86 spaces in a surface lot, 35 spaces in a courtyard, 165 spaces in an underground garage beneath the building) and a loading space. There will be an open space pedestrian corridor connecting Durkee St. to a new pedestrian riverwalk (by others). Also proposed is the rehabilitation of the existing farmers' market building for a 3,400 SF commercial space and a 2,400 SF, publicly accessible civic space. The PUD would also include the existing 4-story Gateway building with approximately 45,000 sf of commercial space and 165 parking spaces (146 in two story garage and 19 surface spots).

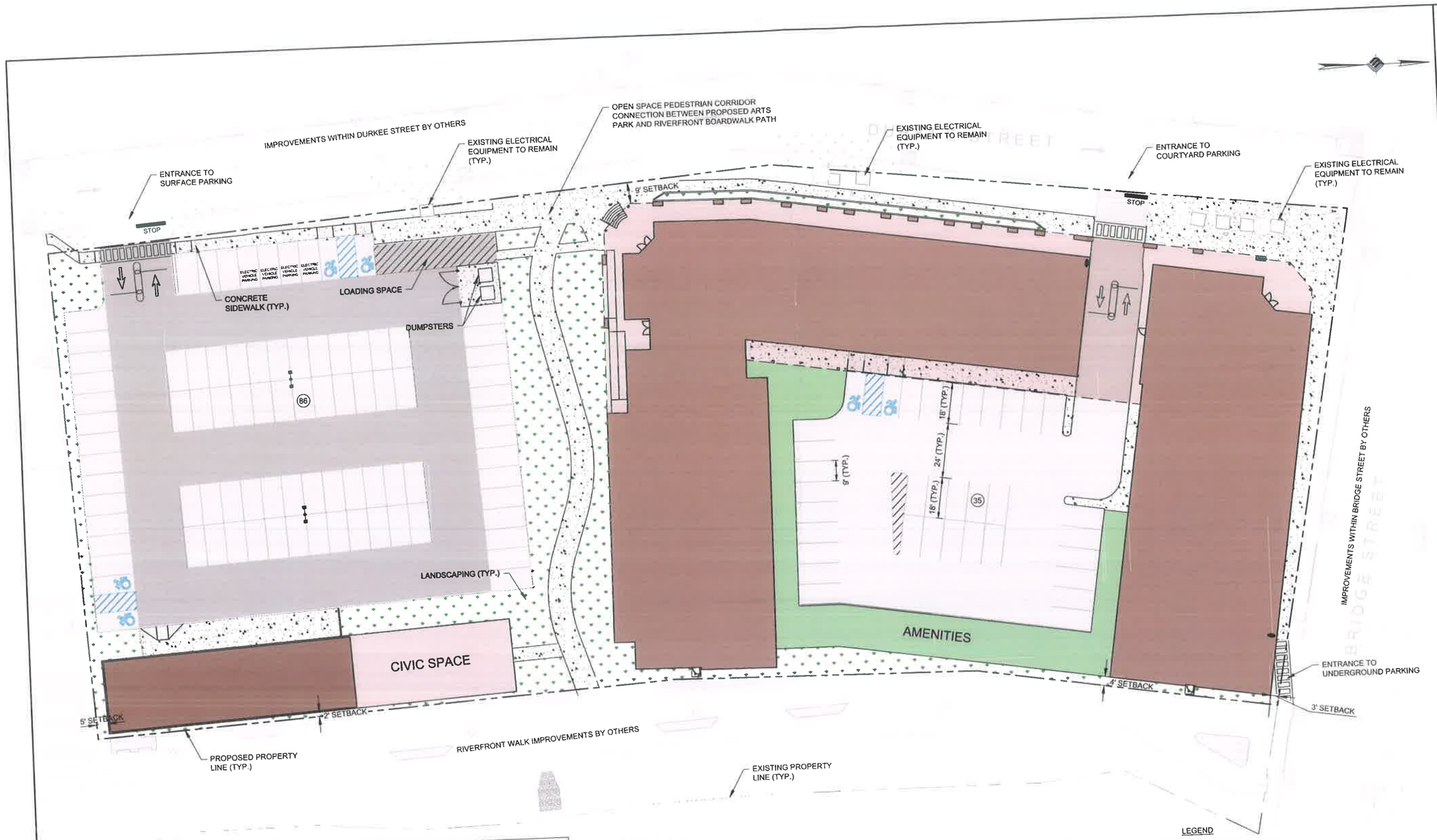
INSTRUCTIONS FOR SUBMITTAL:

1. Type or print neatly. Complete all blanks.
2. Submit completed application and one location map, survey, detailed site plan, typical floor plans, SEQR, and building elevations (indicating finished materials) as required by the Zoning Ordinance Section 270-35. After review and acceptance of the above submittal by the Building Inspector and Engineering and Planning Dept., the approved application will be returned and the applicant is to submit **15 sets** of the approved application, SEQR, and drawings to:

Engineering and Planning Dept.
41 City Hall Place
Plattsburgh, N.Y. 12901

(518) 563-7730

NOTE: A site plan review request can not be placed on the Planning Board agenda until the Engineering and Planning Dept. certifies the submittal is complete and contains all information as required.



PROJECT DATA:

1. APPLICANT:
   PRIME PLATTSBURGH, LLC
   621 COLUMBIA STREET
   COHOES, NY 12047
2. EXISTING ZONING: COMMERCIAL/PLANNED UNIT DEVELOPMENT
3. LOT AREA: 2.76 ACRES (120,120 SF)

ZONING:

	TAX ACC. NO.	LOT SIZE	ZONING
EXISTING:	207.20-7-15	±4.66 ACRES	COMM/PUD
PROPOSED:	XXX.XX-X-XX	±2.76 ACRES	PUD

GROSS COMMERCIAL AREA:	7,250 SF
GROSS RESTAURANT AREA:	6,150 SF
60% CUSTOMER AREA:	3,690 SF
40% OTHER AREA:	2,460 SF
TOTAL APARTMENT UNITS:	115

PARKING DEMAND PER CITY CODE		
USE	CALCULATION	NO. OF SPACES
RESIDENTIAL	(2 PER DU FOR FIRST 10) x 10 + (1.75 PER DU OVER 10) x 105	204
COMMERCIAL	(1 SPACE PER 250 SF)	29
RESTAURANT		
CUSTOMER AREA	(1 PER 50 SF) x 3,690 SF	74
OTHER AREA	(1 PER 250 SF) x 2,460 SF	10
PUBLIC PARKING FOR CITY USE		50
TOTAL DEMAND	-	367

PARKING DEMAND PER PUD		
USE	CALCULATION	NO. OF SPACES
RESIDENTIAL	(1.5 PER DU) x 115	173
COMMERCIAL	(1 SPACE PER 300 SF)	45
EMPLOYEE PARKING	(⅛ SPACE PER EMPLOYEE) x 15	8
PUBLIC PARKING FOR CITY USE	-	50
TOTAL DEMAND	-	276

PARKING PROVIDED	
LOCATION	NO. OF SPACES
SURFACE PARKING LOT	86
COURTYARD PARKING LOT	35
UNDERGROUND PARKING LOT	165
TOTAL PARKING PROVIDED	286

*PARKING SPACES WILL BE STRIPED TO INDICATE SPACE AVAILABLE FOR PUBLIC USE

ADA PARKING:
PER NYS 2016 UNIFORM CODE SUPPLEMENT

ACCESSIBLE SPACES REQUIRED:	
SUFACE PARKING	4 SPACES
COURTYARD PARKING	2 SPACES
UNDERGROUND PARKING	6 SPACES

ACCESSIBLE SPACES PROVIDED:	
SUFACE PARKING	4 SPACES
COURTYARD PARKING	2 SPACES
UNDERGROUND PARKING	6 SPACES

FEATURES	CALCULATION	UNDERLYING CITY ZONING	PROPOSED
PARCEL SIZE	CHAPTER 360 SCHEDULE III	50,000 SF	120,120 SF
MIN. LOT DIMENSION	SQUARE ROOT OF LOT AREA X 0.67	232'	216'
MAX. HEIGHT IN STORIES	LOT AREA X 0.0001	14	5
MAX. BLDG HEIGHT	STORIES X 12	60'	65'
MINIMUM BUILDING SETBACKS	STORIES X 3	15'	3' NORTH 2' EAST (EXISTING) 9' WEST 5' SOUTH (EXISTING)
MAX. BLDG COVERAGE	LOT SIZE - SETBACK AREA	82%	32%
MIN. OPEN SPACE	SETBACK AREA	22,105 SF	22,135 SF

LEGEND

- CONCRETE SIDEWALK
- LANDSCAPING
- AMENITY SPACE
- LIGHT DUTY ASPHALT PAVEMENT
- HEAVY DUTY ASPHALT PAVEMENT
- BUILDING
- BUILDING OVERHANG
- STONE RIP-RAP
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- BUILDING OVERHANG

0 20 40 60 FT
SCALE

McFarland Johnson
60 RAILROAD PLACE
SUITE 402
SARATOGA SPRINGS, NEW YORK 12866
P:518-580-9380 F:518-580-9383
mjinc.com

PROJECT MILESTONE
CONCEPT UPDATE

NO.	DATE	DESCRIPTION
1	02/04/2020	PARKING UPDATE

CLIENT:
PRIME PLATTSBURGH, LLC
PLATTSBURGH, NEW YORK

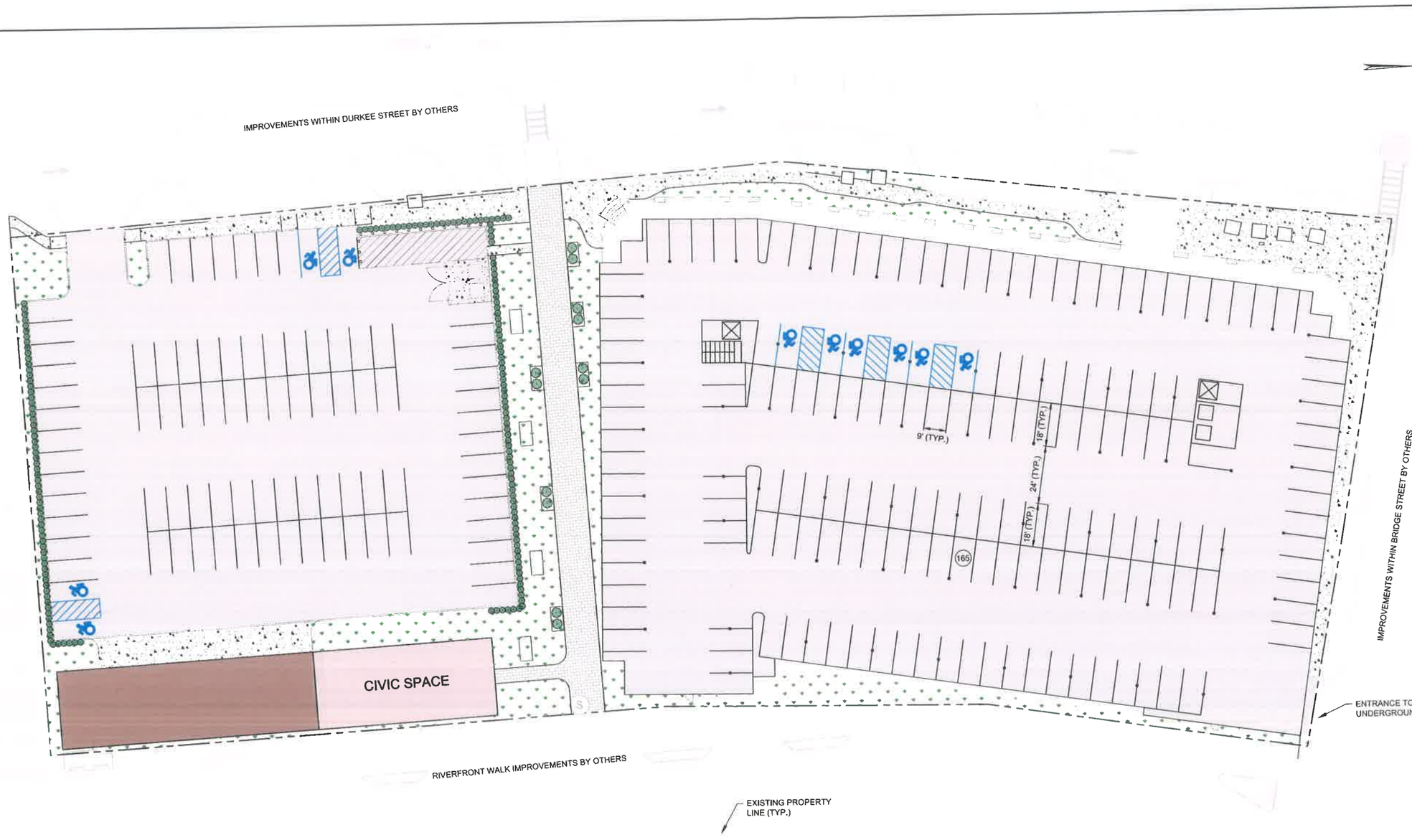
PROJECT:
DURKEE STREET MIXED USE

DRAWN	NSO
DESIGNED	NSO
CHECKED	TCB
SCALE	1"=20'
DATE	NOVEMBER 2019
PROJECT	18491.00

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECT DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

DRAWING TITLE
CONCEPTUAL SITE PLAN

DRAWING NUMBER
C-01
01 OF 01



LEGEND

- CONCRETE SIDEWALK
- STAMPED CONCRETE
- LANDSCAPING
- AMENITY SPACE
- ASPHALT PAVEMENT
- BUILDING
- BUILDING OVERHANG
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- BUILDING OVERHANG

0 20 40 60 FT
SCALE

McFarland Johnson
60 RAILROAD PLACE
SUITE 402
SARATOGA SPRINGS, NEW YORK 12866
P:518-580-9380 F:518-580-9383
mjinc.com

PROJECT MILESTONE
CONCEPT UPDATE

NO.	DATE	DESCRIPTION

CLIENT:
PRIME PLATTSBURGH, LLC

PLATTSBURGH, NEW YORK

PROJECT:
DURKEE STREET MIXED USE

DRAWN	NSO
DESIGNED	NSO
CHECKED	TCB
SCALE	1"=20'
DATE	NOVEMBER 2019
PROJECT	18491.00

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECT DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

DRAWING TITLE
BASEMENT PARKING PLAN

DRAWING NUMBER
C-01

01 OF 01

Plattsburgh Durkee Street Project
List of Deviations for PUD Subdivision - UPDATED
February 3, 2020

Requirement	Central Business Zoning District - High Rise	PUD Requirement	Lot 2A: City Owned (Gateway Complex)	Deviation Requested per § 360-21(D)	Lot 2B: Prime Lot	Deviation Requested per § 360-21(D)
Minimum Lot Area	50,000 sq. ft.		82,965 sq. ft.	Not applicable	120,119 sq. ft.	Not applicable
Minimum Land Area	Not applicable	3 acres for entire PUD area	1.9 acres (totals 4.66 acres with Lot 2)	Not applicable	2.76 acres (totals 4.66 acres with Lot 1)	Not applicable
Minimum Lot Dimension	202 FT for Lot 2A 233 FT for Lot 2B		Previously approved	No	573 FT	No
Width	70 FT for Lot 2A 70 FT for Lot 2B		Previously approved	No	> 500 FT	No
Depth	100 FT for Lot 2A 100 for Lot 2B		Previously approved	No	265 FT	No
Front Setback (Durkee and Bridge Streets)	12 FT for Lot 2A 15 FT for Lot 2B		Previously approved	No	9 FT Durkee Street 3 FT Bridge Street	Yes
Side Setback	12 FT for Lot 2A 15 FT for Lot 2B		3 FT (north)	Yes	2 FT (east)	Yes
Rear Setback	12 FT for Lot 2A 15 FT for Lot 2B		Previously approved	No	5 FT (south)	Yes
Height (FT)	48 FT for Lot 2A 60 FT for Lot 2B		Previously approved	No	65 FT	Yes
Height (Stories)	5 stories for Lot 2A 14 stories for Lot 2B		Previously approved	No	5 stories	No
Minimum Distance Between Buildings		The minimum distance between any two buildings, other than buildings containing common walls, shall be not less than as computed under the following formula: S=(LA+LB+2(HA+HB))/6 Where: S = Required minimum horizontal distance between any wall of Building A at any given level and any wall of Building B at any given level or the vertical prolongation of either; LA = Total length of Building A. Building A shall be that structure which is of equal or greater length of the two buildings selected; LB = Length of Building B; HA = Height of Building A. The height of Building A is the average height above the finished grade of the structure; HB = Height of Building B.	Previously approved	No	Minimum distance between buildings is as follows: LA = 305 ft, LB = 106 ft, HA = 65 ft, HB = 18 ft, S = 96 ft Actual Distance: 120 FT	No
Maximum Building Coverage	Previously approved for Lot 2A 84% for Lot 2B		Previously approved	No	32%	No
Minimum Open Space	Previously approved for Lot 2A 16% for Lot 2B		Previously approved	No	22,135 SF or 18%	No

Plattsburgh Durkee Street Project
List of Deviations for PUD Subdivision - UPDATED
February 3, 2020

Requirement	Central Business Zoning District - High Rise	PUD Requirement	Lot 2A: City Owned (Gateway Complex)	Deviation Requested per § 360-21(D)	Lot 2B: Prime Lot	Deviation Requested per § 360-21(D)
Minimum Number of Parking Spaces	See City parking requirements In Notes below	The Planning Board can approve an alternative calculation for parking demand, as stipulated in Section 360-21.-D-5-d-5 of the City Zoning Code. The Planning Board has the authority to approve an alternate method of parking calculation if the applicant can provide sufficient justification for the calculation. Instead of the methods stipulated in Section 360-26, the applicant is requesting an alternative method for calculating the residential/commercial/restaurant parking demand. The applicant has based this demand on another similarly sized project in the region that they have constructed and operated for multiple years with similar uses, layout, and construction. The project has operated without any parking issues.	Previously approved	No	*Residential*: 1.5 / dwelling unit x 115 units (173 spaces) *Commercial/Retail/Restaurant*: 1 / 300 sf x 13,400 sf (45 spaces) *Employee*: 1/2 space per employee x 15 (8 spaces) *Public Parking for City Use*: 50 spaces (50 spaces) *Total 276 spaces*	Yes

City Parking Requirements Notes:

Residential:
2 / dwelling unit for first 10 units x 10 units (Lot 2B - 20 spaces)
1.75 / dwelling unit over 10 x 105 units (Lot 2B - 184 spaces)
+1 for each adult occupying the unit over 2 (0 spaces)

Commercial:
1 / 250 sf x 7250 sf (Lot 2B - 29 spaces)

Restaurant:
1 / 50 sf customer area x 3690 sf (Lot 2B - 74 spaces)
1 / 250 sf other area x 2460 sf (Lot 2B - 10 spaces)

Total 317 spaces

DISCOVER
Plattsburgh

Community Development Office
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
Phone: 518-563-7642
cdo@cityofplattsburgh-ny.gov

MEMORANDUM

From: Matthew Miller, Director of Community Development

To: Ron Nolland, Chairman, Zoning Board of Appeals

James Abdallah, Chairman, Planning Board

Subject: City Downtown Parking Plans

Date: February 20, 2020

Additional information has been requested by both the City's Zoning Board of Appeals and Planning Board regarding the City's plans for downtown parking so that they may properly evaluate the various applications currently before the boards relating to the Durkee Lot Mixed Use Development. The following table appears on page 11 of the Final GEIS and shows the anticipated changes in the downtown parking supply that will occur as a result of the GEIS projects:

Table 3: Existing and Future Publicly Accessible Parking Supply within SAD

	Existing Public Supply[1]	Future Public Supply	Change in Public Supply
DSMPL (existing) / DLMUD (future)	289	50	-239
BSMPL	59	80[2,3]	+21
APMPP	0	103[3]	+103
Westelcom Park[5]	4	0	-4
Clinton County Lot	0	69[2,4]	+69
Court Street Lot	44[7]	44[7]	0
City Hall Place Lot	17[7]	17[7]	0
Off-Street Totals	***413***	***363***	***-50***
Durkee Street (Broad St. to Bridge St.)	15	53	+38
Bridge Street (Durkee St. to Peru St.)	32	38	+6
Court Street (north side from Margaret St. to Oak St.)	28	19	-9
Margaret Street (west side from Brinkerhoff St. to Division St.)	9	4	-5
On-Street Totals (All Streets within SAD)	***407***	***437***[6]	***+30***
Total On- and Off- Street Spaces	***820***	***800***	***-20***

DISCOVER
Plattsburgh

Community Development Office
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
Phone: 518-563-7642
cdo@cityofplattsburgh-ny.gov

Notes: [1] Based on a parking supply survey conducted by the City of Plattsburgh's Community Development Office. [2] Includes one motorcycle space. [3] Reflects revised plan. [4] Reflects additional information provided by Clinton County subsequent to issuance of the DGEIS. [5] The four existing off-street parking spaces at Westelcom Park will be eliminated as part of the WPI. [6] The nine fewer spaces on the north side of Court Street between Margaret and Oak Streets are due to adjustments to the Clinton County Lot and the loss of five spaces on the west side of Margaret Street between Brinkerhoff and Division Streets is due to construction of the proposed APMPP. [7] Parking numbers reflect existing supply and have been updated to correct errors contained in the DGEIS.

The Community Development Office offers the following additional documentation for reference by your boards when evaluating the Durkee applications:

1. The Carl Walker study "Parking Observations and Recommendations" completed on behalf of the City in February of 2018. The study includes several recommendations for managing the City's downtown parking assets and replacing the capacity of the Durkee Street Municipal Parking Lot.

2. A February 19, 2020 memo from WGI, Inc. (formerly Carl Walker), the consultants who completed the City's 2018 downtown parking study, concluding that, in their view, the City's overall parking plan for downtown will provide adequate public parking capacity both during construction and after all the proposed GEIS projects have been completed.

3. An overview map showing the physical location of the proposed replacement parking capacity projects in the downtown area.

4. August 2018 memo from the Plattsburgh Parking Advisory Committee to the Common outlining its parking recommendations and a proposed timeline of implementation. These recommendations were arrived at after 8 months of PPAC meetings and input from numerous community stakeholders. The memo includes several recommendations regarding management of the City's new parking system.

   As yet, the Council has made no final decisions on any of these recommendations save for their endorsement of the continuation of the existing City policy on the use of outdoor 'parklets' during the summer season by downtown restaurants. The recommendation of IPS as the City's preferred kiosk vendor was made after an exhaustive process in which the City initially released an RFP, evaluated the 3 proposals received and then invited all 3 vendors for on-site interviews and a demonstration of their proposed kiosk units. Ultimately the PPAC's review committee decided unanimously to recommend IPS Group.

5. The construction site plan for the 103 space Arnie Pavone Memorial Parking Plaza which will be built on the current site of the Glens Falls National Bank Building on Margaret

DISCOVER
Plattsburgh

Community Development Office
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
Phone: 518-563-7642
cdo@cityofplattsburgh-ny.gov

St. The City recently purchased the lot and will complete asbestos abatement and demolish the building pending completion of the GEIS with lot construction to commence immediately following demolition. Division St. will be abandoned and its former footprint incorporated into the new lot.

Cooperation from the adjacent property owners, Community Bank and St. John's Catholic Church, has been sought, agreements in principle have been reached with both parties, and the necessary access/construction easements are currently being negotiated for the portions of the construction required to take place on their properties. A preliminary rendering is included as well. Minor changes to the design have been implemented since this rendering was completed. A brief project narrative is also included. The new lot will be completed prior to groundbreaking on the Durkee lot development.

6. The construction site plan for the expanded Broad Street lot. This is a simpler project than the Pavone lot and will involve the addition of 21 parking spaces by expanding the lot toward the Saranac River. A preliminary rendering and project narrative are also included. The expanded lot will be completed prior to groundbreaking on the Durkee lot development.

7. Site plan for the reconfiguration of the Clinton County Government Center Parking Lot. In exchange for the City contributing to the construction cost of this reconfiguration, the County agreed to open the 69 spaces in the newly expanded public parking area to any public purpose whereas, prior to the lot's reconfiguration, only those on County business were permitted to park in that area.

8. Sketch site plan showing proposed improvements to Durkee Street which involve the conversion of that street to one-way, northbound traffic and the addition of new on-street parking capacity on the reconfigured street. Design work for this project is ongoing and it is anticipated that construction will begin roughly 6 months after construction of the Durkee lot development commences.

9. Draft proposals for a temporary construction parking plan to be implemented while construction of the DLMUD, Durkee Street improvements, and Bridge Street improvements are ongoing. These projects account for roughly 100 of the compensatory parking spaces included in the City's replacement plan and will not be available until construction is complete. The plan calls for, among other measures, the temporary designation of certain on-street areas within and adjacent to the SAD as long term parking.

DISCOVER
Plattsburgh

Community Development Office
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
Phone: 518-563-7642
cdo@cityofplattsburgh-ny.gov

10. The traffic study completed as part of the GEIS process that analyzed the effects of all the proposed parking improvements on downtown traffic flow. The study concluded that, even with the conversion of Durkee Street to one-way traffic, traffic impacts would be minimal and of those expected increases in wait times at the various evaluated intersections, none was greater than 5 seconds.

The following is a list of documentation related to the City's parking plan that has been included in previous SUP application submission materials to the ZBA:

1. A memo from the Community Development Office to the Common Council, dated January 24, 2020 addressing public comments regarding parking that were submitted by the public in response to the Draft GEIS. NYS regulations require the Common Council, as lead agency for the environmental review, to respond to all substantive comments submitted by the public. Several comments questioned the manner in which the City was accounting for the number of spaces in its compensatory parking plan.

   Rather than debate the merits of these assertions, the City decided to show that, even if those assertions were utilized to calculate the number of compensatory parking spaces, that the SAD contains more than enough excess parking capacity to absorb any perceived deficit without approaching the peak parking utilization threshold of 85% that would normally require the City to start planning for additional parking. To do this, we used the results of over 100 SAD-wide parking counts conducted by members of the PPAC and the Community Development Office over the course of 2019. We felt it was more appropriate to use these results rather than those of the Carl Walker study as the demand observed in the 2018 study was based on observations prior to the City's resumption of active enforcement of its downtown parking regulations.

2. Current site plan for the Durkee Lot Mixed Use Development with anticipated parking demand included at bottom. A large underground parking deck and two surface parking lots are included in the plan. It is expected that the development will contain enough parking for its own needs and an additional 50 spaces that will be made available for use by the public. The City also plans to implement an additional 6 parallel, on-street parking spaces adjacent to the development on the south side of Bridge Street which can be seen on the right side of the site plan.

RECOMMENDATIONS

1. **Considering the impending development of the Durkee St. Lot, the City needs to administer the City Parking System**.

   The City parking assets (on-street and off-street parking spaces) are free to patrons and lightly regulated even for the time limited on-street spaces. When the Durkee St. development comes to fruition, the City will no longer have the option to let the parking system operate with little planning or active management and oversight. For the Durkee St. development and the existing businesses and other organizations to be successful, the City needs to manage the parking assets to promote high levels of customer service and efficient use of parking spaces. High levels of customer service include having open parking spaces when arriving downtown, and options for parking based on cost and proximity.

   Administering a public parking system can include charging for parking, but it is not a requirement. Fees are an important tool for managing parking supply, as they allow patrons to choose where to park based on their own price sensitivity. Effective downtown parking systems can exist without fees. However, the main management tool is parking enforcement, and too much enforcement creates an adversarial relationship between parking management and patrons / customers.

   DISCUSSION NOTE

   Options to Accommodate Parking Needs in support of DRI and Durkee St. Development
   1. Don't change much and require people to park in the Harbor Lots
   2. Create necessary downtown parking and administer FREE parking system that does not charge patrons for use. City bears all costs for creating and managing parking.
   3. Create necessary downtown parking and administer PAID parking system that charges fees for use.

   Option 1 provides low levels of customer service. Option 2 is not financially feasible for the City. Option 3 provides high levels of customer service and has revenue to help cover costs.

   Administration of the Parking System would require overhead; staff, supplies, equipment, etc. Our understanding from City staff is that implementation of a Parking System would have to pay for itself out of fees. The City is unable to absorb the overhead of a managed parking system that does not generate revenue. For the remainder of these recommendations, we are going to assume the City Parking System will charge user fees for hourly on-street parking and daily and monthly off-street parking to support the administrative overhead required. Paid parking accomplishes two objectives:

   1.) Creates a high level of customer service by offering options to patrons based on price, not on enforcement.
   2.) Provides funding necessary to adequately administer a public parking program.

Recommendation

Create a Parking Office that is responsible for day to day parking operations as well as short and long-term parking planning as part of the overall economic development of the City. Some of the items that need to be considered for more robust management and administration of parking include:

A. Staffing for:
   a. Issuance and administrations of monthly parking permits
   b. Issuance and administration of residential parking permits
   c. Civilian parking enforcement
   d. Administration of accounts payable / receivable
   e. Maintenance of meters
   f. Cash collection of meters
   g. Reconciliation of mobile and credit card payments
   h. Daily administration – answering phone calls / taking questions
   i. Parking ticket payments / adjudication
   j. Policy input from Community Development
   k. Coordination with zoning and land use
   l. Liaison with Mayor / Common Council

(There should be a lead person responsible for parking operations, but also leadership for future planning, land use and zoning issues related to parking. The leader needs to represent how parking and transportation can support the overall economic development of Plattsburgh.)

B. Administrative:
   a. A Parking Violations Bureau has already been established by ordinance, but there may be other legal requirements to establish a Parking System.
   b. Updated website with maps and payment option
   c. Cooperation with NYDOT regarding placing meters on State roads / highways
   d. Communication among Community Development / Finance / Police / Public Works and other City entities
   e. Communication with public about parking policies / needs / availability

C. Capital Expenditures:
   a. Office / meter shop / signage space
   b. Signage and wayfinding
   c. Purchase and installation of parking meters / necessary technology

d. Implementation of mobile payment option (can be implemented with little out of pocket costs to the City)
e. Purchase and implementation of electronic permitting and parking enforcement technology

The creation of a parking system will change the existing parking patterns and dynamics. Numerous decisions large and small will be required throughout the process, and adjustments will need to be made after implementation. Considerations include but are not limited to:

D. All parking related revenue should fund the Parking System; on-street fees, citations and late fees, off-street permits, daily parking and special event fees.
E. Having an administered Parking System provides the City with the opportunity to plan development, adjust to changing conditions and provide high levels of customer service.
F. Develop a Standard Operating Procedures Policy Manual
G. On-street parking:
    a. Rates
    b. Time limits or escalating rates
    c. Late fees and adjudication. The current citation price and late fees are part of City code. *(This type of detail should not be part of ordinance, it provides little flexibility and necessary changes may become political decisions instead of practical operational considerations.)*
    d. Type of meters (single space / multi space / mobile only)
H. Off-street parking rates
I. A certain percentage of parkers will vacate the downtown parking areas because the spaces are no longer free and without restriction.
J. Secondary parking supplies may emerge as private land owners open their parking areas for paid parking. Does the City want to regulate these businesses?
K. What policies are in place to maintain the downtown buildings and avoid demolition to create private parking lots?
L. The Harbor parking lots should remain free for cost sensitive parkers. This will require attention from the Police department to monitor the area and the walking routes.
M. Implementation time will likely be 6-12 months. Set a schedule so the parking system is running effectively before the Durkee St. development dramatically changes the downtown landscape.

DISCUSSION NOTE

Can the parking system be financially independent? Some of the factors to consider:

- Does the parking system retain all parking related revenue?
- Debt service
- Rates and fees
- How are expenses allocated? Utilities, snow plowing, capital maintenance?

2. **The Durkee St. development RFP should include a requirement to meet parking demand for the new development and replace some parking spaces from the removed parking lot.**

The current Durkee St. Lot provides 65% of the off-street public parking supply downtown. Eliminating these parking spaces without replacing them would result in hundreds of parkers being displaced during and after development.

A. The chosen development team should include on-site parking for the parking demand created on the site. This can be a combination of structured and surface parking, but would require some structured parking to provide the spaces necessary. Shared parking scenarios should be considered when determining the total parking required. Pertinent language from City code regarding shared parking:
    - *If the parking demand is determined to be greater than the required minimum number of spaces, the Building Inspector, or the Zoning Board of Appeals, may permit the property to be used or occupied for the owner's intended purpose if it is determined there are sufficient public parking spaces to meet such demand, and the property owner agrees to pay an additional parking assessment for such excess parking.*
    - *The Building Inspector or Zoning Board of Appeals may require the lot owner to provide a parking survey, in such form as he/it determines is appropriate, to assist him/it in making the determinations required by this section.*

B. In addition to including parking to meet the needs of the new development, the City should seek to add public parking as part of the development. Public parking in the core area of downtown is over 85% occupied at peak times (noon on a weekday) and therefore the current off-street parking needs to be replaced. Some of the opportunities to provide the replacement parking include:

    a. On-street angled parking along Durkee St. and Bridge St.
    b. Surface parking on Durkee development site as part of the development design.
    c. Structured parking at the Durkee development site. This would not likely include a separate parking structure, but additional spaces within a structure integral to the development.
    d. Surface parking lots in other areas of downtown to balance parking supply geographically. We developed options for Court and Couch Streets west of Margaret St.
    e. Combination of the above options to create 275 parking spaces.
    f. Utilize the Harbor parking lots.

DISCUSSION NOTE

Creating 275 new parking spaces to replace the Durkee St lot will result in a parking situation roughly similar to the current conditions. Undoubtedly the City hopes the Durkee St. development will lead to additional economic development and potentially more parking demand. We have not modeled other development scenarios, as Durkee St. is the focus of the City and there are no other development plans at this time.

The main downtown parking lots are over 85% occupied, or effectively full considering snow, misparked vehicles, unused ADA spaces and the difficulty finding the final few spaces. There is no room for additional parking demand. If the proposed Durkee St. development provides enough parking to support itself, and the City provides an additional 275 parking spaces either on-site or around the City, there is little parking supply for increased parking demand.

It is a difficult decision for a City to build parking in hopes of increasing economic activity. While it is true that a restricted parking supply can dampen economic development, overbuilding parking rarely results in increased parking demand without specific development projects. We don't recommend overbuilding the parking supply beyond what is currently needed plus the Durkee St. development. However, planning for future parking needs is the type of benefit derived from a managed parking system with effective leadership.

3. **Add parking capacity on the north and west side of downtown through co-operative agreements.**

Plattsburgh should be commended for keeping many of the historic building and street fronts intact, especially along Margaret, Clinton and Durkee Streets, as well as City Hall Place. This creates a nice cityscape, but limits the opportunity to add surface parking lots. To add parking near downtown will take some creativity.

The attached options show opportunities to create;

- Angled pull in parking along Durkee St. and Bridge St. as part of the redevelopment of that site.
- An expanded shared lot with the County by closing Court St.
- Combining multiple private parking lots and closing Division St.
- Creating a parking lot in Trinity Park.

DISCUSSION NOTE

Costs for Long Range Planning Purposes

Structured Parking - $22,000 to $25,000 per space depending on various factors – 30 – 50-year lifespan

Surface Parking - $5,500 - $7,500 per space depending on various factors – 20-year lifespan

Cooperative parking agreements with private land owners are difficult to obtain. The owners of private parking lots are protective of the access the parking areas provide for their staff and patrons. However, if the City can provide assurance of access and financial incentive (through the parking user fees), then mutually beneficial agreements could potentially be reached to bring private parking areas into public parking supply.

4. **Eliminate the Parking Special Assessment District in favor of parking fees as part of Recommendation #1).**

With the implementation of parking fees, the Parking Assessment District should be eliminated and funding of parking should be through user fees. The Parking Assessment District provides funding for basic maintenance, snow and ice control and utilities for the City owned parking lots. The Assessment is based on building square footage and does not consider building use and intensity. The District also exempts certain entities, such as local, state and federal governments and churches. A Parking District supported by user fees provides equitable distribution of costs to the people utilizing the parking system. Organizations could redirect Assessment District money toward paying staff or patron parking.

DISCUSSION NOTE

Without being able to find the exact history, the general assumption is that the Parking Assessment District was implemented in 1985 as a result of the lost revenue when the old parking meters were removed. Eliminating the district if meters are re-installed seems to be a fair trade. There is also some goodwill generated by eliminating a fee.

5. Conduct parking enforcement with civilian enforcement staff.

The Police admittedly don't have the staffing to conduct consistent parking enforcement. While this has not caused major problems for the downtown, it is a reminder that the priority of the Police Department is public safety. While parking is an important issue, parking violations rarely rise to the level of being a public safety concern.

Parking enforcement conducted by civilian parking enforcement can be focused on providing high levels of customer service and a regular presence that is not called away for more important public safety issues elsewhere in the community. Dedicated parking enforcement would provide the following services and considerations:

- A consistent downtown presence.
- Provide parking enforcement for all non-moving violations; ADA, loading zones, No Parking zones, etc.
- Serve as liaison between merchants, land owners, downtown employees and the Parking Department.
- Provide directions, customer service and education on parking costs and policies for patrons and visitors. This could include referrals for jump starts, lockouts, or stranded motorists.
- Conduct regular permit violation checks in the parking lots to assure a minimum number of unauthorized parkers.
- Coordinate sign issues, meter malfunctions and other maintenance issues.
- Serve as an extra set of eyes and ears for downtown security.
- Promote the Downtown Vision of the City Community Development Department, and serve as an ambassador for the downtown.
- Coordinate with Police for identification of stolen and abandoned vehicles.

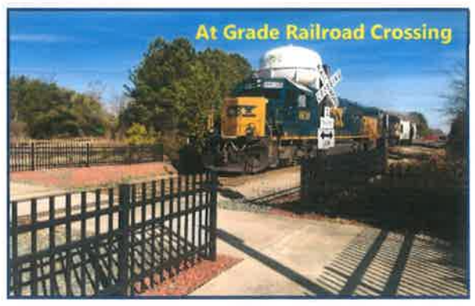
6. Develop a plan to utilize the Harbor parking lots during the Durkee St. Lot construction.

The Durkee St. development will change the function and activity of downtown. The disruption will peak during construction, when the existing parking has been removed, but the new parking is not in service yet. The City has available parking at the Harbor that can be used in the interim. To take advantage of this available parking, the City will have to provide enhancements to better connect the lots to downtown.

- Consider a temporary shuttle service from the Harbor lots to Margaret St.
- Upgrade the pedestrian connections at Dock St. and Green St. (Long-Term Improvement)
- Explore the opportunity to construct at grade pedestrian crossing and switchback pedestrian ramp at Pike St. extended. (Long-Term Improvement)

Improved Pedestrian Connections
Green St
Bridge St
Bond Street
Margaret St
Durkee St
9
Dock St

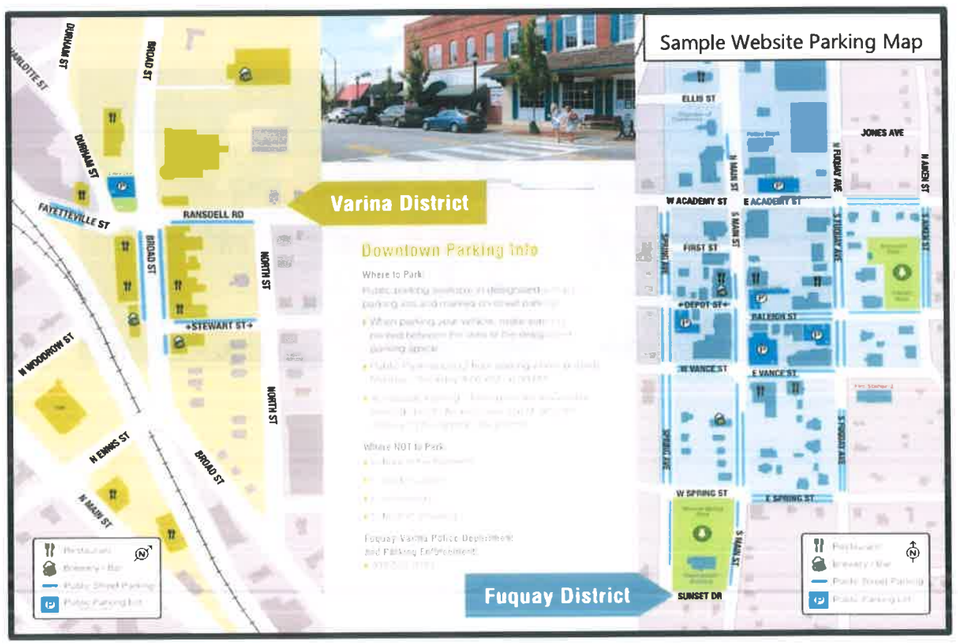
RAILROAD CROSSING
2
TRACKS
LOOK


At Grade Railroad Crossing

7. Create a parking website as part of Recommendation #1.

In coordination with parking branding and wayfinding, the City should develop a parking page on the City website. The webpage should inform guests and visitors of availability and policy and provide payment and convenience for patrons. The page should include:

- Parking Maps
- Policy and Regulations
- Online Payments
  - Parking tickets
  - Monthly Permits
  - Residential Permits
- Special Event Parking Policies
- Contact Information



8. **Improve Green St. for vehicular, bicycle and pedestrian access from the Harbor area to downtown.**

The short-term need to utilize the Harbor parking lots for the Durkee St. development may provide the opportunity for longer term capital improvements connecting those lots to downtown. Green St. provides the opportunity to improve vehicle, bicycle and pedestrian connections from downtown to the Harbor lots and lakefront. Improved sidewalks, bike lanes, lighting and emergency call boxes would enhance the area and improve the perception of safety. A Complete Streets approach would greatly enhance this connection for all users.

9. **Develop parking branding and wayfinding program for downtown, but that can also be used citywide.**

Existing location and wayfinding signage for the public parking lots is lacking. We were only able to find one standard "P" for parking symbol. Most residents and regular downtown visitors will find available parking, but with a managed system including enforcement, rates and fees, it is important to be clear regarding which areas are set aside for public parking. For out-of-town visitors and infrequent resident patrons, the public parking identification is necessary for even basic use of the parking system without confusion and worry of receiving parking tickets or being towed.

Margaret and Court Lot

Lexington, KY

Burlington, VT

Albany, NY

The above three parking systems adopted branding utilizing the universal Parking "P" and a location specific logo. The Public Parking sign in the Margaret and Court lot has the beginnings of a branding campaign with the parking "P" and a logo at the top. The branding needs to be carried throughout the downtown parking system, including on-street parking where appropriate. *NOTE: We understand the City is undertaking a signage and wayfinding program currently. This recommendation is intended to reinforce that parking should not be left out of the design and implementation.*

10. Develop a special events parking plan for the Strand Center and Theater.

The Strand Arts Center and Theater brings people downtown on a regular basis, especially at night and on weekends when other parking demand is low. Develop specific directions for Strand patrons so they are confident of the areas they are allowed to park. On-street parking should accommodate a large portion of the visitors for most events. For larger events patrons could use the City public parking lots and potentially private lots with some of the following provisions:

- A cooperative agreement for patrons to use the private parking lots after 5 pm and on weekends.
- Improve the pedestrian link along Marion St. with new sidewalks and increased lighting. (County Lot)
- Clearly identify the pedestrian link with the Durkee St. lot and the Strand Center.
- Potentially close Division St. and open public parking lot behind Strand Center.

11. Add bicycle racks throughout downtown.

There is a demand for bicycle access to downtown. We noted bicycles on city sidewalks and locked to signs and light poles. The City should add bicycle racks at convenient locations and consider adding street bicycle lanes as the city and downtown continue to develop.

Margaret Street

Sample Sign Post Bike Rack

12. Work with NYDOT to re-route Route 9 off of Bridge St. and City Hall Place.

The corner of Bridge St. and Durkee St. / City Hall Place is busy with traffic either turning north off Bridge St. or turning left onto Bridge St. heading south. The traffic includes numerous semi-trailers and other large vehicles as this a main north / south route for the area. Route 9 (through Route 314) connects the Burlington, VT ferry with the New York side of the lake. Re-routing Route 9 traffic along Catherine St. would provide traffic relief for downtown.

Traffic relief would result in a more pedestrian and bicycle friendly downtown and potentially increase safety. Decreased traffic would also make the Durkee St. development site more appealing for greenspace and pedestrian related activity. This would make the potential walk from the Harbor parking lots more appealing and safer.

13. Work with railroad to avoid simultaneous blockage of BOTH Dock St. and Green St. when a train needs to stop downtown.

Railroad interfaces with roads, motor vehicles, bicycles and pedestrians are generally complicated. There are simply too many competing access interests for simple shared use. As cities across the country have become more densely populated, the need for co-operative policies have been recognized and implemented by many rail companies.

The City needs to reach an agreement with the rail company to maintain open circulation paths at either Dock St. or Green St. at all times. It is understandable when one of the outlets is blocked by parked train cars, but having both blocked is a public safety issue. Additionally, the prime lake frontage property will be more difficult to develop if access is an ongoing issue.

14. Implement a residential parking permit program for downtown residents.

There are a growing number of downtown residents, and new City and State programs are aimed at continuing to increase the number of people living in downtown Plattsburgh. The Durkee St. development is expected to have residential units. As part of the parking system reorganization, a Residential Parking Permit Program should be established to provide parking for those who do not have a parking space as part of their lease.

From a zoning standpoint, landlords should still be required to provide adequate parking for their residents, without encouraging the demolition of a building to do so. If a residential property does not have parking spaces available, residents should be able to get a space from the City. The landlord or the resident may be responsible for the cost. As new residential units are opened, the parking demand and needs should be addressed prior to issuing occupancy permits.

MEMO

Date: 2/19/2020
To: Matt Miller, Director of Community Development
Email: millerma@cityofplattsburgh-ny.gov
From: Jon Forster, WGI
Regarding: Plattsburgh Downtown Parking

WGI (formerly Carl Walker, Inc.) has reviewed the following documents for short- and long-term parking plans associated with loss of existing parking due to the development of the Durkee St. parking lot:

- Financial Restructuring Board Funding Resolution (6/26/2019)
- PPAC Recommendations to Common Council Memo (8/15/2019)
- Government Center Lot Sketch Site Plan (8/16/2019)
- Durkee St. Improvements Map (9/31/2019)
- Temporary Construction Parking Proposal (11/11/2019)
- GEIS Traffic Impact Study (11/19/2019)
- December 2019 Ticketing Report (12/31/2019)
- SAD Parking Utilization Memo (1/24/2020)
- Durkee Lot Mixed Use Development Site Plan (1/24/2020)
- Arnie Pavone Lot Drawing (2/3/2020)
- Broad St. Lot Drawing (2/3/2020)
- Parking Replacement Map (2/14/2020)

WGI began the Plattsburgh Parking Study in September 2017. In the following two years conditions have changed with changes in business activity and the re-implementation of consistent parking enforcement in the downtown district. City staff collected parking occupancy data over 100 times in 2019, documenting the changing parking characteristics of downtown. This new data should be used for analysis since it is more recent and reflects the changing conditions.

Parking Plans

Construction Parking Plan

The City has identified several options to increase the number of parking spaces in the downtown district. Many of the options provide additional parking prior to the beginning of construction on the Durkee St. parking lot. If the most conservative estimates are utilized, these plans include the addition of 168 new parking spaces through a combination of projects including the Government Center Lot expansion (44 spaces), Broad St. Lot expansion (21 spaces) and Arnie Pavone Memorial Parking Plaza (103 spaces). These 168 spaces replace nearly 60% of the 289 spaces in the current Durkee St. parking lot. These parking spaces provide additional parking in multiple locations across the City instead of centralizing much of the City's parking supply in a single parking lot (Durkee St.).

The 2019 parking occupancy counts conducted by the City indicate there is room within the SAD and its immediate vicinity to temporarily absorb the parking demand of those parking spaces on the Durkee St. lot that will not be replaced elsewhere downtown prior to the commencement of construction activities on that lot. The occupancy counts show there are regularly over 300 empty parking spaces across the SAD.

We understand the City's temporary parking plan during construction on the Durkee St. lot includes allowing extended (over two hours) parking on Oak St. and other streets west of Margaret St. **Replacing long-term, off-street parking with long-term, on-street parking is acceptable as long as the commercial land uses (restaurants, store fronts, etc.) continue to have short-term parking available nearby for their patrons and other needs.**

With the construction activity surrounding the Durkee St. development and the relocation of parking spaces around the downtown, it is important for the City to communicate changes to the public to minimize confusion. It should also be recognized that construction periods are inherently confusing and that a reasonable amount of patience and a period of adjustment will be required of the City's residents, parking patrons, business owners, and City staff.

Post Construction Parking Plan

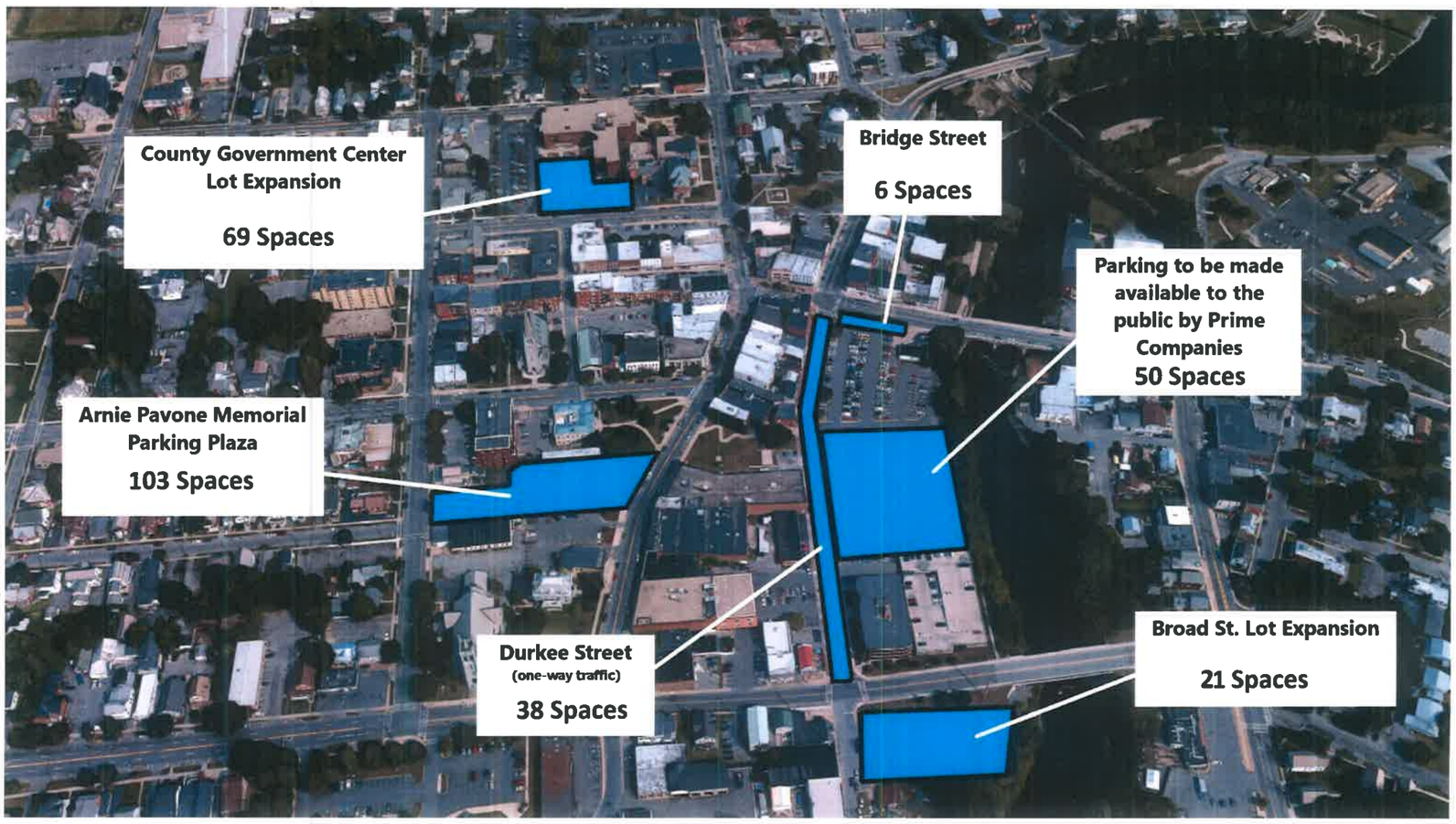
The Community Development Office's January 24, 2020 Parking Utilization Memorandum to the Common Council outlines a reasonable plan for parking after the construction period ends and the Durkee Lot Mixed-Use Development (DLMUD) opens for business. If 50 parking spaces within the DLMUD are made available for use by the general public, then including the 168 spaces detailed above, 218 of the 289 spaces currently within the Durkee St. lot will be replaced with off-street parking around the City. The addition of 44 new parking spaces via the proposed improvements to Durkee St. and Bridge St. brings the total amount of replacement capacity to 262 spaces. While the various projects will result in the loss of other areas of existing public parking, these losses are relatively minor and do not affect our conclusions. The parking occupancy data collected by the City supports the conclusion that there will be adequate public parking capacity during construction and after all the proposed projects have been completed.

The Durkee St. development will change the nature of downtown. The increased density and slight reduction in the number of parking spaces will require the City to efficiently manage its parking assets. As detailed in its August 15, 2019 memorandum to the Common Council, the Plattsburgh Parking Advisory Committee submitted reasonable recommendations for effective management of this parking system. This type of proactive administration will help the City grow and adapt to parking and transportation needs as conditions evolve and new opportunities and challenges arise.

Considerations

WGI did not collect data or develop the construction or post-construction parking plans. This assessment is based on a review of the documents, assuming the information used to create these plans is accurate.

CITY OF PLATTSBURGH
PROPOSED PARKING REPLACEMENT LOCATIONS
(figures indicate # of new spaces to be made available)



MEMORANDUM

To: Mayor Read & Members of the Common Council

From: Matthew Miller, Director of Community Development

Date: August 15, 2019

Re: PPAC Recommendations to Common Council

During its meeting on August 13, 2019, the Plattsburgh Parking Advisory Committee approved several recommendations to be sent to the Common Council for their further deliberation. They are as follows:

Recommendation for Immediate Consideration:

1. Standardization of all on-street parking time limits within the downtown Special Assessment District footprint to 2 hours. This would eliminate all 10 minute, 30 minute, and 1 hour time limits within this zone. This action should be reviewed and approved by City Planner prior to formal approval by Council.

2. Except for the first recommendation regarding standardization of on-street parking time limits, the PPAC recommends no other changes be made to the on-street parking management system at this time.

3. Continuation of current City policy regarding outdoor seating "parklets" on City streets during the summer season.

Recommendations for Consideration Pending Completion of GEIS/Traffic Study:

1. Authorize an agreement with IPS Group, Inc. to provide hardware and software services for a new, managed, downtown parking system that employs kiosks should the Council determine to implement such a system.

2. A single type of parking permit should be offered for sale on either a monthly or annual basis. Annual permits should be offered for sale at a modest discount to the cost of 12 monthly permits. The parking permits should be designed to work in the following off-street lots:

   - Arnie Pavone Memorial Parking Plaza
   - Broad Street Lot
   - Court Street Lot
   - City Hall Place Lot
   - Public parking on the Prime Companies development (once available for use)

   The permit should allow individuals to park between 8:00 a.m. and 5:00 p.m., Monday through Friday in the off-street lots listed above. The costs of these permits shall be discussed by the PPAC and a

recommendation sent to the Common Council once all costs of the new downtown parking system are known.

3. A system that employs both permits and kiosks should be implemented in the following off-street lots:

   - Arnie Pavone Memorial Parking Plaza
   - Broad Street Lot
   - Court Street Lot
   - City Hall Place Lot
   - Public Parking in the Prime Companies development (once available for use)

   A system that employs kiosks only should be implemented in the following off-street lots:

   - Public Parking in Clinton County Government Center lot

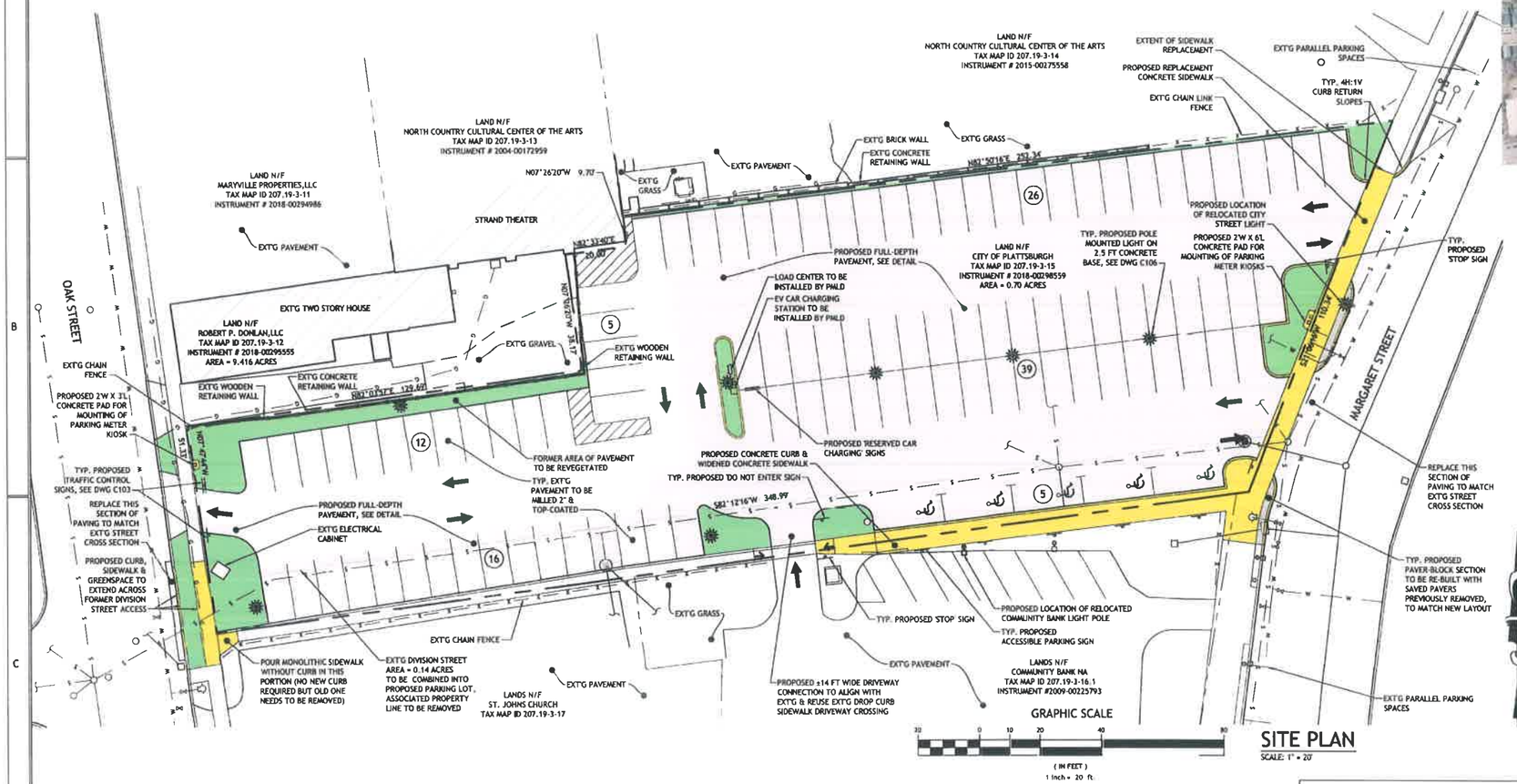
   Permits should be made available for frequent, long-term parkers. Kiosks should be made available for those individuals parking for shorter periods. Rates charges by the kiosks should be modest and parkers should be given the option of purchasing time on both an hourly and a daily basis. These rates should be charged only between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. This would coincide with the recommended parking permit structure. The distribution of kiosks in the off-street lot should be as follows:

   - Arnie Pavone Memorial Parking Plaza: 3 kiosks
   - Broad Street lot: 1 kiosk
   - Court Street Parking lot: 2 kiosks
   - City Hall Place Parking Lot: 1 Kiosk
   - Public Parking in Prime Companies development: 2 kiosks

4. Assuming the implementation of a new, managed, downtown parking system that employs parking permits and kiosks in off-street lots, the PPAC recommends that the downtown Special Assessment District be either reduced or eliminated.

Recommendations for Consideration Pending Physical Development of Durkee Street parking lot:

1. Implementation of new snow ban parking system that utilizes four off-street lots (Arnie Pavone Memorial Parking Plaza, City Hall Place lot, Broad Street lot, and Court Street lot) and the existing snow ban street light system to plow roughly 125 spaces (~50%) the first night following a snow event and roughly 125 spaces (~50%) the second night following a snow event. The specific order of lot plowing to be determined by DPW based on prevailing conditions during and after each snow event with public notice provided by the existing light system.



SITE PLAN
SCALE: 1" = 20'

LOCATION PLAN
SCALE: 1" = 200'

PARKING NOTES:
1. ACCESSIBLE PARKING SPACES ARE REQUIRED AT A RATE OF 1 ACCESSIBLE SPACE PER EVERY 25 TOTAL PARKING SPACES IN ACCORDANCE WITH TABLE 208.2 OF THE ADA STANDARDS FOR ACCESSIBLE DESIGN

ABANDONMENT OF DIVISION STREET NOTES:
1. CONTRACTOR SHALL FURNISH, INSTALL AND MAINTAIN BARRICADE FENCING AND TEMPORARY SIGNAGE AS NECESSARY TO RESTRICT PUBLIC ACCESS FROM FORMER DIVISION STREET, EXCEPT AS NOTED BELOW
2. VEHICLE EGRESS ACCESS FROM COMMUNITY BANK PARCEL DRIVEWAY SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION TO EITHER OAK STREET OR MARGARET STREET. THE CONTRACTOR CAN ALTER ROUTING AS NECESSARY TO FACILITATE ACTIVE WORK AREA. PROVIDE ALL NECESSARY SIGNAGE AND BARRICADES TO MAINTAIN SAFE EXIT ROUTE.
3. COORDINATE WITH CITY OF PLATTSBURGH DPW THROUGHOUT CONSTRUCTION FOR ACCEPTANCE OF ALL TEMPORARY SIGNAGE AND TRAFFIC CONTROL DEVICES.

SITE LIGHTING NOTES:
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FURNISHING AND INSTALLING THE PROPOSED LIGHT POLE FIXTURES INCLUDING NEW CONCRETE BASES AND CONDUIT EXTENDED TO ADJACENT POLE FIXTURES.
2. COORDINATE WITH PMLD FOR CONNECTION OF CONDUIT TO ADJACENT POLE(S) AND/OR ELECTRICAL CABINET(S). PMLD TO FURNISH & INSTALL WIRING CONDUCTORS AND MAKE ALL ELECTRICAL CONNECTIONS.
3. COORDINATE WITH PMLD FOR TERMINATION/MODIFICATION OF FORMER TRANSFORMER & CONC. BASE AS SHOWN ON C102.
4. NEW LIGHT POLE FIXTURES TO BE ACUITY HOLOPHANE FIXTURES PER LIGHTING SCHEDULE ON DWG C106, NO SUBSTITUTIONS ARE ALLOWED.
5. REMOVAL OF EXISTING LIGHT POLE FIXTURES SHALL INCLUDE CONCRETE BASES

EASEMENT NOTE:
1. WORK AS SHOWN ON LANDS OF COMMUNITY BANK NA BY MEANS OF ACCESS & MAINTENANCE EASEMENT AS COORDINATED WITH LAND OWNER BY SKETCH SK-A SIDEWALK EASEMENT SKETCH.

HATCH LEGEND
- PROPOSED PAVEMENT
- PROPOSED CONCRETE WALK/PAD
- PROPOSED BUILDING COVERAGE
- PROPOSED OPEN SPACE
- PROPOSED ACCESSORY STRUCTURE
- PROPOSED GRAVEL

LEGEND
- EXT'G / PROP. MANHOLE
- EXT'G / PROP. WELL
- EXT'G / PROP. MANHOLE
- EXT'G / PROP. UTILITY POLE
- EXT'G / PROP. FIRE HYDRANT
- EXT'G / PROP. WATER CURB STOP
- EXT'G / PROP. EASEMENT BOUNDARY
- BUILDING SETBACKS
- EXT'G / PROP. TREE LINE
- PROPERTY LINE ABUTTERS
- EXT'G / PROP. PROPERTY LINE
- EXT'G / PROP. DITCH CENTERLINE
- EXISTING GRADE CONTOUR
- FINISHED GRADE CONTOUR
- EXT'G / PROP. STORM DRAIN
- EXT'G / PROP. WATER SERVICE
- EXT'G / PROP. SEWER SERVICE
- EXT'G / PROP. GAS MAIN
- EXT'G / PROP. UNDERGROUND UTILITIES
- EXT'G / PROP. OVERHEAD UTILITIES
- EXT'G / PROP. BUILDING
- EXT'G / PROP. CONCRETE CURB (FULL / DROP)
- EXT'G / PROP. CONCRETE SIDEWALK / PAD
- EXT'G / PROP. PAVEMENT
- EXT'G / PROP. GRAVEL

AEDA
Architectural & Engineering DESIGN Associates, P.C.
1246 Rt. 3
P.O. Box 762
Plattsburgh, New York 12901
tel: 518.562.1800
fax: 518.562.1702
email: aedapc@aedapc.com

UNAUTHORIZED ALTERATIONS AND/OR ADDITIONS TO THIS DRAWING BEARING A LICENSED ARCHITECT'S OR ENGINEER'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
ONLY COPIES FROM THE ORIGINAL OF THIS DRAWING BEARING THE ORIGINAL ARCHITECT'S OR ENGINEER'S SEAL AND SIGNATURE SHALL BE CONSIDERED VALID TRUE COPIES.

CITY OF PLATTSBURGH
ARNIE PAVONE MEMORIAL PARKING PLAZA
MARGARET ST. & OAK ST., CITY OF PLATTSBURGH, CLINTON COUNTY, NY

DESIGN DEVELOPMENT PHASE SERVICES 100%
NOT FOR CONSTRUCTION

REVISIONS		
#	BY	DATE

SITE OVERVIEW PLAN

PROJECT NO.	19041
DATE	02-03-20
DRAWN BY	JBF
CHECKED BY	MSC

C101

Established in 1985

AEDA

Architectural & Engineering DESIGN Associates PC

ARNIE PAVONE MEMORIAL PARKING PLAZA
PRELIMINARY RENDERING

SEAL OF THE CITY OF PLATTSBURGH
IPSA SIBI PRÆMIUM VIRTUS
MARCH 29 1902

Executive Summary

The proposed project includes the demolition of a 6,700 square foot multi-story building and associated site amenities along with the reconfiguration of an existing parking lot and the adjacent Division Street. The project site is a 0.7 acre parcel identified as Tax Map ID 207.19-3-15 with approximately 0.2 acres of right-of-way lands for Division Street. Proposed improvements include a new parking lot with approximately 103 parking spaces and associated pedestrian ways, site lighting, and landscaping enhancements. The light fixtures will match the antique decorative fixtures along Margaret Street and the landscaping species have been chosen to align with the forthcoming Westelcom Park improvements.

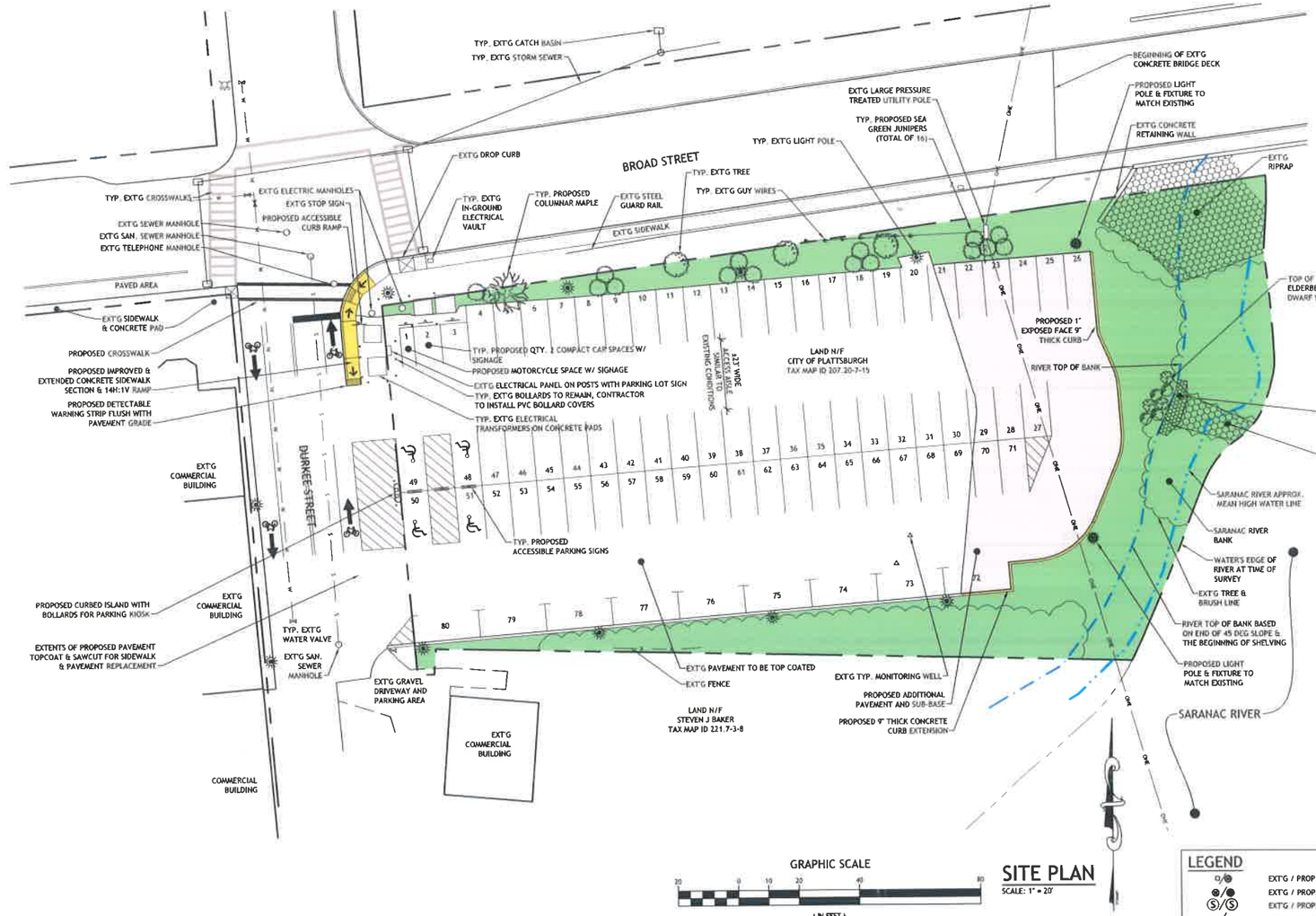
Utility Coordination

The following summarizes anticipated utility coordination within the City of Plattsburgh and the prospective contractor to facilitate the site development as proposed.

- Water – The demolition contractor will be capping the existing water service to the former Glens Falls National Bank building at the building foundation. The prospective site work contractor through coordination with the Department of Public Works will be responsible for physically disconnecting the service at the main shutoff valve, capping the valve and backfilling the abandoned pipe with grout.
- Sanitary Sewer - The demolition contractor will be capping the existing sewer service(s) from the former Glens Falls National Bank building at the building foundation. The prospective site work contractor through coordination with the Department of Public Works will be responsible for infilling the respective penetrations in sewer manholes and backfilling the abandoned pipe with grout. One of the existing catch basins in Division Street is currently connected to the sanitary sewer system. The project will remove the open grate and replace it with a solid manhole lid, then install a new catch basin and make connection to the storm sewer system.
- Storm Sewer – It is believed that the former bank building had roof drain connections tied to the sanitary sewer system, these will be terminated as described above. Surface runoff within the new parking lot will be collected and conveyed to the existing storm sewer system in Margaret Street. Per coordination with the Department of Public Works, there are no known capacity issues in the existing 42 inch diameter storm sewer piping in Margaret Street.
- Electric – As part of the demolition process of the former bank building, PMLD will be removing the building electric transformer on the project parcel. In place of the obsolete transformer, the prospective site work contractor through coordination with PMLD will extend conduits to a curbed island within the parking lot. From this island PMLD will be installing a load center and car charging station to serve two parking stalls. The site contractor will extend power circuits from this load center to the new light pole fixtures throughout the project site. As part of the project two light poles will be removed/relocated along the Margaret Street corridor.

Permitting Processes

Having a total site area and anticipated area of disturbance of less than 1.0 acre, the project is not subject to the NYSDEC SPDES Construction General Stormwater Permit. The project was included in the SEQR process for the Final Generic Environmental Impact Statement conducted by the City of Plattsburgh as coordinated by Chazen. No additional permitting is anticipated for the proposed project.



GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

SITE PLAN

SCALE: 1" = 20'

LOCATION PLAN

SCALE: 1" = 100'

SUB-BASE PREP NOTES:

1. WHERE LABELED AND/OR SHOWN FOR REMOVAL, ALL VOIDS REMAINING AFTER REMOVAL OF ANY STRUCTURES OR GRASSED AREAS, SHALL BE EVALUATED FOR PROPER SUB-BASE PREPARATION PRIOR TO PAVING.
2. IF NO GRAVEL IS PRESENT, EXCAVATE DOWN TO 16" BELOW GRADE AND ESTABLISH SUBGRADE & COMPACT TO 95% OF MAX. DRY DENSITY.
3. IF GRAVEL SUB-BASE IS PRESENT, ENSURE DEPTH TO COMPACTED SUB-BASE IS 16" BELOW GRADE. IF ELEVATION OF COMPACTED SUB-BASE IS LESS THAN 16" FROM GRADE, EXCAVATE DOWN TO 16" BELOW GRADE AND ESTABLISH A COMPACTED SUB-BASE.
4. THEN PREPARE SUB-GRADE AS SHOWN IN PAVEMENT CROSS SECTION DETAILS, ENSURING THAT THE TOP ELEVATION MATCHES THE SURROUNDING PAVED SECTIONS

EQUIPMENT TO BE SUPPLIED TO OWNER:

1. BENCHES, SIGNS (U.N.O), SHALL BE TURNED OVER TO OWNER IN CLEAN, ORIGINAL CONDITION, AFTER REMOVAL

PAVEMENT SURFACE PREP. NOTES:

1. CLEAN EXISTING PAVEMENT SURFACE & CRACKSOF ALL LOOSE MATERIAL, GRASS GROWTH & DEBRIS
2. FILL ALL CRACKS FROM ¼" TO ¾" WIDE ACCORDING TO 'KOLD-FLO POURABLE CRACK FILLER' MANUFACTURER'S RECOMMENDED INSTALLATION PROCEDURE.
3. CONFORM TO ALL MANUFACTURERS INSTRUCTIONS FOR SURFACE PREP.

PARKING LOT USE DURING CONSTRUCTION:

1. THE CONTRACTOR SHALL PERFORM WORK WITHIN THE PROJECT AREA IN A MANNER TO ALLOW FOR CONTINUED USE OF THE PARKING LOT THROUGHOUT CONSTRUCTION.
2. UTILIZE BARRIER FENCING OR OTHER SUITABLE MEASURES TO SECTION OFF ACTIVE WORK ZONES AND TEMPORARY SIGNAGE TO DIRECT THE PUBLIC AWAY FROM CLOSED OFF AREAS.
3. AT THE TIME OF TOP COURSE PAVEMENT INSTALLATION, THE ENTIRE PARKING LOT MAY BE CLOSED TO ALLOW FOR CONTINUOUS APPLICATION OF THE TOP COURSE. ANTICIPATED MAXIMUM CLOSURE TIME WOULD BE FOR ONE DAY OF PAVING ACTIVITY AND THE FOLLOWING MORNING FOR STRIPING. PARKING LOT SHALL BE OPENED ONCE STRIPING PAINT HAS REACHED MANUFACTURER'S NO TRAFFIC PICKUP TIMEFRAME (45 MIN. FOR SHERWIN WILLIAMS SETFAST ACRYLIC WB TRAFFIC MARKING PAINT).

SITE LIGHTING NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FURNISHING AND INSTALLING THE TWO PROPOSED LIGHT POLE FIXTURES INCLUDING NEW CONCRETE BASES AND CONDUIT EXTENDED TO ADJACENT POLE FIXTURES.
2. COORDINATE WITH PALD FOR CONNECTION OF CONDUIT TO ADJACENT POLE(S). PALD TO FINISH & INSTALL WIRING CONDUCTORS AND MAKE ALL ELECTRICAL CONNECTIONS.
3. COORDINATE WITH PALD FOR TERMINATION/MODIFICATION OF FORMER CONC. BASE AS SHOWN ON C102.
4. NEW LIGHT POLE FIXTURES TO BE ACUITY HOLOPHANE MODELS:
   - POLE SPEC# CH A 21 F4J 12 POT ABG BK R1SBA
   - FIXTURE SPEC# WARETRO2 P50 AS M4
   - NO SUBSTITUTIONS ARE ALLOWED.
5. EACH POLE SHALL HAVE A WEATHERPROOF GFI RECEPTACLE INSTALLED & POWERED PER COORDINATION WITH PALD.

HATCH LEGEND

- PROPOSED PAVEMENT
- PROPOSED CONCRETE WALK/CURB
- PROPOSED BUILDING COVERAGE
- PROPOSED OPEN SPACE
- PROPOSED ACCESSORY STRUCTURE
- PROPOSED GRAVEL

LEGEND

- EXT'G / PROP. MANHOLE
- EXT'G / PROP. WELL
- EXT'G / PROP. MANHOLE
- EXT'G / PROP. UTILITY POLE
- EXT'G / PROP. FIRE HYDRANT
- EXT'G / PROP. WATER CURB STOP
- EXT'G / PROP. EASEMENT BOUNDARY
- BUILDING SETBACKS
- EXT'G / PROP. TREE LINE
- PROPERTY LINE ABUTTERS
- EXT'G / PROP. PROPERTY LINE
- EXT'G / PROP. DITCH CENTERLINE
- 101 EXISTING GRADE CONTOUR
- 102 FINISHED GRADE CONTOUR
- 12"ST EXT'G / PROP. STORM DRAIN
- W EXT'G / PROP. WATER SERVICE
- S EXT'G / PROP. SEWER SERVICE
- G EXT'G / PROP. GAS MAIN
- UGE EXT'G / PROP. UNDERGROUND UTILITIES
- OHE EXT'G / PROP. OVERHEAD UTILITIES
- EXT'G / PROP. BUILDING
- EXT'G / PROP. CONCRETE CURB (FULL / DROP)
- EXT'G / PROP. CONCRETE SIDEWALK / PAD
- EXT'G / PROP. PAVEMENT
- EXT'G / PROP. GRAVEL

AEDA
Architectural & Engineering DESIGN Associates, P.C.
1246 Rt. 3
P.O. Box 762
Plattsburgh, New York 12901
tel: 518.562.1800
fax: 518.562.1702
email: aedapc@aedapc.com

UNAUTHORIZED ALTERATIONS AND/OR ADDITIONS TO THIS DRAWING BEARING A LICENSED ARCHITECT'S OR ENGINEER'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW

ONLY COPIES FROM THE ORIGINAL OF THIS DRAWING BEARING THE ORIGINAL ARCHITECT'S OR ENGINEER'S SEAL AND SIGNATURE SHALL BE CONSIDERED VALID TRUE COPIES.

CITY OF PLATTSBURGH BROAD STREET PARKING LOT IMPROVEMENTS

BROAD STREET & DURKEE STREET, CITY OF PLATTSBURGH, CLINTON COUNTY, NY

DESIGN DEVELOPMENT PHASE SERVICES 100%

NOT FOR CONSTRUCTION

REVISIONS		
#	BY	DATE

SITE OVERVIEW PLAN

PROJECT NO.	19071
DATE	02-03-20
DRAWN BY	JBF
CHECKED BY	MSC

C101

BROAD STREET PARKING LOT EXPANSION
PRELIMINARY RENDERING

Established in 1985

AEDA

Architectural &
Engineering
DESIGN
Associates PC

SEAL OF THE CITY OF PLATTSBURGH
IPSA SIBI PRÆMIUM VIRTUS
MARCH 29 1902

Executive Summary

The proposed project includes a minor expansion to the existing City of Plattsburgh Broad Street parking lot. The project is on a 0.8 acre portion of the overall 3.7 acre parcel identified as Tax Map ID 207.20-7-15. The existing 22,300 square foot parking lot will be improved and the paved walking trail area will be converted to a 4,000 square foot parking surface extension to increase the overall parking space count from 59 to 80 spaces. The project will potentially disturb roughly 8,000 square feet of ground. The project will include a concrete pad for future installation of parking meter kiosks. Striping of the Durkee Street right-of-way has been coordinated with Saranac River Trail II project and will include centerline and bike lane demarcations. Accessibility improvements are also proposed with new ADA compliant parking stalls, sidewalk, and curb ramp improvements.

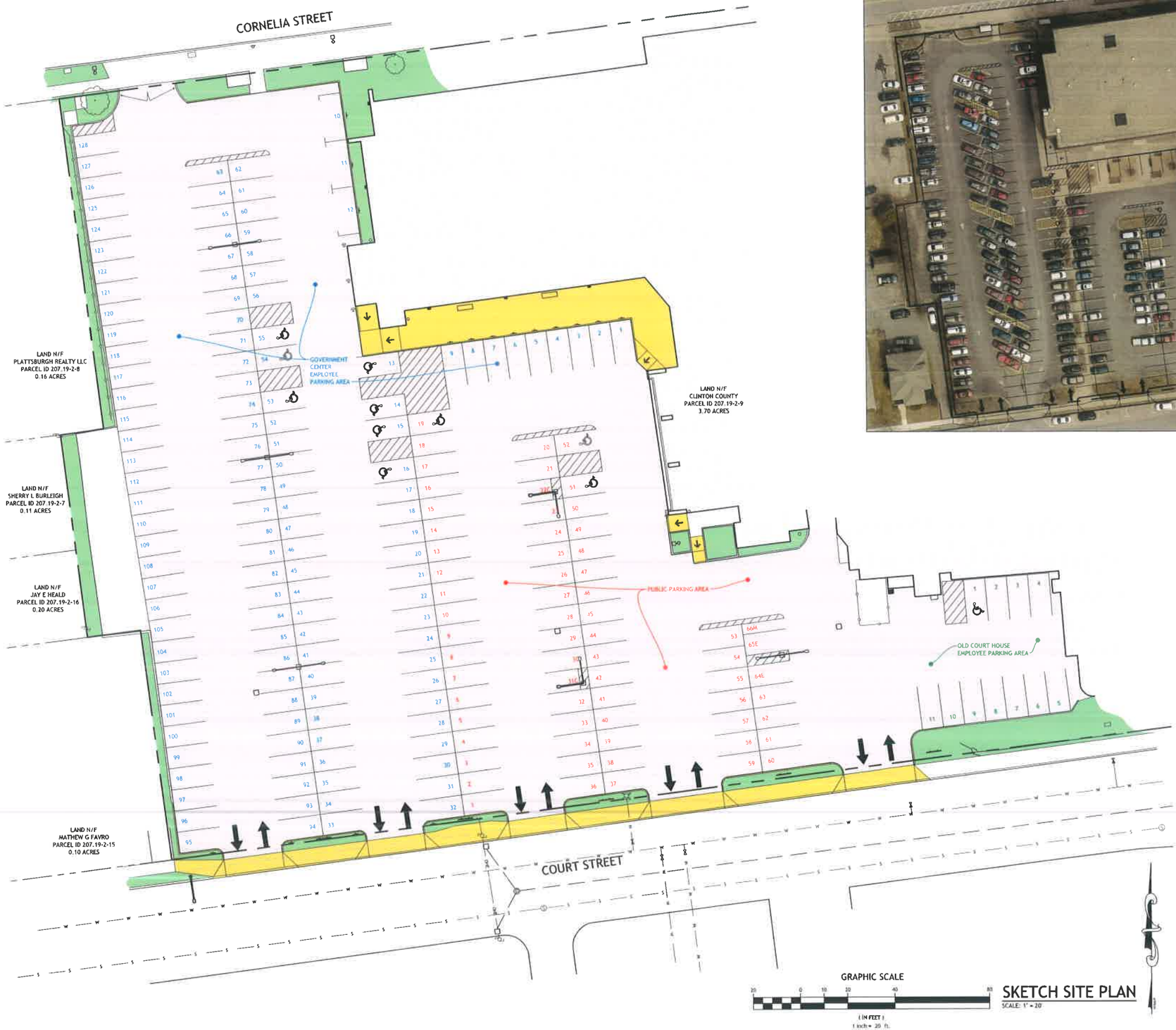
Utility Coordination

The following summarizes anticipated utility coordination within the City of Plattsburgh and the prospective contractor to facilitate the site development as proposed.

- Storm Sewer – The existing parking lot surface drains to a grass depression near the bank of the Saranac River with a culvert conveying water under the existing paved walkway and point discharges into the Saranac River. The proposed project will eliminate the point discharge and replace it with a concrete curb level spreader which will convey surface drainage toward the bank of the river in a sheet flow pattern which will provide improved stormwater quality.
- Electric – The prospective site work contractor through coordination with PMLD will install two new site light pole fixtures in the vicinity of the expanded parking lot area. The pole fixtures specifications have been coordinated with PMLD to match the existing site lighting.

Permitting Processes

Having a total site area and anticipated area of disturbance of less than 1.0 acre, the project is not subject to the NYSDEC SPDES Construction General Stormwater Permit. The project was included in the SEQR process for the Final Generic Environmental Impact Statement conducted by the City of Plattsburgh as coordinated by Chazen. No additional permitting is anticipated for the proposed project. A Joint Application Form was filed in December with the NYSDEC for coverage under the Stream Disturbance permit. All proposed work will be above the ordinary high water mark of the Saranac River, therefore the work should not be jurisdictional to the Army Corps of Engineers.



ARIAL PLAN
SCALE: 1" = 40'

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

PARKING NOTES:

1. TYPICAL DIMENSIONAL STANDARDS INCLUDE ±24' DRIVE AISLE WIDTHS AND ±9'x18' PERPENDICULAR & ±9'x20' PARALLEL PARKING STALL DIMENSIONS. STALLS DENOTED WITH A "C" REPRESENT COMPACT CAR SPACES WITH AN AVAILABLE DEPTH OF ±16'. STALLS DENOTED WITH AN "M" REPRESENT MOTORCYCLE SPACES. STALLS DENOTED WITH AN "E" REPRESENT ELECTRIC CAR CHARGING SPACES.
2. BREAKDOWN OF PROPOSED PARKING SPACES:
   - OLD COURT HOUSE EMPLOYEE PARKING AREA
     - EMPLOYEE SPACES = 8
     - RESERVED SPACES = 2 (#'s 3, 4)
     - ADA SPACES = 1, BASED ON A TOTAL OF 11 SPACES
   - PUBLIC PARKING AREA
     - SPACES = 63
     - ADA SPACES = 3, BASED ON A TOTAL OF 66 SPACES
   - GOVERNMENT CENTER EMPLOYEE PARKING AREA
     - EMPLOYEE SPACES = 109
     - RESERVED SPACES = 12 (#'s 1-12)
     - ADA SPACES = 7, BASED ON A TOTAL OF 232 SPACES (TOTAL INCLUDES 104 EMPLOYEE SPACES FROM OAK STREET PARKING AREA)
3. CONCEPT FOR ACCESSIBLE PARKING FACILITIES IS IN ACCORDANCE WITH AMERICANS WITH DISABILITIES ACT, TABLE 208.2. ACCESSIBLE SPACES TO INCLUDE APPLICABLE SIGNAGE & ACCESSIBLE SIDEWALK ROUTE.
4. AVAILABLE PARKING SPACES INCLUDE 205 TOTAL VEHICLE PARKING STALLS (11 OF WHICH ARE ACCESSIBLE), WHICH IS AN INCREASE OF 47 SPACES FROM 158 EXISTING STRIPED PARKING SPACES.

PLAN REFERENCE NOTE:

THIS PLAN IS INTENDED FOR GENERAL REPRESENTATION OF THE EXISTING CONDITIONS AND CONCEPTUAL SITE IMPROVEMENTS AND SHALL NOT BE CONSTRUED AS A PROPERTY OR FIELD SURVEY. BACKGROUND INFORMATION HAS BEEN DEVELOPED FROM HISTORICAL PROPERTY INFORMATION AND CASUAL FIELD OBSERVATIONS.

TOTAL PARKING SPACES:

EXISTING SPACES:
- OLD COURT HOUSE EMPLOYEE PARKING AREA
  SPACES = 10
- PUBLIC PARKING AREA
  SPACES = 49
- GOVERNMENT CENTER EMPLOYEE PARKING AREA
  SPACES = 99
  TOTAL SPACES = 158

PROPOSED SPACES:
- OLD COURT HOUSE EMPLOYEE PARKING AREA
  SPACES = 11
- PUBLIC PARKING AREA
  SPACES = 66
- GOVERNMENT CENTER EMPLOYEE PARKING AREA
  SPACES = 128
  TOTAL SPACES = 205

HATCH LEGEND

- PROPOSED PAVEMENT
- PROPOSED CONCRETE WALK/CURB
- PROPOSED OPEN SPACE
- EXISTING ROAD/PARKING LOT
- EXISTING CONC./PAVER SIDEWALK

AEDA
Architectural & Engineering DESIGN Associates, P.C
1246 Rt. 3
P.O. Box 762
Plattsburgh, New York 12901
tel: 518.562.1800
fax: 518.562.1702
email: aedapc@aedapc.com

UNAUTHORIZED ALTERATIONS AND OR ADDITIONS TO THIS DRAWING BEARING A LICENSED ARCHITECTS OR ENGINEERS SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW

ONLY COPIES FROM THE ORIGINAL OF THIS DRAWING BEARING THE ORIGINAL ARCHITECTS OR ENGINEERS SEAL AND SIGNATURE SHALL BE CONSIDERED VALID TRUE COPIES

CLINTON COUNTY PARKING FACILITIES
GOVERNMENT CENTER LOT IMPROVEMENTS

34 COURT STREET, CITY OF PLATTSBURGH, CLINTON COUNTY, NEW YORK

SCHEMATIC DESIGN PHASE SERVICES 100%

NOT FOR AEDA CONSTRUCTION

REVISIONS		
#	BY	DATE

SKETCH SITE PLAN

PROJECT NO.	14025-016
DATE	08-16-19
DRAWN BY	JBF
CHECKED BY	MSC

C100

DOWNTOWN STREETSCAPE AND RIVERFRONT ACCESS

CITY OF PLATTSBURGH, NY

FEBRUARY 2020

DISCOVER | DÉCOUVREZ
Plattsburgh
NEW YORK

DURKEE STREET - SKETCH

SARATOGA ASSOCIATES

Downtown Plattsburgh

Draft Parking Plan during DRI Construction Period

(Updated February 20, 2020)

Issue

During construction of the Prime Companies development and the streetscape improvements on Durkee and Bridge Streets, planned parking improvements in those areas will not be available for use. Alternative parking options must be made available during this period to ensure that the City's commitment to provide adequate capacity to replace the loss of the Durkee Street parking lot is met both during and after construction.

City of Plattsburgh Parking Replacement Projects w/ # of New Spaces

Arnie Pavone Parking Lot – 103 Spaces

Broad Street Lot Expansion – 21 Spaces

County Government Center Lot Expansion – 69 Spaces

Prime Companies Development – 50 Spaces (privately managed to be made available for public use)

Durkee Street (1-way) – 38 Spaces

Bridge Street – 6 spaces

Expansion of the County's Government Center lot is completed. It is the City's intention to have completed both the Arnie Pavone lot and the Broad Street lot expansion prior to groundbreaking on the Prime Companies Development. However, the new spaces in the Prime Development, on Durkee Street, and on Bridge Street will not be available for use during construction. This amounts to 109 parking spaces, after you include the existing 15 spaces on Durkee Street. Current plans have the Prime Development breaking ground during the fall of 2020. Once that project is significantly underway, the construction of the Durkee Street and Bridge Street improvements are scheduled to begin in 2021. Construction activities related to these three projects will overlap and the Durkee/Bridge Street improvements are currently planned for completion after completion the Prime Development. Construction of the Prime Development is expected to require 18 months to complete and the Durkee Street improvements are expected to take a year.

Current Parking Downtown Parking Demand:

To fill the gap during construction of these three projects, the Community Development Office measured and analyzed current parking utilization rates for both off-street and on-street spaces in the downtown

core to better understand whether the temporary need for these 109 parking spaces can be absorbed by current capacity.

The public parking supply in the downtown core, defined roughly as the area bounded to the north by Cornelia Street, to the east by the Saranac River, to the south by Broad Street, and to the west by Oak Street, consists of approximately 820 parking spaces (413 off-street, 407 on-street).

The information used in this analysis comes from the parking study completed by Carl Walker in 2018 as well as off-street and on-street parking counts conducted by the CDO and PPAC. To determine the existing demand within the SAD, 89 separate off-street parking lot counts of the City-owned lots within the SAD and 32 separate on-street parking counts of the entire SAD were conducted. Of these, 43 off-street counts and 29 on-street counts were conducted during the work week over the course of 6 months at various times of the day. The remaining counts were conducted on weekends and the utilization rates observed during these weekend counts were considerably less than those observed during the week. Those weekend counts have not been included in this analysis.

After calculating averages from the various parking counts, an overview of the total weekday parking utilization is shown below in *Figure 1*.

Figure 1.

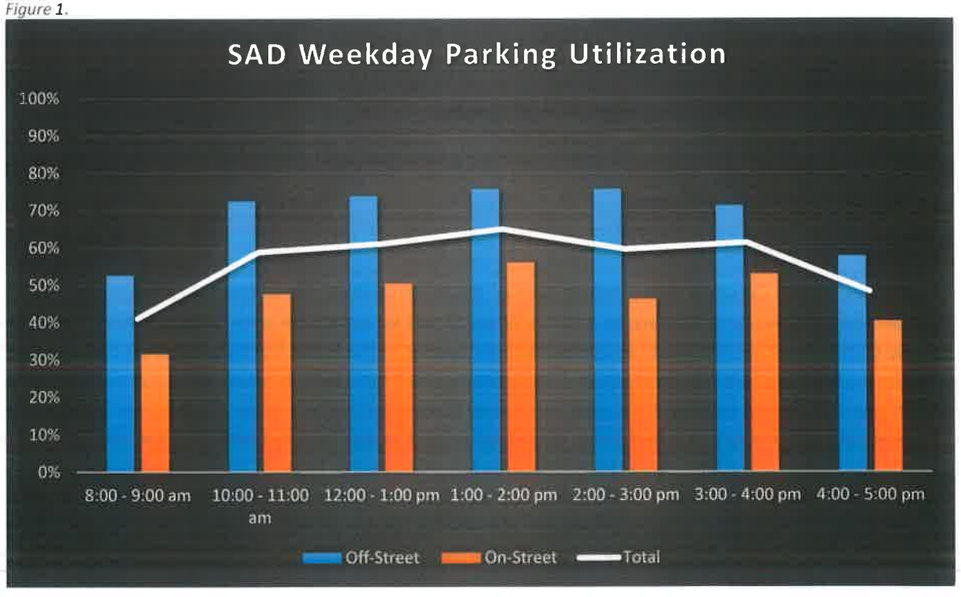


Figure 1 shows the average total parking utilization for all downtown public parking as well as the average parking utilization for both on-street and off-street parking capacity. The data is further broken down into the *Table 1 & 2.*

Table 1: SAD Weekday Average Parking Utilization			
Time	On-Street	Off-Street	Total
8:00 - 9:00 am	32%	53%	42%
10:00 - 11:00 am	48%	73%	60%
12:00 - 1:00 pm	51%	73%	62%
1:00 - 2:00 pm	56%	76%	66%
2:00 - 3:00 pm	48%	76%	62%
3:00 - 4:00 pm	53%	71%	62%
4:00 - 5:00 pm	40%	58%	49%

Table 2: Available SAD Parking Spaces at Average Utilization Rates			
Time	On-Street Available	On-Street Available	Excess Parking
8:00 - 9:00 am	278	194	472
10:00 - 11:00 am	213	112	325
12:00 - 1:00 pm	199	112	311
1:00 - 2:00 pm	179	99	278
2:00 - 3:00 pm	212	99	311
3:00 - 4:00 pm	191	120	311
4:00 - 5:00 pm	243	173	416

Table 1 shows average total parking usage peaking at 66% and *Table 2* shows that, at a peak utilization rate of 66%, 278 spaces remain available. This illustrates that there currently exists enough excess downtown capacity to accommodate the 109 new spaces that will not be available until construction of the Prime Development and the streetscape improvements to Durkee and Bridge Streets are complete.

Construction Parking Plan

Concluding that the total downtown parking supply contains more than enough excess capacity to accommodate the maximum 109 spaces in question, we must then determine which specific areas are best able to absorb the need for temporary parking. The options presented below attempt to accommodate and balance the parking needs of residents, employees, and visitors to our downtown with a minimal amount of disruption.

Option 1: Allow long term parking at the following locations (all figures reflect total parking capacity)

1. Broad Street – 9 Spaces Between Margaret and Oak Streets
2. Oak Street – 76 Spaces Between Broad and Cornelia Streets
3. Couch Street – 19 Spaces Between Oak and N. Catherine Streets
4. Brinkerhoff Street – 40 Spaces Between Oak and N. Catherine Streets

5. Court Street – 41 Spaces Between Oak and N. Catherine Streets
6. Broad Street Parking Lot – Utilize existing available parking supply

Map 1

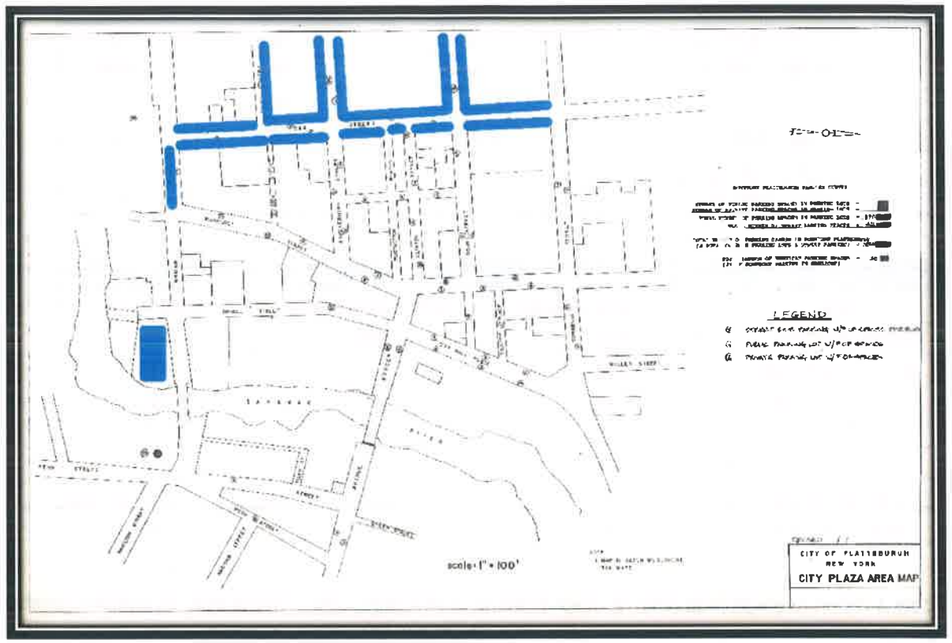


Table 5 below shows the average utilization rates of the selected locations above in *Map 1*.

Table 5: Parking Utilization (Including Brinkerhoff, Couch, & Court between Oak Street and North Catherine Street)						
Parking	Broad St	Oak St	Brinkerhoff St	Couch St	Court St	Broad St Lot
8:00 - 9:00 am	11%	27%	98%	45%	16%	53%
10:00 - 11:00 am	7%	42%	65%	35%	33%	58%
12:00 - 1:00 pm	17%	33%	52%	43%	31%	63%
1:00 - 2:00 pm	22%	33%	70%	40%	45%	54%
2:00 - 3:00 pm	15%	32%	36%	32%	35%	55%
3:00 - 4:00 pm	22%	34%	65%	30%	50%	51%
4:00 - 5:00 pm	11%	27%	64%	28%	32%	51%

Taking the information from *Table 5* it is possible to determine the average available parking spaces available shown in *Table 6*.

Table 6: Parking Availability (Including Brinkerhoff, Couch, & Court between Oak Street and North Catherine Street)							
Parking Available	Broad St	Oak St	Brinkerhoff St	Couch St	Court St	Broad St Lot	Total Available
8:00 - 9:00 am	8	54	1	10	34	28	136
10:00 - 11:00 am	8	43	14	12	27	25	129
12:00 - 1:00 pm	7	49	19	11	28	21	136
1:00 - 2:00 pm	7	50	12	11	23	27	130
2:00 - 3:00 pm	8	50	26	13	27	26	150
3:00 - 4:00 pm	7	49	14	13	21	29	132
4:00 - 5:00 pm	8	54	15	14	28	29	147

Table 6 shows that even at peak utilization, 130 available parking spaces currently exist in the selected areas. This is enough capacity to absorb the 109 spaces in question. Permitting long term parking in these areas would adequately address the need for parking during construction of the Prime development.

Option 2: Allow long term parking at the following locations

To further reduce impacts to the City's core business district during the construction period, this option would keep the parking time limits on Oak Street between Brinkerhoff Street and Court Street untouched. A number of businesses occupy this section of Oak Street. This change is highlighted in *Map 2* below.

Map 2.

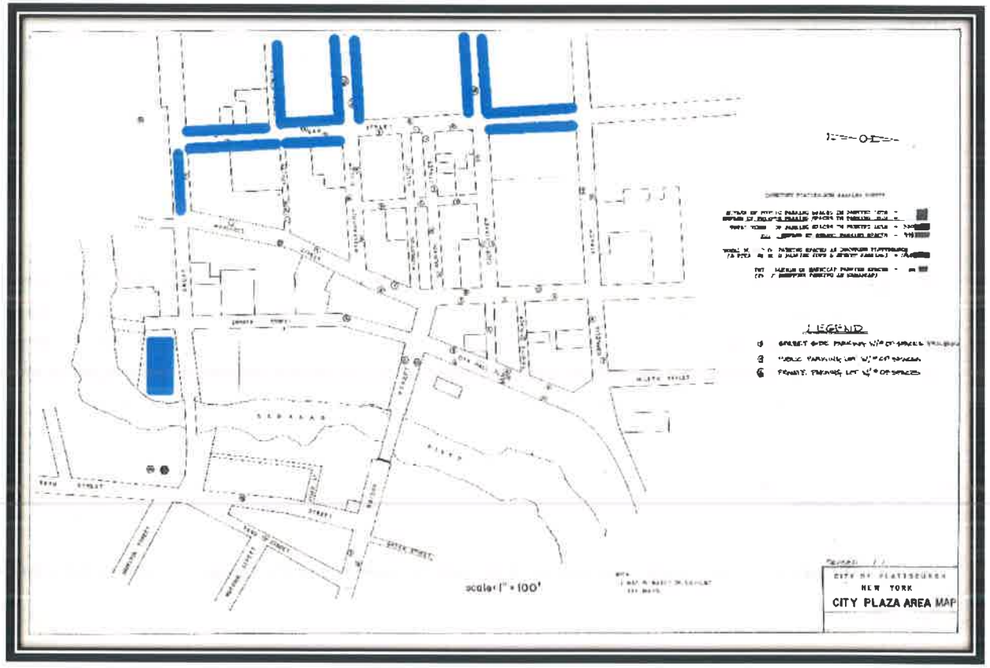


Table 7 below shows the average utilization rates of the selected locations above in *Map 2*.

Table 7: Parking Utilization (Including Brinkerhoff, Couch, & Court between Oak Street and North Catherine Street)						
Parking	Broad St	Oak St	Brinkerhoff St	Couch St	Court St	Broad St Lot
8:00 - 9:00 am	11%	17%	98%	45%	16%	53%
10:00 - 11:00 am	7%	35%	65%	35%	33%	58%
12:00 - 1:00 pm	17%	23%	52%	43%	31%	63%
1:00 - 2:00 pm	22%	21%	70%	40%	45%	54%
2:00 - 3:00 pm	15%	23%	36%	32%	35%	55%
3:00 - 4:00 pm	22%	34%	65%	30%	50%	51%
4:00 - 5:00 pm	11%	21%	64%	28%	32%	51%

Taking the information from *Table 7*, it is possible to determine the average number of available parking spaces available at various times. These figures are shown in *Table 8* below.

Table 8: Parking Availability (Including Brinkerhoff, Couch, & Court between Oak Street and North Catherine Street)							
Parking Available	Broad St	Oak St	Brinkerhoff St	Couch St	Court St	Broad St Lot	Total Available
8:00 - 9:00 am	8	39	1	10	34	28	121
10:00 - 11:00 am	8	31	14	12	27	25	117
12:00 - 1:00 pm	7	36	19	11	28	21	122
1:00 - 2:00 pm	7	37	12	11	23	27	117
2:00 - 3:00 pm	8	36	26	13	27	26	135
3:00 - 4:00 pm	7	31	14	13	21	29	115
4:00 - 5:00 pm	8	37	15	14	28	29	130

Table 8 shows that even at peak utilization, 117 available parking spaces currently exist in the selected areas. This is enough capacity to absorb the 109 spaces in question. Permitting long term parking in these areas would adequately address the need for parking during construction of the Prime development.

Permitting

The PPAC has already recommended to the Common Council that, pending completion of the GEIS and its associated traffic study, parking permits should offered for sale for use in certain off-street lots. The list of off-street lots already includes the Broad Street lot. During the construction period, the City could add signage to those selected on-street areas detailed above allowing permit holders to park in those areas during the workweek. For those without a permit, the existing on-street time limits would still apply.

Other Options

The City of Plattsburgh has additional options if needed for addressing the temporary 109 parking space shortage.

1. The City currently has a temporary downtown daily parking permit system which allows users, who purchase a parking pass, to park in parking spaces past the listed time limit of 2 hours or above. This program could be made more robust.
2. The City can rent out parking spaces from privately-owned downtown parking lots. This would require the cooperation of private lot owners and likely be more expensive than converting existing on-street parking to long term parking for the duration of construction.

Conclusion

In conclusion, the City of Plattsburgh currently possesses a more than adequate supply of existing parking capacity to accommodate the 109 parking spaces that will not be available for use until the Prime Development and the Durkee/Bridge Street improvements are complete. Multiple solutions exist that allow for the temporary utilization of on-street parking capacity in selected areas to accommodate those 109 spaces with minimal disruption to downtown businesses.

THE Chazen COMPANIES®

Proud to Be Employee Owned

Engineers
Land Surveyors
Planners
Environmental & Safety Professionals
Landscape Architects

TRAFFIC IMPACT STUDY

for

DOWNTOWN AREA IMPROVEMENT PROJECTS

City of Plattsburgh
Clinton County, New York

Issued: November 11, 2019

Prepared for: City of Plattsburgh

41 City Hall Place
Plattsburgh, NY 12901

Prepared by:

Chazen Engineering, Land Surveying &
Landscape Architecture Co., D.P.C.
20 Elm Street, Suite 110
Glens Falls, NY 12801
518.812.0513
www.chazencompanies.com

Chazen Project No. 91922.00

Unauthorized alteration or addition to this document is a violation of Section 7209 Subdivision 2 of the New York State Education Law.

It is a violation of New York State Education Law for any person to alter this document in any way, unless he or she is acting under the direction of a licensed design professional (professional engineer, land surveyor, architect, or landscape architect.) If this drawing or document is altered, the altering design professional shall affix to the drawing or document his or her seal, the notation "altered by" followed by his or her signature, the date of such alteration, and a specific description of the alteration.

TABLE OF CONTENTS

EXECUTIVE SUMMARY 1

1.0 INTRODUCTION 2

2.0 PROJECT DESCRIPTIONS 2

3.0 SCOPE OF STUDY 2

4.0 STUDY INTERSECTIONS 3

5.0 PEDESTRIAN FACILITIES 3

6.0 TRANSIT AVAILABILITY 3

7.0 FIELD STUDIES 4

8.0 CAPACITY ANALYSES PROCEDURES 9

9.0 EXISTING TRAFFIC OPERATING CONDITIONS 10

10.0 NO-BUILD TRAFFIC VOLUMES 11

11.0 NO-BUILD CAPACITY ANALYSIS RESULTS 15

12.0 PROJECT-GENERATED TRAFFIC VOLUMES 16

13.0 BUILD TRAFFIC VOLUMES 17

14.0 BUILD TRAFFIC OPERATING CONDITIONS 24

15.0 LEVEL OF SERVICE COMPARISON 26

16.0 CRASH DATA 29

17.0 CONCLUSIONS 29

LIST OF TABLES

TABLE 1: LEVEL OF SERVICE, EXISTING CONDITIONS 10

TABLE 2: LEVEL OF SERVICE, NO-BUILD CONDITIONS 15

TABLE 3: DURKEE LOT MIXED-USE GENERATED TRIPS 16

TABLE 4: ARNIE PAVONE PLAZA GENERATED TRIPS 17

TABLE 5: LEVEL OF SERVICE, 2022 BUILD CONDITIONS (DURKEE STREET 2-WAY) 24

TABLE 6: LEVEL OF SERVICE, 2022 BUILD CONDITIONS (DURKEE STREET 1-WAY) 25

TABLE 7: 2022 AM LEVEL OF SERVICE COMPARISON 26

TABLE 8: 2022 MIDDAY LEVEL OF SERVICE COMPARISON 27

TABLE 9: 2022 PM LEVEL OF SERVICE COMPARISON 28

LIST OF FIGURES

FIGURE 1: SITE LOCATION 5

FIGURE 2: 2019 AM EXISTING INTERSECTION VOLUMES 6

FIGURE 3: 2019 MIDDAY EXISTING INTERSECTION VOLUMES 7

FIGURE 4: 2019 PM EXISTING INTERSECTION VOLUMES 8

FIGURE 5: 2022 AM NO-BUILD INTERSECTION VOLUMES 12

FIGURE 6: 2022 MIDDAY NO-BUILD INTERSECTION VOLUMES 13

FIGURE 7: 2022 PM NO-BUILD INTERSECTION VOLUMES 14

FIGURE 8: 2022 AM BUILD INTERSECTION VOLUMES (DURKEE STREET 2-WAY) 18

FIGURE 9: 2022 MIDDAYBUILD INTERSECTION VOLUMES (DURKEE STREET 2-WAY) 19

FIGURE 10: 2022 PM BUILD INTERSECTION VOLUMES (DURKEE STREET 2-WAY) 20

FIGURE 11: 2022 AM BUILD INTERSECTION VOLUMES (DURKEE STREET 1-WAY) 21

FIGURE 12: 2022 MIDDAY BUILD INTERSECTION VOLUMES (DURKEE STREET 1-WAY) 22

FIGURE 13: 2022 PM BUILD INTERSECTION VOLUMES (DURKEE STREET 1-WAY) 23

APPENDICES
APPENDIX A: TRAFFIC VOLUME DATA
APPENDIX B: CAPACITY ANALYSIS PRINTOUTS
APPENDIX C: PROJECT TRIP ASSIGNMENTS

EXECUTIVE SUMMARY

The City of Plattsburgh is undertaking revitalization efforts that will result in several Downtown Area Improvement Projects in the Durkee Street area. The projects include improvements to parking, streetscapes and traffic configuration, riverfront and open space resources, and redevelopment projects. To better understand the implications of the various projects on traffic, several projects were considered as part of this Traffic Impact Study, as follows:

1. Durkee Lot Mixed Use Development – 13,400 square feet (SF) of retail space, 115 residential units, an 86-space parking lot for visitors and customers including 50 parking spaces to be made available for use by the public, and a 35-space surface parking lot for tenants. Private parking for 165 spaces will also be provided for the residential component.
2. Durkee Street Reconfiguration and Streetscape Improvements – introduction of angled parking for net gain of 27 spaces; or potential of reconfiguration to one-way northbound traffic with a combination of parallel and angled parking and a net gain of approximately 43 parking spaces.
3. Bridge Street Parking Improvements – addition of approximately 6 on-street parking spaces adjacent to Durkee Lot Mixed Use Development.
4. Arnie Pavone Memorial Parking Plaza – removal of existing bank building for approximately 109 new public parking spaces and abandonment of Division Street.
5. Broad Street Parking Lot – expansion of public parking lot to add approximately 22 spaces.

This Traffic Impact Study assesses and compares existing traffic conditions to anticipated traffic conditions upon completion of the proposed projects. While the Arnie Pavone Memorial Parking Plaza and expansion of the Broad Street Parking Lot are anticipated to be completed prior to commencement of construction of the Durkee Lot Mixed Use Development, the remaining projects are anticipated to be operational by 2022.

Seven intersections surrounding the project area were reviewed and analyzed to determine the potential for traffic impacts that may result from the proposed projects. Traffic volumes at the existing seven locations were documented with turning movement counts during three weekday peak periods: AM, Midday, and PM. These time frames, as well as the intersections studied, were chosen in conjunction with the City of Plattsburgh.

Traffic analyses were conducted for two future roadway scenarios: Durkee Street remaining as two-way, and Durkee Street reconfigured into one-way travel in the northbound direction. The conclusions of the study, including the conversion of Durkee Street to one-way traffic northbound, show that the potential traffic effects of the proposed projects will be minimal and that no improvements are needed to mitigate these effects.

Based on the analyses contained in this study, it is the considered professional opinion of The Chazen Companies that the proposed Downtown Area Improvement Projects will not have a significant adverse impact on traffic operating conditions on the roadway system.

1.0 INTRODUCTION

The Chazen Companies (Chazen) has been retained by the City of Plattsburgh to investigate the potential for traffic impacts that may be associated with certain proposed Downtown Area Improvement Projects listed below:

1. Durkee Lot Mixed Use Development
2. Durkee Street Reconfiguration and Streetscape Improvements
3. Bridge Street Parking Improvements
4. Arnie Pavone Memorial Parking Plaza
5. Broad Street Parking Lot

The study area is shown on Figure 1 and is bounded by Bridge Street on the north, Broad Street on the south; Margaret Street on the west, and Peru Street on the east.

2.0 PROJECT DESCRIPTIONS

The Downtown Area Improvement Projects are defined as:

1. Durkee Lot Mixed Use Development – 13,400 square feet (SF) of retail space, 115 residential units, an 86-space parking lot for visitors and customers including 50 parking spaces to be made available for use by the public, and a 35-space surface parking lot for tenants. Private parking for 165 spaces will also be provided for the residential component.
2. Durkee Street Reconfiguration and Streetscape Improvements – introduction of angled parking for net gain of 27 spaces; or potential of reconfiguration to one-way northbound traffic with a combination of parallel and angled parking and a net gain of approximately 43 parking spaces.
3. Bridge Street Parking Improvements – addition of approximately 6 on-street parking spaces adjacent to Durkee Lot Mixed Use Development.
4. Arnie Pavone Memorial Parking Plaza – removal of existing bank building for approximately 109 new public parking spaces and abandonment of Division Street.
5. Broad Street Parking Lot – expansion of public parking lot to add approximately 22 spaces.

In addition, the proposed reconfiguration of the Clinton County Government Center parking lot to add public parking spaces was considered in calculating available parking since those additional public parking spaces could be used by future displaced parkers from the Durkee Street parking lot.

3.0 SCOPE OF STUDY

This traffic study follows standard engineering principles and practices and examines the potential traffic impacts associated with the proposed projects. The following tasks were performed for this study:

- Collected intersection manual turning-movement vehicle counts on a typical weekday for the Weekday AM, Midday, and PM peak hours at seven intersections;
- Contacted the City to determine if other projects are in the area which may affect traffic flows in the area;
- Obtained historical traffic volume data for area roadways from NYSDOT website, and applied a representative growth rate to the Existing conditions to establish Horizon Year conditions to determine "No-Build" conditions;
- Conducted a trip generation analysis for the proposed projects;
- Assigned the project generated trips to the roadway system;

- Added the project generated trips to the "No-Build" conditions to establish the "Build" condition traffic volumes;
- Conducted intersection capacity analyses for the "Existing", "No-Build" and "Build" conditions during the Weekday AM, Midday, and PM peak hours to evaluate existing and future operating conditions; and
- Reviewed the available accident data for the most recent three years at the study intersections.

4.0 STUDY INTERSECTIONS

Seven intersections were studied in detail to assess the potential traffic impacts of the projects:

- **Margaret Street and Bridge Street**
  This is an unsignalized three-way intersection with Stop sign control on the Bridge Street approach. Bridge Street is one-way westbound into the intersection and has separate left-and right-turn lanes.
- **Margaret Street and Brinkerhoff Street**
  This is a signalized three-way intersection. There are no turn lanes at the intersection.
- **Margaret Street and Broad Street/Pine Street**
  This is a signalized four-way intersection. The eastbound approach of Broad Street includes a left-turn lane. There are no turn lanes on the other approaches.
- **Durkee Street and Bridge Street**
  This four-way intersection operates under all-way Stop sign control. The west leg is one-way westbound away from the intersection. The westbound approach includes a separate right-turn lane.
- **Durkee Street and Broad Street**
  This four-way intersection operates under Stop sign control on the Durkee Street approaches. The southbound approach of Durkee Street includes a separate left-turn lane.
- **Peru Street and Bridge Street/Green Street**
  This is a signalized four-way intersection with Green Street slightly offset from Peru Street. Turn lanes are included on the Bridge Street approaches as well as the Peru Street approach.
- **Peru Street and Broad Street/Hamilton Street**
  Peru Street at Broad Street and at Hamilton Street are signalized intersections offset by about 100 feet. The two intersections operate under a single signal controller. Turn lanes are on the eastbound Broad Street approach and the northbound Peru Street approach.

5.0 PEDESTRIAN FACILITIES

Sidewalks are provided throughout this downtown study area. Crosswalks and pedestrian signal indications at the signalized intersections also exist throughout the area. Mid-block crosswalks are provided on Durkee Street and Bridge Street. A walkway exists along a portion of the western bank of the Saranac River between Broad Street and Bridge Street and continues into MacDonough Park.

6.0 TRANSIT AVAILABILITY

Clinton County Public Transit is the local public transit system in Plattsburgh. Most regular transit routes have a stop at the Government Center on Cornelia Street (north and adjacent to the study area) and some routes travel along Durkee Street, including the Express Shuttle, Keeseville au Sable, CCC Seasonal, South Connector and Uptown Downtown routes. The Express Shuttle and Uptown Downtown routes have flag stops on Durkee Street.

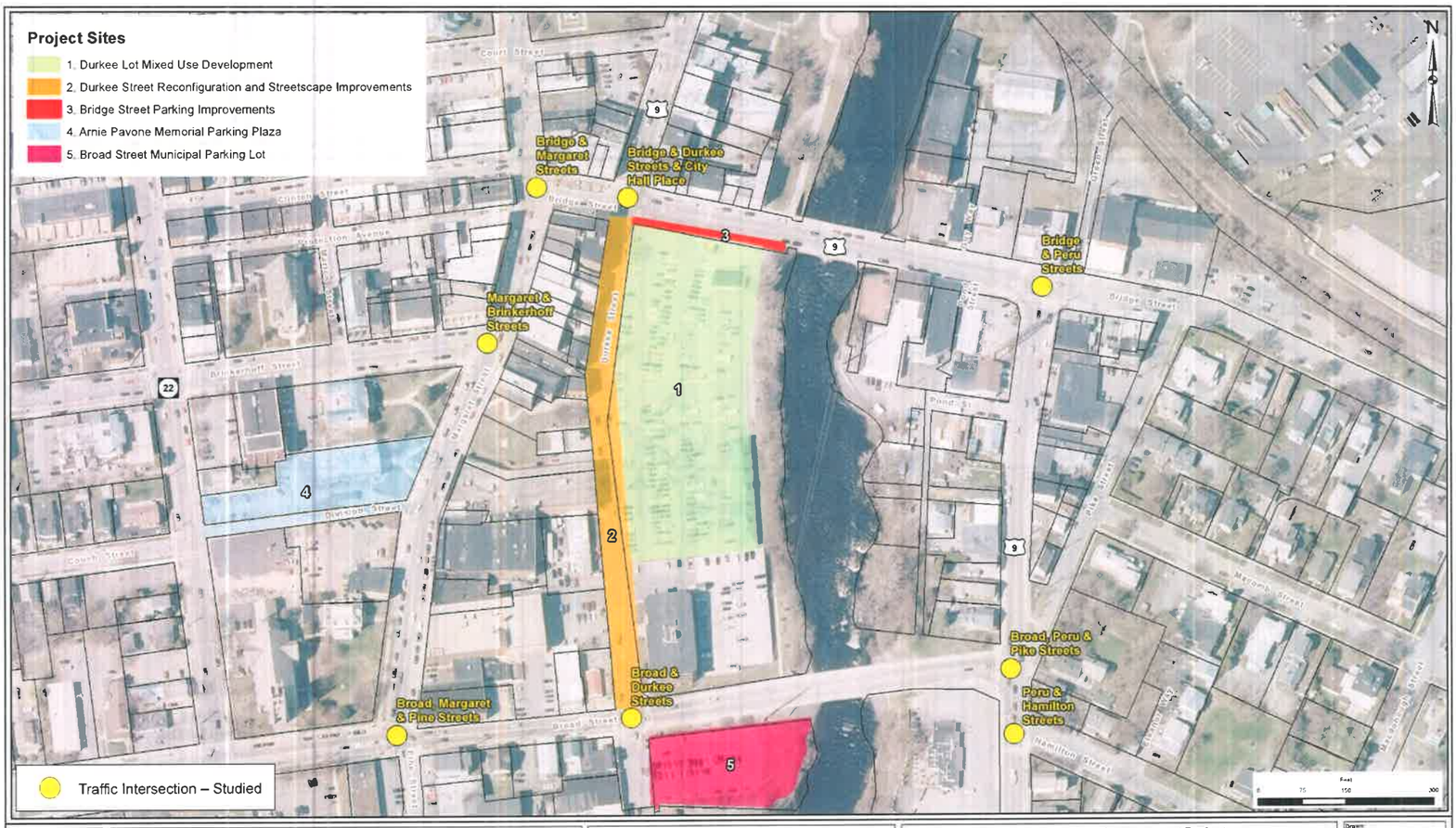
7.0 FIELD STUDIES

Typically, the busiest periods of traffic activity on the roadway network under consideration near the project area are during the weekday morning, midday, and evening commuter periods. To develop baseline data for the peak commute hours, turning movement counts were collected at the seven intersections on Tuesday and Wednesday, September 10 and 11, 2019 from 6:00 AM to 9:00 AM, 11:30 AM to 2:30 PM, and from 3:00 PM to 6:00 PM.

A review of the traffic data revealed the peak hours of traffic activity in the project area to generally be:

- AM Peak Hour 7:30 AM to 8:30 AM.
- Midday Peak Hour 12:15 PM to 1:15 PM.
- PM Peak Hour 3:45 PM to 4:45 PM.

The 2019 Existing peak hour traffic volumes are shown on Figures 2, 3, and 4 for the AM, Midday, and PM peak hours, respectively. The traffic count data is included in Appendix A.



THE Chazen COMPANIES

CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.

Dutchess County Office:
21 Fox Street
Poughkeepsie, NY 12601
Phone: (845) 454-3980

Capital District Office:
547 River Street
Troy, NY 12180
Phone: (518) 237-0055

North Country Office:
20 Elm Street, Suite 110
Glens Falls, NY 12801
Phone: (518) 812-0513

This map is a product of The Chazen Companies. It should be used for reference purposes only. Reasonable efforts have been made to ensure the accuracy of this map. The Chazen Companies expressly disclaims any responsibilities or liabilities from the use of this map for any purpose other than its intended use.

Plattsburgh

Source: NYS ITS GIS Program Office
Statewide Parcel Map Program 2016 Statewide Orthophotography Program 2014 Road Centerline Data 2014

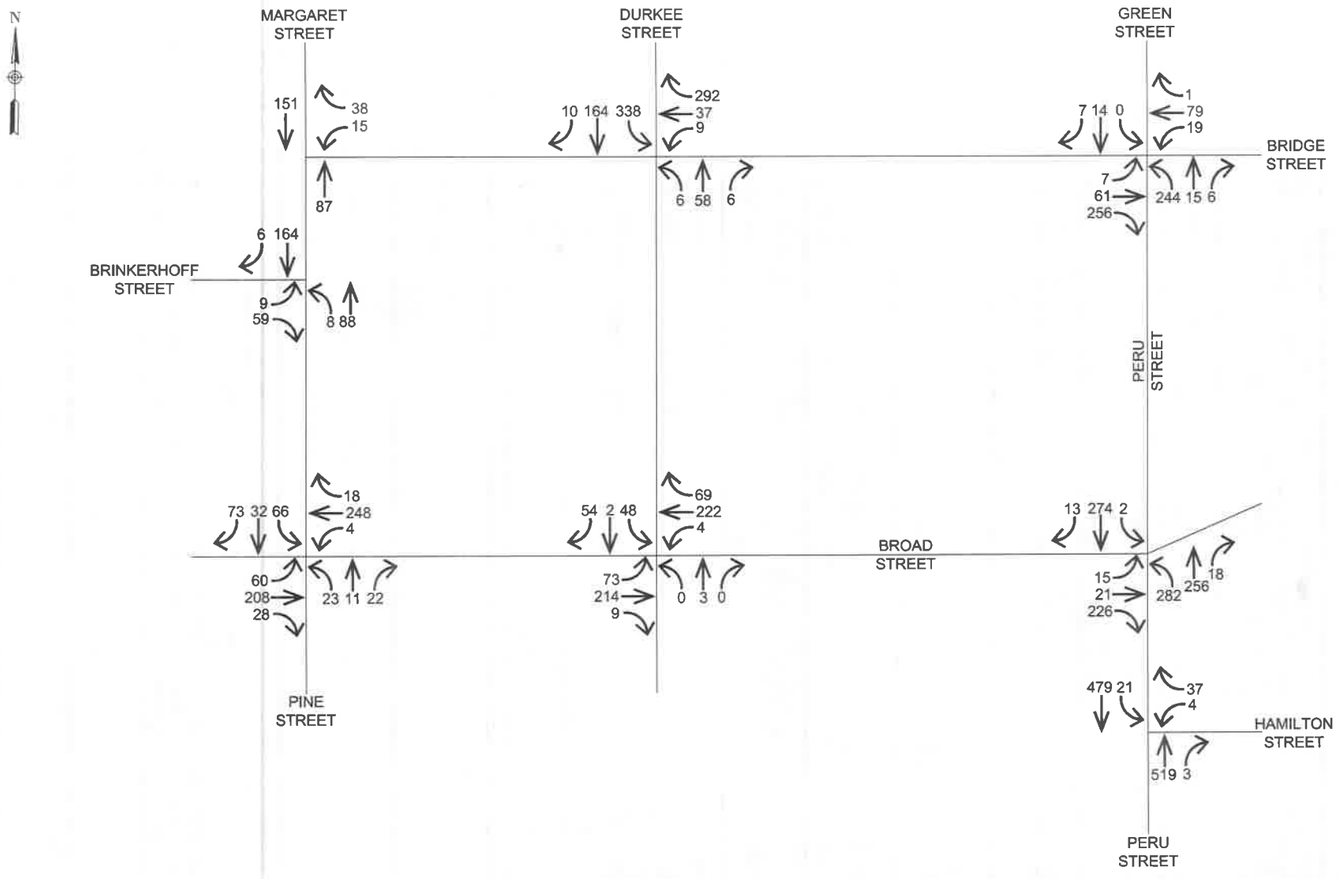
Downtown Area Improvement Projects

Study Area

City of Plattsburgh - Clinton County, New York

Drawn:	MO/RL-B
Date:	10/11/2019
Scale:	1 inch = 150 feet
Project:	91922.00
Figure:	1

Document Path: E:\NY_Projects\91922\91922_StudyArea_Intersections_11x17L.mxd



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE, CO., D.P.C.

Office Locations:

- ☐ Hudson Valley Office: 21 Fox Street, Poughkeepsie, New York 12601, Phone: (845) 454-3980
- ☒ North Country Office: 20 Elm Street (Suite 110), Glens Falls, New York 12801, Phone: (518) 812-0513
- ☐ Capital District Office: 547 River Street, Troy, New York 12180, Phone: (518) 273-0055
- ☐ Westchester NY Office: 1 North Broadway, Suite 803, White Plains, New York 10601, Phone: (914) 997-8510
- Nashville Tennessee Office: 2416 21st Ave S. (Suite 103), Nashville, Tennessee 37212, Phone: (615) 380-1359
- Chattanooga Tennessee Office: 1426 Williams Street (Suite 12), Chattanooga, Tennessee 37408, Phone: (423) 241-6575

CITY OF PLATTSBURGH GEIS

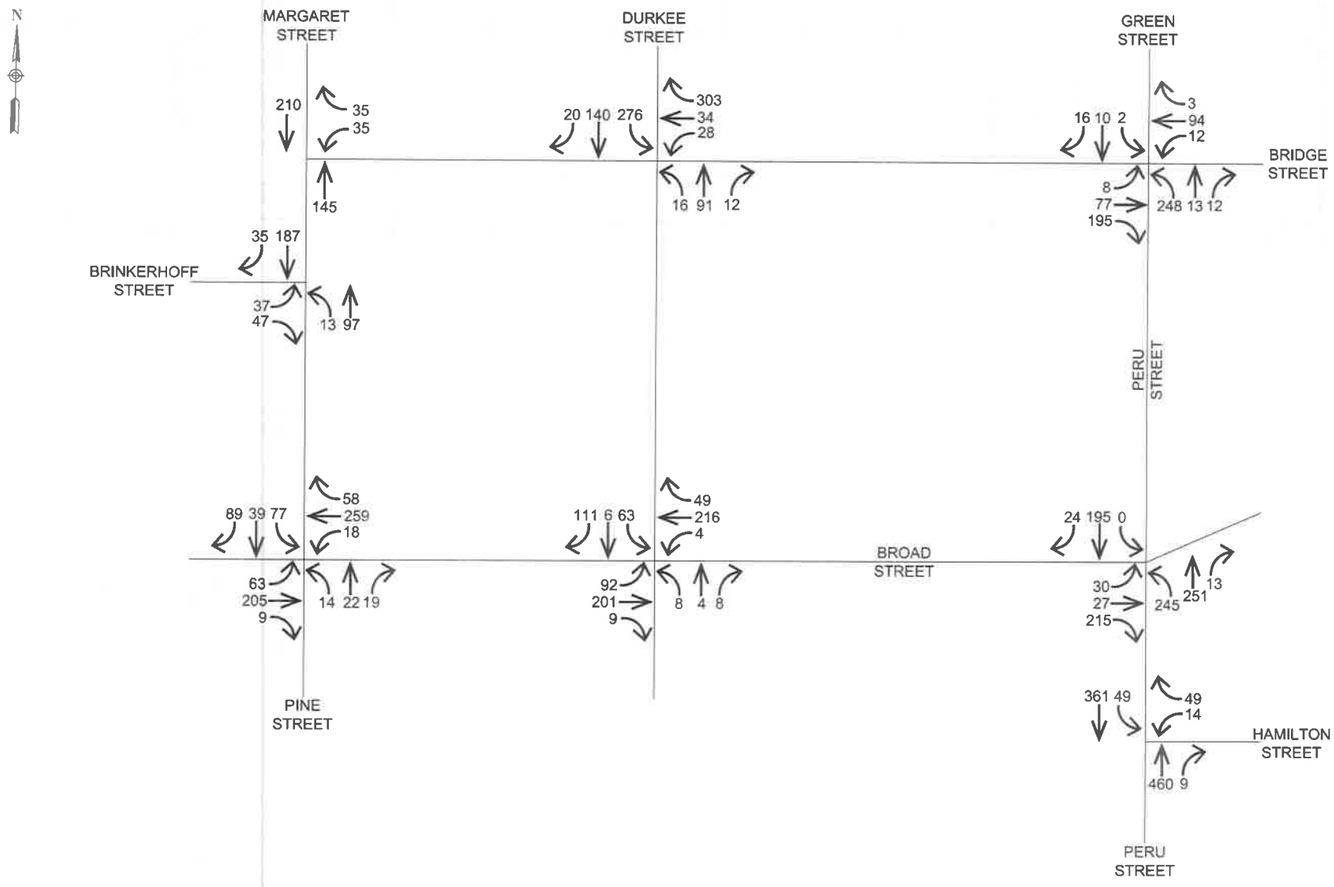
2019 AM EXISTING INTERSECTION VOLUMES

CITY OF PLATTSBURGH, CLINTON COUNTY

design	chked
CR	TJ
date	scale
11/11/19	NTS
project no.	
91922.01	
sheet no.	
FIG. 2	

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT, OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT, APPLICATION AND SITUATION FOR WHICH IT WAS INTENDED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT, OR ANY USE FOR ANY PROJECT, APPLICATION OR SITUATION OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY WAY, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE NOTATION 'ALTERED BY' FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Drawing Name: Z:\projects\91900-91999\91922.00 - C of Plattsburgh GEIS\TRANS\Intersection Counts\FIGS_2-13\FIG-2_91922-00_AM-EXIST.dwg Date Printed: Nov 11,



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE, CO., D.P.C.

Office Locations:

- ☐ Hudson Valley Office: 21 Fox Street, Poughkeepsie, New York 12601, Phone: (845) 454-3980
- ☐ Capital District Office: 547 River Street, Troy, New York 12180, Phone: (518) 273-0055
- Nashville Tennessee Office: 2416 21st Ave S. (Suite 103), Nashville, Tennessee 37212, Phone: (615) 380-1359
- ☒ North Country Office: 20 Elm Street (Suite 110), Glens Falls, New York 12801, Phone: (518) 812-0513
- ☐ Westchester NY Office: 1 North Broadway, Suite 803, White Plains, New York 10601, Phone: (914) 997-8510
- Chattanooga Tennessee Office: 1426 Williams Street (Suite 12), Chattanooga, Tennessee 37408, Phone: (423) 241-6575

CITY OF PLATTSBURGH GEIS

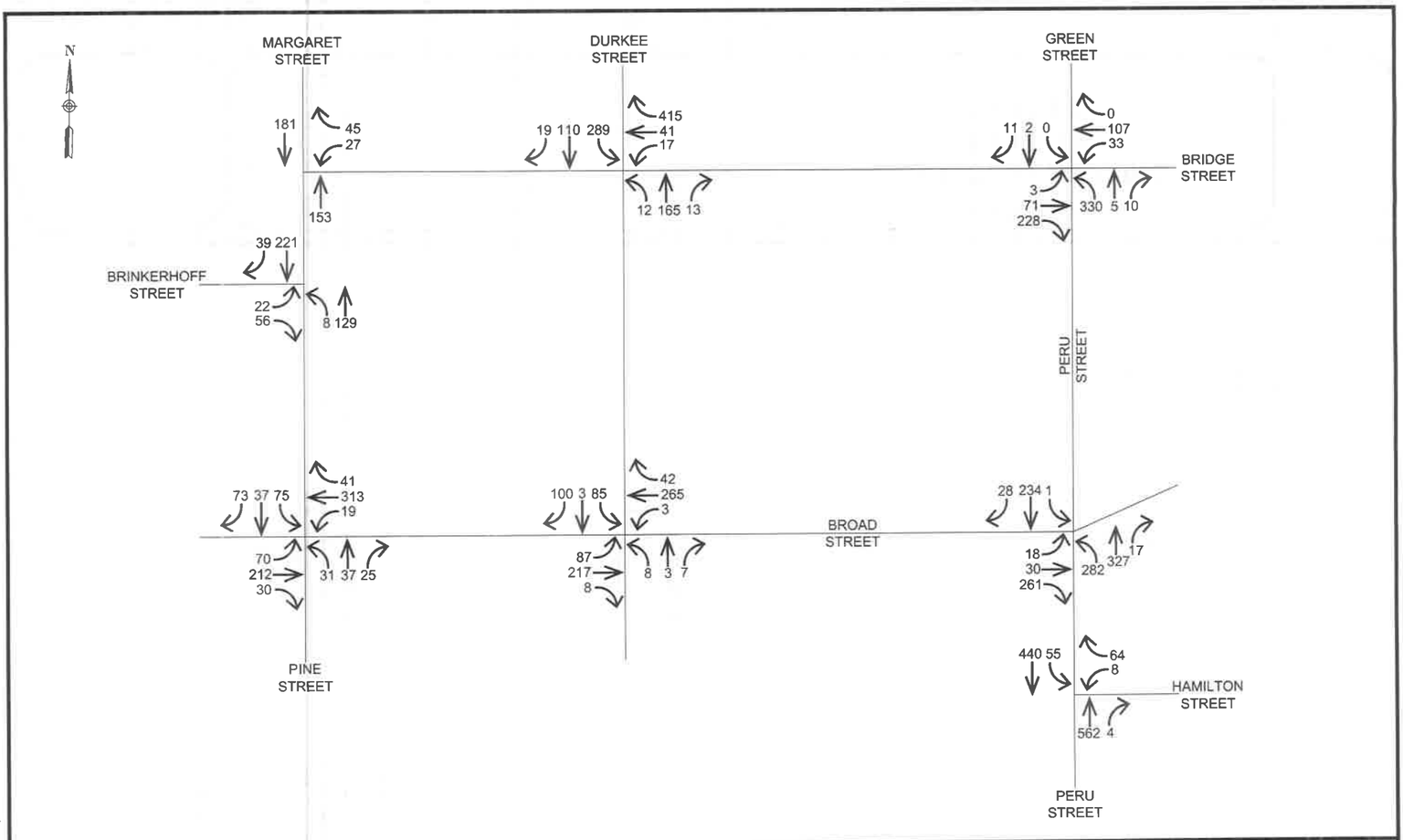
2019 MIDDAY EXISTING INTERSECTION VOLUMES

CITY OF PLATTSBURGH, CLINTON COUNTY

design	chked
CR	TJ
date	scale
11/11/19	NTS
project no.	
91922.01	
sheet no.	
FIG. 3	

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT, OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT, APPLICATION AND SITUATION FOR WHICH IT WAS INTENDED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT, OR ANY USE FOR ANY PROJECT, APPLICATION OR SITUATION OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY WAY, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE NOTATION 'ALTERED BY' FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Drawing Name: Z:\projects\91900-91999\91922.00 - C of Plattsburgh GEIS\TRANS\Intersection Counts\FIGS_2-13\FIG-3_91922-00_MIDDAY-EXIST.dwg Date Printed: Nov



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE, CO., D.P.C.

Office Locations:

- ☐ Hudson Valley Office: 21 Fox Street, Poughkeepsie, New York 12601, Phone: (845) 454-3980
- ☒ North Country Office: 20 Elm Street (Suite 110), Glens Falls, New York 12801, Phone: (518) 812-0513
- ☐ Capital District Office: 547 River Street, Troy, New York 12180, Phone: (518) 273-0055
- ☐ Westchester NY Office: 1 North Broadway, Suite 803, White Plains, New York 10601, Phone: (914) 997-8510
- Nashville Tennessee Office: 2416 21st Ave S. (Suite 103), Nashville, Tennessee 37212, Phone: (615) 380-1359
- Chattanooga Tennessee Office: 1426 Williams Street (Suite 12), Chattanooga, Tennessee 37408, Phone: (423) 241-6575

CITY OF PLATTSBURGH GEIS

2019 PM EXISTING INTERSECTION VOLUMES

CITY OF PLATTSBURGH, CLINTON COUNTY

design	chked
CR	TJ
date	scale
11/11/19	NTS
project no.	
91922.01	
sheet no.	
FIG. 4	

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT, OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT, APPLICATION AND SITUATION FOR WHICH IT WAS INTENDED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT, OR ANY USE FOR ANY PROJECT, APPLICATION OR SITUATION OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY WAY, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE NOTATION 'ALTERED BY' FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Drawing Name: Z:\projects\91900-91999\91922.00 - C of Plattsburgh GEIS\TRANS\Intersection Counts\FIGS_2-13\FIG-4_91922-00_PM-EXIST.dwg Date Printed: Nov 11,

8.0 CAPACITY ANALYSES PROCEDURES

Traffic impacts are measured by intersection capacity analyses, computed in accordance with procedures outlined in the Sixth Edition of the Highway Capacity Manual (HCM), published by the Transportation Research Board. In general, analyses' results are a measure of the ability of an intersection to process vehicles. This is evaluated for each approach to the intersection as well as for the entire intersection. The analyses' results are identified as Levels of Service (LOS) which range from "A" through "F," with LOS "A" representing the least delays and LOS "F" representing longer delays or capacity deficient operations.

According to generally accepted practice, LOS "A," "B" and "C" reflect clearly acceptable conditions, LOS "D" reflects the existence of delays within a generally tolerable range, LOS "E" is generally only tolerated on minor movements and LOS "F" indicates typically undesirable delays often associated with breakdown conditions.

The parameters considered in the calculations include: the type of intersection control, the volumes on each approach, the distribution of vehicles by direction (left, through and right) and other factors including vehicle types, pedestrian movements and parking constraints. Roadway parameters relate to the geometry of the intersection, specifically, the number of lanes, the widths of lanes and lane-use considerations.

The computed LOS is defined in terms of the average control delay per vehicle for the peak 15-minute period within the peak one-hour period. Control delay includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. For signalized intersections, capital letters are used in this study to indicate the Levels-of-Service. The range of delay within each signalized level of service category are:

LEVEL OF SERVICE	STOPPED DELAY PER VEHICLE (Seconds)
A	Less than or equal to 10.0
B	Between 10.1 and 20.0
C	Between 20.1 and 35.0
D	Between 35.1 and 55.0
E	Between 55.1 and 80.0
F	Greater than 80.0

For unsignalized intersections, levels of service and delay are reported for the individual lane groups in that they provide a more meaningful representation of operating conditions than the overall intersection LOS and delay. Lower-case letters are used in this study to identify that the analysis refers to unsignalized intersections. The ranges of delay within each unsignalized level of service category are as follows:

LEVEL OF SERVICE	STOPPED DELAY PER VEHICLE (Seconds)
a	Less than or equal to 10.0
b	Between 10.1 and 15.0
c	Between 15.1 and 25.0
d	Between 25.1 and 35.0
e	Between 35.1 and 50.0
f	Greater than 50.0

These delay ranges for the unsignalized level of service categories are less than those at signalized intersections because it is assumed that motorists will tolerate longer delays at a signalized intersection in exchange for guaranteed entry into the intersection in a definite period of time.

9.0 EXISTING TRAFFIC OPERATING CONDITIONS

The existing traffic volumes were compared with current roadway capacities using the Synchro, Version 10 software. The capacity analysis results for the Existing Conditions are summarized in Table 1. Printouts of the analyses are included in Appendix B.

Table 1: Level of Service, Existing Conditions

Intersection	Approach[1]	AM Peak	Midday Peak	PM Peak
Margaret St at Bridge St	WB l	b[2]/11.0[3]	b/12.6	b/11.8
	WB r	a/9.2	a/9.7	a/9.5
Margaret St at Brinkerhoff St	EB l/r	A/8.5	B/11.4	B/10.1
	NB l/t	A/7.1	A/6.7	A/6.5
	SB t/r	A/7.8	A/6.6	A/6.7
	Overall[4]	**A/7.7**	**A/7.6**	**A/7.2**
Margaret St at Broad St	EB l	D/41.5	C/29.3	C/33.5
	EB t/r	C/26.7	C/22.2	C/22.2
	WB l/t/r	C/29.4	C/27.5	C/29.2
	NB l/t/r	B/10.4	B/10.4	B/12.0
	SB l/t/r	B/15.6	B/11.8	B/12.5
	Overall	**C/25.2**	**C/21.5**	**C/22.9**
Durkee St at Bridge St	WB l/t	b/10.1	a/9.8	b/10.1
	WB r	c/16.3	b/12.7	c/20.4
	NB t/r	b/10.2	a/9.9	b/12.2
	SB l/t	e/46.8	c/18.1	c/21.6
Durkee St at Broad St	EB l	a/8.4	a/8.1	a/8.1
	WB l	a/8.0	a/7.7	a/7.8
	NB l/t/r	c/20.8	c/15.9	c/16.3
	SB l	c/24.9	c/19.8	c/21.1
	SB t/r	b/11.6	b/11.2	b/11.1
Peru St at Bridge St	EB l/t	B/17.3	B/17.2	B/17.0
	EB r	A/0.9	A/1.0	A/1.0
	WB l	B/17.3	B/17.2	B/17.2
	WB t/r	B/17.1	B/17.0	B/17.4
	NB l/t	B/18.9	B/16.2	B/19.0
	NB r	A/0.0	A/0.1	A/0.0
	SB l/t/r	B/10.7	A/8.9	A/8.5
	Overall	**B/11.6**	**B/11.6**	**B/13.0**

Table 1 (continued)

Peru St at Broad St/Hamilton St	EB l	D/52.3	D/52.2	D/52.1
	EB t/r	F/82.7	F/86.7	F/91.5
	WB l/t/r	C/22.7	C/27.0	C/22.2
	NB l	A/6.7	A/4.9	A/5.4
	NB t/r	B/11.3	B/10.5	B/11.7
	SB l/t/r	C/30.9	C/25.0	C/27.4
	Overall	C/27.8	C/28.3	C/29.9

Notes:
1. EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound, l = left, t = thru, r = right.
2. LOS = Level of Service. Uppercase letters represent levels of service for signalized intersections. Lowercase letters represent levels-of-service for unsignalized intersections.
3. Delays are the average for each lane group in seconds per vehicle. For signalized intersections, the average delay per vehicle for the entire intersection is also included. For unsignalized intersections, the value represents the average delay per vehicle for the lane group experiencing the greatest delays.
4. Overall = the weighted average delay of all movements and the corresponding LOS.

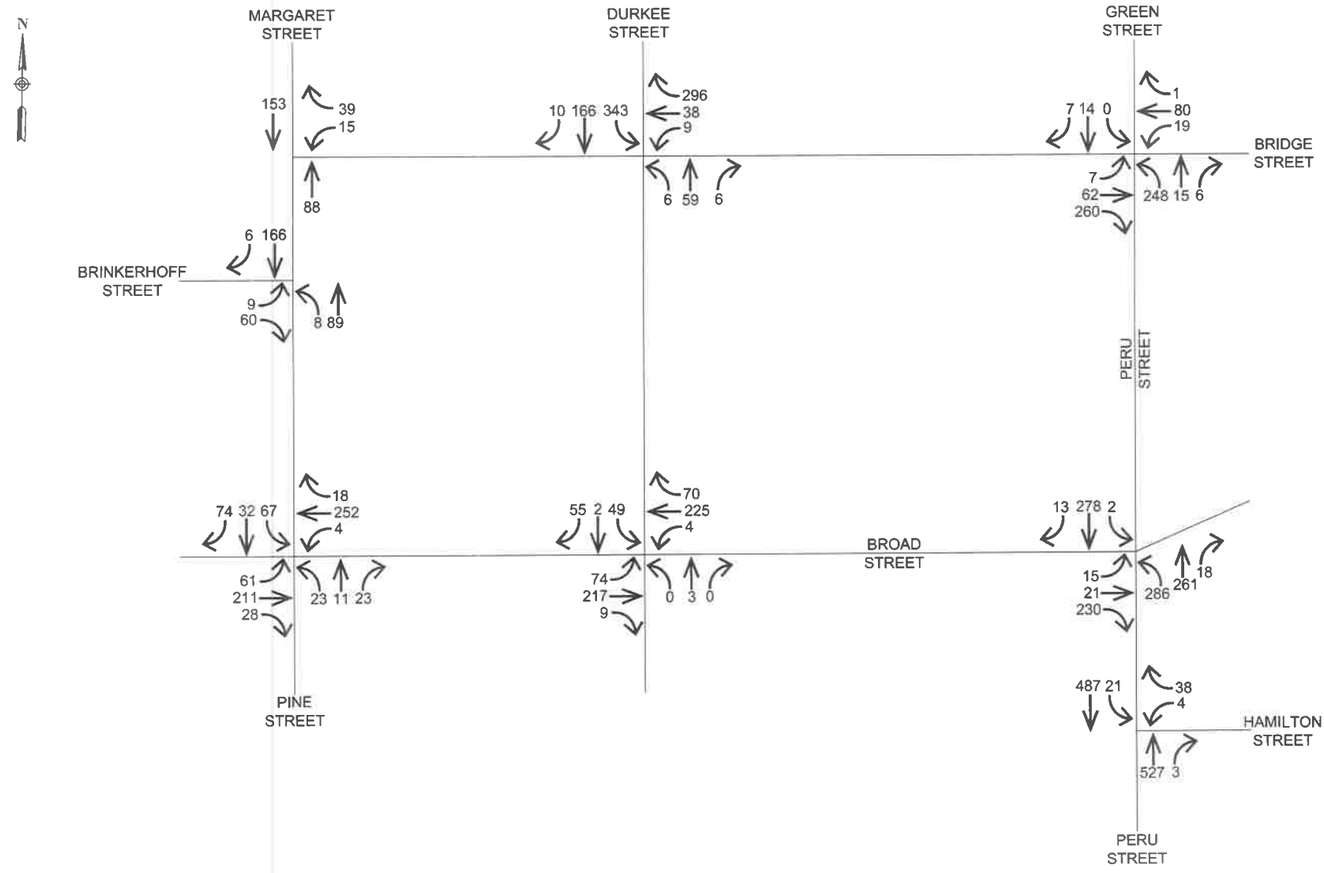
Table 1 indicates that all movements are operating at LOS "D" or better except for the southbound movement on Durkee Street at Bridge Street with LOS "e" conditions in the AM peak hour, and the eastbound right-turn movement on Broad Street at Peru Street with LOS "F" conditions in the three peak hours.

10.0 NO-BUILD TRAFFIC VOLUMES

In determining future traffic volumes, existing traffic volumes are projected forward to the Build-out Year using a generalized growth factor and accounting for other projects in the area. It is anticipated that the projects will be completed by 2022.

Based on available historical volume data from NYSDOT databases, traffic volumes have decreased over the past few years. However, to be conservative, a general growth rate of 0.5% per year was used for the No-Build conditions. There are no other developments of significance that are planned, approved, or pending approval near the project area which may generate traffic through the study area.

The No-Build volumes represent future traffic operating conditions without the proposed projects and are a benchmark against which potential project-related traffic impacts can be measured. The 2022 No-Build traffic volumes are shown on Figures 5, 6, and 7.



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE, CO., D.P.C.

Office Locations:

☐ Hudson Valley Office:
21 Fox Street
Poughkeepsie, New York 12601
Phone: (845) 454-3980

☐ Capital District Office:
547 River Street
Troy, New York 12180
Phone: (518) 273-0055

Nashville Tennessee Office:
2416 21st Ave S. (Suite 103)
Nashville, Tennessee 37212
Phone: (615) 380-1359

☒ North Country Office:
20 Elm Street (Suite 110)
Glens Falls, New York 12801
Phone: (518) 812-0513

☐ Westchester NY Office:
1 North Broadway, Suite 803
White Plains, New York 10601
Phone: (914) 997-8510

Chattanooga Tennessee Office:
1426 Williams Street (Suite 12)
Chattanooga, Tennessee 37408
Phone: (423) 241-6575

CITY OF PLATTSBURGH GEIS

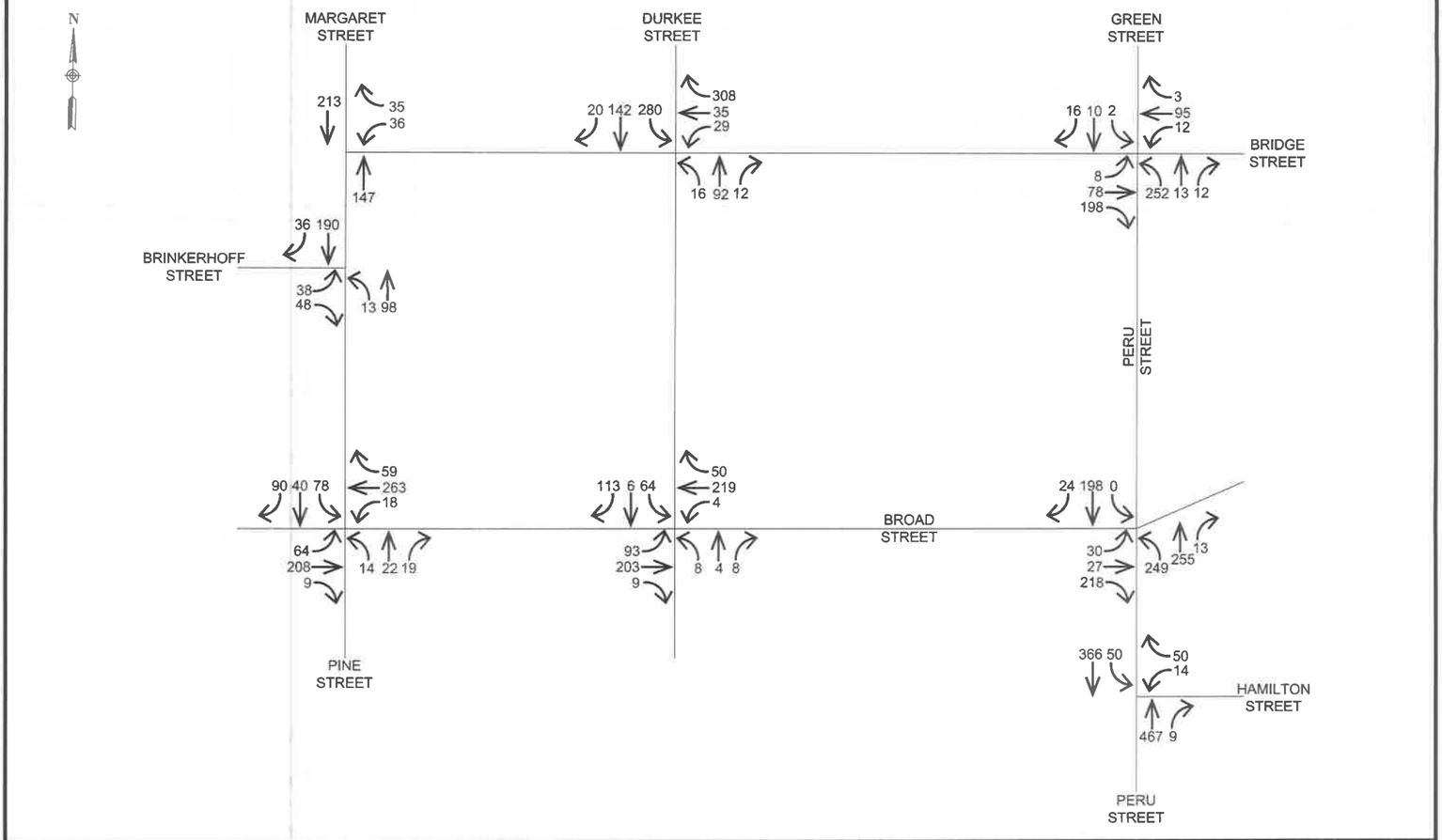
2022 AM NO-BUILD INTERSECTION VOLUMES

CITY OF PLATTSBURGH, CLINTON COUNTY

design	chked
CR	TJ
date	scale
11/11/19	NTS
project no.	
91922.01	
sheet no.	
FIG. 5	

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT, OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT, APPLICATION AND SITUATION FOR WHICH IT WAS INTENDED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT, OR ANY USE FOR ANY PROJECT, APPLICATION OR SITUATION OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY WAY, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE NOTATION 'ALTERED BY' FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Drawing Name: Z:\projects\91900-91999\91922.00 - C of Plattsburgh GEIS\TRANS\Intersection Counts\FIGS_2-13\FIG-5_91922-00_AM-NO-BUILD.dwg Date Printed: No



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE, CO., D.P.C.

Office Locations:

- ☐ Hudson Valley Office: 21 Fox Street, Poughkeepsie, New York 12601, Phone: (845) 454-3980
- ☐ Capital District Office: 547 River Street, Troy, New York 12180, Phone: (518) 273-0055
- Nashville Tennessee Office: 2415 21st Ave S. (Suite 103), Nashville, Tennessee 37212, Phone: (615) 380-1359
- ☒ North Country Office: 20 Elm Street (Suite 110), Glens Falls, New York 12801, Phone: (518) 812-0513
- ☐ Westchester NY Office: 1 North Broadway, Suite 803, White Plains, New York 10601, Phone: (914) 997-8510
- Chattanooga Tennessee Office: 1426 Williams Street (Suite 12), Chattanooga, Tennessee 37408, Phone: (423) 241-6575

CITY OF PLATTSBURGH GEIS

2022 MIDDAY NO-BUILD INTERSECTION VOLUMES

CITY OF PLATTSBURGH, CLINTON COUNTY

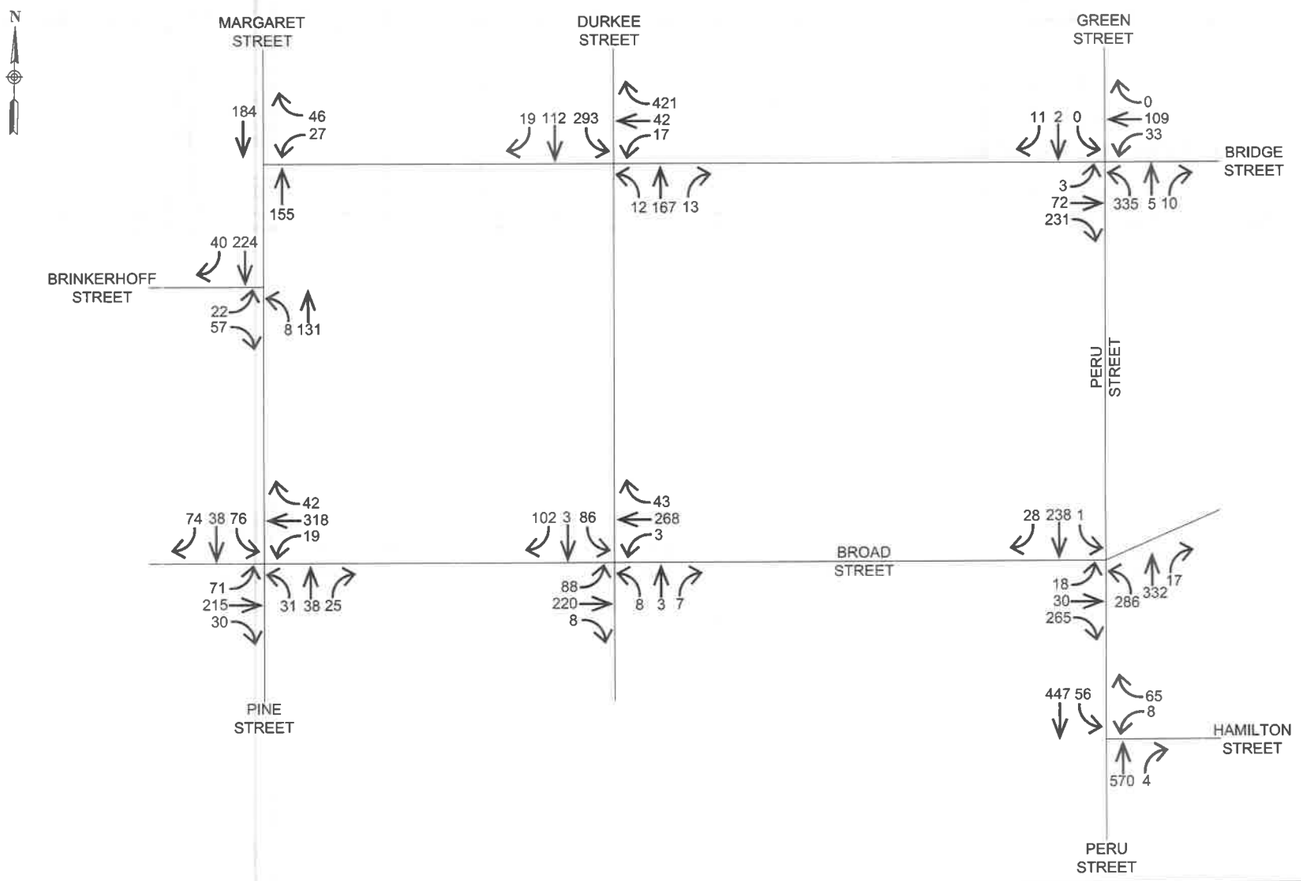
design	chked
CR	TJ
date	scale
11/11/19	NTS

project no. 91922.01

sheet no. **FIG. 6**

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT, OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT, APPLICATION AND SITUATION FOR WHICH IT WAS INTENDED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT, OR ANY USE FOR ANY PROJECT, APPLICATION OR SITUATION OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY WAY, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL. THE NOTATION 'ALTERED BY' FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Drawing Name: Z:\projects\91900-91999\91922.00 - C of Plattsburgh GEIS\TRANS\Intersection Counts\FIGS_2-13\FIG-6_91922-00_MIDDAY-NO-BUILD.dwg Date Printed:



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE, CO., D.P.C.

Office Locations:

☐ Hudson Valley Office:
21 Fox Street
Poughkeepsie, New York 12601
Phone: (845) 454-3980

☒ North Country Office:
20 Elm Street (Suite 110)
Glens Falls, New York 12801
Phone: (518) 812-0513

☐ Capital District Office:
547 River Street
Troy, New York 12180
Phone: (518) 273-0055

☐ Westchester NY Office:
1 North Broadway, Suite 803
White Plains, New York 10601
Phone: (914) 997-8510

Nashville Tennessee Office:
2416 21st Ave S. (Suite 103)
Nashville, Tennessee 37212
Phone: (615) 380-1359

Chattanooga Tennessee Office:
1426 Williams Street (Suite 12)
Chattanooga, Tennessee 37406
Phone: (423) 241-6575

CITY OF PLATTSBURGH GEIS

2022 PM NO-BUILD INTERSECTION VOLUMES

CITY OF PLATTSBURGH, CLINTON COUNTY

design	chked
CR	TJ
date	scale
11/11/19	NTS

project no. 91922.01

sheet no. **FIG. 7**

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT, OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT, APPLICATION AND SITUATION FOR WHICH IT WAS INTENDED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT, OR ANY USE FOR ANY PROJECT, APPLICATION OR SITUATION OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY WAY, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE NOTATION 'ALTERED BY' FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Drawing Name: Z:\projects\91900-91999\91922.00 - C of Plattsburgh GEIS\TRANS\Intersection Counts\FIGS_2-13\FIG-7_91922-00_PM-NO-BUILD.dwg Date Printed: No

11.0 NO-BUILD CAPACITY ANALYSIS RESULTS

The results of the analysis for the 2022 No-build conditions are summarized in Table 2.

Table 2: Level of Service, 2022 No-Build Conditions

Intersection	Approach[1]	AM Peak	Midday Peak	PM Peak
Margaret St at Bridge St	WB l	b/11.1	b/12.7	b/11.9
	WB r	a/9.3	a/9.7	a/9.5
Margaret St at Brinkerhoff St	EB l/r	A/8.5	B/11.4	B/10.1
	NB l/t	A/7.1	A/6.7	A/6.6
	SB t/r	A/7.8	A/6.7	A/6.7
	Overall[4]	A/7.7	A/7.7	A/7.2
Margaret St at Broad St	EB l	D/41.6	C/30.0	C/34.4
	EB t/r	C/26.6	C/22.2	C/22.3
	WB l/t/r	C/29.3	C/27.7	C/29.5
	NB l/t/r	B/10.4	B/10.5	B/12.1
	SB l/t/r	B/15.8	B/11.9	B/12.6
	Overall	C/25.2	C/21.7	C/23.1
Durkee St at Bridge St	WB l/t	b/10.2	a/9.9	b/10.2
	WB r	c/16.7	b/13.0	c/21.1
	NB t/r	b/10.3	b/10.0	b/12.3
	SB l/t	f/50.6	c/18.7	c/22.5
Durkee St at Broad St	EB l	a/8.4	a/8.1	a/8.1
	WB l	a/8.0	a/7.7	a/7.8
	NB l/t/r	c/21.1	c/16.1	c/16.5
	SB l	d/25.5	c/20.0	c/21.5
	SB t/r	b/11.7	b/11.2	b/11.1
Peru St at Bridge St	EB l/t	B/17.3	B/17.3	B/17.0
	EB r	A/0.9	A/1.0	A/1.0
	WB l	B/17.3	B/17.2	B/17.2
	WB t/r	B/17.2	B/17.1	B/17.5
	NB l/t	B/19.1	B/16.4	B/19.2
	NB r	A/0.0	A/0.1	A/0.0
	SB l/t/r	B/10.7	A/8.9	A/8.5
	Overall	B/11.7	B/11.7	B/13.1
Peru St at Broad St/Hamilton St	EB l	D/52.3	D/52.3	D/52.1
	EB t/r	F/82.4	F/86.8	F/91.3
	WB l/t/r	C/22.4	C/26.7	C/22.0
	NB l	A/7.0	A/4.9	A/5.5
	NB t/r	B/11.4	B/10.6	B/11.7
	SB l/t/r	C/31.1	C/25.1	C/27.6
	Overall	C/28.2	C/28.5	C/30.1

Table 2 shows that the southbound movement of Durkee Street at Bridge Street experiences a drop in LOS from "e" to "f" conditions in the AM peak hour. Printouts of the analyses are also in Appendix B.

12.0 PROJECT-GENERATED TRAFFIC VOLUMES

Traffic expected to be generated by the proposed projects was determined as follows:

1. Durkee Lot Mixed-Use Development – The Durkee Lot Mixed-Use Development will displace the existing Durkee Street public parking lot; therefore, before adding the trips for this development the volumes from the existing lot were estimated and removed from the roadway network to develop 2022 No-build volumes without the existing Durkee Street lot. Figure C1 in Appendix C shows the Durkee Street lot volumes and Figures C2 through C4 show the No-build volumes without the existing Durkee Street Lot. These No-build volumes serve as the base network that proposed improvement projects are added to determine the potential for future impacts.

   A Trip Generation Assessment was prepared by McFarland Johnson on July 29, 2019 for this project and the retail portion of the project consisted of 10,000 SF of floor space. The trip rates were updated for this study to account for an additional 3,400 SF of retail space and the total space was further defined as 7,250 SF of general retail use and 6,150 SF of restaurant use. Table 3 presents the trip generation estimates for this analysis. It is noted that no credits were taken for transit trips, pass-by trips, or internal trips.

Table 3: Durkee Lot Mixed-Use Generated Trips

Component	Land Use Code	AM Peak Hour			Midday Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total
Retail 7,250 SF	820	12	10	22	18	15	33	15	15	30
Restaurant 6,150 SF	932	49	37	86	72	72	144	56	51	107
Residential 115 units	220	18	46	64	32	38	70	45	32	77
Public Parking 50 Spaces	90	18	4	22	25	25	50	7	21	28
Total New Trips		**97**	**97**	**194**	**147**	**150**	**297**	**123**	**119**	**242**

   The retail Midday trips were calculated using hourly distribution tables in the Institute of Transportation Engineers' (ITE) publication, *Trip Generation, 10th Edition*. Hourly distribution tables are not available for the residential and parking uses so the Midday trips were calculated using an average of the AM and PM trips. Figures C5 – C7 show the trip assignments for this development with Durkee Street remaining as two-way. Figures C13 – C15 show the trip assignments with Durkee Street changed to one-way northbound.

2. Durkee Street Reconfiguration and Streetscape Improvements – The Durkee Street reconfiguration will add 27 on-street parking spaces with Durkee Street remaining as two-way. For trip generation purposes it is assumed that these spaces would generate 20 new trips in the peak hours. As a one-way street, 43 on-street parking spaces would be added and it was assumed that 32 new trips would be generated during the peak hours.

3. Bridge Street Parking Improvements – Six parking spaces will be added to Bridge Street with this improvement project. It is assumed that 4 new trips will be added during the peak hours.

4. Broad Street Parking Lot – Expansion of this lot will add 22 parking spaces. It is assumed that 12 new trips will be added during the peak hours.

   Figures C8 shows the trip assignments for the Durkee Street Reconfiguration, Bridge Street, and Broad Street projects with Durkee Street as two-way. Figure C 16 show the trip assignments with Durkee Street as one-way northbound.

5. Arnie Pavone Memorial Parking Plaza – this project replaces the existing bank and its 32 parking spaces for a new 109-space public parking lot. Division Street will be abandoned with this project. Table 4 presents the trip generation estimates for this lot.

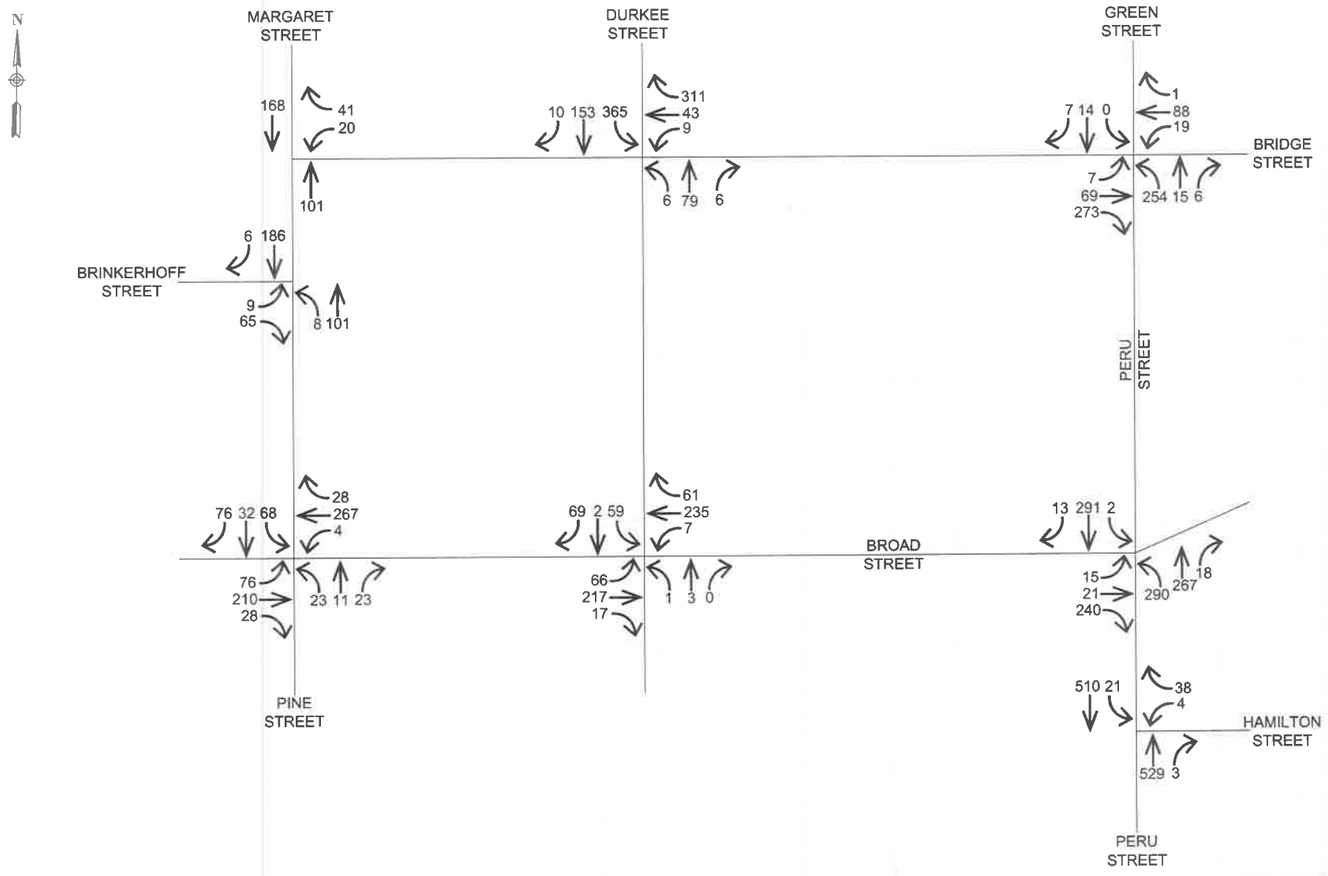
Table 4: Arnie Pavone Plaza Generated Trips

Component	Land Use Code	AM Peak Hour			Midday Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total
Public Parking 109 Spaces	90	39	9	48	27	27	54	15	45	60

Two full-access driveways will be provided on Margaret Street with a one-way exit provided to Oak Street. Figure C9 shows the trip assignments.

13.0 BUILD TRAFFIC VOLUMES

The "Build" traffic volumes are the sum of the project generated traffic volumes and the No-Build without the existing Durkee Street lot traffic volumes. The Build traffic volumes for the study intersections are shown on Figures 8, 9, and 10 for Durkee Street as two-way, and Figures 11, 12, and 13 for Durkee Street as one-way.



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE, CO., D.P.C.

Office Locations:

☐ Hudson Valley Office:
21 Fox Street
Poughkeepsie, New York 12601
Phone: (845) 454-3980

☐ Capital District Office:
547 River Street
Troy, New York 12180
Phone: (518) 273-0055

Nashville Tennessee Office:
2416 21st Ave S. (Suite 103)
Nashville, Tennessee 37212
Phone: (615) 380-1359

☒ North Country Office:
20 Elm Street (Suite 110)
Glens Falls, New York 12801
Phone: (518) 812-0513

☐ Westchester NY Office:
1 North Broadway, Suite 803
White Plains, New York 10601
Phone: (914) 997-8510

Chattanooga Tennessee Office:
1426 Williams Street (Suite 12)
Chattanooga, Tennessee 37408
Phone: (423) 241-6575

CITY OF PLATTSBURGH GEIS

2022 AM BUILD (DURKEE STREET 2-WAY) INTERSECTION VOLUMES

CITY OF PLATTSBURGH, CLINTON COUNTY

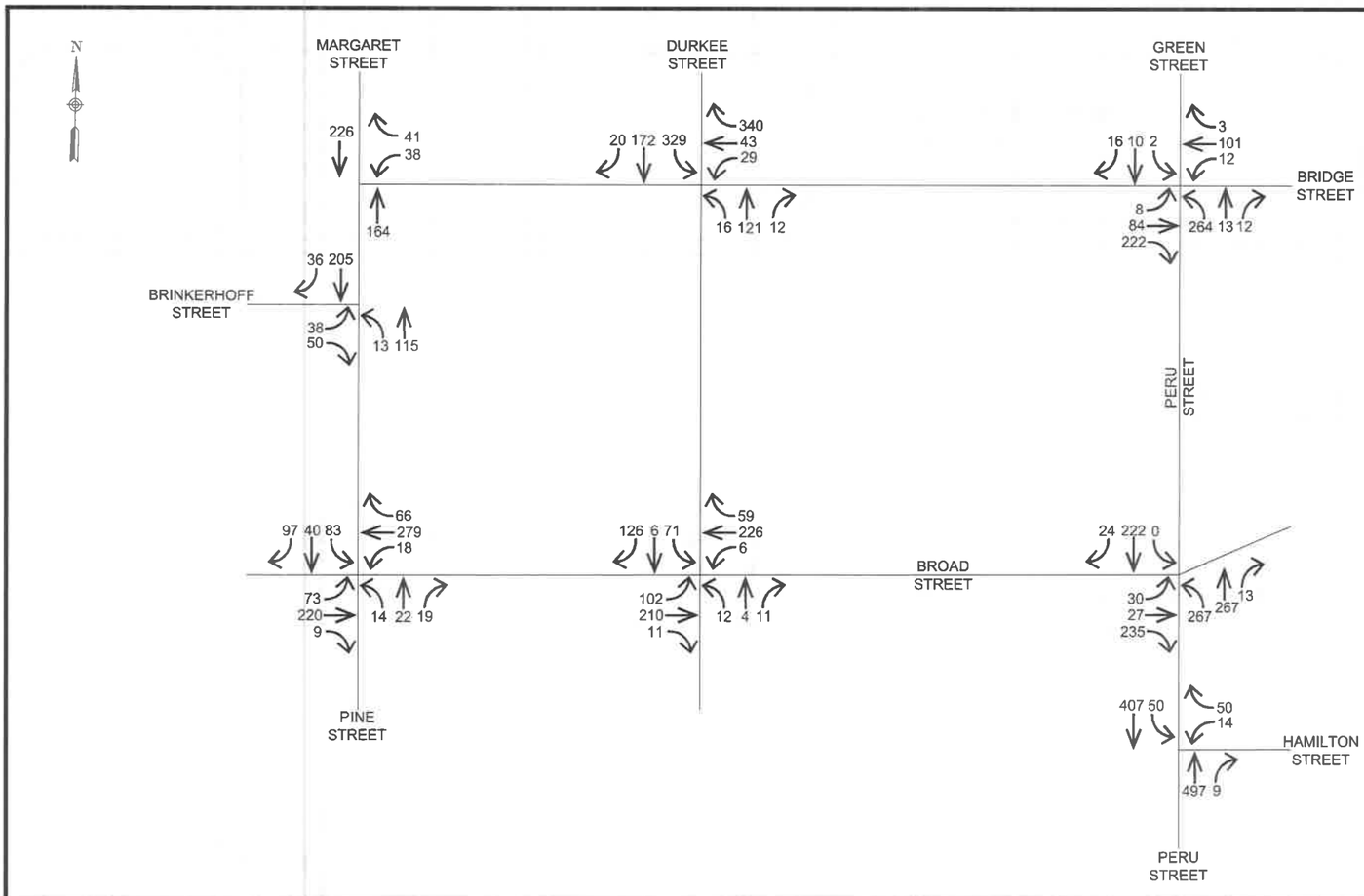
design	chked
CR	TJ
date	scale
11/11/19	NTS

project no. 91922.01

sheet no. **FIG. 8**

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT, OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT, APPLICATION AND SITUATION FOR WHICH IT WAS INTENDED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT, OR ANY USE FOR ANY PROJECT, APPLICATION OR SITUATION OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY WAY, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE NOTATION 'ALTERED BY' FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Drawing Name: Z:\projects\91900-91999\91922.00 - C of Plattsburgh GEIS\TRANS\Intersection Counts\FIGS_2-13\FIG-8_91922-00_AM-FULL-BUILD-2-WAY.dwg Date Pri



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE, CO., D.P.C.

Office Locations:

- ☐ Hudson Valley Office: 21 Fox Street, Poughkeepsie, New York 12601, Phone: (845) 454-3980
- ☐ Capital District Office: 547 River Street, Troy, New York 12180, Phone: (518) 273-0055
- Nashville Tennessee Office: 2416 21st Ave S. (Suite 103), Nashville, Tennessee 37212, Phone: (615) 380-1359
- ☒ North Country Office: 20 Elm Street (Suite 110), Glens Falls, New York 12801, Phone: (518) 812-0513
- ☐ Westchester NY Office: 1 North Broadway, Suite 803, White Plains, New York 10601, Phone: (914) 997-8510
- Chattanooga Tennessee Office: 1426 Williams Street (Suite 12), Chattanooga, Tennessee 37405, Phone: (423) 241-6575

CITY OF PLATTSBURGH GEIS

2022 MIDDAY BUILD (DURKEE STREET 2-WAY) INTERSECTION VOLUMES

CITY OF PLATTSBURGH, CLINTON COUNTY

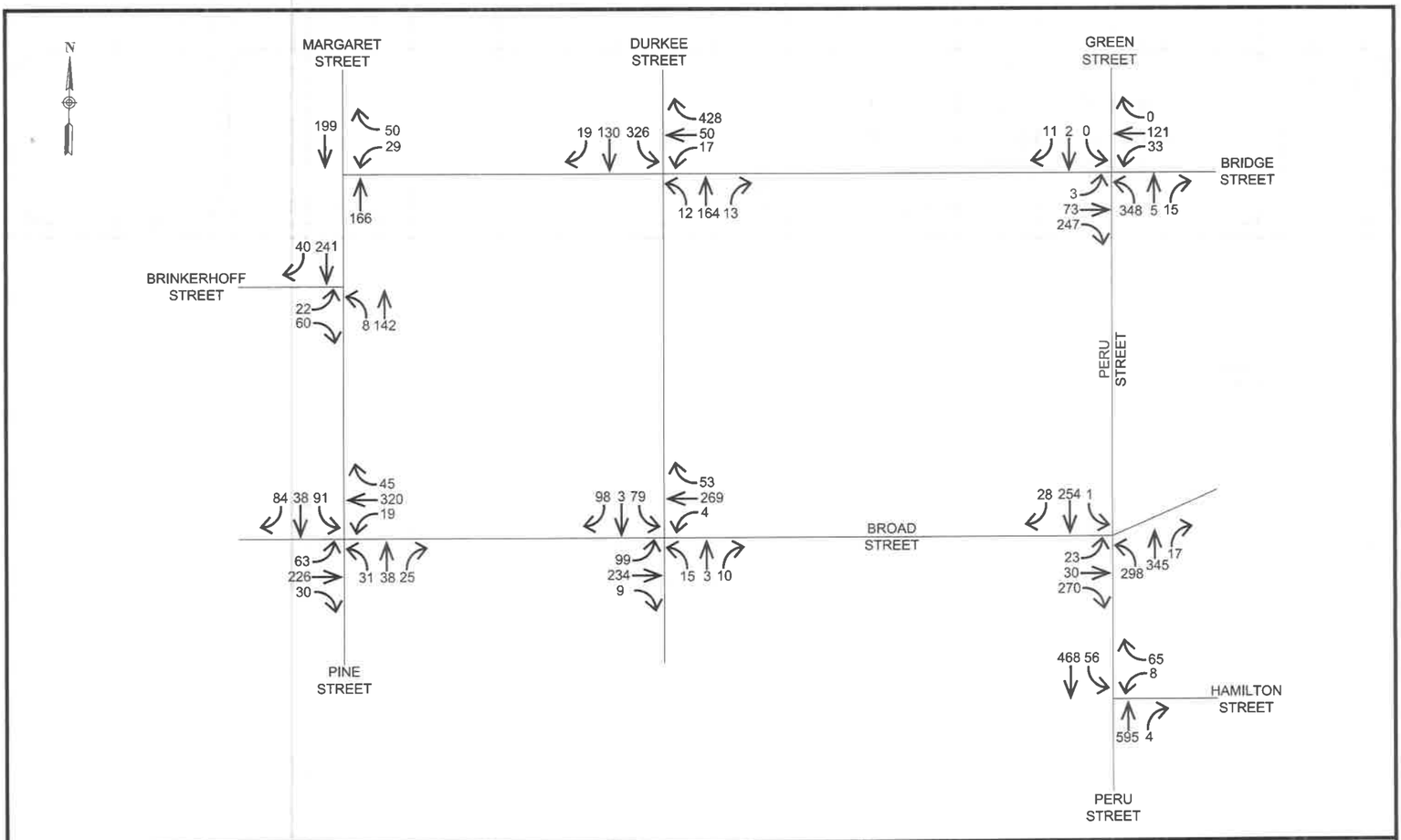
design	chked
CR	TJ
date	scale
11/11/19	NTS

project no. 91922.01

sheet no. **FIG. 9**

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT, OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT, APPLICATION AND SITUATION FOR WHICH IT WAS INTENDED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT, OR ANY USE FOR ANY PROJECT, APPLICATION OR SITUATION OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY WAY, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE NOTATION 'ALTERED BY' FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Drawing Name: C:\temp\AcPublish_9024\FIG-9_91922-00_MIDDAY-FULL-BUILD-2-WAY.dwg Date Printed: Nov 12, 2019, 9:10am



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE, CO., D.P.C.

Office Locations:

☐ Hudson Valley Office:
21 Fox Street
Poughkeepsie, New York 12601
Phone: (845) 454-3980

☒ North Country Office:
20 Elm Street (Suite 110)
Glens Falls, New York 12801
Phone: (518) 812-0513

☐ Capital District Office:
547 River Street
Troy, New York 12180
Phone: (518) 273-0055

☐ Westchester NY Office:
1 North Broadway, Suite 803
White Plains, New York 10601
Phone: (914) 997-8510

Nashville Tennessee Office:
2416 21st Ave S. (Suite 103)
Nashville, Tennessee 37212
Phone: (615) 380-1359

Chattanooga Tennessee Office:
1426 Williams Street (Suite 12)
Chattanooga, Tennessee 37408
Phone: (423) 241-6575

CITY OF PLATTSBURGH GEIS

2022 PM BUILD (DURKEE STREET 2-WAY) INTERSECTION VOLUMES

CITY OF PLATTSBURGH, CLINTON COUNTY

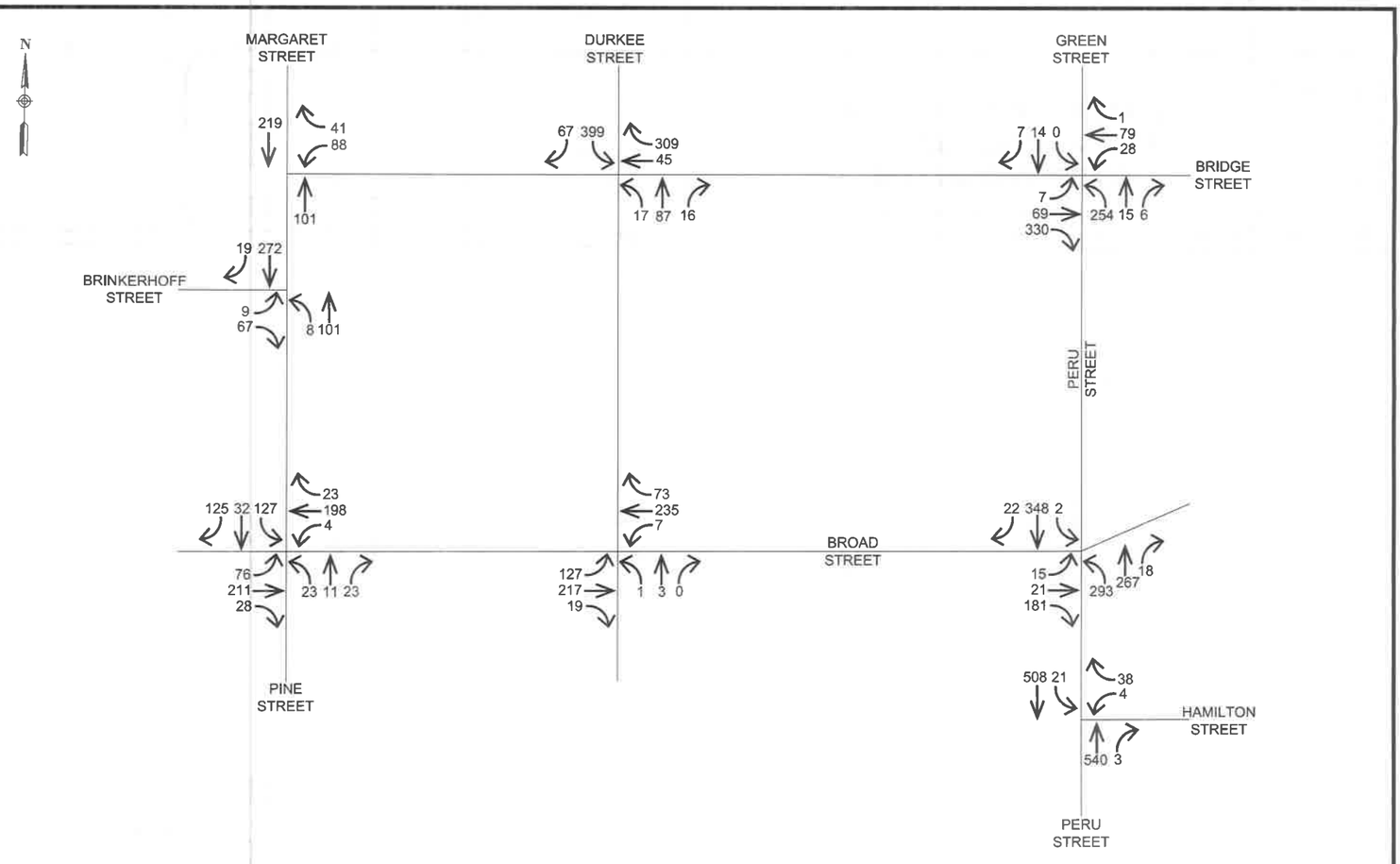
design	chked
CR	TJ
date	scale
11/11/19	NTS

project no. 91922.01

sheet no. **FIG. 10**

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT, OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT, APPLICATION AND SITUATION FOR WHICH IT WAS INTENDED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT, OR ANY USE FOR ANY PROJECT, APPLICATION OR SITUATION OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY WAY, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE NOTATION 'ALTERED BY' FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Drawing Name: Z:\projects\91900-91999\91922.00 - C of Plattsburgh GEIS\TRANS\Intersection Counts\FIGS_2-13\FIG-10_91922-00_PM-FULL-BUILD-2-WAY.dwg Date Pl



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE, CO., D.P.C.

Office Locations:

☐ Hudson Valley Office:
21 Fox Street
Poughkeepsie, New York 12601
Phone: (845) 454-3980

☒ North Country Office:
20 Elm Street (Suite 110)
Glens Falls, New York 12801
Phone: (518) 812-0513

☐ Capital District Office:
547 River Street
Troy, New York 12180
Phone: (518) 273-0055

☐ Westchester NY Office:
1 North Broadway, Suite 803
White Plains, New York 10601
Phone: (914) 997-8510

Nashville Tennessee Office:
2416 21st Ave S. (Suite 103)
Nashville, Tennessee 37212
Phone: (615) 380-1359

Chattanooga Tennessee Office:
1426 Williams Street (Suite 12)
Chattanooga, Tennessee 37408
Phone: (423) 241-6575

CITY OF PLATTSBURGH GEIS

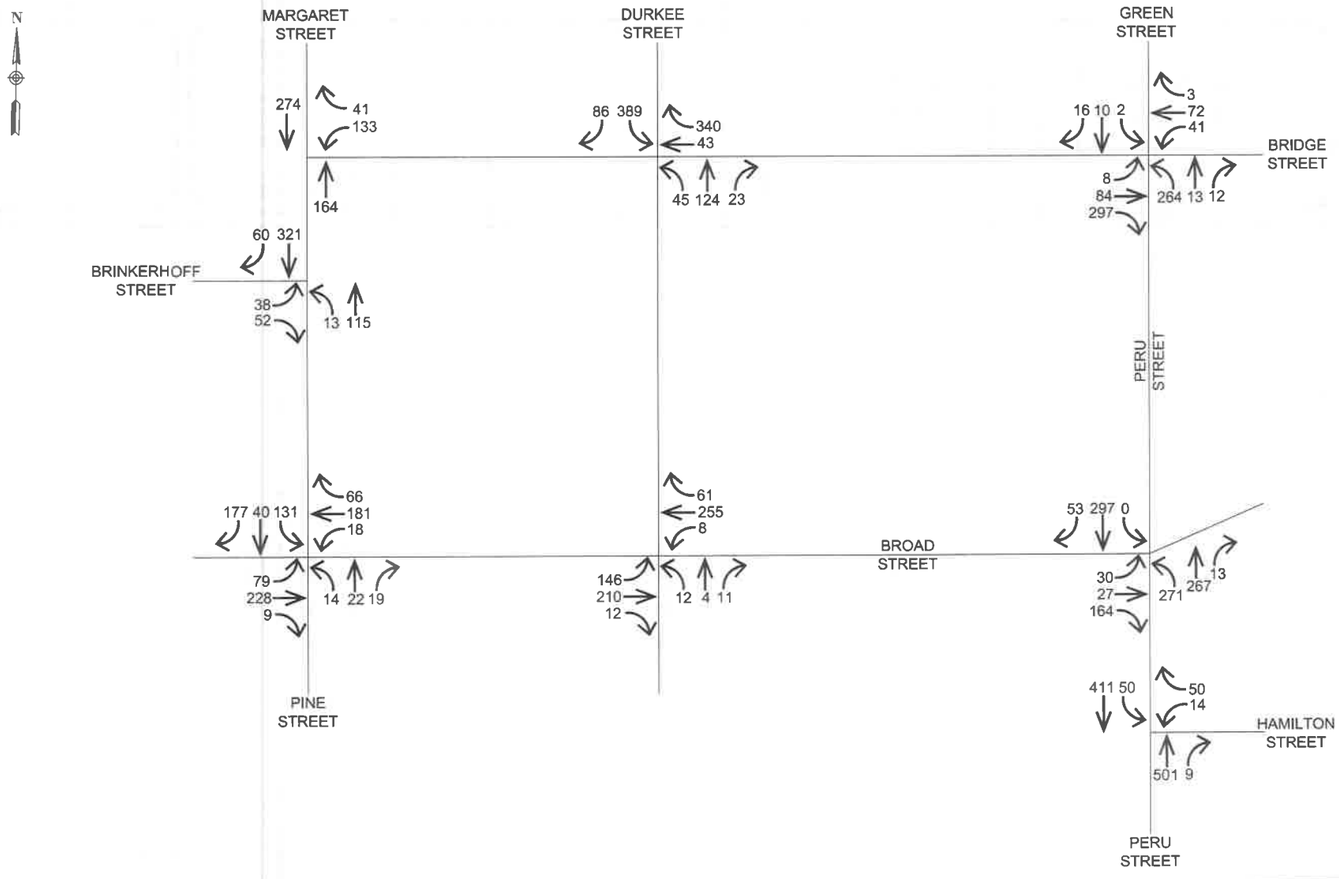
2022 AM BUILD (DURKEE STREET 1-WAY) INTERSECTION VOLUMES

CITY OF PLATTSBURGH, CLINTON COUNTY

design	chked
CR	TJ
date	scale
11/11/19	NTS
project no.	
91922.01	
sheet no.	
FIG. 11	

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT, OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT, APPLICATION AND SITUATION FOR WHICH IT WAS INTENDED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT, OR ANY USE FOR ANY PROJECT, APPLICATION OR SITUATION OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY WAY, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE NOTATION "ALTERED BY" FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Drawing Name: Z:\projects\91900-91999\91922.00 - C of Plattsburgh GEIS\TRANS\Intersection Counts\FIGS_2-13\FIG-11_91922-00_AM-FULL-BUILD-1-WAY.dwg Date Pr



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE, CO., D.P.C.

Office Locations:

☐ Hudson Valley Office:
21 Fox Street
Poughkeepsie, New York 12601
Phone: (845) 454-3980

☐ Capital District Office:
547 River Street
Troy, New York 12180
Phone: (518) 273-0055

Nashville Tennessee Office:
2416 21st Ave S. (Suite 103)
Nashville, Tennessee 37212
Phone: (615) 380-1359

☒ North Country Office:
20 Elm Street (Suite 110)
Glens Falls, New York 12801
Phone: (518) 812-0513

☐ Westchester NY Office:
1 North Broadway, Suite 803
White Plains, New York 10601
Phone: (914) 997-8510

Chattanooga Tennessee Office:
1426 Williams Street (Suite 12)
Chattanooga, Tennessee 37406
Phone: (423) 241-6575

CITY OF PLATTSBURGH GEIS

2022 MIDDAY BUILD (DURKEE STREET 1-WAY) INTERSECTION VOLUMES

CITY OF PLATTSBURGH, CLINTON COUNTY

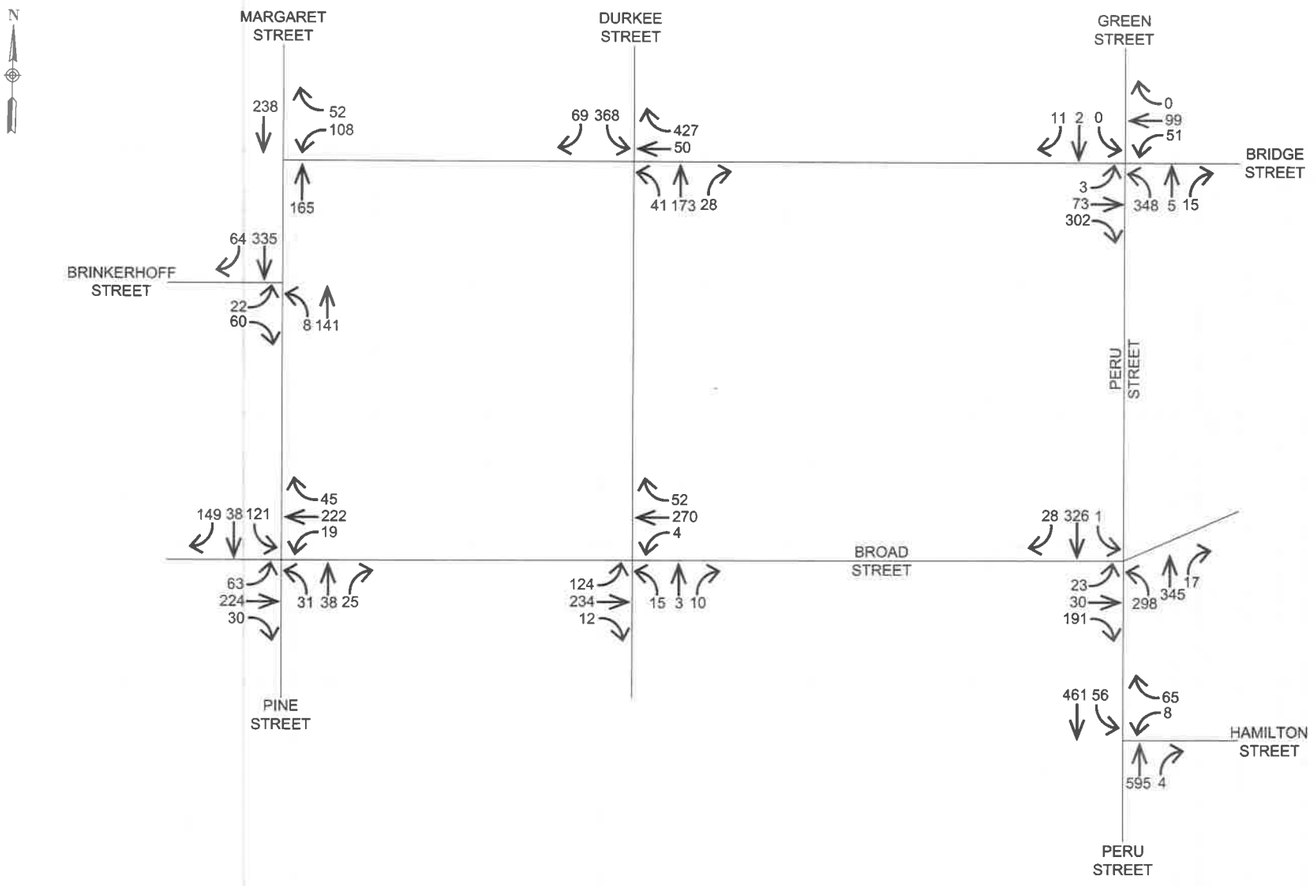
design	chked
CR	TJ
date	scale
11/11/19	NTS

project no. 91922.01

sheet no. **FIG. 12**

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT, OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT, APPLICATION AND SITUATION FOR WHICH IT WAS INTENDED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT, OR ANY USE FOR ANY PROJECT, APPLICATION OR SITUATION OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY WAY, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE NOTATION 'ALTERED BY' FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Drawing Name: Z:\projects\91900-91999\91922.00 - C of Plattsburgh GEIS\TRANS\Intersection Counts\FIGS_2-13\FIG-12_91922-00_MIDDAY-FULL-BUILD-1-WAY.dwg Dot



CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE, CO., D.P.C.

Office Locations:

- ☐ Hudson Valley Office: 21 Fox Street, Poughkeepsie, New York 12601, Phone: (845) 454-3980
- ☐ Capital District Office: 547 River Street, Troy, New York 12180, Phone: (518) 273-0055
- Nashville Tennessee Office: 2416 21st Ave S. (Suite 103), Nashville, Tennessee 37212, Phone: (615) 380-1359
- ☒ North Country Office: 20 Elm Street (Suite 110), Glens Falls, New York 12801, Phone: (518) 812-0513
- ☐ Westchester NY Office: 1 North Broadway, Suite 803, White Plains, New York 10601, Phone: (914) 997-8510
- Chattanooga Tennessee Office: 1426 Williams Street (Suite 12), Chattanooga, Tennessee 37408, Phone: (423) 241-6575

CITY OF PLATTSBURGH GEIS

2022 PM BUILD (DURKEE STREET 1-WAY) INTERSECTION VOLUMES

CITY OF PLATTSBURGH, CLINTON COUNTY

design	chked
CR	TJ
date	scale
11/11/19	NTS
project no.	
91922.01	
sheet no.	
FIG. 13	

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT, OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT, APPLICATION AND SITUATION FOR WHICH IT WAS INTENDED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT, OR ANY USE FOR ANY PROJECT, APPLICATION OR SITUATION OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY WAY, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE NOTATION 'ALTERED BY' FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Drawing Name: Z:\projects\91900-91999\91922.00 - C of Plattsburgh GEIS\TRANS\Intersection Counts\FIGS_2-13\FIG-13_91922-00_PM-FULL-BUILD-1-WAY.dwg Date Pr

14.0 BUILD TRAFFIC OPERATING CONDITIONS

Analysis results for the 2022 Build conditions are summarized in Table 5 for Durkee Street remaining as two-way and Table 6 for Durkee Street as one-way northbound. Analysis printouts are in Appendix B.

Table 5: Level of Service, 2022 Build Conditions (Durkee Street 2-Way)

Intersection	Approach	AM Peak	Midday Peak	PM Peak
Margaret St at Bridge St	WB l	b/11.5	b/13.2	b/12.2
	WB r	a/9.4	a/9.9	a/9.6
Margaret St at Brinkerhoff St	EB l/r	A/8.3	B/11.3	B/10.0
	NB l/t	A/7.3	A/7.0	A/6.6
	SB t/r	A/8.2	A/7.2	A/6.9
	Overall	**A/7.9**	**A/7.9**	**A/7.3**
Margaret St at Broad St	EB l	C/32.5	C/34.1	C/31.2
	EB t/r	C/21.7	C/22.3	C/22.7
	WB l/t/r	C/24.7	C/28.9	C/29.7
	NB l/t/r	B/11.9	B/10.6	B/12.2
	SB l/t/r	B/19.4	B/12.3	B/13.3
	Overall	**C/22.6**	**C/22.8**	**C/22.9**
Durkee St at Bridge St	WB l/t	b/10.4	b/10.5	b/10.5
	WB r	c/18.6	c/15.7	c/23.5
	NB t/r	b/10.9	b/11.1	b/12.6
	SB l/t	f/61.5	d/30.0	d/30.0
Durkee St at Broad St	EB l	a/8.4	a/8.2	a/8.2
	WB l	a/8.0	a/7.8	a/7.9
	NB l/t/r	c/22.1	c/17.6	c/18.4
	SB l	d/27.2	c/22.5	c/23.0
	SB t/r	b/11.9	b/11.5	b/11.2
Peru St at Bridge St	EB l/t	B/17.4	B/17.3	B/17.0
	EB r	A/0.9	A/1.0	A/1.0
	WB l	B/17.3	B/17.2	B/17.2
	WB t/r	B/17.3	B/17.2	B/17.7
	NB l/t	B/19.4	B/16.9	B/19.7
	NB r	A/0.0	A/0.1	A/0.1
	SB l/t/r	B/10.7	A/8.9	A/8.5
	Overall	**B/11.8**	**B/11.7**	**B/13.2**
Peru St at Broad St/Hamilton St	EB l	D/52.3	D/52.5	D/52.6
	EB t/r	F/82.0	F/85.9	F/91.4
	WB l/t/r	C/22.4	C/26.8	C/22.0
	NB l	A/7.6	A/5.1	A/5.7
	NB t/r	B/11.4	B/10.6	B/11.8
	SB l/t/r	C/31.7	C/26.1	C/28.2
	Overall	**C/28.4**	**C/28.4**	**C/30.0**

Table 6: Level of Service, 2022 Build Conditions (Durkee Street 1-Way)

Intersection	Approach	AM Peak	Midday Peak	PM Peak
Margaret St at Bridge St	WB l	b/14.3	c/17.7	b/14.5
	WB r	a/9.4	a/9.9	a/9.6
Margaret St at Brinkerhoff St	EB l/r	A/8.3	B/11.2	B/10.0
	NB l/t	A/7.3	A/7.1	A/6.6
	SB t/r	B/12.0	A/8.6	A/8.2
	Overall	**B/10.3**	**A/8.7**	**A/8.1**
Margaret St at Broad St	EB l	D/38.9	C/29.9	C/27.7
	EB t/r	C/27.1	C/24.3	C/24.6
	WB l/t/r	C/25.0	C/24.3	C/25.7
	NB l/t/r	B/10.4	A/9.7	B/11.1
	SB l/t/r	C/20.7	B/13.4	B/13.4
	Overall	**C/24.5**	**C/20.1**	**C/20.4**
Durkee St at Bridge St	WB t	a/10.0	a/9.7	b/10.1
	WB r	c/18.2	c/15.7	c/22.9
	NB t/r	b/11.2	b/11.7	b/13.9
	SB l/t	e/37.2	c/23.5	c/25.0
Durkee St at Broad St	EB l	a/8.7	a/8.4	a/8.3
	WB l	a/8.1	a/7.8	a/7.9
	NB l/t/r	c/24.6	c/17.6	c/15.4
	SB l	---	---	---
	SB t/r	---	---	---
Peru St at Bridge St	EB l/t	B/17.4	B/17.3	B/17.0
	EB r	A/0.9	A/1.0	A/1.0
	WB l	B/17.4	B/17.4	B/17.5
	WB t/r	B/17.1	B/16.5	B/17.3
	NB l/t	B/19.4	B/16.8	B/19.7
	NB r	A/0.0	A/0.1	A/0.1
	SB l/t/r	B/10.7	A/8.9	A/8.5
	Overall	**B/11.0**	**B/10.8**	**B/12.4**
Peru St at Broad St/Hamilton St	EB l	D/52.3	D/52.8	D/52.7
	EB t/r	F/85.8	F/93.7	F/96.0
	WB l/t/r	C/22.4	C/26.8	C/22.0
	NB l	A/9.5	A/5.9	A/6.5
	NB t/r	B/11.5	B/10.6	B/11.8
	SB l/t/r	D/35.7	C/29.2	C/31.6
	Overall	**C/28.1**	**C/27.1**	**C/28.3**

15.0 LEVEL OF SERVICE COMPARISON

To evaluate the potential traffic impact associated with the proposed projects, the No-Build and Build traffic operating conditions were compared. This comparison is summarized in Tables 7, 8, and 9.

Table 7: 2022 AM Level of Service Comparison

Intersection	Approach	No-Build	Build (2-Way)	Build (1-Way)
Margaret St at Bridge St	WB l	b/11.1	b/11.5	b/14.3
	WB r	a/9.3	a/9.4	a/9.4
Margaret St at Brinkerhoff St	EB l/r	A/8.5	A/8.3	A/8.3
	NB l/t	A/7.1	A/7.3	A/7.3
	SB t/r	A/7.8	A/8.2	**B/12.0**
	Overall	A/7.7	A/7.9	**B/10.3**
Margaret St at Broad St	EB l	D/41.6	*C/32.5*	D/38.9
	EB t/r	C/26.6	C/21.7	C/27.1
	WB l/t/r	C/29.3	C/24.7	C/25.0
	NB l/t/r	B/10.4	B/11.9	B/10.4
	SB l/t/r	B/15.8	B/19.4	**C/20.7**
	Overall	C/25.2	C/22.6	C/24.5
Durkee St at Bridge St	WB l/t	b/10.2	b/10.4	*a/10.0*
	WB r	c/16.7	c/18.6	c/18.2
	NB t/r	b/10.3	b/10.9	b/11.2
	SB l/t	f/50.6	f/61.5	*e/37.2*
Durkee St at Broad St	EB l	a/8.4	a/8.4	a/8.7
	WB l	a/8.0	a/8.0	a/8.1
	NB l/t/r	c/21.1	c/22.1	c/24.6
	SB l	d/25.5	d/27.2	---
	SB t/r	b/11.7	b/11.9	---
Peru St at Bridge St	EB l/t	B/17.3	B/17.4	B/17.4
	EB r	A/0.9	A/0.9	A/0.9
	WB l	B/17.3	B/17.3	B/17.4
	WB t/r	B/17.2	B/17.3	B/17.1
	NB l/t	B/19.1	B/19.4	B/19.4
	NB r	A/0.0	A/0.0	A/0.0
	SB l/t/r	B/10.7	B/10.7	B/10.7
	Overall	B/11.7	B/11.8	B/11.0
Peru St at Broad St/Hamilton St	EB l	D/52.3	D/52.3	D/52.3
	EB t/r	F/82.4	F/82.0	F/85.8
	WB l/t/r	C/22.4	C/22.4	C/22.4
	NB l	A/7.0	A/7.6	A/9.5
	NB t/r	B/11.4	B/11.4	B/11.5
	SB l/t/r	C/31.1	C/31.7	D/35.7
	Overall	C/28.2	C/28.4	C/28.1

Table 8: 2022 Midday Level of Service Comparison

Intersection	Approach	No-Build	Build (2-Way)	Build (1-Way)
Margaret St at Bridge St	WB l	b/12.7	b/13.2	**c/17.7**
	WB r	a/9.7	a/9.9	a/9.9
Margaret St at Brinkerhoff St	EB l/r	B/11.4	B/11.3	B/11.2
	NB l/t	A/6.7	A/7.0	A/7.1
	SB t/r	A/6.7	A/7.2	A/8.6
	Overall	A/7.7	A/7.9	A/8.7
Margaret St at Broad St	EB l	C/30.0	C/34.1	C/29.9
	EB t/r	C/22.2	C/22.3	C/24.3
	WB l/t/r	C/27.7	C/28.9	C/24.3
	NB l/t/r	B/10.5	B/10.6	*A/9.7*
	SB l/t/r	B/11.9	B/12.3	B/13.4
	Overall	C/21.7	C/22.8	C/20.1
Durkee St at Bridge St	WB l/t	a/9.9	**b/10.5**	a/9.7
	WB r	b/13.0	**c/15.7**	**c/15.7**
	NB t/r	b/10.0	b/11.1	b/11.7
	SB l/t	c/18.7	**d/30.0**	c/23.5
Durkee St at Broad St	EB l	a/8.1	a/8.2	a/8.4
	WB l	a/7.7	a/7.8	a/7.8
	NB l/t/r	c/16.1	c/17.6	c/17.6
	SB l	c/20.0	c/22.5	---
	SB t/r	b/11.2	b/11.5	---
Peru St at Bridge St	EB l/t	B/17.3	B/17.3	B/17.3
	EB r	A/1.0	A/1.0	A/1.0
	WB l	B/17.2	B/17.2	B/17.4
	WB t/r	B/17.1	B/17.2	B/16.5
	NB l/t	B/16.4	B/16.9	B/16.8
	NB r	A/0.1	A/0.1	A/0.1
	SB l/t/r	A/8.9	A/8.9	A/8.9
	Overall	B/11.7	B/11.7	B/10.8
Peru St at Broad St/Hamilton St	EB l	D/52.3	D/52.5	D/52.8
	EB t/r	F/86.8	F/85.9	F/93.7
	WB l/t/r	C/26.7	C/26.8	C/26.8
	NB l	A/4.9	A/5.1	A/5.9
	NB t/r	B/10.6	B/10.6	B/10.6
	SB l/t/r	C/25.1	C/26.1	C/29.2
	Overall	C/28.5	C/28.4	C/27.1

Table 9: 2022 PM Level of Service Comparison

Intersection	Approach	No-Build	Build (2-Way)	Build (1-Way)
Margaret St at Bridge St	WB l	b/11.9	b/12.2	b/14.5
	WB r	a/9.5	a/9.6	a/9.6
Margaret St at Brinkerhoff St	EB l/r	B/10.1	B/10.0	B/10.0
	NB l/t	A/6.6	A/6.6	A/6.6
	SB t/r	A/6.7	A/6.9	A/8.2
	Overall	A/7.2	A/7.3	A/8.1
Margaret St at Broad St	EB l	C/34.4	C/31.2	C/27.7
	EB t/r	C/22.3	C/22.7	C/24.6
	WB l/t/r	C/29.5	C/29.7	C/25.7
	NB l/t/r	B/12.1	B/12.2	B/11.1
	SB l/t/r	B/12.6	B/13.3	B/13.4
	Overall	C/23.1	C/22.9	C/20.4
Durkee St at Bridge St	WB l/t	b/10.2	b/10.5	b/10.1
	WB r	c/21.1	c/23.5	c/22.9
	NB t/r	b/12.3	b/12.6	b/13.9
	SB l/t	c/22.5	**d/30.0**	c/25.0
Durkee St at Broad St	EB l	a/8.1	a/8.2	a/8.3
	WB l	a/7.8	a/7.9	a/7.9
	NB l/t/r	c/16.5	c/18.4	c/15.4
	SB l	c/21.5	c/23.0	---
	SB t/r	b/11.1	b/11.2	---
Peru St at Bridge St	EB l/t	B/17.0	B/17.0	B/17.0
	EB r	A/1.0	A/1.0	A/1.0
	WB l	B/17.2	B/17.2	B/17.5
	WB t/r	B/17.5	B/17.7	B/17.3
	NB l/t	B/19.2	B/19.7	B/19.7
	NB r	A/0.0	A/0.1	A/0.1
	SB l/t/r	A/8.5	A/8.5	A/8.5
	Overall	B/13.1	B/13.2	B/12.4
Peru St at Broad St/Hamilton St	EB l	D/52.1	D/52.6	D/52.7
	EB t/r	F/91.3	F/91.4	F/96.0
	WB l/t/r	C/22.0	C/22.0	C/22.0
	NB l	A/5.5	A/5.7	A/6.5
	NB t/r	B/11.7	B/11.8	B/11.8
	SB l/t/r	C/27.6	C/28.2	C/31.6
	Overall	C/30.1	C/30.0	C/28.3

With Durkee Street as two-way, the tables show four instances of level of service drops (**bold**) for the Build condition with three of them occurring at the Durkee Street and Bridge Street intersection in the Midday peak hour. The largest increase in delay is about 12 seconds for the southbound approach and changes from "c" to "d" which is an acceptable level of service. No mitigation is needed. There is one instance of level of service improvement (*italics*).

There are five instances of level of service drops for Build conditions with Durkee Street as one-way. All delay increases are minimal at less than 5 seconds and no mitigation is needed. There are three instances of level of service improvements (*italics*), including the southbound approach of Durkee Street at Bridge Street that improves from "f" to "e" in the AM peak hour.

16.0 CRASH DATA

Plattsburgh Police Department provided crash data for the study intersections for the latest 3-year period ending August 21, 2019. The data revealed 28 crashes at the seven study intersections:

a. Margaret Street at Bridge Street – 1
b. Margaret Street at Brinkerhoff Street – 4
c. Margaret Street at Broad Street/Pine Street – 10
d. Durkee Street at Bridge Street – 2
e. Durkee Street at Broad Street – 3
f. Peru Street at Bridge Street – 3
g. Peru Street at Broad Street – 5

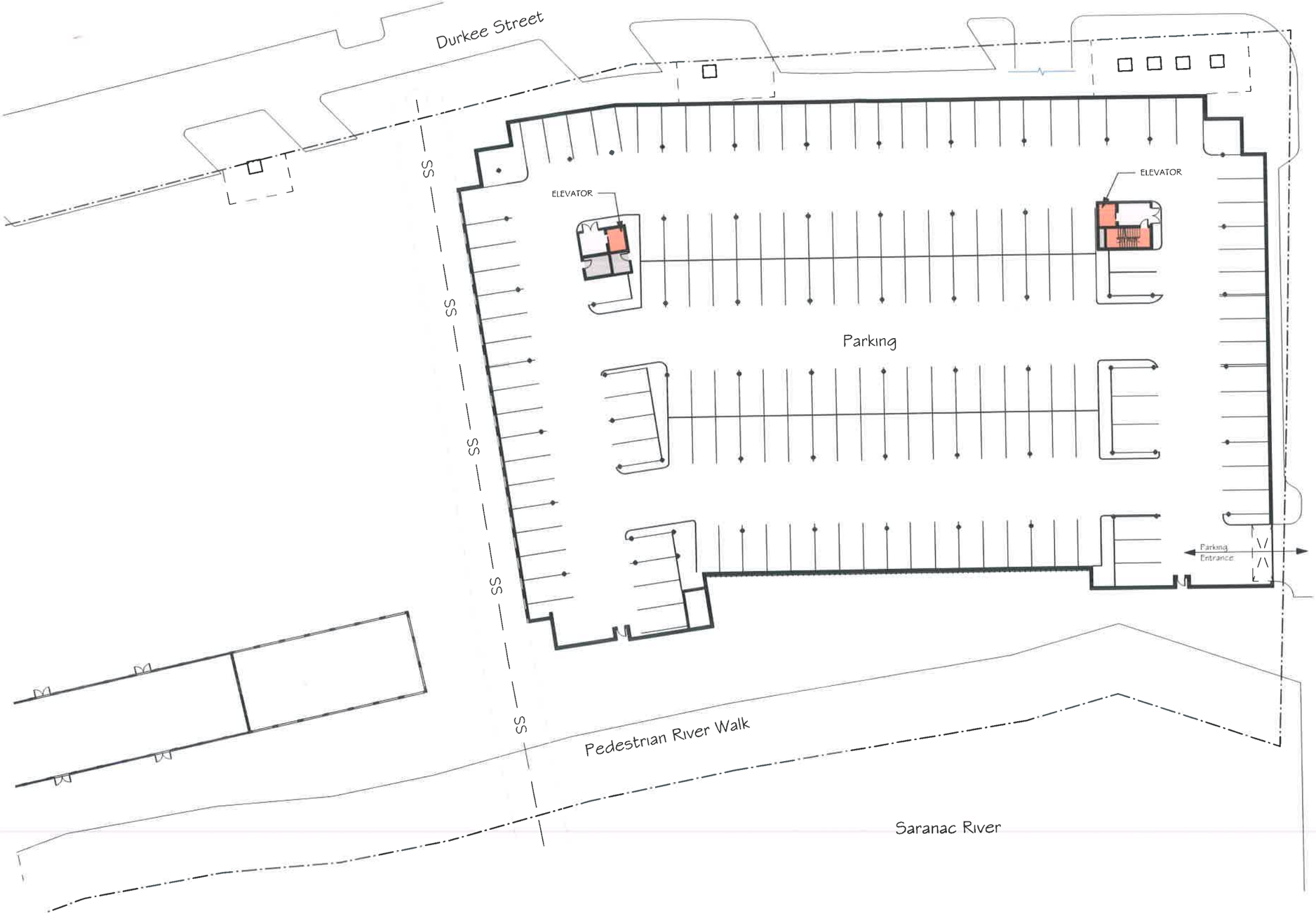
A review of the actual police reports for the 10 crashes at Margaret Street and Broad Street was performed to determine if there were certain types of crashes or patterns of crashes. The reports indicate that none of the crashes involved personal injury and all 10 were property damage only crashes; there were no fatalities. Four were rear-end crashes, 2 right-angle; and 1 each of rear-end, sideswipe, backing, and hitting a fixed object. There was no discernable pattern to the crashes.

17.0 CONCLUSIONS

The traffic analyses presented in the previous sections show that the proposed Downtown Area Improvement Projects will have minimal traffic impacts. No mitigation measures are needed.

Based on the analyses contained in this study, it is the considered professional opinion of The Chazen Companies that the proposed Downtown Area Improvement Projects will not have a significant adverse impact on traffic operating conditions on the roadway system.

DRAFT



Legend

- Commercial
- Resident Amenities
- Support
- Roof Terraces
- Vertical Circulation
- One Bedroom
- Two Bedroom
- Three Bedroom
- Attic

SCALE AT 11"x17": 1" = 40'

0 20' 40' 80'

MACKENZIE ARCHITECTS P.C.
162 Battery Street, Burlington, Vermont 05401 802.863.7177 (T) www.mackenziearchitects.com

Plattsburgh Mixed Use Development

Basement Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
1/21/2020

A2.1

Ownership of Instruments of Service: All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Mackenzie Architects as instruments of service shall remain the property of the Mackenzie Architects. Mackenzie Architects shall retain all common law, statutory and other reserved rights, including the copyright thereto.

DRAFT

SCALE AT 11"x17": 1" = 40'

0 20' 40' 80'

MACKENZIE ARCHITECTS P.C.
162 Battery Street, Burlington, Vermont 05401 802.863.7177 (T) www.mackenziearchitects.com

Plattsburgh Mixed Use Development

Level One Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
1/21/2020

A2.2

Ownership of Instruments of Service: All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Mackenzie Architects as instruments of service shall remain the property of the Mackenzie Architects. Mackenzie Architects shall retain all common law, statutory and other reserved rights, including the copyright thereto.

DRAFT

Legend

- Commercial
- Resident Amenities
- Support
- Roof Terraces
- Vertical Circulation
- One Bedroom
- Two Bedroom
- Three Bedroom
- Attic

SCALE AT 11"x17": 1" = 40'

0 20' 40' 80'

MACKENZIE ARCHITECTS P.C.
162 Battery Street, Burlington, Vermont 05401 802.863.7177 (T) www.mackenziearchitects.com

Plattsburgh Mixed Use Development

Level Two & Three Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
1/21/2020

A2.3

Ownership of Instruments of Service: All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Mackenzie Architects as instruments of service shall remain the property of the Mackenzie Architects. Mackenzie Architects shall retain all common law, statutory and other reserved rights, including the copyright thereto.

DRAFT

Legend

- Commercial
- Resident Amenities
- Support
- Roof Terraces
- Vertical Circulation
- One Bedroom
- Two Bedroom
- Three Bedroom
- Attic

SCALE AT 11"x17": 1" = 40'

0 20' 40' 80'

MACKENZIE ARCHITECTS P.C.
162 Battery Street, Burlington, Vermont 05401 802.863.7177 (T) www.mackenziearchitects.com

Plattsburgh Mixed Use Development

Level Four Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
1/21/2020

A2.5

Ownership of Instruments of Service: All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Mackenzie Architects as instruments of service shall remain the property of the Mackenzie Architects. Mackenzie Architects shall retain all common law, statutory and other reserved rights, including the copyright thereto.

DRAFT

Legend

- Commercial
- Resident Amenities
- Support
- Roof Terraces
- Vertical Circulation
- One Bedroom
- Two Bedroom
- Three Bedroom
- Attic

SCALE AT 11"x17": 1" = 40'

0 20' 40' 80'

MACKENZIE ARCHITECTS P.C.
162 Battery Street, Burlington, Vermont 05401 802.863.7177 (T) www.mackenziearchitects.com

Plattsburgh Mixed Use Development

Attic/Mezzanine Plan

Project North

The City of Plattsburgh
Plattsburgh, NY
1/21/2020

A2.6

Ownership of Instruments of Service: All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Mackenzie Architects as instruments of service shall remain the property of the Mackenzie Architects. Mackenzie Architects shall retain all common law, statutory and other reserved rights, including the copyright thereto.

McFarland Johnson
Innovative Solutions / Sustainable Results

60 Railroad Place • Suite 402 • Saratoga Springs, NY 12866
Phone: 518-580-9380 • Fax: 518-580-9383
www.mjinc.com

February 21, 2020

Chairman Ronald Nolland
Members of the Zoning Board of Appeals
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901

RE: Prime Plattsburgh Development – 2.10.20 Public Hearing Comment Responses

Dear Chairman Nolland and Members of the Zoning Board of Appeals:

The City of Plattsburgh (the "Applicant") is before the City of Plattsburgh Zoning Board of Appeals ("ZBA") related to approvals required for the development of the Durkee Street Municipal Parking Lot ("DSMPL"). This includes the following special use permits: 1) Planned Unit Development ("PUD") Boundaries and 2) residential uses on the first floor within a PUD. These SUP applications will facilitate the development of the DSMPL by Prime Plattsburgh, LLC (the "Developer" or "Prime"). In short, the development is comprised of a five-story, approximately 200,000 square foot (SF) mixed-use development including approximately 115 apartments, approximately 10,000 SF of commercial space, a surface parking lot including approximately 50 spaces to be made available for use by the public, and an underground parking garage for tenants only (the "Project" or "DLMUD"). Additionally, the project proposes the rehabilitation of the existing Plattsburgh Farmers' and Crafters' Market ("PFCM") building for use as a commercial space and a publicly-accessible civic space in an open-air pavilion with access from the new pedestrian walkway to be constructed as part of the DLMUD.

The ZBA held a public hearing on the Project on February 10, 2020. We have complied all public comments made at the public hearing (oral and written) and provided responses below. The below responses have been compiled by a combination of consultants including:

- Prime Plattsburgh, LLC – Developer;
- McFarland & Johnson – Project Engineers; and
- Whiteman, Osterman & Hanna, LLP – Project Attorneys.

In addition, considering that the City of Plattsburgh is the Applicant, input was also provided from the City of Plattsburgh's Planning Department, who has been involved in current Generic Environmental Impact Statement ("GEIS") process before the City of Plattsburgh Common Council. However, considering most of the questions relate to the site plan of the Project, and related impacts, Prime, and Prime's consulting team, has taken the lead on many of the responses.

As noted herein, this most recent submission to the ZBA includes copies of the site plan and PUD applications before the City of Plattsburgh Planning Board ("Planning Board") for your review. Separately, please note the following exhibits, which are attached hereto as reference below:

Exhibit A: Project Parking Demand Information;
Exhibit B: Building Inspector Letter Re: Parking dated February 10, 2020;
Exhibit C: Riverfront Development Illustrations;

Exhibit D: Durkee Street Building Height Comparison prepared by Mackenzie Architects, P.C. and dated February 20, 2020.
Exhibit E: Zoning Compliant Development Illustration;
Exhibit F: Building Height Charts Submitted at Public Hearing by Member of the Public;
Exhibit G: Email Correspondence from City of Plattsburgh Police Department; and
Exhibit H: Letter from City of Plattsburgh Fire Chief.

PUBLIC COMMENT RESPONSES

Comment #1: *The ZBA has noted that the PUD SUP application is not an amendment of the existing PUD but rather a new PUD replacing the existing PUD because the Zoning Code does not provide authority to amend an existing PUD.*

Response #1: The Zoning Code does not prohibit amendments to an existing PUD. Precedent exists not only for amending an existing PUD, but for amending the very PUD that comprises the Project Site. The original PUD – created to facilitate construction of what would become the Gateway Complex – was approved by the Planning Board on February 28, 2005. Subsequently, the Planning Board approved two separate sets of amendments to the original PUD on September 26, 2005 and May 22, 2006.

Comment #2: *The ZBA asked questions and is seeking clarification on the 3 foot setback along Bridge Street near the parking garage entrance.*

Response #2: The proposed setback along Bridge Street is 3.5'. This is the distance from the northeast corner of the building to the property line along Bridge Street. The building is not parallel to the property line on the north side and is closest to the property line at this location. In the area of the garage entrance the sidewalk extends well beyond the property line to a minimum width of 9' providing extra space for pedestrians. Along the remainder of Bridge Street headed north the sidewalk will remain a minimum of 4' wide. Any improvements within the Bridge Street right-of-way, including potential on-street parallel parking will be designed by others, but will be coordinated with this Project.

It should be noted that in the existing neighborhood zero-line setbacks are common for buildings that front the right-of-way; and that the face of the proposed building was positioned with the intent of maintaining the feel of the existing neighborhood. As such, the setback along Board Street will not negatively impact the Project.

As the ZBA noted at the February 10, 2020 public hearing, it does not have jurisdiction over granting the requested PUD zoning deviations. The ZBA may, however, review the impact that the Project design has on the special use permit criteria. The Applicant has provided a special use permit narrative, dated January 24, 2020 and revised on February 21, 2020, which demonstrates compliance with all special use permit criteria in the Zoning Code.

Comment #3: *The ZBA has requested additional information related to the revised parking plan for the Prime Development. This includes a comment related to specific parking for compact cars.*

Response #3: As part of the PUD, the project will be requesting an alternate calculation for parking demand in accordance with the zoning code Section 360-21. The Project is requesting a parking demand that is based upon the approved, constructed, and occupied parking demand from its most similar project that it has recently constructed. The most similar project is "The Hamlet" in Saratoga Springs, NY. Phase 1 of the Hamlet consists of three mixed use buildings surrounding a courtyard surface parking lot with

residential basement parking beneath one of the buildings. It was approved with the following parking demand:

Use	Calculation
Residential	1.5 per unit
Commercial/Retail/Restaurant	1 per 300 sf
Employee Parking	½ per employee 1 employee per 900 sf of comm/retail/restaurant

The approved cover plan and site plan are provided as an attachment. The Hamlet has been occupied for more than four years with the following uses: more than 10,800 sf of restaurant space; more than 20,000 sf of retail/commercial space; a more than 20,000 sf market; and 54 residential units. Within that time the Hamlet has not experienced a parking deficiency. It should be noted that while the Hamlet's use and layout is very similar to the DLMUD, it should be noted that the Hamlet's location is different. The Hamlet is not within the urban core of Saratoga Springs. There is no additional parking off-site that can be accessed by Hamlet users; if you cannot park on-site you cannot use the Hamlet. In addition, the Hamlet is not connected to a walkable community; virtually everyone who accesses the Hamlet is using an automobile to access it. For these two reasons the DLMUD's parking demand is expected to be less than the Hamlet's. Based upon the information above, the project is confident that the proposed parking calculation is adequate to serve the proposed uses.

Information related to the example provided to the ZBA is annexed hereto as Exhibit A, which demonstrates that this alternate parking computation has been successfully implemented in a similar development.

Please note that the City of Plattsburgh Building Inspector has reviewed this revised parking computation and stated that "[b]ased on my review of this documentation, I concur with Prime's assessment that the method used to calculate the off-street parking requirements for The Hamlet, a method which has been shown to work effectively during the years since it was originally approved, is adequate for use in calculating the off-street parking requirements for the DLMUD. Per this method, it is my opinion that the provision of 226 spaces on-site is adequate to meeting the parking demand for the proposed DLMUD." *See* Exhibit B.

This parking calculation indicates that the need for the Project is 226 parking spaces. Prime will be supplying an additional 10 spaces above this demand.

Notwithstanding, please note the other similarly situated municipalities and their downtown parking requirements, which would require even less parking on the Project Site.

	Residential	Restaurant	Retail	Office	Code Section
Albany, Mixed Use,	0	0	0	0	Unified Sustainable

Downtown					Development Ordinance § E (1)(c)(ii)
Port Chester-Commercial Districts	0	0	0	0	Zoning Code § 345-14 (A)(3)

The City of Albany is a similarly situated urban environment currently going through a revitalization process that resulted in the adoption of a Unified Sustainable Development Ordinance. Similarly, the Village of Port Chester (which is an urban environmental along the Byram River in Westchester County) eliminated parking requirements in their downtown core area to facilitate a walkable community and spark a less vehicle dependent downtown area. This has been successfully implemented in the City of Albany and the Village of Port Chester in attracting urban mixed use development.

Comment #4: *The ZBA has requested additional information related to the location of bus stops in the area of the Prime Development.*

Response #4: The nearest official Clinton County Public Transit ("CCPT") stop to the Prime development site is located on Cornelia Street adjacent to the Clinton County Government Center. That stop is approximately 4 blocks from the corner of Bridge and Durkee Streets. When asked what effect the proposed transition to one-way, northbound traffic on Durkee Street would have on CCPT's operations, James Bosley, Planning Technician for Clinton County, responded as follows in an email sent on May 19, 2019:

> *CCPT would have to adjust four of its routes as a result of the change to one-way northbound-only on Durkee Street. Many of our riders are also clients at the Department of Social Services. We might be able to take Bridge Street to South Peru to Broad Street on at least one of the routes to still offer a convenient pick-up/drop-off near the DSS entrance. We generally allow "flag" stops most anywhere along a route. Currently passengers get on/off by flagging the bus down on Durkee Street by DSS, but they could do that on Broad Street instead if we route the bus that way. If because of time constraints or some other reason we are not able to go down Broad Street by DSS, then at worst the passengers trying to get to DSS might have to walk a few extra blocks. Although making Durkee Street one-way might inconvenience bus riders going to DSS, I think the impact will be relatively minor and should not be a deciding factor for the design of the traffic flow. We should be able to adjust our routes easily enough. Thank you for considering impacts to public transit routes.*

Additional conversations with the CCPT indicate that additional stops in this area are not being considered at this time.

Comment #5: *The ZBA has requested additional information related to mitigation measures in place for the parking garage entrance where cars will cross the sidewalk.*

Response #5: The site plan includes pedestrian safety mirrors mounted on the opposite side of the exiting driver at the garage entrance along Bridge Street and the courtyard entrance along Durkee Street. The Project site plans, as have been submitted to the Planning Board for site plan review, are included in this submission package. This will provide existing drivers with a view of the sidewalk that is blocked by the building exit. Additionally, sidewalk striping will be provided on the driveway entrances as a visual cue to existing vehicles that a pedestrian walkway is present.

Comment #6: *The ZBA has asked for an expansion on the ZBA's role pursuant to SEQRA.*

Response #6: The ZBA is an involved agency to the the Common Council's SEQRA review. As an involved agency, the ZBA must make their own Findings Statement for the Project related to the approvals before them. However, the Findings Statement of the involved agencies must be based on the SEQRA environmental review record created before the Lead Agency (here the Common Council) and be based on substantial evidence in the record. *See* Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd., 131 A.D.3d 1237, 1240 (2d Dep't 2015) (holding that "the Supreme Court properly annulled the Board's findings statement as unsupported by the evidence. The Board was required to render its conclusions regarding the sufficiency of mitigation measures, the propriety of permit approvals, and a balancing of considerations, based on the evidence contained in the environmental review. The Board's conclusions in the findings statement were based, at least in part, on factual findings which were contradicted by the scientific and technical analyses included in the FEIS and not otherwise supported by empirical evidence in the record.). The Findings of an involved agency cannot be an unsupported act to prohibit development outside of the environmental review. *See Orchards Assocs. v. Planning Bd. of Town of N. Salem*, 114 A.D.2d 850, 853 (2d Dep't 1985) (holding, in part, that "[t]e provisions of SEQRA are not to be used as a subterfuge through which commercial development may be totally prohibited.").

The Applicant and Prime have submitted a SEQRA Narrative, which demonstrates that all potential environmental impacts associated with the Project and the ZBA applications have been assessed during the Common Council's (Lead Agency) GEIS process and therefore the ZBA should make their findings consistent with the Common Council's environmental record, to which they were a part of as an involved agency.

Comment #7: *What additional data is available to support the newly proposed parking deviation?*

Response #7: See Response #3.

PUBLIC COMMENTER #1

Comment #8: *The ZBA should consider imposing conditions on the Prime Development - there is precedent for the ZBA granting conditional approval for SUPs.*

Response #8: New York Law permits the ZBA to impose reasonable conditions that are related to the application before the Board. The conditions must be designed to protect against a potential impact and must be within the ZBA's review jurisdiction.

In the City of Plattsburgh, we have been informed by the City's Building Inspector that, typically, the "conditions" or "stipulations" that might be imposed by the ZBA with respect to a special use permit

("SUP") are done so with projects that are not part of a PUD, and therefore don't have the additional oversight of the Planning Board. For example, it is not uncommon for the ZBA to try and limit the number of vehicles that could be stored outdoors when granting an SUP for a repair garage if the subject property is not part of a PUD. He was aware of very few, if any, previous instances in which the ZBA has imposed "conditions" on the approval of a SUP if the SUP was part of a PUD that was also subject to Planning Board review and jurisdiction.

Comment #9: *The commenter noted that the Applicant has not submitted a full set of final site plans that have been approved by the Planning Board for the SUP applications.*

Response #9: Pursuant to Zoning Code § 360-31(A) [Special Use Permits], the SUP submission requirements are set forth Zoning Code § 360-53 [Permit Requirements]. This includes:

1) Plan to scale indicating the shape, size, height and location in relation to all property lines and to street or road lines of all buildings or structures to be erected, altered or moved and of any building or structure already on the lot; and

2) The application shall also state the existing and/or intended occupancy and use of all such buildings and land and supply other information as may be required by the Building Inspector to ensure that the provisions of this chapter are being observed.

In addition, the ZBA SUP application form requires: 1) existing site plan (existing conditions); 2) proposed site plan; 3) rea and bulk calculations; 4) building plans (schematic); and 2) area location map. This information, and other documents, have been provided to the ZBA for a complete application for the SUP applications.

For more detailed plans are required for the Planning Board's Site Plan review. As requested, we have included all application materials before the Planning Board in this submission to the ZBA including:

- Site Plan Drawing Set prepared by McFarland Johnson, dated January 2020;
- Comment Responses Site Plan Sketch review comment letter sent dated December 23, 2019 prepared by the City of Plattsburgh Community Development Office
- City of Plattsburgh Site Plan Check List;
- Full Stormwater Pollution Prevention Plan prepared by McFarland Johnson, dated January 2020;
- Traffic Letter of Findings prepared by McFarland Johnson, dated July 29, 2019
- Building Elevations prepared by Mackenzie Architects, P.C.;
- Typical residential unit layouts prepared by Mackenzie Architects, P.C.; and
- Project Renderings prepared by Mackenzie Architects, P.C.

Comment #10: *The commenter noted that the ZBA should consider the impacts of the PUD application on the Gateway Building and lot. The ZBA should examine effects of creating a standalone Gateway parcel as part of the SUP application.*

Response #10: Multiple examples exist of approved PUDs in which multiple property owners exist. The creation of the Gateway Complex as a standalone lot would not result in any adverse impacts to its operations. The SAD has been shown by the City to be more than capable of absorbing that parking deficiency and the 5 foot setback on the Gateway Complex's northern border would not create any adverse impacts as no new structures are proposed on Prime's side of that border.

The Gateway parking garage currently contains two modes of ingress and egress. The primary entrance and exit is via Durkee Street and the Gateway Complex's surface parking lot and these will be maintained during and after construction of the DLMUD. The secondary entrance and exit is via the DSMPL and this will be made inaccessible as a result of the DLMUD.

PUBLIC COMMENTER #2

Comment #11: *The commenter noted that, in their opinion the parking on the Project Site is deficient.*

Response #11: See Response #3.

Comment #12: *The commenter noted that, in their opinion, the green space being provided is inadequate and is far from the existing open space conditions on the Project Site. The commenter referred to the 'original' plan which was presented in the Strategic Investment Plan.*

Response #12: See Response to Comment #46 below. In addition, as mentioned in the FGEIS, the City has worked closely with Empire State Department ("ESD") throughout the development process and if the grant guidelines were not being followed, ESD would not support nor fund the Project.

There is considerably more green space proposed than what exists today for the Project Site. There will be more opportunity to access and views to and of the Saranac River. The pedestrian walkway connecting Durkee Street to the Saranac River riverfront offers a densely landscaped area with places to sit in addition to a connection to the proposed covered civic space. This pedestrian walkway further enhances the City's goal of creating a walkable community with a pedestrian connection from the downtown to the riverfront and lakefront with the added benefit of a surrounding green space.

Further, as noted in the January 24, 2020 SUP Project Narrative, revised on February 21, 2020, the definition section of the Zoning Code, parking lots are not considered open space. Therefore, because the subject property is currently an existing parking lot, it does not include any open space. That being said, the proposed PUD and related Prime Project will result in 22% of the lot being open space. This exceeds the minimum requirements for the entire PUD of 15% open space. The proposed open spaces are as follows:

- Along the Saranac River, an identified top priority for the City, to be designed as a riverfront walk with site furnishings and landscape plantings that will connect Broad, Durkee, and Bridge Streets to the riverfront;
- Bordering the riverfront walk and the surface parking lot;
- Walkway and landscape plantings from Durkee Street to the riverfront walk;
- Walkways along Durkee and Bridge Streets; and
- Walkways and amenities in the courtyard of the building. These open spaces will include sidewalks, boardwalks, landscape plantings, and site furnishings all consistent with downtown amenities.

Importantly, the PUD SUP and the resulting development will allow for the revitalization of the riverwalk along the Saranac River. Currently, the existing riverfront on the Durkee Street Lot is underutilized and in need of repair. The PUD will allow for the riverwalk to be improved and access will be provided, in part, through a pedestrian walkway through Prime's Project. This will enhance the open space areas and provide more opportunities for residents and visitors.

Accordingly, the requested PUD amendments will facilitate open space on the Durkee Street Lot, which

is currently only a parking lot without any meaningful open space.

Comment #13: *The commenter noted that the Prime Development is not in keeping with the character of the community.*

Response #13: The proposed PUD allows for the redevelopment of the lands with an infill building bordering the roadways and sidewalks that have been contextually designed to define the streetscape and fit into the general character of the surrounding area. Prime's Project is an infill project within the downtown fabric of the city. Many years ago, there were buildings on the project site, but have since been removed. The surrounding area has buildings bordering the sidewalks and streetscape that typically define a walkable downtown area.

This proposed PUD will allow the flexibility to have buildings close to the sidewalks, which resembles an urban environment and facilitates a walkable community. As a result of the amended PUD, Prime's Project will be developed in a manner that is consistent with the downtown urban setting and will facilitate a walkable downtown community. Prime's Project will add residents to the downtown area, who will utilize the downtown area and related commercial uses. The uses that will result from the PUD and Prime's Project include residential apartments, retail businesses and commercial uses, personal and business service establishments, residential apartments, and parking and loading areas. Not only are all of these consistent with its urban setting, they are permitted uses within the C zoning district and therefore have been deemed to be in harmony with the neighborhood.

The existing parking lot, in its current state, is out of character with the surrounding built context, as the site is an open surface parking lot in a suburban form that disrupts the urban context. As discussed in the Draft Generic Environmental Impact Statement ("DGEIS") at page 86, Prime's Project building is proposed to be a single, U-shaped building, oriented towards the River and located on the northern part of the project site. In addition, the existing PFCM building on the south end of the site will also be rehabilitated as part of Prime's Project. A pedestrian pathway separates the proposed building from the proposed 86-space surface parking lot and is buffered on both sides by landscaping. The pedestrian pathway will connect with the proposed improved riverwalk and the proposed improved Westelcom Park. See Revised Renderings. Building material and colors will be chosen to be consistent with the characteristics of the surrounding neighborhood to the greatest extent possible. The buildings are proposed to feature a mix of materials, including stone, cement board and plank, frieze and cornice detailing with contrasting metal detailing to mark fenestration and other fine details. Landscaping will be provided around the perimeter of the building and within the parking areas.

As noted on Page 91 of the DGEIS, "[t]he proposed [Prime Project] design will unify the streetscape with the street wall and will provide a contextual architectural design." Further, the proposed project was reviewed by New York State Office of Parks, Recreation, and Historical Preservation ("NYSOPRHP"), including a review of the proposed site plan along with building elevations and any available renderings of the proposed new construction. In a letter dated December 23, 2019, NYSOPRHP concluded that the proposed project would result in no adverse effects to historic properties, including archaeological and/or historic resources. Accordingly, Prime's Project will be consistent with the general character of this downtown area of the City and will revitalize the downtown core.

Related to the proposed height, the proposed building will be 65 feet tall with 5 stories (one level underground, four stories above ground, and a mezzanine level). This is similar to heights of other buildings within the Central Business/Commercial Zoning District in the surrounding area. For instance, the Ashley building is approximately 60 feet in height.

Further, the proposed uses within the PUD are all uses that would typically be found in a downtown environment.

Therefore, the requested SUP for the amended PUD boundaries, which will result in Prime's Project, as well as the revitalization and beautification of the Saranac Riverwalk, will be consistent with and not adversely impact general character, height and uses within this downtown area.

PUBLIC COMMENTER #3

Comment #14: *The commenter noted that the parking availability in the downtown area is what drives people to the downtown area and without this parking availability people will not visit downtown Plattsburgh. On street parking does not substitute for long-term parking. Carl Walker study said off-street, long term parking should be replaced with off-street, long term parking.*

Response #14: At no point in the Carl Walker parking study does the author assert that off-street, long term parking should be replaced with off-street, long term parking. The following appears on page 5 of that study:

> *Public parking in the core area of downtown is over 85% occupied at peak times (noon on a weekday) and therefore the current off-street parking needs to be replaced. Some of the opportunities to provide the replacement parking include:*
>
> *a. On-street angled parking along Durkee St. and Bridge St.*
> *b. Surface parking on Durkee development site as part of the development design.*
> *c. Structured parking at the Durkee development site. This would not likely include a separate parking structure, but additional spaces within a structure integral to the development.*
> *d. Surface parking lots in other areas of downtown to balance parking supply geographically.*
> *e. Combination of the above options to create 275 parking spaces.*
> *f. Utilize the Harbor parking lots.*

As the Carl Walker study explicitly included on-street parking along Durkee Street and Bridge Street in its recommendations for replacement parking, the commenter's claim that on-street parking does not substitute for long term parking is dubious. The City has embraced several of the above recommendations in its parking plan including the provision of angled parking on Durkee Street, the requirement that all parking needs of the proposed Durkee development be met on-site, and the creation of a more geographically diverse public parking supply. The City has obtained confirmation from Carl Walker that supports the parking plan as submitted.

Comment #15: *Not all parking will be replaced according to Sheridan Garner, Clinton County Planning Board Chairman. The North Country Food Co-op will be hard hit. Customers will have to carry produce blocks to their cars.*

Response #15: As detailed in Section 2.5.3 of the FGEIS, the publicly available parking supply within the SAD will be reduced by 20 spaces as a result of the projects evaluated in the GEIS. However, there

currently exists within the SAD an excess of public parking supply and at periods of peak parking demand over 250 vacant public parking spaces have been observed. Based on observed demand in on-street and off-street parking areas and the provision within the Prime development of enough parking to meet that development's own needs, a peak parking utilization rate of 67.8% is anticipated within the SAD once construction of all GEIS projects is complete. This is considerably lower than the 85% utilization rate used in the parking industry to indicate the point at which additional parking capacity should be considered. Several nearby parking options will continue to exist for customers of the North Country Food Co-Op including on-street areas on Bridge Street, City Hall Place, Durkee Street, and the City Hall Place parking lot.

Comment #16: *The parking in this area of the City will be a "dead zone" during construction (1-2 years) and during this time business will have to close. The use of waterfront parking lots during construction is infeasible.*

Response #16: Utilizing the Harborside parking lots during construction of the DLMUD was a suggestion from the 2018 Carl Walker parking study and was briefly considered by the City. After various discussions with City staff, the PPAC, the Common Council, and members of the public, the City decided not to utilize the Harborside parking lots as the primary source of alternate parking during the DLMUD's construction for many of the reasons noted in this comment. As noted in Response 3.52 of the Final GEIS, there would be sufficient public parking capacity within the SAD to accommodate peak demand during the DLMUD's construction.

The City proposes to utilize, on a temporary basis, existing on-street downtown parking capacity as long-term parking. These plans would temporarily designate certain parking areas on Broad Street, Oak Street, Couch Street, Brinkerhoff Street, Court Street, and the BSMPL as long-term parking for the duration of construction of the DLMUD, Durkee Street improvements, and Bridge Street improvements. Therefore, the City has multiple viable options for a temporary parking plan during construction of these three projects. Maps of these plans are attached as an appendix to the Final GEIS.
Notwithstanding, parking issues related to construction are a temporary impact.

Comment #17: *The ZBA has not been provided with an underground parking plan.*

Response #17: The underground parking plan was provided by the City in their SUP Application to the Zoning Department dated 12/19/2019. It is also now included in our submission to this Board in the Planning Board materials.

Comment #18: *The NYSDOT has noted that diagonal parking on Durkee Street will cause adverse impacts. Also, the amount of proposed diagonal parking on Durkee Street is inflated.*

Response #18: NYSDOT does not uniformly discourage the use of angled on-street parking. NYSDOT's 2017 *Highway Design Manual* notes that "front-in diagonal parking may be retained on local streets and collectors where design speeds are 35 mph (60 km/h) or less and traffic volumes are low." The referenced communication from NYSDOT is dated January 28, 2019 and is in reference to implementing angled parking on Bridge Street. Primarily in consideration of NYSDOT's input, the City is not proposing implementing angled parking on Bridge Street.

The location of parking spaces will reflect the Vehicle and Traffic Law required setbacks from fire hydrants, crosswalks, and intersections and will also maintain access to Durkee Street properties via existing curb cuts. As noted in Section 2.3 of the Final GEIS, with these updates, it is anticipated that a maximum of five fewer new spaces would be provided on Durkee Street, for a minimum net increase of

38 spaces over existing conditions.

Comment #19: *GEIS does not consider pedestrian walkability, bicycle paths and safety. One way Durkee will be deadly to bicycle traffic and unsafe for traffic during deliveries.*

Response #19: While Durkee Street currently does not have a designated bike lane, the current proposal for facilitating bicycle traffic through the area surrounding the DLMUD is by routing that traffic along the proposed Riverwalk, a shared-use path that will allow cyclists to travel first between the Gateway Complex and Broad Street and then along the Saranac River to where it meets Bridge Street. This will allow bikers to avoid the frequently congested intersection at Bridge and Durkee Streets. The Riverwalk will also assist in connecting Phase II of the SRTG to a future Phase III of the SRT.

As no existing bike lanes are being removed as part of the DRI projects and as the Riverwalk will provide enhanced bikeability through an area of downtown that is not easily traversed by bicycle, the new traffic patterns and connectivity proposed as part of the GEIS projects will enhance on-street bikeability in the downtown.

Currently, the sidewalks on Durkee Street are very narrow and are not ADA compliant. The proposed sidewalks are proposed to be a minimum of 5 feet wide and will be fully ADA compliant. This will help improve the pedestrian network in this area of the City in addition to connecting with proposed walkways in the proposed Arts Park, the pedestrian walkway to the Saranac River Riverfront, and connections to other paths and walkway to the north and south.

Large delivery trucks can often be found double parked on Durkee Street despite the provision of an on-street loading zone near the intersection of Durkee and Bridge Streets. That loading zone is not large enough to accommodate tractor trailers and even smaller delivery vehicles often block access to a crosswalk that bisects the zone. Delivery trucks can also be seen double parked on City Hall Place where they often block access to that street's marked bicycle lanes. Another loading zone exists on Durkee Street south of Broad Street but the location of this zone is impractical for most downtown deliveries and would be unaffected by the proposed improvements to Durkee Street. Clearly, this current system for managing downtown deliveries is not ideal.

The City is currently considering multiple options for how best to improve this system. These options include the provision of a new loading zone on the improved Durkee Street that would be the size of several parking spaces and which would restrict deliveries to certain hours of the day. Another option is to designate the traffic lane on the north side of Bridge Street between Durkee and Margaret Streets as a loading zone during certain hours as well. This area is large enough to accommodate tractor trailers and has been used unofficially as a loading zone by delivery drivers for years. It would also provide a convenient delivery location while construction activities on Durkee Street are ongoing.

Additional loading zones, likely with restricted hours of use, could be designated and appropriate signage installed as necessary in other downtown locations where such a designation could be expected to have a minimal effect on local businesses. In any case, the City would no longer countenance the use of traffic lane(s) on Durkee Street for parking by delivery trucks. Strict enforcement of these provisions by the City's parking enforcement staff and police department will be a key part of the success of any new delivery management system.

Comment #20: *The commenter expressed concern over the 3 foot setback along Durkee Street.*

Response #20: The proposed building setback along Durkee Street is 9 feet. For concerns regarding the 3-foot setback along Bridge Street, see response to Comment #2 above.

Comment #21: *The commenter noted that the Prime Development is too large in scale for the City and not in keeping with the community character.*

Response #21: See Comment Response #13.

Comment #22: *The commenter noted that the immense scale of the project suffocates the proposed open space.*

Response #22: See Comment Response #13.

Each lot within the PUD as well as the entire PUD development meets the open space requirements per City Zoning Code. A chart outlining the required and proposed open space is also included on the Site Plan provided in the SUP Application, dated 12/19/19.

The proposed project is designed to fit into the context of the City of Plattsburgh. As noted in the Final GEIS, "...The project has been specifically designed to fit the property and create more of a downtown walkable feel to Plattsburgh downtown area. The size of the project is designed to conform to the property and is intended to revitalize the downtown core and beautify the Saranac River waterfront." FGEIS Comment Response 3.9.

Many downtowns have buildings of various building sizes and scale with varying types of open spaces. Buildings by design that relate to the street with windows and entrances along with inviting streetscapes are what walkable downtowns strive for - a mix of different styles and massing of buildings interspersed with green spaces and pedestrian sidewalk networks. For example, riverfront developments in urban areas often have a mix of buildings in design and scale with surrounding open spaces. See Exhibit C with examples of downtown riverfront development noting the building massing and scale. The proposed project with the building designed with a strong street presence that is pedestrian scaled, combined with a mix of open spaces, parking areas, and streetscape enhancements will revive this area of the city.

The Project is very similar in scale to adjacent city blocks (2.1 million cubic feet), and leaves 77% of the site space as open space (68% if using basement parking to calculate, although this has an open Level 1 courtyard above).

PUBLIC COMMENTER #4

Comment #23: *The Plattsburgh Veterans Bridge and this area of the City has historical importance dating back to the Battle of Plattsburgh, which will be adversely impacted by the Project. Views of Veterans Bridge will be blocked by building and will only be able to be seen from narrow Riverwalk.*

Response #23: As stated in Section 2.5.5 of the Final GEIS, the DGEIS indicated that the City was consulting with NYSOPRHP to assist in determining whether the proposed project may have the potential to result in adverse impacts to historic and/or cultural resources and that the City would avoid impacts to the extent practicable and comply with the NYSOPRHP findings. Since issuance of the DGEIS, NYSOPRHP provided a response letter (dated December 23, 2019, see Appendix D of the Final GEIS). The response letter stated the following:

Based upon our review the reports prepared by Curtin Archaeological Consulting, Inc

(Curtin & Dymond, June 2019) and Hudson Valley Cultural Resource Consultants (Selig, October 2019) and the response to our request for additional information/clarifications about the project, it is the opinion of the New York SHPO that this undertaking will result in No Adverse Effect to historic properties, including archaeological and/or historic resources. This recommendation pertains only to the Area of Potential Effects (APE) examined during the above-referenced investigation. It is not applicable to any other portion of the project property. Should the project design be changed SHPO recommends further consultation with this office.

Therefore, the proposed project will not result in significant adverse impacts to historic and cultural resources, and no measures to avoid impacts are warranted.

Comment #24: *The Riverwalk will not have any connection to the downtown area.*

Response #24: The proposed Riverwalk will provide access to the downtown area at three separate points.

1. At its northern terminus, it will provide access to Bridge Street and to MacDonough Park via a pedestrian crosswalk across Bridge Street.
2. At its approximate midpoint, a publicly accessible pedestrian corridor will provide access from the Riverwalk through the DLMUD to Durkee Street.
3. As it approaches Broad Street, the Riverwalk will provide access to the intersection of Broad Street and Durkee Street via a pathway between Broad Street and the Gateway Complex.

Comment #25: *There is remediation ongoing within the Saranac River since 2015, which remediation will be delayed and made worse by the Project. Construction should not be allowed this close to the river.*

Response #25: The City has conducted an ongoing series of meetings with Prime, Saratoga Associates, and representatives from NYSEG regarding the latter's plans for remediation of the Saranac River. Construction of the Riverwalk and the DLMUD is not anticipated to impact NYSEG's remediation schedule. NYSEG's remediation activities are not anticipated to have significant impacts on the riverbank adjacent to the proposed Riverwalk and should not affect its construction schedule or that of the DLMUD Project.

Comment #26: *Bridge Street is not maintained and presents an ADA compliance issue.*

Response #26: While it is not clear to what specific aspect of the proposed Bridge Street improvements the commenter is referring, that Project's final design and any associated streetscape improvements will be fully compliant with the Americans with Disabilities Act.

Comment #27: *How will snow removal be handled and will it impact ADA compliance?*

Response #27: Site Plans were included in the Planning Board Site Plan Submission, provided to the City Zoning Board on 2/12/20 and included in this most recent submission. Snow stockpile locations are indicated on sheet C-01 of the Site Plans. The stockpile locations are within landscaped areas and therefore do not interfere with ADA access routes. All sidewalks and access routes are in compliance with the current ADA Standards.

At its meeting on August 15, 2019, the Plattsburgh Parking Advisory Committee made the following recommendation regarding snow removal policy for the City's new parking system:

> *Implementation of new snow ban parking system that utilizes four off-street lots (Arnie Pavone Memorial Parking Plaza, City Hall Place lot, Broad Street lot, and Court Street lot) and the existing snow ban street light system to plow roughly 125 spaces (~50%) the first night following a snow event and roughly 125 spaces (~50%) the second night following a snow event. The specific order of lot plowing to be determined by DPW based on prevailing conditions during and after each snow event with public notice provided by the existing light system.*

This recommendation is currently under consideration by the Common Council. During and subsequent to completion of the GEIS projects, disposal of snow from downtown City-owned parking lots will be accomplished by utilizing the Harborside parking lots to store that snow for the duration of the winter. This system will allow for unobstructed access to handicap accessible parking spaces within the City owned lots.

Comment #28: *Niagara Fall sought urban renewal in the 1970 which was unsuccessful and resulted in big box development and empty residential spaces. The same will happen to Plattsburgh as a result of the Prime Development.*

Response #28: The commenters example of Niagara Fall's urban revitalization efforts 50 years ago cannot be used as a basis to guide the the current City of Plattsburgh revitalization process. Furthermore, the DRI revitalization projects, including the DLMUD Project is not creating any big box stores. In stead it is construction a downtown walkable mixed use development that will attract people to live, work and play in Plattsburgh's downtown area. Any reliance on Niagara Falls in the 1970s is misplaced.

PUBLIC COMMENTER #5

Comment #29: *How will handicap parking be addressed on the Project Site? How many spaces will be provided, and* will those spaces possess the required width/space for van access?

Response #29: Handicap parking spaces are provided in each of the three proposed lots: surface, courtyard and basement. All handicap parking spaces are van accessible. Parking space and access aisle dimensions are 8' x 18' as stated in Table 16 of the FGEIS. The size and number of handicap accessible spaces are in accordance with the current ADA Standards. A chart summarizing the required and provided accessible spaces is shown on the Site Plan included in the SUP Application dated 12/19/20, which documents have again been provided to this Board.

Comment #30: *The parking comparison to the Hamlet seems inappropriate because it was 54 units, why is Prime proposing 115 units for this project.*

Response #30: The previous Prime project used to justify the requested parking calculation was "The Hamlet" in Saratoga Springs, NY. The Hamlet was designed and constructed in two phases. Phase 1 on the Hamlet included 54 residential units and roughly 50,000 sf of commercial space. This is the

information that has been provided as justification for the proposed parking demand. See response to Comment #3 above, for further information on phase 1 of the Hamlet. Phase 2 of the Hamlet included an additional 91 residential units and no additional commercial space. The 91 residential units were also calculated at 1.5 spaces per unit. Phase 2 of the Hamlet brought the total residential units of the development to 145 units.

The use of the Hamlet as a basis for the alternate parking computation is not that it is a similar development in the number of units, but that the ratio of residential/commercial parking spaces being required is the same. Notwithstanding, the Hamlet is located approximately .7 miles outside of the City of Saratoga downtown core and therefore has more parking then a development like Prime's project that is within the urban core.

Comment #32: *There is not a single building in the area that has the height, width, depth and mass of the Project.*

Response #32: The Ashley Building (among others) is very similar in height, width, depth and mass (see attached image). The project is designed to appear as a cluster of buildings, and it is more appropriate to make a comparison in terms of City block size. The project is very similar in scale to the one to the west across Durkee Street - both are 2.1 million cubic feet in size. *See* Exhibit D.

Comment #33: *There is enough retail space in the City and not enough tenants to fill the existing space. History tells us that retail/restaurant uses come and do not stay.*

Response #33: Prime performed an internal market study on the area as part of its standard preliminary due diligence. Prime typically contracts with a national company to do a more detailed analysis, however, they were unable to assist in the Plattsburgh market due to lack of comparable inventory or products.

As part of ongoing due diligence Prime conducts periodic market analyses throughout the permitting process to ensure the financial feasibility of the project. An online review conducted on January 10, 2020 of reasonably ascertainable listings provided on CDC Real Estate, LoopNet (National), Century 21 Commercial, Commercial Real Estate Plattsburgh, Whitbeck Commercial and Fesette Commercial Real Estate demonstrated only three Class A commercial spaces available in the downtown area. Currently Prime anticipates lease rates for the proposed project to start at approximately $16 per square foot. Although the available commercial leases in the downtown area are identified as Class A commercial spaces and are similar to the anticipated price per square foot of the proposed project; the condition, grade and desirability of the available spaces are not fully comparable with the proposed project. However, they are presented herein to show the lack of available comparable space within the downtown area.

1) 20 Miller Street offering 6,209 SF of office space and 1,223 SF of garage space located at 20 Miller Street, Plattsburgh NY

Clinton County Real Property Records
Effective Year Built: 1950
Overall Condition: Normal
Overall Grade: Average
Overall Desirability: 3
Rental Rate (provided by others): $15.00 / SF/Year (nnn)

2) Investors Corporation of Vermont (ICV) offering 1,234 SF of office space located at 14 Durkee Street, Plattsburgh NY

Clinton County Real Property Records

Effective Year Built:	2007
Overall Condition:	Normal
Overall Grade:	Good
Overall Desirability:	3
Rental Rate (provided by others):	$14.50 / SF/Year (nnn)

3) Westelcom Suites offering 800 - 1600 SF of office space located at 24 Margaret Street, Plattsburgh, NY

Clinton County Real Property Records

Effective Year Built:	1997
Overall Condition:	Normal
Overall Grade:	Average
Overall Desirability:	3
Rental Rate (provided by others):	not provided

Although the project has not received approvals, Prime has already been contacted by various office, retail and food & beverage industry tenants with interest in the proposed space. With the lack of comparable newer / renovated commercial space in the redeveloping downtown market, the Project's commercial space will be occupied by a good mix of tenants. Amenities such as onsite parking, walkability to new downtown amenities, live/ work opportunities and built to suit options will allow for the proposed mixed-use development to be successful and revitalize the Durkee site.

PUBLIC COMMENTER #6

Comment #34: *The ZBA has been misled by statements that the SEQRA Findings Statement is binding.*

Response #34: *See Comment Response #6.*

Project representatives did not mislead the ZBA of their obligations under SEQRA. It is settled in New York that the Findings Statement of the involved agencies must be based on the SEQRA environmental review record and be based on substantial evidence in the record. *See Falcon Grp. Ltd. Liab. Co. v. Town/Vill. of Harrison Planning Bd.,* 131 A.D.3d 1237, 1240 (2d Dep't 2015) (holding that "the Supreme Court properly annulled the Board's findings statement as unsupported by the evidence. The Board was required to render its conclusions regarding the sufficiency of mitigation measures, the propriety of permit approvals, and a balancing of considerations, based on the evidence contained in the environmental review. The Board's conclusions in the findings statement were based, at least in part, on factual findings which were contradicted by the scientific and technical analyses included in the FEIS and not otherwise supported by empirical evidence in the record.).

The Findings of an involved agency cannot be an unsupported act to prohibit development outside of the environmental review. *See Orchards Assocs. v. Planning Bd. of Town of N. Salem,* 114 A.D.2d 850,

853 (2d Dep't 1985) (holding, in part, that "[t]e provisions of SEQRA are not to be used as a subterfuge through which commercial development may be totally prohibited.").

Comment #35: *The ZBA application is not complete and should not have been on the agenda.*

Response #35: See comment response #9.

Comment #36: *A compensatory parking has not been demonstrated to the ZBA. A full list of site plans and overall map not included. Can ZBA approve SUPs and say that it won't impact downtown 10, 15, 20 years?*

Response #36: The issuance SUP is based on the project satisfying specific conditions as outlined in Section 360-31 of the City Zoning Ordinance. The project must satisfy conditions of the permit in relation to the general character, height and use of the structure or structures; as to the provision of surrounding open space and the treatment of grounds; as to the general fitness of the structure or use to its proposed location; as to the provision for automobile parking or storage; and as to street capacity and use as, in the opinion of the Board, may be necessary to safeguard public health, convenience and as may be required for the preservation of the general character of the neighborhood in which such building and/or structure is to be placed or such use is to be conducted.

The project has provided a narrative in response to all of the conditions of approval, which has been revised and updated for this most recent submission. Specifically, in regard to parking, the Zoning Board has been provided with copies of the DGEIS and FGEIS which include details of the City's compensatory parking plan. Below is from the Parking Section (2.5.3) of the FGEIS summarizing the compensatory parking. The overview map of the PPAC recommended parking replacement options that has been updated to reflect changes in parking totals is included in the application packet as well.

The parking needs of the City will continually be assessed, and parking recommendations and changes made to address parking issues to ensure continued economic vitality of the City. At this time, the City is confident the compensatory parking plan will meet the current capacity needs of the City.

Existing and Future Publicly Accessible Parking Supply within SAD

	Existing Public Supply[1]	Future Public Supply	Change in Public Supply
DSMPL (existing) / DLMUD (future)	289	50	-239
BSMPL	59	80[2,3]	+21
APMPP	0	103[3]	+103
Westelcom Park[5]	4	0	-4
Clinton County Lot	0	69[2,4]	+69
Court Street Lot	44[7]	44[7]	0
City Hall Place Lot	17[7]	17[7]	0
Off-Street Totals	***413***	***363***	***-50***
Durkee Street (Broad St. to Bridge St.)	15	53	+38
Bridge Street (Durkee St. to Peru St.)	32	38	+6
Court Street (north side from Margaret St. to Oak St.)	28	19	-9
Margaret Street (west side from Brinkerhoff St. to Division St.)	9	4	-5
On-Street Totals (All Streets within SAD)	***407***	***437[6]***	***+30***

Total On- and Off- Street Spaces	***820***	***800***	***-20***

Comment #37: *A condition of approval should be that the developer complies with the Zoning Code. The parking requirement for restaurant space be changed from 50 SF/space to 300 SF/space is outrageous.*

Response #37: The City Zoning Code allow PUDs in the Central Business zoning district. As part of the PUD review process, the Planning Board can grant approval for a project based upon an alternate permitted method for the project. This is allowed and can be approved by the Planning Board and will comply with the City Zoning Code.

The application before the ZBA is for the placement of a PUD on the requested property. This is permitted within the Zoning Code and will allow the Planning Board to allow certain deviation to the Planning Board. That being said, a zoning compliant development on the Project Site would result in underutilized parking as well as a 12 story building (144' feet in height) on the Property, which is at an overwhelming building height and out of character with the neighborhood and would not create the walkable downtown feel that is desired. *See* Exhibit E.

In accordance with the City of Plattsburg Zoning Section 360, Attachment 3, based upon the size of the lot the project is allowed to propose a 12-story building. In the High-Rise Central Business District, the required setbacks for a development with a 12-story building are 36 feet. The Maximum Building Coverage would be the entire lot minus the setback, and the Minimum Open Space would be the setbacks. The minimum distance between two buildings would be based upon the buildings sizes and heights in accordance with the existing PUD and Section 360-21.D.3. Based upon the above requirements and the existing sanitary trunk line through the site. The project could propose two buildings; one 12 stories, 144 feet high; the other 2 stories, 24 feet high. A graphic of a development that could be proposed with no deviations from the zoning requirements of the Central Business District and the existing PUD is attached. *See* Exhibit E.

Per the City's current zoning requirements, the DLMUD requires 317 parking spaces. However, the City's off-street parking requirements have not been amended in some time. This was recognized in the DGEIS and FGEIS. Realizing that the City's off-street parking requirements have not been amended in some time, and that they do not currently reflect parking requirements in an urban setting, the City has the ability within the PUD regulations to deviate from the Zoning Code's parking requirements. Per City Code § 360-21, the Planning Board is authorized to allow deviations from parking requirements established in § 360-26 for a PUD where the applicant can demonstrate that another method of computation will adequately serve the proposed mixed or multiple use.

The ZBA's authority is not to approve the requested zoning deviations but to simply review the deviations through the lends of the SUP permit conditions. It will be up to the Planning Board to permit the deviations from the parking regulations. Notwithstanding, the information related to the alternate parking computation before the Planning Board demonstrates that this parking computation is successful in other similar situated municipalities.

Comment #38: *Carl Walker noted in his parking plan that long term off-street parking should be replaced with long term off-street parking, the application deviates from that principle. There are 44 public spaces on County lot prior to reconfiguration and City is claiming 65 new spaces instead of 21. The County Oak St. lot is not in parking district and can't be counted towards increase in parking spaces. The replacement parking plan is critically flawed.*

Response #38: See Response #14 above for commentary on Carl Walker study.

Prior to the reconfiguration of the County's Government Center lot, all spaces in that lot not reserved for County employees were reserved for those visiting County offices. Subsequent to that lot's reconfiguration, 69 spaces are available to all members of the public regardless of their reason for visiting downtown. From the standpoint of absolute capacity, there now exist 46 additional spaces within the Government Center lot than existed prior to its reconfiguration. Regardless of which figure one decides to use, there exists within the SAD more than enough excess parking capacity to accommodate any parking deficit that will result from completion of the projects evaluated within the City's GEIS.

This issue is addressed in considerable detail in the "Downtown Special Assessment District – Parking Utilization" memo dated January 24, 2020 and included in Appendix F of the Final GEIS. The County's Oak Street lot, despite its recent reconfirmation to create an additional 19 parking spaces, has not been included in the City's parking replacement plan.

Comment #39: *The massing of the building is too large. The ZBA has not seen finished floor elevations nor a complete inventory of surrounding building heights. The commenter presented a rendering of the scale of the proposed building. Building will be essentially 7 stories at the southern end of Durkee Street due to elevation drop. Visual rendering purporting to show proposed building silhouette compared to existing structures.*

Response #39: Full building elevations and renderings are included in the Site Plan Application provided to the Planning Board on 2/3/20 and the Zoning Board on 2/12/20, which have been included in this most recent submission to the ZBA.

The Ashley Building (among others) is very similar in height, width, depth and mass (see attached image). The project is designed to appear as a cluster of buildings, and it is more appropriate to make a comparison in terms of City block size. The project is very similar in scale to the one to the west across Durkee Street - both are 2.1 million cubic feet in size. *See* Exhibit D.

We must clarify the inaccuracy of the visual rendering submitted by those opposing the Project, which purports to show the building silhouette compared to existing structures. This rendering was presented to the ZBA by a member of the opposition and was not submitted at the public hearing for the record. Weeks later, a PDF copy of the opposition's rendering was submitted to the ZBA. We have annexed hereto as Exhibit F a picture of the rendering presented at the public hearing but not submitted for the record at the public hearing (screen shop from the public hearing video) as well as the PDF of this opposition rendering submitted to the ZBA weeks later (collectively the "Opposition's Illustrations"). *See* Exhibit F. This demonstrates the deception that was utilized by the opposition in first presenting a rendering that is a grossly inaccurate portrayal of the building height, and then later submitting a scaled down version, realizing it would be reviewed by the Applicant and Prime's consultants. Thus, this information submitted by the opposition, which to our knowledge was not prepared by a professional architect and was provided without any explanation of how it was created, cannot be relied upon by the ZBA.

Because the opposition never gave any explanation as to the technique used for its creation of the Opposition Illustrations, we cannot comment on the same. However, Prime's Project Architect has determined the Opposition's Illustrations are inaccurate and has provided a accurate depiction of the building height as compared to other buildings in the area of the Project Site. *See* Exhibit D.

Comment #40: *The Project should resemble row house architecture.*

Response #40: Rowhouses would not be economically feasible, nor would they reflect with integrity the true nature of the design. The project needs to reflect an appropriate market fit to be viable.

Comment #42: *The Project violates the public health and safety because of the narrow Riverwalk, which is being referred to as "danger alley".*

Response #42: The closest point of the proposed building to the top of the bank is about 25' (just south of Bridge Street), with approximately 30' from the top of the bank to the shoreline. For comparison, the existing Farmer's Market structure is about 20' from the top of the bank.

The Riverwalk design includes a few trees, which are typically limbed up to facilitate pedestrian walkability and open sight lines, to be located at the open space on the east side of the proposed building, at the overlook, and along the current farmer's market structure. The majority of the other plantings will be low-growing species of shrubs and perennials, in order to soften the building edges and maintain visibility over and around any planted areas. The remediation work NYSEG will be conducting for the Saranac River may also result in the removal of existing trees along the bank, which may be replaced by lower-growing vegetation to maintain slope stability. This will further open sightlines, increase the amount of daylight, and expand views to the water. Additionally, the design for the Riverwalk includes pedestrian-scale lighting along the full length of the walkway to improve safety during evening hours.

Please see attached images of various examples of existing waterfront walkways in close proximity to buildings, such as San Antonio Riverwalk, Battery Park Esplanade in NYC, and the Onondaga Creekwalk in Syracuse. Exhibit C.

Understanding the concern for public health and safety, and in a desire to create a safe and attractive project, there has been coordination with the City of Plattsburgh Chief of Police. The site plan and public comment concerning safety was shared with the Chief of Police. In addition to the public's concern, the chief mentioned two additional concerns that his department has with the existing site: a lack of lighting and the inability to see behind the existing Farmers' Market Building; and the build-up of litter in the northwest corner of the site. The proposed project was reviewed with the police chief and based upon that review the chief believes the project addresses all concerns and has no further comment on the proposed development. *See* Exhibit G.

In addition, we have received confirmation from the Fire Department that the building and Project design is satisfactory. *See* Exhibit H.

PUBLIC COMMENTER #7

Comment #43: *The building is too large, roughly 10 times larger than average downtown rowhouse, and resembles Walmart – very bland. A view from Bridge Street should be provided.*

Response #43: See comment response #13. A view of the Project from Bridge Street was included in the ZBA application package and is part of the SEQRA record.

The Ashley Building (among others) is very similar in height, width, depth and mass (see attached image). The project is designed to appear as a cluster of buildings, and it is more appropriate to make a comparison in terms of City block size. The project is very similar in scale to the one to the west across

Durkee Street - both are 2.1 million cubic feet in size. *See* Exhibit D.

Comment #44: *Prime notes that the Project is in keeping with the architectural look and feel of the City. Building features do not fit in with downtown. Fake cornices are of particular concern. The Applicant should point out those features that resemble the look and feel of the City.*

Response #44: Our intent is for the design to be modern to reflect the reality of change constant in any urban setting. The advent of modern building codes, fire safety and technical advances likewise make the use of past approaches obsolete. In keeping with the guidelines set out by the Secretary of Interior's Standards for Rehabilitation, the design is sympathetic to and compatible with existing properties in terms of size, color, material, scale and character.

The Project Architect employed the following design strategies as illustrated on Project renderings and elevations:

1) a primary massing scale is similar in height to existing four, three and two story buildings to the west.
    a. the strong cornice lines at the corners and along both streets reinforce the relationship;
    b. the mid-block and end sections step back above the fourth level to reduce the visual scale along both streets and the pedestrian walkway to the river; and
    c. the north side volume steps down another level at the northeast corner to complement the Bridge Street slope and further reduce visual impact.
2) a U-shaped building is articulated in five sections in keeping with the neighborhood scale with varied and clustered building facades.
    a. the corner sections are clad in masonry and metal panel with bracketed cornices to give them greater prominence and differentiate from mid-block sections; and
    b. the end and mid-block sections have punched balcony openings to create a more unified and sympathetic façade for the neighborhood, and minimize the visibility of balconies.
3) a mix of elements sympathetic to other downtown precedents that also offers a blend of old & new:
    a. brick and stone masonry; metal panel; board and batten siding;
    b. punched openings;
    c. stone sill and lintel aesthetic;
    d. opening proportions similar in scale;
    e. larger ground level glazing for commercial uses; and
    f. strong cornice expression.

Comment #45: *The City is not a large metropolitan area but is a small urban setting that should have a small cozy building.*

Response #45: In keeping with the guidelines set out by the Secretary of Interior's Standards for Rehabilitation, the design is sympathetic to and compatible with existing properties in terms of size, color, material, scale and character. The project is designed to appear as a cluster of buildings, and is very similar in scale to the City block to the west across Durkee Street - both are 2.1 million cubic feet in size.

Comment #46: *There is not the required amount of open space as originally contemplated in the DRI. Original DRI called for at least 1 acre of open space which is now much less.*

Response #46: Based on the current site plan, the project requires 22,105 sq. ft. of open space based on the zoning code. Prime is providing 22,135 sq. ft. of open space on its lot and within the entire PUD,

there is 45,185 sq. ft. (22%) of open space provided.

The 2017 DRI Strategic Investment Plan project profile for the Durkee Street Site does reference the 2016 Durkee Street Real Estate Market Analysis and Financial Feasibility Study. This preliminary development concept consisted of 45 residential units, approximately 47,000 sq. ft. of retail / commercial space, and contained approximately 1 acre of new open space. However, in the Durkee Street Development Principles, which describes nine principles to help provide guidance for future developers as to community goals and priorities for the site, none of these development principles required 1 acre of open space.

Furthermore, the City has followed the guidelines associated with both the DRI's SIP and the individual DRI projects grants. For the DLMUD, the City has worked closely with Empire State Development (ESD), the state agency funding the project, throughout the development process. If the DLMUD's grant guidelines were not being followed or if the project did not align with the "Durkee Street Development Principles" contained within the City's DRI SIP, ESD would not continue to support and fund the project.

Comment #47: *The City already has a Riverwalk.*

Response #47: The Riverwalk is a pedestrian trail currently comprised of a wooden boardwalk and paved path which forms a portion of the eastern border of the DSMPL along the Saranac River. The current wooden boardwalk and paved areas of the existing path are in a deteriorated condition. In addition, the trail lacks connection to Bridge Street and the existing connection to Broad Street is currently inaccessible for safety reasons; therefore, pedestrian and bicycle use is limited.

The proposed Riverwalk will replace the existing boardwalk and create an approximately ten-foot-wide, multi-use path made from a durable pavement type that is stormwater-friendly. The new Riverwalk will provide American with Disabilities Act (ADA) accessibility and include an overlook, benches, bicycle infrastructure, LED lighting and landscape plantings. The improved Riverwalk will connect (via a crosswalk over Bridge Street) to MacDonough Park to the north and the soon to be constructed Phase II of the SRTG to the south (via a path between the Gateway Complex and Broad Street) at Broad and Durkee Streets.

Comment #48: *The eastern wall of the Prime development includes landscaping to hide the fact that it is a blind wall into the parking garage. There will be no egress from the Riverwalk that will go behind the farmers market building which is dangerous at night. How that a public amenity of value to the people of Plattsburgh?*

Response #48: As shown on sheet LP-01 of the Site Plans included in the full Site Plan Application (submitted to the Zoning Board on 2/12/20) there is landscaping along the east wall of the building. The proposed plantings in this area have a height of 6-8'. The intent of the plantings in this area is to add to the aesthetic quality of the DMLUD site as well as the proposed Riverwalk.

Further, landscaping is almost always preferable to a blank wall, and we believe this is an entirely appropriate and attractive strategy (see attached photo of same approach on Burlington waterfront, with river birch trees).

The Riverwalk will have egress to both Bridge and Broad Streets as well as to the west along the pedestrian walkway to Durkee Street. The addition of housing units will add 'eyes and ears' to the neighborhood and make a significant improvement relative to any safety concerns. The amenity terrace above for housing residents will also directly overlook the Riverwalk, providing another level of security.

Comment #49: *There is no sidewalk on Bridge Street as it is covered with trees in the rendering and cannot be accessed by those in wheelchairs.*

Response #49: The renderings provided offer a visual simulation of the proposed development and surrounding streetscape. Trees will not be within the sidewalk itself and will not impede pedestrian traffic and all sidewalks will be designed to meet ADA standards.

Comment #50: *The City does not need more retail space in the area of the "retail apocalypse" where customers are shopping online. No national retailers will set up shop on Durkee St. The commenter submitted 33 vacant retail spaces throughout the City as evidence that additional retail space is not needed.*

Response #50: See Response #33.

Comment #51: *The development in Winooski Vermont (the Spinner) is an example of mixed use development that is vacant and not being utilized properly. Student housing and ground floor retail shops are empty. If this retail space is built, it will not be filled.*

Response #51: The Spinner Place development located in downtown Winooski, Vermont is not empty as stated. The Spinner Place building borders Route 7 and Winooski Falls Way and wraps around a 900+ parking structure. On the northern side of this parking structure is a building leased to Vermont Student Assistance Corporation, which was originally part of the entire development constructed over 20 years ago and is completely full.

The Spinner Place development has student housing on the upper floors of the buildings that are leased to UVM and Champlain College undergraduate and graduate students and is fully occupied. The first floor retail spaces are 90% occupied with one small space currently not leased. As with any retail and commercial establishments, there can be turnover that occurs for various reasons. However, the Spinner Place building is currently almost entirely filled and leased.

Comment #52: *Prime will charge for parking on the 50 public spaces.*

Response #52: The public will have access to the proposed public parking at the DLMUD, including customers and staff in the DLMUD's shops and businesses. Consistent with the City's plan to implement a paid public parking system, Prime will maintain a paid system on the project site. Parking rates and structure have not yet been established however, it is possible that parking validation will be provided to customers of the DLMUD's shops and businesses.

Comment #53: *Durkee Street is the busiest delivery street in the City, accommodations need to be made for deliveries. Where will deliveries be made on Durkee Street? Durkee Street will not work as a one-way street. Currently, delivery trucks often double park. If trucks double park on the proposed layout, it will block the street.*

Response #53: Off-street loading and unloading will be provided in the parking lot of the proposed DLMUD. In addition, the City is considering implementation of a time restricted loading zone along the western side of Durkee Street as part of that street's reconfiguration. Lastly, the City is also considering the formal recognition of an area on the north side of Bridge Street between Durkee Street and Margaret Street as a loading zone. This area is used frequently for this purpose and its formal designation as a loading zone will not adversely affect downtown traffic patterns. All proposed traffic changes will be coordinated with the City's Police Department and other City staff. Strict enforcement of any new parking regulations will be provided which will ensure the safety of pedestrians and unobstructed traffic lanes on Durkee Street.

Comment #54: *The commenter does not think that Durkee Street will work as a one-way street.*

Response #54: As noted In the Draft and Final GEIS, "[t]he conversion of Durkee Street to one-way traffic will not have a detrimental impact to traffic conditions or access as demonstrated in Section 3.4 of the DGEIS. One-way traffic is common throughout downtown." FGEIS Comment Response 3.1.

While Durkee Street is currently two way, there is no on street parking, very narrow sidewalks that are not ADA compliant or easy to walk on, and no streetscape or pedestrian friendly features. The one-way design provides a much improved and safer pedestrian friendly streetscape with ADA compliant sidewalks and crosswalks, and on street parking.

Please note that the change of Durkee Street from a two-way street to a one -way street is not part of the instant ZBA applications and is not within the jurisdiction of the ZBA.

Comment #55: *The developer should be required to adhere to all Zoning Code requirements.*

Response #55: See Response #37.

PUBLIC COMMENTER #8

Comment #56: *The proposed aisle width for parking is 24 feet and the Zoning Code required 26 feet. This is a safety issues for trucks making deliveries. How will tractor trailers navigate surface parking lot without damaging other parked cars?*

Response #56: As indicated in section III-5a of the PUD Subdivision Permit Application Narrative, which has been provided to this Board, the proposed 24-foot aisle within the parking areas is less than the 26-foot aisle width required in the Zoning Regulations resulting in a 2- foot deviation. The proposed parking

layout of 18' long parking spaces with a 24' two-way drive aisle is a widely used layout. Specifically, this layout was used in the previously referenced Hamlet development. A truck turning template has been developed and is shown on the Site Plan sheet C-02, included in the Site Plan Submission provided to the Zoning Board on 2/12/20, and included in this most recent submission. The truck turning sheet includes the paths of the following trucks: Garbage Truck, Aerial Fire Truck, Pumper Fire Truck, SU-40 Delivery Truck. The aforementioned trucks can navigate through the proposed parking lot with the proposed 24' drive aisles.

#57: *Parking for visitors must be provided on the Project Site because tenants will have other living with them, e.g. significant others.*

Response #57: No visitor parking is being proposed. Prime does not typically provide for visitor parking at its residential developments, nor is visitor parking required per City Zoning code.

Comment #58: *Places like Niagara-On-The-Lake, Williamsburg, Virginia, and Church Street are beautiful because they are to human scale and have individual buildings that offer something of architectural interest. The project is not in keeping with the historic nature of downtown Plattsburgh.*

Response #58: Prime's proposed building and uses are consistent with that typically found in downtown Plattsburgh. The proposed building elevation has been conceptually designed to have similar architectural details to those that exist in surrounding structures in order to maintain balance with the character of the neighborhood. The Project has thus been designed by the Project Architect to fit within the City of Plattsburgh.

Related to Prime's Project, we note that NYSOPRHP provided a response letter dated December 23, 2019 stating that Prime's Project "will result in No Adverse Effect to historic properties, including archaeological and /or historic resources." Furthermore, Prime's Project has been specifically designed to fit the proposed location. Prime's Project will comply with the maximum number of stories permitted in the C zoning district and its height is consistent with the surrounding buildings. *See* Exhibit D.

Prime's Project is designed so that the two corner segments, closer to the River, read as five story elements; the three larger flanking segments along Bridge Street, Durkee Street and the pedestrian walkway are all four stories adjacent to the street, with a step back on the top mezzanine level to lessen the visual impact. The volume, character, color and material articulation respond to the neighborhood architectural context by creating a human scaled cluster of varied expression, not a singular monolith. From a building code standpoint, this is a four-story building; the 'fifth' level is a mezzanine, not a full floor.

From an urban design standpoint, Prime's Project is perceived alongside the Gateway Complex as a City block, not as an individual building. The development is designed to express a varied aesthetic for the façade, not as a singular monolith. The Ashley Building at the corner of Durkee and Bridge Streets is nearly five stories in height, similar to the height of the corner elements of the new development.

The utilization of the recognized architectural principles, noted in FGEIS at Comment Response 3.2, employed in the design of the project by the Project Architect, ensures that the project is compatible with this downtown area of the City and the surrounding buildings, while at the same time revitalizing this area of the City with modern development to facilitate a walkable downtown core.

In addition to the above, the size of the Prime Project on the property is designed to ensure that a

downtown walkable community is created. Currently, the large parking area is a disrupting feature that discourages a walkable community. The size of the building, location of parking areas, landscaping, and proposed setbacks ensure that a continuous downtown walkable community is not disrupted by vacant parking without any commercial amenities.

Comment #59: *We need parking if we expect to continue to attract visitors to Plattsburgh.*

Response #59: See Response #36.

PUBLIC COMMENTER #9

Comment #60: *The development needs to adhere to the 1995 planning recommendations for the City of Plattsburgh, which states that the Durkee Street lot should be improved in utility and appearance for public parking purposes.*

Response #60: The Downtown Future Planning Commission was created in 1994 and a Phase I Action Plan was drafted to develop a vision statement and identify goals and objectives for the Downtown Commercial District. Although many of the goals of the document still remain relevant today, including the vision statement, "Our vision for Downton Plattsburgh is that of an economically viable, safe, accessible, clean, energizing and culturally rich environment, which provides a pleasant and stimulating atmosphere for residents and visitors to live, work, shop, dine and enjoy fine entertainment", the document is 25 years old and the City has adjusted its action items for achieving this vision, which are outlined in numerous planning documents including the City's 1999 Comprehensive Plan and the 2017 Strategic Investment Plan.

As stated in the FGEIS, the City's comprehensive plan encourages "intense development", and states that "a strong downtown economy typically has a strong housing presence." The comprehensive plan also encourages a diverse mix of uses (see page 82 of the DGEIS). The 2017 strategic investment plan goals are stated as follows: 1. Connect Plattsburgh's existing assets to create a vibrant Downtown destination; 2. Provide diverse housing and shopping options through targeted investments, increasing the number of people Downtown; 3. Attract and grow businesses and jobs to support economic development and local workers. Developing the underutilized Durkee Street parking lot will help the City achieve the goals identified in multiple planning documents over many years. The City has provided a compensatory parking plan to respond to any parking issues that may arise from said development.

Comment #61: *Access to downtown Plattsburgh is via two bridges, which will get clogged as a result of the development. Changing Durkee Street from two-way to one-way is shortsighted.*

Response #61: Neither the DLMUD nor the conversion of Durkee Street to one-way traffic will have a significant adverse impact on traffic conditions or access as demonstrated in Section 3.4 of the DGEIS. One-way traffic is common throughout downtown and the results of the traffic study conducted during the GEIS concluded that any increases in traffic delays as compared to current conditions will be no greater than 5 seconds.

Comment #62: *The proposed open space is not adequate. A better location for the project would be the D&H Railyard which has lake views.*

Response #62: NYS awarded $4.3 million in DRI funding to help facilitate the redevelopment of the DSMPL and $150,000 to complete a feasibility study for a portion of the former D&H Railyard. Those

funding allocations are not subject to alteration by the City.

PUBLIC COMMENTER #10

Comment #63: *The Project should be required to adhere to all requirements of the Zoning Code.*

Response #63: See Response #37.

Comment #64: *As a property manager the commenter noted that 1.5 parking spaces per unit is not enough to accommodate the proposed tenants (Students, nurses, etc.) who will have other living with them. Apartment dwellers frequently have more than two vehicles when accounting for visitors.*

Response #64: *See* comment response #57.

PUBLIC COMMENTER #11

Comment #65: *The ZBA's responsibility is to protect the public separate from politics.*

Response #65: Pursuant to the Zoning Code, and related to special use permits, the ZBA's responsibility is to "hear and decide applications for special permits as specified in this chapter and to authorize the issuance of special permits as specifically provided [in the Zoning Code]." Zoning Code § 360-54(D)(2). Therefore, the ZBA's role is to administer the Zoning Code and apply the special use permit standards to the proposed project. We respectfully submit that the Zoning Code, not the ZBA, is designed to protect the public through the enaction of local laws aimed at the health, safety and welfare of the public. *See N. Shore Steak House, Inc. v. Bd. of Appeals of Inc. Vill. of Thomaston*, 30 N.Y.2d 238, 243 (1972) (holding that "[t]he inclusion of the permitted use in the ordinance is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood."); *see also C & A Carbone, Inc. v. Holbrook*, 188 A.D.2d 599, 600, 591 N.Y.S.2d 493, 495 (1992) (holding that "once the petitioner shows that the contemplated use is in conformance with the conditions imposed, the special permit must be granted unless there are reasonable grounds for denying it that are supported by substantial evidence.").

Comment #66: *The proposed parking calculations is based on the Hamlet which is not in a downtown setting.*

Response #66: The Project is a part of a New York State Downtown Revitalization Initiative (DRI) grant. The purpose of DRI grants in general, the City of Plattsburgh DRI grant, and the Project specifically is to enhance the downtown urban core of the City by promoting modern walkable development that does not revolve around the automobile. To this end, please note that the proposed Project Site is within the City of Plattsburgh's downtown core. Thus, residents and visitors will not be vehicle dependent and will utilize the development and related commercial amenities without vehicle travel. Compare the Hamlet in Saratoga Springs, which was developed outside of the City of Saratoga's downtown core (approximately .7 miles) and is therefore more of a vehicle dependent development. Thus, while the same parking method would be implemented for the Project, because the Project is located in the downtown core and therefore less vehicle dependent than the Hamlet, it can be expected that this parking method will provide more than enough parking for the Project, without creating unnecessary parking that wastes valuable space in the downtown core.

Comment #67: *The Project is not consistent with the character of the City. The money should be spent on the*

Heritage Trail and Complete Streets.

Response #67: See comment response #13. Further, the DRI grant funds were provided to support the projects discussed in the GEIS, which includes the Project. To the extent that the City requires funding for other projects throughout the City, additional funding sources may be available.

PLATTSBURGH CITIZEN COALITION LETTER JANUARY 15, 2020

The Plattsburgh Citizen Coalition ("PCC") submitted a letter to the ZBA on or about January 15, 2020 (the "PCC Letter"). We understand that the PCC Letter was sent directly to the ZBA member's residences and not to the City directly. Notwithstanding, we request that the letter be official incorporated into the administrative record for the ZBA SUP application.

Please note the following responses to the comments made in the PCC Letter:

Comment #1: *General character, height and use of the structure. The proposed 5 story building is mammoth relative to the neighborhood of almost entirely 2-3-story buildings (plus two 4-story buildings). Furthermore, the residential use will appear very much like a gated community in our downtown. The GEIS does not provide adequate inventory, analysis or visual depiction to properly evaluate this concern. It is the burden on the applicant to demonstrate that the proposed project will preserve the general character of the neighborhood, which they have clearly not done. Therefore, the only conclusion that can be reached is that this monstrous building, given its size and height relative to the neighborhood, does not satisfy the SUP standard that the general character, height and use will preserve the general character of the neighborhood. Perhaps if the proposed project were scaled back to 3 stories, then a modest development could be built that is in keeping with the general character and height of the community and that is less disruptive to parking and leave more room for public space, access to the waterfront and safe bicycle and pedestrian travel.*

Response: *See* comment response #13 above and the SUP project narrative dated January 24, 2020, revised on February 21, 2020.

In addition, the GEIS examines the potential impacts of the planned DLMUD on local context See DGEIS Section 3.1 Land Use, Community Character, Zoning and Public Policy and Section 4.0 Response to Comments (Comments/Response 3.1 through 3.21) regarding this analysis.

Regarding the height of the Project, the proposed Project will comply with the maximum number of stories permitted pursuant to the Central Business Zoning District (12 stories). As presented in DGEIS Table 12, the total height is proposed at 65 feet, which is five feet greater than permitted in the C Zoning District and may be waived per §360-21(D) of the PUD regulations. These five additional feet will be negligible from the pedestrian perspective and would not alter the Downtown's historic and cultural character. The proposed Project is designed so that the two corner segments closer to the Saranac River read as five story elements; the three larger flanking segments along Bridge Street, Durkee Street and the pedestrian walkway are all four stories adjacent to the street, with a step back on the top mezzanine level to lessen the visual impact. The volume, character, color and material articulation respond to the neighborhood architectural context by creating a human scaled cluster of varied expression, not a singular monolith. From a building code standpoint, this is a four-story building; the 'fifth' level is a mezzanine, not a full floor.

Regarding the proposed residential uses, the DLMUD is located in the City's Downtown/central business district. The project site is zoned C-Central Business and the proposed uses are consistent with zoning. The Downtown is comprised of a diverse mix of retail, restaurant, arts/entertainment, service and residential uses. In evaluating potential impacts to community character, the DGEIS cites the City's Comprehensive Plan; which encourages "intense development", and states that "a strong downtown economy typically has a strong housing presence." The Plan also encourages a diverse mix of uses (see page 82 in the DGEIS). The first-floor residential units will be located within the eastern part of the building near the proposed Riverwalk and the Saranac River. Due to the elevation change, the units will appear aligned with the building's second floor as the grade lowers significantly as it nears the river, see Appendix C for a section view (looking north) of the DLMUD. The first-floor units will occur only along Bridge Street and the pedestrian walkway, and these will be nearly equivalent to a full story above any adjacent sidewalk elevations. As such, the typical concerns with a first-floor dwelling unit, such as privacy and security will not apply.

Regarding the adequacy of the DGEIS inventory and analysis, the DGEIS community character impact assessment includes an extensive photo inventory of the existing conditions at the project sites (refer to Pages 48 – 69 of the DGEIS), as well as renderings of the proposed DLMUD in the existing built context (see Figures 20 and 21). As noted in Section 3.1.1.1 in the DGEIS, the buildings on the west side of Durkee Street (across from the proposed DLMUD) "are a mix of attached and detached buildings ranging in height between one and four stories, with some mixed-use buildings presenting first-floor retail with dwellings above."

Regarding the recommendation to scale back the project, The DLMUD, as currently proposed, has been shaped by an extensive public engagement process conducted throughout 2019, which has resulted in a scaling down of the project size. The initial project proposal from January 8, 2019 Common Council meeting included two multi-story buildings encompassing approximately 127 market rate residential units with 13,515 square feet of commercial / retail space. This proposal allowed for a total of 254 parking spaces including 238 on-site parking spaces, (70 below-grade parking spaces) and 16 on-street parking spaces as well as relocating the existing Farmers Market within the site.

Based upon the feedback from the January Common Council meeting, in May 2019 the footprint of the buildings was adjusted to improve pedestrian access and on-street parking along Durkee Street, allow additional space for the Riverfront project and widen the pedestrian pathway that connects the proposed Arts Park with the proposed Riverwalk area. The redesign of the buildings and associated footprint increased the number of residential units to 139, reduced the commercial / retail space to 13,000 square feet and implemented underground parking in both buildings to include 288 on-site parking spaces.

Also, as a result of this meeting the green space was increased, the residential amenities were relocated to be more enclosed and Prime agreed to work together with the City in a Public-Private partnership to relocate the Farmers Market.

The feedback from the May 23, 2019 Common Council meeting focused heavily on parking, improving the integration of the green space and concerns over the modern architecture of the proposed buildings. To incorporate the public's concerns while maintaining a successful project, significant changes were

made including implementing features from a successful existing project that is similar in size and demographics.

The proposal now includes 115 residential units and approximately 13,400 square feet of commercial / retail space contained in one, U-shaped building. The revised structure of the building addresses the parking concerns with the addition of a full access-controlled parking garage below the building that allows for 165 parking spaces and 35 street level parking spaces. The removal of the second building allows for an additional 86 space open-surface lot parking for a total of 286 parking spaces. In addition to the increased parking spaces, the removal of the second building improves the visual connectivity from the proposed Arts Park to the proposed Riverwalk area while also allowing for an additional 2,400 square feet of public civic space adjacent to the proposed Riverwalk.

While increasing the areas of the project site that will be made available to the public, the overall size of the project has been reduced from two buildings to one which has reduced the residential unit count. Prime requires the current minimum of 115 units and associated commercial space to appropriately address expenses and employees required to operate the proposed Class A residential and commercial space in a manner consistent with its other properties.

Lastly, regrading whether the DLMUD meets the criteria for the Planning Board to approve the PUD, the PUD procedures and regulations within the Zoning Code are specifically designed to afford the developer and the City flexibility to implement various planning principles. The City has provided reasoning for each deviation within their PUD applications to the Planning Board. That being said, the deviations that are requested from the Zoning Code, including setbacks noted by the commenter, are to facilitate a downtown development that will facilitate a walkable community. To this end, in an urban setting, most buildings should be "streetwall" buildings with continuous frontage along or near the sidewalk. This will create a more urban walkable feel that will encourage residents and visitors to walk throughout the City's downtown area. Thus, in this instance, the deviations are requested in accordance with the PUD regulations to develop a project that is consistent with its urban setting.

Comment #2: *Provision of surrounding open space and the treatment of grounds. The intention of the DRI was to create a vibrant downtown and public space that will attract visitors and residents alike. This overarching objective has been largely abandoned in favor of a massive private housing development, converting our critical public asset (i.e. our primary municipal parking lot upon which we all rely) into private corporate housing.*

Response: *See* comment responses # 12, 22 and 46. See also, SUP Project Narrative dated January 24, 2020, revised on February 21, 2020.

In addition, the GEIS examines the potential impacts of the planned DLMUD on Open Space See DGEIS Section 3.9 Open Space and Section 4.0 Response to Comments (Comments/Responses 3.122 through 3.126) regarding this analysis.

The DSMPL is currently occupied by a paved, public parking lot and a seasonal, metal-sided building with an adjacent pavilion, and is not considered to be open space. As described in the DGEIS, the proposed project includes the development on the Durkee Street Lot of a 2,400-SF, publicly accessible civic space

in an open air pavilion with access from the new pedestrian walkway.

The site design provides both physical and visual connectivity to the Saranac River with a pedestrian walkway connecting Westelcom Park to the Saranac River and the Riverwalk. The Riverwalk will provide uninterrupted connectivity along the Saranac River to points north and south to existing and proposed walkways.

The proposed project would also include several improvements to recreation and open space facilities, including improvements to the deteriorated Riverwalk and Westelcom Park.

The D/FGEIS substantiates the positive fiscal and economic benefits of the planned project (See DGEIS Section 3.6 Fiscal and Economic Conditions and FGEIS Section 4.0 Comment/Responses 3.88 through 3.106). It is anticipated that direct impacts will result from on-site operations (employment and spending) as well as from new household spending by tenants. It is anticipated that approximately 32 new jobs[1] will be present on-site with wages totaling $997,375 and new expenditures of nearly $2.6 million occurring. As the businesses make purchases from suppliers and employees spend their earnings, a portion of this will also occur within the City. This is referred to as the indirect impact and will result in an additional 7 jobs, $291,738 in earnings, and $841,412 in sales.

The positive impacts that will result from this development are not limited to the above direct and indirect impacts. Investment of this scale tends to attract additional investment, as the City becomes a more desirable place to live, work, and visit. The addition of 115 new households creates a new market for existing retailers within the City, and creates opportunities for additional retailers to move in. The result will be a more vibrant downtown area, which will expend dividends for the community for years to come.

Comment #3: *General fitness of the structure or use to its proposed location. The Durkee Street Parking Lot is situated on a Public Waterfront property. New York State Public Trust Law forbids the alienation of public waterfront property. A court challenge is forthcoming which will prevent the City of Plattsburgh from violating the law and the public trust. This is an issue for the courts. However, the reason behind the law is an issue for the ZBA. The construction of a massive 6-story/approximately 72-ft tall building (the latest plan indicates a 5-story building at the Durkee Street side which grows to a 6 story building along the river) is not suited for the proposed location nor does it safeguard public health. Throughout the DRI planning process many varieties of waterfront uses were considered; all of them intended to benefit the public and the community. Instead the proposed plan abandons all those beneficial uses and conveys the public access to a private corporation. The single walkway between the very tall 6-story building and the riverbank will create a very narrow and dangerous alley over 200-ft long. Concerned citizens who have studied this plan closely have dubbed this "danger alley". The applicant will likely tell you about property lighting and brick pavers as if that removes the danger and makes the danger alley a desirable use of public waterfront property. If does not. Ask yourself this question: Would you allow your son or daughter to walk down that corridor alone? We know the answer for our children. The proposal is clearly not*

[1] Note that when calculating the economic impacts of the commercial space, the impacts are adjusted to account for the portion of demand that results from new household spending. This adjustment means that 32 of the 35 jobs are considered to be net new and that 32 new jobs are used as the direct impact in the economic impact model.

safeguarding public health.

Response: See comment responses #13. See also SUP Project Narrative dated January 24, 2020 revised on revised on February 21, 2020.

The GEIS examines the potential impacts of the planned DLMUD on Open Space See DGEIS Section 3.9 Open Space and Section 4.0 Response to Comments (subsection 3.9) regarding this analysis.

The City does not propose to convey any waterfront property to Prime. As detailed in the DGEIS, the City proposes to retain ownership of all waterfront property on the Project SIte. Additionally, public parking lots within the SAD are not constrained by the public trust doctrine. It is within the Common Council's authority to convey these parking lots and also to establish new parking.

Regarding the height of the Project, the figures stated in the comment are incorrect. As noted in Response 1, the proposed maximum height of the DLMUD is 65 feet.

In response to the DRI public planning process comment, refer to PCC Letter Response 1.

The PCC Letter inaccurately portrays the proposed riverwals as "danger alley". As demonstrated by the renderings and proposed site plans, the Riverwalk will be significantly improved from its current state.

Understanding the concern for public health and safety, and in a desire to create a safe and attractive project, there has been coordination with the City of Plattsburgh Chief of Police. The site plan and public comment concerning safety was shared with the Chief of Police. In addition to the public's concern, the chief mentioned two additional concerns that his department has with the existing site: a lack of lighting and the inability to see behind the existing Farmers' Market Building; and the build-up of litter in the northwest corner of the site. The proposed project was reviewed with the police chief and based upon that review the chief believes the project addresses all concerns and has no further comment on the proposed development. *See* Exhibit G.

Comment #4: *Provision for automobile parking or storage. The project is particularly unique for the ZBA, perhaps unlike any some of you have ever been asked to review. Most applications allow the ZBA to simply consider the parcel itself. However, this application is quite difference in that the parcel is currently occupied as a public asset. Therefore, your consideration of whether the application will safeguard the public health, convenience and preserve the general character of the neighborhood cannot be limited to the Durkee parcel. The ZBA must consider the numerous locations in which compensatory parking will be created at various locations around the city. Take for example the issue of convenience. The Durkee neighborhood is the County center of County Surrogate, State and Federal Services, Department of Social Services, Social Security Administration Office for the Aging, which serves everyone from disabled veterans, to seniors, to youth and families all of whom rely heavily on the Durkee Street Municipal parking lot. You will see from the attached comments that the applicant has not demonstrated a viable alternative parking plan; the number of compensatory parking spaces is inadequate; the developer no longer meets the City zoning code parking requirements; on street diagonal parking is deemed unsafe by the NYSDOT Regional Traffic Engineer for pedestrians, bikes and vehicles.*

Response:

See comment responses #3. See also SUP Project Narrative dated January 24, 2020 revised on February

21. 2020.

The GEIS examines the potential impacts of the planned DLMUD on Parking See DGEIS Section 3.5 Parking and FGEIS Section 4.0 Response to Comments (Parking Comment/Responses 3.43 through 3.87) regarding this analysis.

Regarding the role of the Durkee Street lot as a "public asset," the DSMPL's current primary function is as a surface parking lot. On occasion, the site has accommodated public uses and with development of the DLMUD, it will continue to accommodate public gathering and use. As described in Section 2.2 of the DGEIS, the project will include a 2,400-SF civic space for public use within an open-air pavilion with access from Durkee Street via a new pedestrian walkway. The Riverwalk will be improved and will further expand public access to the waterfront. Public access provisions will be ensured through easements and/or the Developer's Agreement.

With the exception of the APMPP all of the planned parking improvements are at locations that are currently utilized as surface parking. Changes to these sites are modest and consistent with the current uses. The planned APMPP is currently occupied by the former Glens Falls National Bank building and is slated for demolition.

The City was initiated consultation with NYSOPRHP to assist in determining whether the proposed project may have the potential to result in adverse impacts to historic and/or cultural resources and that the City would avoid impacts to the extent practicable and comply with the NYSOPRHP findings. Since issuance of the DGEIS, NYSOPRHP provided a response letter indicating : "Based upon our review the reports prepared by Curtin Archaeological Consulting, Inc (Curtin & Dymond, June 2019) and Hudson Valley Cultural Resource Consultants (Selig, October 2019) and the response to our request for additional information/clarifications about the project, it is the opinion of the New York SHPO that this undertaking will result in No Adverse Effect to historic properties, including archaeological and /or historic resources."

Regarding the comment about alternative parking plans, Alternative B was analyzed in the DGEIS and considered the construction of a 250-space public parking garage at Broad Street. In total, this Alternative would result in similar construction and utility impacts, while resulting in additional traffic downtown, additional project cost of $6.25M, and additional parking fees. This Alternative is not consistent with the objectives and capabilities of the project sponsor. The City would be required to seek grant funding and/or invest tax dollars to fund the construction of the garage. Some of the costs could be recouped with the imposition of fees for parking and these costs would be assumed by residents, business owners and patrons to downtown. The cost of constructing a parking garage would likely result in the City charging parking fees far in excess of those fees which might otherwise be imposed in order to recoup its expenses.

Regarding the adequacy of the future parking supply, as noted in the FGEIS (See Section 4.0 (Parking Comments/Responses 3.43 through 3.87), all the DLMUD's parking demand could be fully accommodated on-site. As presented in Table 5, the public parking utilization within the SAD is expected to increase by 1.7% with approval of the proposed action, and there would continue to be more than 250 available public parking spaces during the weekday 1:00 – 2:00 p.m. peak hour, with more spaces

available at other times of the day and on weekends.

The proposed future supply would continue to serve the needs of the organizations and public services cited in the comment. As an example, within a 1/8-mile radius of the DSS facility – or an approximately 2.5-minute walk – there will exist, between existing parking and planned improvements, approximately 414 publicly available parking spaces. Given the number of public parking spaces that are located in close proximity to the DSS and the anticipated future public parking availability (refer to FGEIS Section 2.3), the supply of nearby public parking is more than adequate to accommodate the needs of DSS's employees. The City's proposed implementation of a managed parking system in the downtown area would provide the flexibility to designate certain on-street areas as long-term parking. If it is deemed necessary and proper by City authorities to classify certain on-street parking spaces as long-term parking for employees or residents, an actively managed system allows for such a designation.

Regarding the amount of proposed parking spaces, the DLMUD will provide sufficient parking to meet all of the proposed demand from its site. As part of the Subdivision and Site Plan Approval process the project will request an alternative calculation for the residential parking demand, as stipulated in Section 360-21(D)(5)(d)(5) of the City Zoning Code. Within a Planned Unit Development, the Planning Board has the authority to approve an alternate method of calculating off-street parking requirements for a single, mixed-use structure if "the applicant can demonstrate to the satisfaction of the Planning Board that another method of computation will adequately serve the proposed mixed or multiple uses." Instead of the methods stipulated in Section 360-26, the project is requesting the Planning Board approve a method computation that would provide 1.5 parking spaces per residential dwelling unit, 1 parking space per 300 square feet of commercial, retail, and restaurant space, and 0.5 space per employee with 1 employee per 900 square feet of commercial, retail, and restaurant space. Prime has 35 years of experience in the residential and hospitality industry including the management of over 2,000 residential units. This method results in a calculated need of 226 spaces for the DLMUD. Based upon similar parking ratios at a performing, comparable mixed use building in a similar environment, Prime is confident it has the experience to project the needs and demand of its project and to request relief for the same on the DLMUD.

Regarding NYSDOT's opinion on angled parking, NYSDOT does not uniformly discourage the use of angled on-street parking. NYSDOT's 2017 Highway Design Manual notes that "front-in diagonal parking may be retained on local streets and collectors where design speeds are 35 mph (60 km/h) or less and traffic volumes are low."

Comment #5: *Street capacity and use. You will see from the comments that the traffic study is flawed and inaccurate. The study is inconsistent with traffic volumes reports on the NYSDOT Traffic Volume viewer for the streets in question and are inconsistent with previously commissioned City traffic studies. Specifically, the traffic study under reports the most critical leg (City Hall Southbound traffic) of the most critical intersection (Bridge - City Hall/Durkee) by 300% as compared to the Lu Engineers traffic study. Deviations of 5% or 10% are not unusual, but differences of 300% are cause for conducting additional test counts. In terms of street use, the Community adopted Saranac River Trail Phase 2 project was to have made the ultimate connection along Durkee Street, thus bringing the SRT all the way from the Plattsburgh High School, through the College campus along Steltzer and*

Pine Streets and ultimately connecting both the Middle School and also, with two new bridges at Saranac Street and at Durkee Street connecting the SRT to the downtown business district. The use of Durkee Street is not only dangerous for all users as pointed out by the NYSDOT Regional Traffic Engineer, it destroys the previously adopted plan for connecting the SRT to the downtown. The use of sidewalks is not an acceptable alternative for bicycles as it is against the law to ride a bike on a sidewalk.

Response: *See* SUP Project Narrative dated January 24, 2020 revised on February 21, 2020.

In addition, the GEIS examines the potential impacts of the planned DAI on traffic See DGEIS Section 3.4 Traffic and Transportation and FGEIS Section 4.0 Response to Comments (Comments/Responses 3.24 through 3.42) regarding this analysis.

Regarding the traffic volumes provided in the GEIS, traffic count data was collected for the study in September 2019 by an independent traffic data collection company. They are representative of current volume conditions. The volumes for the intersection in question are accurate and show close correlation to the volumes at adjacent intersections. Traffic count data from NYSDOT PIN 7752.67 was collected in 2005 and is 14 years old. That data is outdated and should not be used as representative of current conditions. Traffic count data that is 3 to 5 years old and older would typically be updated for current conditions.

Regarding the consistency of the proposed project with the SRT, the 2006 SRTG Feasibility Study includes a Phase II trail to connect the intersection of Broad Street and Durkee Street north via the DSMPL, across Bridge Street, and to MacDonough Park. The proposed Riverwalk improvements will include replacement of the existing deteriorated boardwalk with an approximately ten-foot-wide, multi-use path, which will connect (via a crosswalk over Bridge Street) to MacDonough Park to the north and the soon to be constructed Phase II of the SRTG to the south (via a path between the Gateway Complex and Broad Street) at Broad and Durkee Streets. The proposed Riverwalk improvements will be supportive of the recommendations of the SRTG Feasibility Study, providing a new connection from Broad and Durkee Street to MacDonough Park via the Riverwalk. Phase II of the SRT does not propose any on-street bicycle accommodations on Durkee Street between Broad Street and Bridge Street.

SEQRA Comment: *The SEQR Determination was the positive declaration that was made by the lead agency prior to, and triggering the need for, the GEIS. That determination is indeed binding on all involved agencies. The Finding statement is a written document prepared following acceptance of a final EIS. All involved agencies must make their own findings statement. The finding statement made by the lead agency is most definitely NOT binding on involved agencies as Mr. Miller would have you believe. Quite the contrary. Each involved agency, not only the lead agency, must prepare its own SEQR findings following acceptance of a final EIS.*

Response: See comment response #6 above.

ADDITIONAL COMMENTS RECEIVED FROM ZBA (2-20-20)

ZBA Comment #1: *Parking - Although recent applications, including the latest one we received, have indicated various numbers for required parking, anticipated actual parking needs, and parking provided, the verbal narrative by Prime indicated numbers that were not to be found in the application. Specifically, they have now*

lowered the anticipated actual use requirements to 226 spaces. They provided a quick overview of how they got to this figure, but it should be part of the application, as parking is part of the criteria we examine during the SUP approval process. The new figure differs substantially from the number of spaces required by the ordinance, and we will need justification and explanation of the difference and why their proposed figure could be acceptable.

Response: See comment response # 3 above and Exhibits A and B. In addition, the City has revised the SUP Project Narrative, revised date February 21, 2020, which reflects this parking information.

ZBA Comment #2: *Building Layout - Although we have seen several variations for the building facades and renderings, we have seen no floorplans or layouts showing where each type of residential unit is located on each floor, typical unit floorplans by type, elevators, the parking spaces under the building, where the commercial spaces are located etc. There is also a lot of confusion regarding the 5th floor. It is not clear how big this is, as there is indication that it is not the same size as the floors below it, and steps back from the lower façade. Also a floorplan for all of the floors, including the 5th floor, would show how all of the space is used. We will also need SF size of each floor and the underground parking area, and a total SF calculation for the entire building. All of this information is needed to review the project for size and general use. Information on the layout of the first floor should show where residential units are scheduled, and what the finished floor elevation and exterior sidewalk elevations are.*

Response: See comment response #9 above. The full site plan package before the Planning Board has now been fully submitted to the ZBA which includes relevant information for your consideration. That being said, this information is specifically relevant for the site plan review and not necessarily the SUP review. General floor plan/use concepts are included in this submission, however, specific floor plan outlines are only required at the building permit stage. First finished floor and sidewalk elevations are shown on sheet GR-01 of the Site Plans included in the full site plan package. The building size and height are included in the GEIS.

Please do not hesitate to call should you require additional information or have any questions.

Sincerely yours,
McFARLAND-JOHNSON, INC.

Turner Bradford, PE
Project Engineer

EXHIBIT A

PROJECT PARKING DEMAND INFORMATION

McFarland Johnson
Innovative Solutions / Sustainable Results

60 Railroad Place • Suite 402 • Saratoga Springs, NY 12866
Phone: 518-580-9380 • Fax: 518-580-9383
www.mjinc.com

February 4, 2020

Joe McMahon
Building Inspector
City Hall - 1st Floor
41 City Hall Place
Plattsburgh, NY 12901

Re: Durkee Street Mixed Use Development (DSMUD): Parking Demand

Mr. McMahon,

In the DGEIS and FGEIS, it is noted that the City's off-street parking requirements have not been amended in some time. Therefore, as part of the above referenced project, pursuant to the City's Zoning Section 360-21 (D)(5)(d)(5) Planned Unit Development, Prime is requesting an alternate method of calculating parking demand as part of the PUD. As a part of this PUD process, the project would like to respectfully request your concurrence with the parking demand calculations below, which better reflect modern off-street parking requirements that are designed to facilitate a walkable downtown core.

This same alternative parking method was proposed, approved, and constructed by Prime on a project in northern New York State, which project includes the same uses as the DSMUD. This project has been occupied and operated by Prime for multiple years and has never experienced a parking deficiency. The referenced project extremely similar to the proposed DSMUD; It is a mixed used residential, commercial, retail, and restaurant development in Saratoga Springs, NY called "The Hamlet". The project has three buildings surrounding a central surface parking lot. One of the buildings contains 54 residential units with basement parking; and the other two are mixed use commercial, retail, and restaurant. Included in the restaurant space is more than 8,500 square feet of restaurant space including Kru Coffee, Smashburger, and Gennaro's Pizza. The Hamlet's square foot uses are listed below:

BUILDING 1	
The Fresh Market	20,105 square feet
BUILDING 2	
Kru Coffee (manufacturing and restaurant)	3,232 square feet
Bennington Mattress	2,582 square feet
Smashburger	3,252 square feet
Charles Schwab	1,600 square feet
Gennaro's Pizza	2,093 square feet
Urban Roots	2,285 square feet
The Curtain Exchange	2,700 square feet
Saratoga Springs Nails	1,980 square feet

BUILDING 3

Coldwell Banker	4,807 square feet
Spa Garment Care	1,120 square feet
Trinity Construction	3,801 square feet
Pure Barre	1,504 square feet

The Hamlet's parking demand was based upon the following demand:

Use	Calculation
Residential	1.5 per unit
Commercial/Retail/Restaurant	1 per 300 sf
Employee Parking	½ per employee 1 employee per 900 sf of comm/retail/restaurant

Based upon this demand, the DSMUD will have the following parking calculation:

	Parking Demand Per PUD	
Use	Calculation	No. of Spaces
Residential	(1.5 per unit) x 115	173
Commercial	(1 Space per 300 sf) x 13,400 sf	45
Employee Parking	(1/2 Space per employee) x 15	8
	Total Demand	**226**

This would be compared to the project's parking demand calculated per the City's Zoning Code as follows:

	Parking Demand Per City Code	
Use	Calculation	No. of Spaces
Residential	(2 per DU for first 10) x 10 + (1.75 per DU over 10) x 105	204
Commercial	(1 Space per 250 sf) x 7,250 sf	29
Restaurant - Customer area	(1 per 50 sf) x 3,690 sf	74
Restaurant - Other Area	(1 per 250 sf) x 2,460 sf	10
	Total Demand	**367**

It should be noted that, aside from limited on street parking available, there is no additional off-site parking near the Hamlet to meet any demand beyond what the site is able to provide. In short, if a visitor cannot park on-site at the Hamlet, they will not be able to park. With this condition, over the course of more than four years, the Hamlet has not had a parking deficiency. This proposed alternative parking

method would meet the suggested parking utilization rate that is discussed in the DGEIS and FGEIS and therefore would not result in any adverse off-street parking impacts.

As part of this request it should be noted that the DSMUD is part of a New York State Downtown Revitalization Initiative (DRI) grant. The purpose of DRI grants in general, the City of Plattsburgh DRI grant, and the DSMUD specifically is to enhance the downtown urban core of the City by promoting modern walkable development that does not revolve around the automobile. To this end, please note that the proposed DSMUD project site is within the City of Plattsburgh's downtown core. Thus, residents and visitors will not be vehicle dependent and will utilize the development and related commercial amenities without vehicle travel. Compare the Hamlet in Saratoga Springs, which was developed outside of the City of Saratoga's downtown core (approximately .7 miles) and is therefore more of a vehicle dependent development. Thus, while the same parking method would be implemented for the DSMUD, because the DSMUD is located in the downtown core and therefore less vehicle dependent than the Hamlet, it can be expected that this parking method will provide more than enough parking for the DSMUD project, without creating unnecessary parking that wastes valuable space in the downtown core.

Based on the above, the proposed parking demand of 226 spaces is sufficient to meet the project's uses. If there is any additional information you need to assess this request, please let us know.

Sincerely,

Turner Bradford, PE
Project Engineer

Excelsior Avenue Mixed Use Development

Amended Site Plan Application

46, 52, 56 Marion Avenue

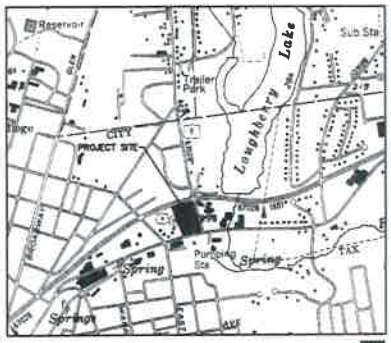
Saratoga Springs, New York

October 3, 2013
Revised: November 15, 2013
Revised: September 18, 2014

Vicinity Map:
SCALE: NTS

SITE STATISTICS

PROPOSED USE:	COMMERCIAL UPPER LEVEL (MARION) LOWER LEVEL (EXCELSIOR) RESIDENTIAL APARTMENTS: 54 UNITS
PARCEL SIZE:	4.46 ACRES
TAX MAP PARCEL NUMBER:	(166.30-2-1) - (166.30-2-11)
EXISTING ZONING:	T-5 NEIGHBORHOOD CENTER
FRONTAGE BUILD-OUT:	(MINIMUM 70%) 95% PROPOSED
BUILD-TO LINE ALL BUILDINGS FROM FRONTAGE LINE:	0 FT. TO 12 FT
SIDE SETBACK BUILDING 3:	0 FT MINIMUM
BUILDING HEIGHT:	50 FT MAX. HEIGHT 50 FT PROPOSED (BUILDING 3)



Project Location Map:
SCALE: NTS

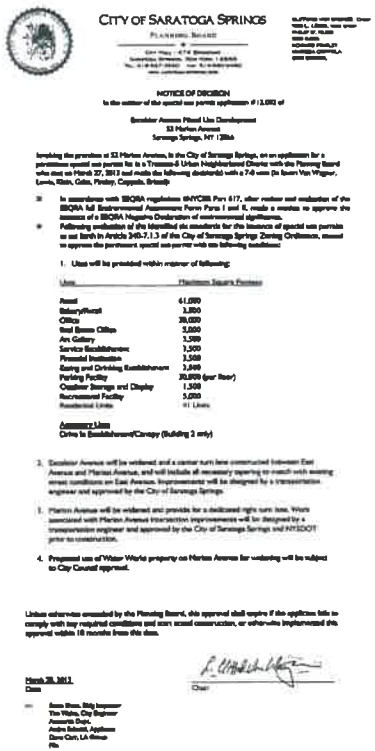
PARKING DEMAND		APPROVED			PROPOSED AMENDED		
AREA/USE	#UNITS/SEATS	REQUIREMENTS/ZONING	# REQUIRED	# PROVIDED	#UNITS/SEATS (REVISED 10/2/2013)	#REQUIRED (REVISED 10/2/2013)	#PROVIDED (REVISED 10/2/2013)
APARTMENTS	41 UNITS	1.5/UNIT	62		54 UNITS	81	
COMMERCIAL							
BUILDING 1&2	40,000 SF	1/300 SF	134		40,000 SF	134	
BUILDING 3	13,707 SF	1/300 SF	48		14,267 SF	48	
EMPLOYEES	60±	1/2 EMPLOYEES	30		60±	30	
TOTAL REQUIRED			272			293	
TOTAL ON-SITE				275			286
TOTAL STREET PARKING				11			11
TOTAL PROVIDED				286			297

CITY OF SARATOGA SPRINGS STANDARD NOTES

1. All work must conform to all Federal, State and City Codes, specifications, ordinances, rules and regulations.
2. The elevation base for the contours and benchmarks are based on the National Geodetic Vertical Datum, 1929.
3. All refuse, debris and miscellaneous items to be removed shall be legally disposed of off-site by the Contractor to a location approved by the City Engineer.
4. The Contractor must set up a pre-construction meeting with the City Engineer prior to any construction. Construction inspections by the Design Professional or a designated representative are required. The cost of the construction inspections is the responsibility of the Applicant/Developer. An escrow account to cover the cost of the proposed sitework must be established with the city prior to any construction.
5. The contractor must obtain a blasting permit from the Building Inspector if any blasting is required for the project.
6. The contractor must obtain a street opening permit issued by the Department of Public Works for any work in the street or right-of-way of any city street, road or alley.
7. All points of construction ingress or egress shall be maintained to prevent tracking or flowing of sediment or debris onto a public road.
8. No Certificate of Occupancy will be issued until all site work has been completed in accordance with the approved plans and an as-built drawing has been prepared in accordance with the requirements of the City Engineer.
9. The applicant must verify that the proposed project can accommodate the turning movements of any fire truck that the fire department so designates.

SHEET INDEX:

	COVER SHEET
SU-1	EXISTING CONDITIONS SURVEY
SU-2	LOT LINE ADJUSTMENT MAP
L-1	SITE DEMOLITION & PREPARATION PLAN
L-2	SITE LAYOUT PLAN
L-3	SITE GRADING AND DRAINAGE PLAN
L-4	EROSION AND SEDIMENT CONTROL PLAN (BLDG 1&2)
L-4.1	EROSION AND SEDIMENT CONTROL PLAN (BLDG 3)
L-5	SITE UTILITIES PLAN
L-6	SITE LANDSCAPING PLAN
L-7	SITE LIGHTING PLAN
L-8	SITE DETAILS
L-9	SITE DETAILS
L-10	SITE DETAILS
L-11	UTILITY DETAILS
L-12	STORMWATER DETAILS
L-13	STORMWATER DETAILS



CITY OF SARATOGA SPRINGS
PLANNING BOARD

NOTICE OF DECISION

Excelsior Avenue Mixed Use Development
52 Marion Avenue
Saratoga Springs, NY 12866

Approved Project
Planning Board # 13.006.1

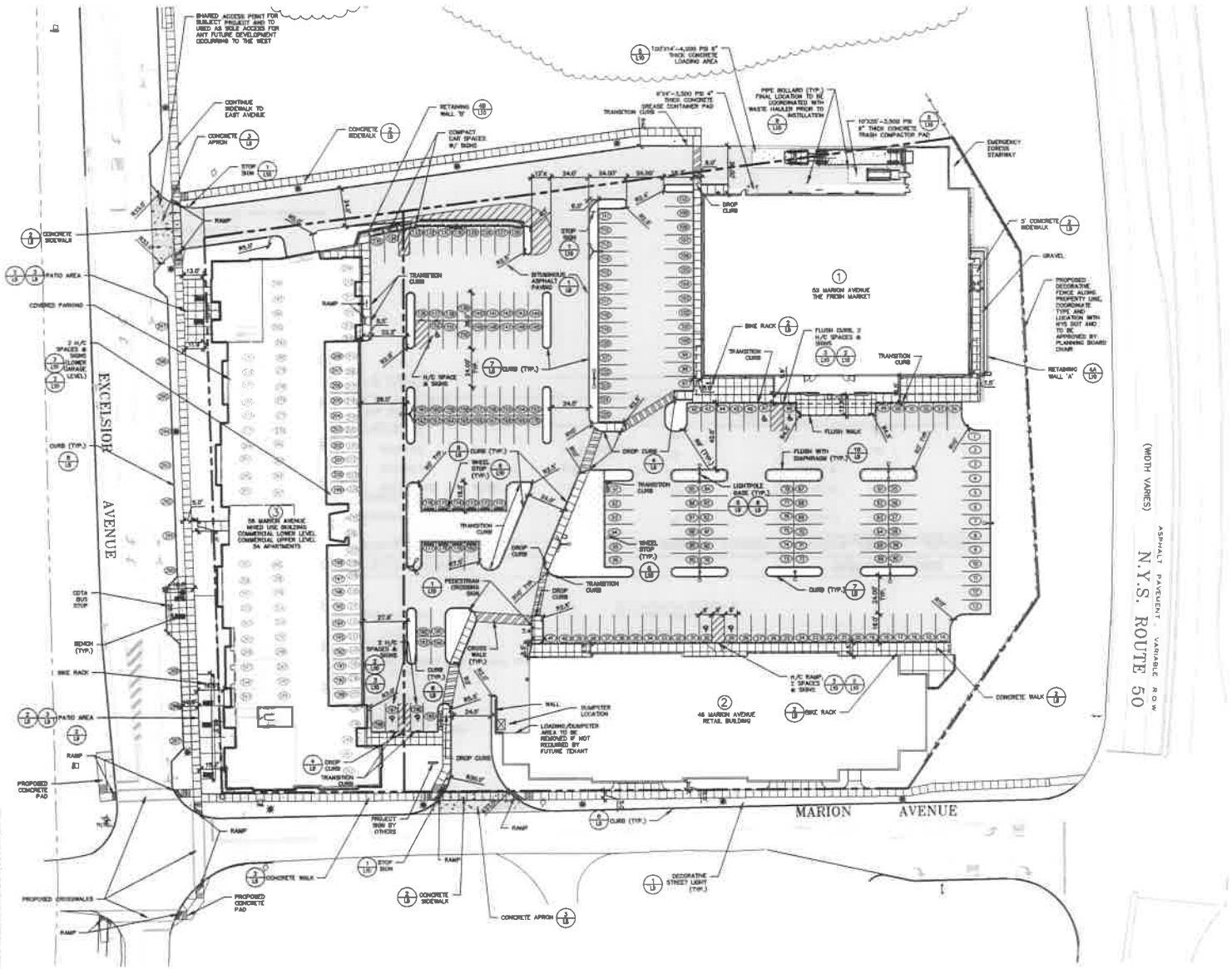
Approved under authority of a resolution adopted _____ by the Planning Board of the City of Saratoga Springs.
_____ Chairperson
Date Signed _____

Applicant/Owner:
Prime Beechwood, LLC
621 Columbia Street
Cohoes, NY 12047

Prepared By:
the LA group
Landscape Architecture and Engineering, P.C.

Architect:
balzer tuck architecture pllc
468 broadway
Saratoga Springs, NY 12866
p 518-580-5816

Schopfer Architects, LLP
1111 James Street
Syracuse, NY 13023
P: 315-474-6501
F: 315-474-1922



LAYOUT NOTES

1. ALL LINES AND DIMENSIONS ARE PARALLEL OR PERPENDICULAR TO THE LINES FROM WHICH THEY ARE MEASURED UNLESS OTHERWISE INDICATED.
2. ALL LINE AND GRADE PER DRAWINGS SHALL BE LAID OUT BY A NEW YORK STATE REGISTERED CIVIL ENGINEER OR SURVEYOR ENGAGED BY THE CONTRACTOR. ALL STAKED LAYOUTS OF PAVEMENTS AND SITE IMPROVEMENTS SHALL BE APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
3. STORAGE AREAS FOR CONTRACTOR'S EQUIPMENT AND MATERIALS SHALL BE ON AND WITHIN PARCEL AS SHOWN ON SHEET L-4 AND AS APPROVED BY THE OWNERS REPRESENTATIVE.
4. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES IN THE SITE SURVEY TO THE OWNERS REPRESENTATIVE PRIOR TO STARTING WORK.
5. AT ALL LOCATIONS WHERE EXISTING CURBING, BITUMINOUS CONCRETE ROADWAY OR CONCRETE SIDEWALK ABUT NEW CONSTRUCTION, THE EDGE OF THE EXISTING CURB OR PAVEMENT SHALL BE SAW CUT TO A CLEAN, SMOOTH EDGE. PROVIDE PAVEMENT KEY AS DETAILED. TACK COAT EXPOSED EDGES OF EXISTING BITUMINOUS CONCRETE PRIOR TO PLACEMENT OF NEW BITUMINOUS CONCRETE PAVEMENT.
6. BITUMINOUS PAVEMENT SHALL NOT BE LAID WHEN GROUND TEMPERATURE IS LESS THAN 40 F. AND AIR TEMPERATURE IS LESS THAN 50 F.
7. ALL LIGHT STANDARDS SHALL BE LOCATED AT A MINIMUM OF TWO FEET SIX INCHES (2'-6") FROM BACK OF EOP. VERIFY WITH THE OWNERS REPRESENTATIVE PRIOR TO INSTALLATION.
8. DIMENSIONS ON PARKING LOTS AND ROADWAYS ARE FROM FACE OR BOTTOM OF CURB TO FACE OR BOTTOM OF CURB.
9. ALL NEW WORK SHALL BE STAKED-OUT PRIOR TO CONSTRUCTION. THE OWNERS REPRESENTATIVE SHALL BE NOTIFIED OF ANY DISCREPANCIES.
10. FIELD ADJUSTMENTS SHALL BE APPROVED BY THE OWNER'S REPRESENTATIVE AND APPROPRIATE MUNICIPAL OFFICIALS PRIOR TO CONSTRUCTION.
11. ALL EXISTING UTILITIES SHOWN IN THEIR RELATIVE POSITION. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE VERTICAL AND HORIZONTAL POSITION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION
12. WORK ASSOCIATED WITH THE WIDENING OF EXCELSIOR AVENUE AND MARION AVENUE WILL BE DESIGNED BY A TRANSPORTATION ENGINEER AND APPROVED BY THE CITY OF SARATOGA SPRINGS PRIOR TO CONSTRUCTION OF WORK IN THE RIGHT-OF-WAY.

LEGEND

- CONCRETE WALK (9/L8)
- BITUMINOUS ASPHALT PAVING (1/L8)
- CONCRETE APRON (3/L8)
- CONCRETE PAD (5/L10)
- PARKING SPACE NUMBERS
- DECORATIVE STREET LIGHT TYP. (1/L8)
- SIGN
- PROPERTY LINE
- BOLLARD (5/L10)
- TYPE 1 CURB (7/L8, 8/L8)
- FLUSH CURB (8/L8)
- FLUSH CURB WITH STONE DIAPHRAGM (10/L8)
- PROJECT LIMITS

Planning Board # 13.006.1

Approved
Approved under authority of a resolution adopted _____ by the Planning Board of the City of Saratoga Springs.
_____ Chairperson
Date Signed _____

GRAPHIC SCALE

the LA group
Landscape Architecture and Engineering, PC
40 Long Alley
Saratoga Springs, New York 12866
P 518.587.8100
F 518.587.8150
www.thelagroup.com

This drawing and elements contained in it is an instrument of service and is the property of the LA Group. Unauthorized use of this drawing without the written permission of the LA Group is prohibited. © The LA Group 2013

Design: DRC
Drawn: CUM
Checked: DRC

PREPARED FOR
Prime Beechwood, LLC
621 Columbia Street
Cohoes, NY 12047

EXCELSIOR AVENUE MIXED USE DEVELOPMENT

MARION AND EXCELSIOR AVENUE
SARATOGA SPRINGS, NY 12866

Title: SITE LAYOUT PLAN

Revisions
10/31/2013 PER CITY COMMENTS
09/18/2013 FINAL APPROVAL

Project: 201201
Date: 10/31/2013

Drawing: L-2

EXHIBIT B

BUILDING INSPECTOR LETTER RE: PARKING DATED FEBRUARY 10, 2020

Building and Zoning Department
41 City Hall Place
Plattsburgh, NY 12901
Ph: 518-563-7707
Fax: 518-563-6426

February 10, 2020

Mr. Jim Abdallah, Chairman, Planning Board
Mr. Ron Nolland, Chairman, Zoning Board of Appeals

Re: Durkee Lot Mixed Use Development (DLMUD) Parking Requirements

Dear Jim and Ron,

McFarland Johnson, on behalf of Prime Plattsburgh, LLC (Prime), has asked the Building Inspector's Office to review Prime's request that an alternative method of calculating the off-street parking requirements for the proposed DLMUD be utilized by the City's Planning Board and Zoning Board of Appeals during their review of the DLMUD. My office has been provided with documentation in support of Prime's request. As currently proposed and per the City's Zoning Code, the DLMUD would normally be required to provide 317 parking spaces on-site. The proposed DLMUD provides a total of 286 spaces on site. However, the Zoning Code permits the Planning Board to accept an alternative method of calculating a mixed use project's off-street parking requirements within a Planned Unit Development (PUD). The relevant ordinance is found in Section § 360-21(D)(5)(d)(5) and is included in its entirety below:

> Mixed or multiple uses. In the case of mixed or multiple uses within a single structure or building or in the use of land, the amount of off-street parking required shall be determined by the sum of the requirements of the various uses computed separately in accordance with § 360-26 of this chapter, except where the applicant can demonstrate to the satisfaction of the Planning Board that another method of computation will adequately serve the proposed mixed or multiple use.

As stated above, Prime has provided detailed information from a mixed use development they have recently constructed and continue to operate in Saratoga Springs, New York known as "The Hamlet". This documentation included that project's approved site plan application, the approved parking calculations based upon the proposed uses, the square footage breakdowns for those uses, a description of the area surrounding The Hamlet, and an analysis of how those surroundings contrast with those of the proposed DLMUD.

Based upon my review of this documentation, I concur with Prime's assessment that the method used to calculate the off-street parking requirements for The Hamlet, a method which has been shown to work effectively during the years since it was originally approved, is adequate for use in calculating the off-

street parking requirements for the DLMUD. Per this method, it is my opinion that the provision of 226 spaces on-site is adequate to meet the parking demand of the proposed DLMUD.

Please distribute this letter to the membership of your respective boards for their consideration.

Thank you,

Joseph McMahon
Building Inspector
City of Plattsburgh

EXHIBIT C

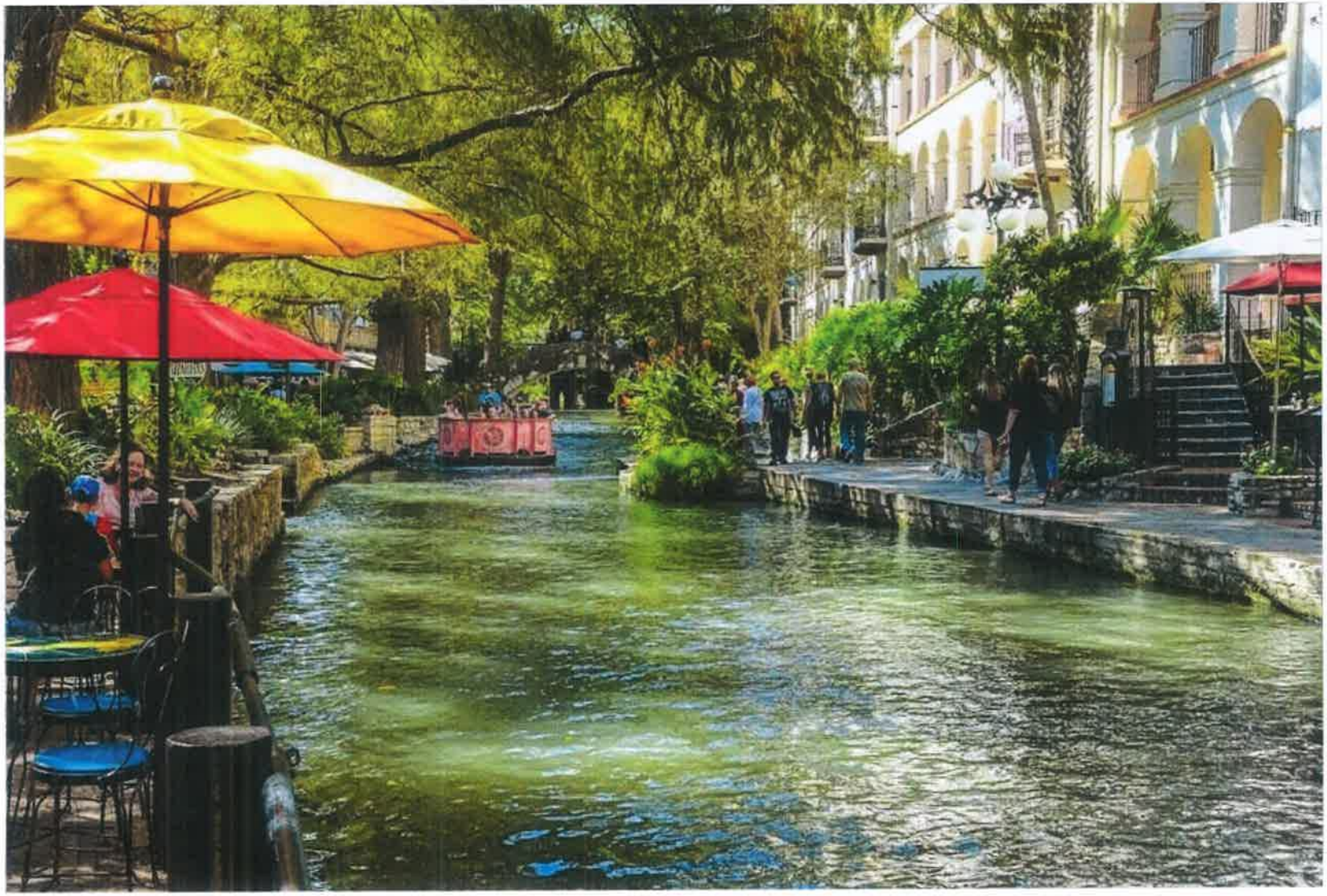
RIVERFRONT DEVELOPMENT ILLUSTRATIONS

Plattsburgh Zoning Board of Adjustment - February 10, 2020 meeting

Public Comments / Responses

Examples of Existing Waterfront Walkways in Urban Setting

February 21, 2020



San Antonio Riverwalk, San Antonio, Texas

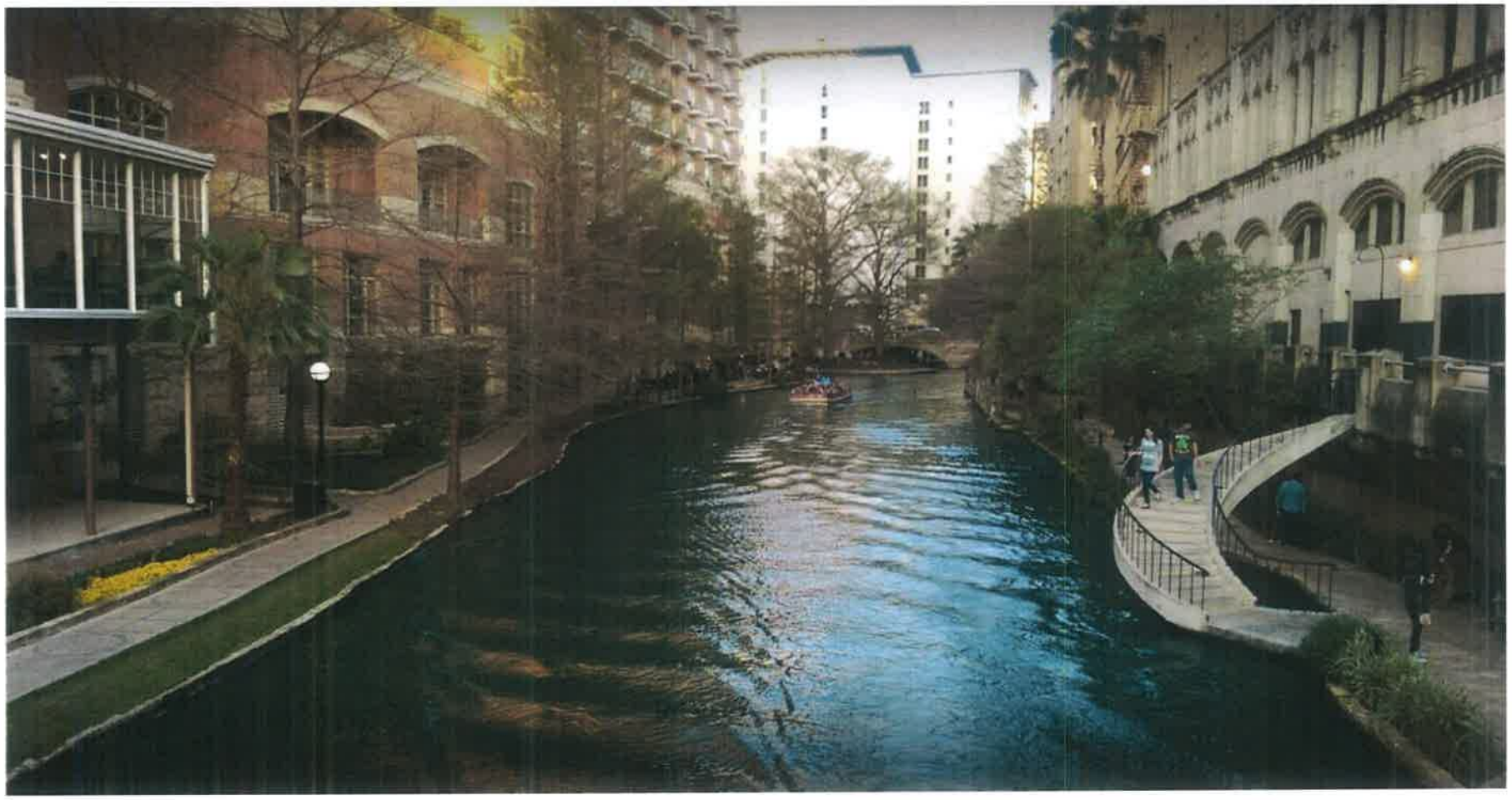
Note the close proximity of the buildings to the riverfront

Plattsburgh Zoning Board of Adjustment - February 10, 2020 meeting

Public Comments / Responses

Examples of Existing Waterfront Walkways in Urban Setting

February 21, 2020



San Antonio Riverwalk, San Antonio, Texas

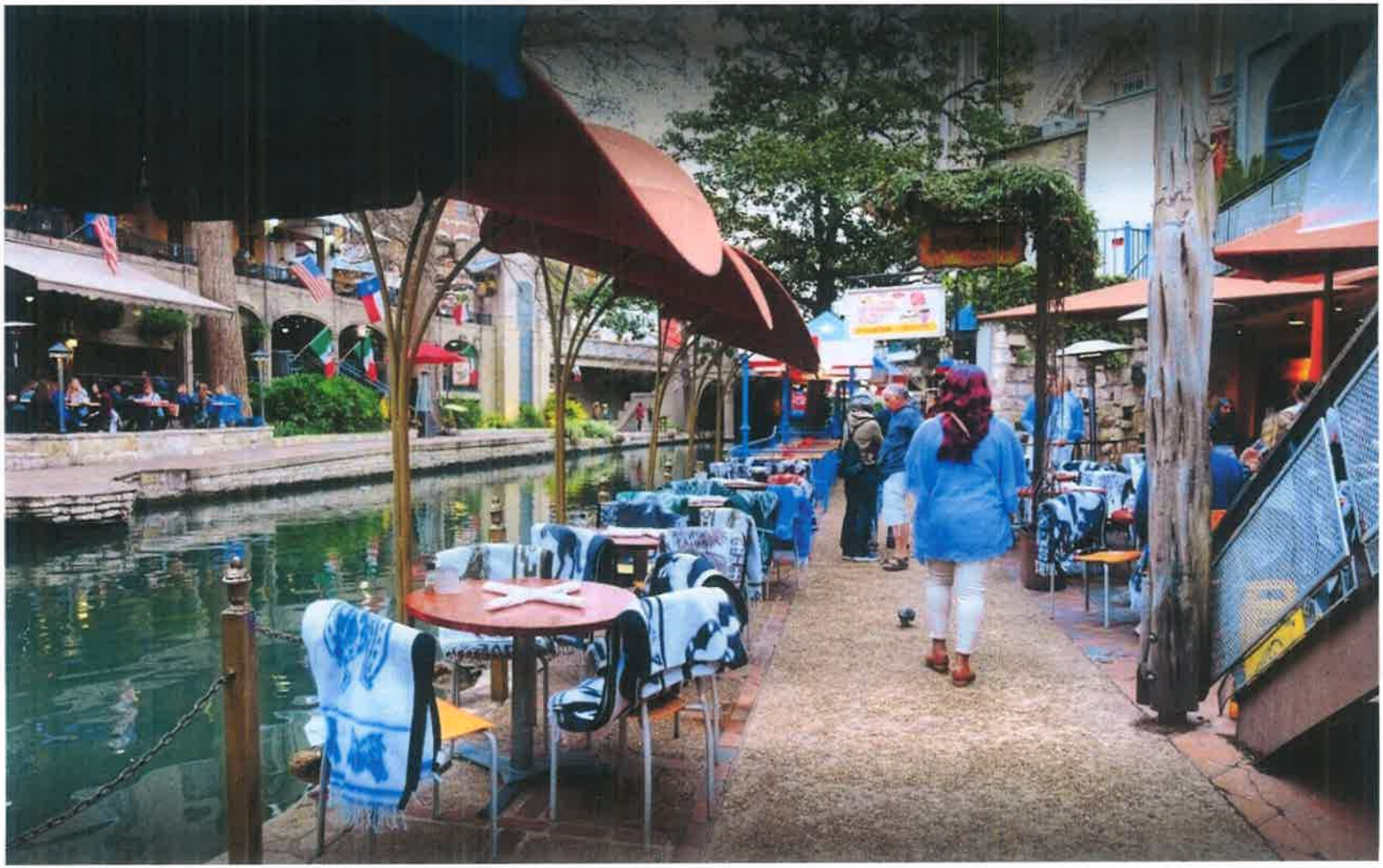
Note the close proximity and height of the buildings bordering the riverfront

Plattsburgh Zoning Board of Adjustment - February 10, 2020 meeting

Public Comments / Responses

Examples of Existing Waterfront Walkways in Urban Setting

February 21, 2020



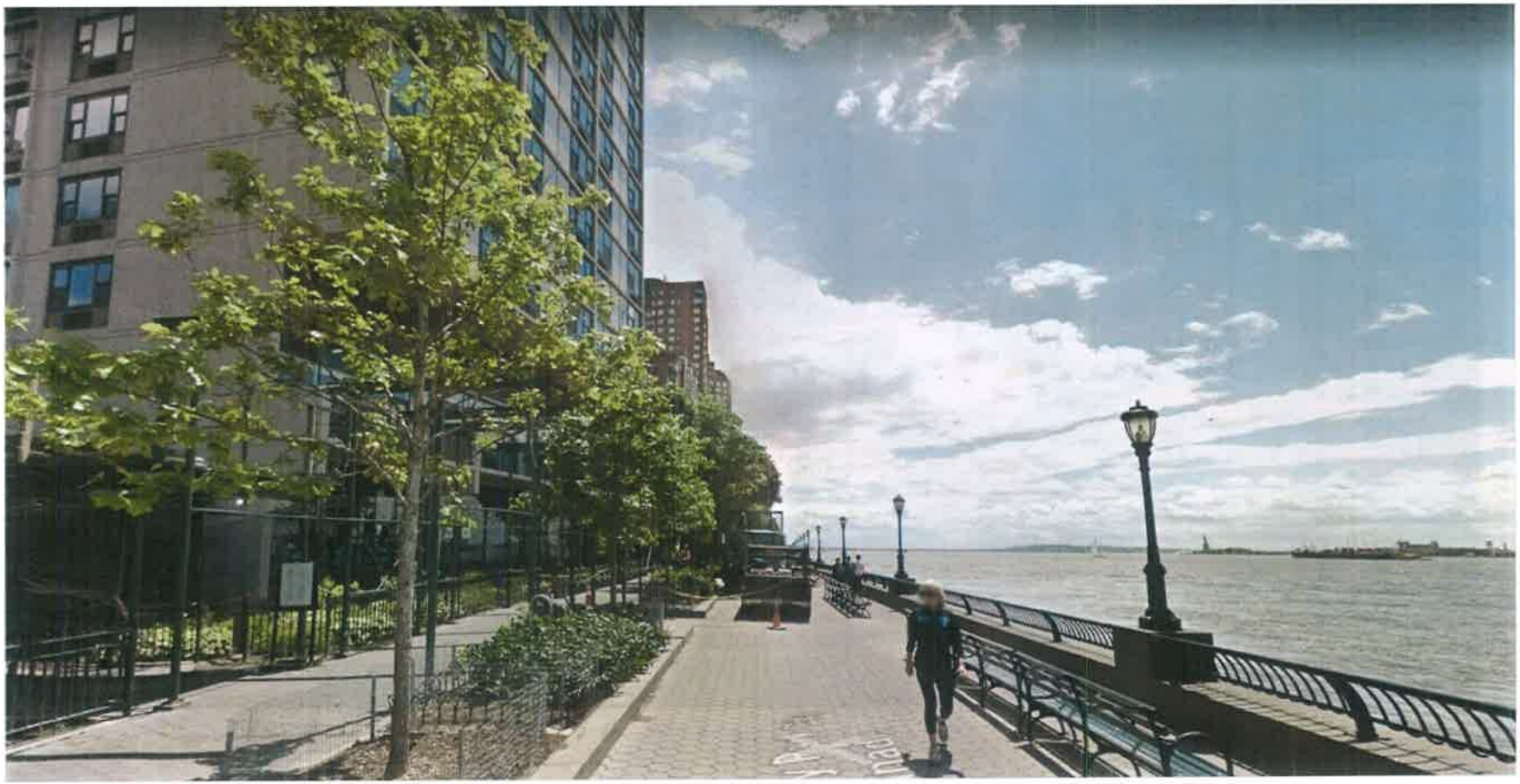
San Antonio Riverwalk, San Antonio, Texas

Plattsburgh Zoning Board of Adjustment - February 10, 2020 meeting

Public Comments / Responses

Examples of Existing Waterfront Walkways in Urban Setting

February 21, 2020



Battery Park, New York City, New York

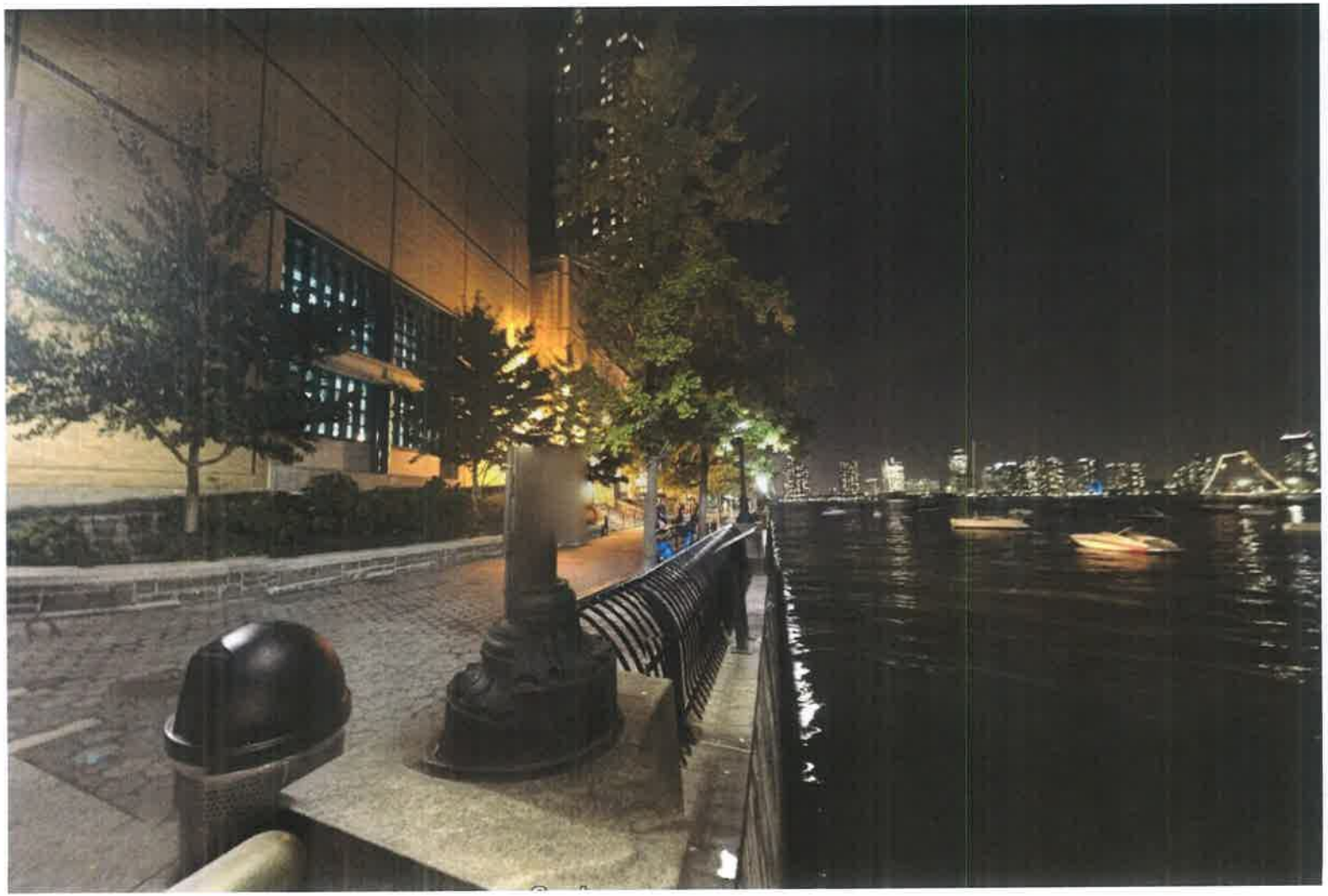
Note the building face is approximately 35' from the waters' edge

Plattsburgh Zoning Board of Adjustment - February 10, 2020 meeting

Public Comments / Responses

Examples of Existing Waterfront Walkways in Urban Setting

February 21, 2020



Battery Park, New York City, New York

Note the building face is approximately 35' to 40' from the waters' edge

Plattsburgh Zoning Board of Adjustment - February 10, 2020 meeting

Public Comments / Responses

Examples of Existing Waterfront Walkways in Urban Setting

February 21, 2020

Onondaga Creekwalk, Syracuse, New York
Note one building abuts the waters' edge

EXHIBIT D

DURKEE STREET BUILDING HEIGHT COMPARISON PREPARED BY MACKENZIE ARCHITECTS, P.C. AND DATED FEBRUARY 20, 2020

MACKENZIE ARCHITECTS P.C.
162 Battery Street, Burlington, Vermont 05401 802.863.7177 (T) www.mackenziearchitects.com

Plattsburgh Mixed Use Development

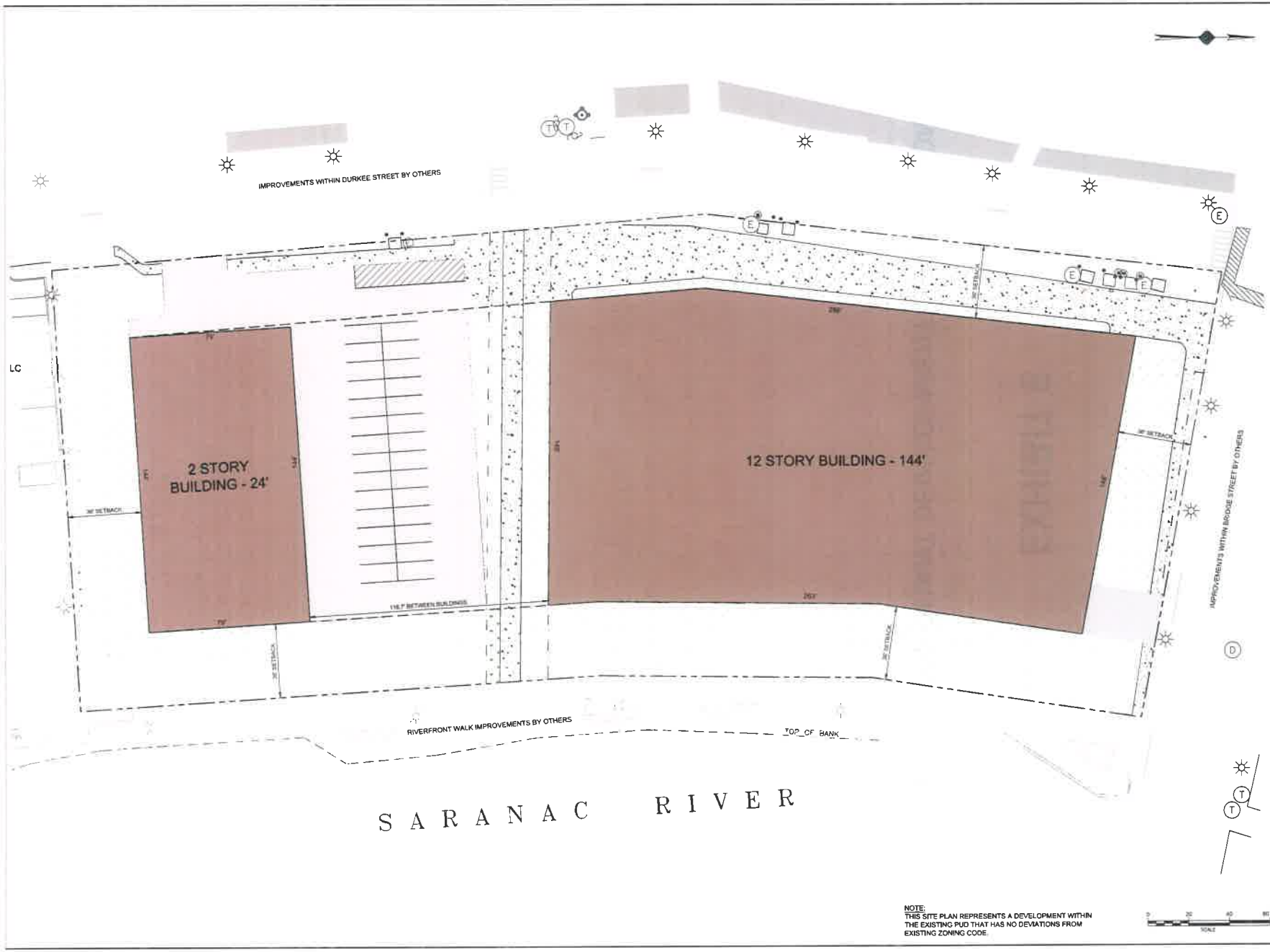
Durkee Street Building Height Comparison

The City of Plattsburgh
Plattsburgh, NY
2/21/2020

Ownership of Instruments of Service: All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Mackenzie Architects as instruments of service shall remain the property of the Mackenzie Architects. Mackenzie Architects shall retain all common law, statutory and other reserved rights, including the copyright thereto.

EXHIBIT E

ZONING COMPLIANT DEVELOPMENT ILLUSTRATION



NOTE:
THIS SITE PLAN REPRESENTS A DEVELOPMENT WITHIN THE EXISTING PUD THAT HAS NO DEVIATIONS FROM EXISTING ZONING CODE.

McFarland Johnson
60 RAILROAD PLACE
SUITE 402
SARATOGA SPRINGS, NEW YORK 12866
P:518-580-0080 F:518-580-0383
mjinc.com

PROJECT MILESTONE
CONCEPT

NO.	DATE	DESCRIPTION

CLIENT: **PRIME PLATTSBURGH, LLC**
PLATTSBURGH, NEW YORK

PROJECT: **DURKEE STREET MIXED USE DEVELOPMENT**

DRAWN	NSO
DESIGNED	NSO
CHECKED	TCB
SCALE	1"=20'
DATE	FEBRUARY 2020
PROJECT	18491.00

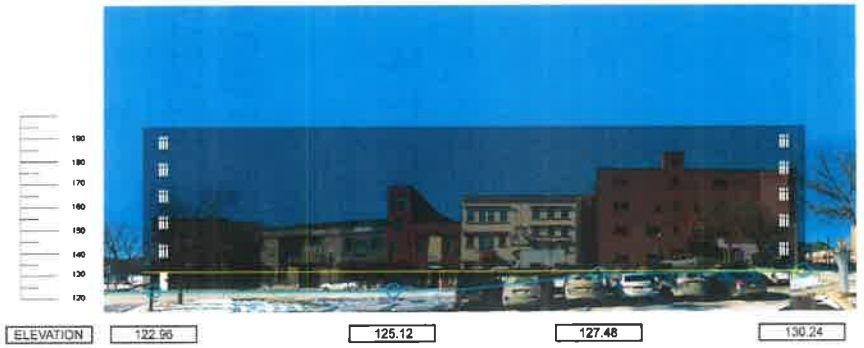
DRAWING TITLE:
CONCEPT SITE PLAN ALLOWED PER CODE

DRAWING NUMBER:
G-01

EXHIBIT F

BUILDING HEIGHT CHARTS SUBMITTED AT PUBLIC HEARING BY MEMBER OF PUBLIC

PROPOSED DRI 114 UNIT RESIDENTIAL HOUSING COMPLEX
WEST ELEVATION



1 Presented at ZBA on 2/10/20

NOT TO SCALE

2 Forwarded week of 2/17/20

NOT TO SCALE

MACKENZIE ARCHITECTS P.C.

162 Battery Street, Burlington, Vermont 05401 802.863.7177 (T) www.mackenziearchitects.com

Plattsburgh Mixed Use Development

Farrington Illustrations

The City of Plattsburgh
Plattsburgh, NY
2/21/2020

Ownership of Instruments of Service: All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Mackenzie Architects as instruments of service shall remain the property of the Mackenzie Architects. Mackenzie Architects shall retain all common law, statutory and other reserved rights, including the copyright thereto.

EXHIBIT G

EMAIL CORRESPONDENCE FROM CITY OF PLATTSBURGH POLICE DEPARTMENT

Natalie S. Olivieri

From: Turner C. Bradford <tbradford@mjinc.com>
Sent: Tuesday, February 18, 2020 2:29 PM
To: Deborah Osterhoudt; Gottlieb, Charles
Subject: Fwd: Durkee Street Mixed Use Development

Begin forwarded message:

From: "Ritter, Levi" <ritterl@cityofplattsburgh-ny.gov>
Date: February 18, 2020 at 1:11:16 PM EST
To: "Natalie S. Olivieri" <nolivieri@mjinc.com>
Cc: "Turner C. Bradford" <tbradford@mjinc.com>
Subject: RE: Durkee Street Mixed Use Development

In regard to our conversation referenced in this email, I feel that the concerns I raised, based on the available data from our records management system, will be addressed by the strategic plan you outlined.

Levi Ritter
Chief of Police
Plattsburgh Police Department
45 Pine St
Plattsburgh, NY 12901
Dispatch: (518) 563-3411

From: Natalie S. Olivieri <nolivieri@mjinc.com>
Sent: Thursday, February 13, 2020 10:06 AM
To: Ritter, Levi <ritterl@cityofplattsburgh-ny.gov>
Cc: Turner C. Bradford <tbradford@mjinc.com>
Subject: Durkee Street Mixed Use Development

Chief Ritter,

As we discussed over the phone, it has come to our attention that there were public comments made regarding the Durkee Street Mixed Use Development project's potential impact on public health and safety. In our conversation we discussed three topics of concern.

1. Specific concerns raised regarding the area on the northeast side of the site where the proposed Riverwalk passes along the mixed-use building, and that this will create a narrow and dangerous alley.

In our discussion you mentioned two additional concerns you have with the existing Durkee Street Parking Lot.

2. The area behind the Farmers' Market building is not easily visible, well-lit, or well-traveled which can lead to loitering.
3. There is often a build-up of litter in the northeast end of the parking lot.

As part of the Durkee Street Mixed Use Development and Riverwalk projects, the parking lots, pedestrian walkway through the site, and Riverwalk will be well-lit, hardscaped or landscaped, and ADA accessible. In regards to the concerns above we discussed the following aspects of the upcoming projects.

1. As the Riverwalk passes along the mixed-use building it will maintain a 14 foot wide hardscaped walkway with additional landscaping between the walkway and the building. This area will include a railing along the riverbank side and pedestrian lighting along the building side.
2. The Riverwalk will extend from Broad Street to Bridge Street along the Saranac River. The existing Farmers' Market building will be refinished and repurposed as commercial space with the east side opening onto the Riverwalk. This area will be lit and made integral to the development and the pedestrian walkway. Prior to our project being constructed, National Grid will be rehabilitating the river adjacent the site. The trees lining the river bank will be removed as part of the river rehabilitation and lower growth species will be planted providing, greater visibility of the river and the site.
3. The project site will be owned, managed, and maintained by Prime Companies. It is their priority to keep the grounds clean and safe for their tenants, users, and the public.

From our point of view, with the new lighting, accessibility, and visibility; the increase in foot traffic that will occur with the extended Riverwalk and the pedestrian walkway connecting Margaret Street to the Riverwalk; and the increased occupancy of the site with the proposed commercial space and residences the project will have a positive impact on public health and safety. If you have any further concerns please contact me.

Regards,

Natalie

Natalie Olivieri, EIT • Junior Engineer
McFarland Johnson
60 Railroad Place, Suite 402 • Saratoga Springs, NY 12866
Office: 518-580-9380 Ext. 3620 • Fax: 518-580-9383
www.mjinc.com

EXHIBIT H

LETTER FROM CITY OF PLATTSBURGH FIRE CHIEF

DISCOVER

Plattsburgh, New York

Scott Lawliss
Fire Chief

Plattsburgh Fire Department
65 Cornelia Street
Plattsburgh, NY 12901
Tel: 518-536-7542
Fax: 518-561-8236
lawlisss@cityofplattsburgh-ny.gov

February 20, 2020

To whom it may concern:
I have reviewed all site and building plans involving the Durkee St. project. I have no concerns and the Fire Department will be able to provide Fire Protection to the building.

Regards,
Scott Lawliss
Fire Chief

Beebie, Lisa

From: City Info <cityinfo@plattsburghcitygov.com>
Sent: Friday, April 10, 2020 1:15 PM
To: Beebie, Lisa
Subject: Fwd: Message for zoning board

---------- Forwarded message ---------
From: **City Info** <cityinfo@plattsburghcitygov.com>
Date: Mon, Apr 6, 2020 at 8:13 AM
Subject: Fwd: Message for zoning board
To: Matthew <MillerMa@cityofplattsburgh-ny.gov>

---------- Forwarded message ---------
From: **Kelly, Michael** <KellyM@cityofplattsburgh-ny.gov>
Date: Sat, Apr 4, 2020 at 9:16 PM
Subject: Message for zoning board
To: cityinfo@plattsburghcitygov.com <cityinfo@plattsburghcitygov.com>

Hi,

I am writing to express my wholehearted support for the Prime Durkee Street development plan. The project has been closely scrutinized by the GEIS process and has passed with flying colors. Prime Companies, for its part, is developing quality apartment units all over the capital district and will be a good corporate citizen in Plattsburgh, just like they are wherever else they have built apartments.

A handful of misguided and disgruntled citizens are opposed to the Durkee Street development project, but the truth is most of this small group of people don't even live in the city and have little or no stake in the city's future. We citizens do have a stake, though, and we want to see our city grow.

There is no other project planned for Durkee Street! If this does not go through, then there will not be another chance, at least in the framework of the DRI. The State will take their money back and move it to a more deserving location. This will also harm our relationship with Albany, and future monies will be less available for Plattsburgh. That valuable piece of property with so much potential will remain a parking lot.

On the other hand, if the Prime project is approved and built, it will be just the beginning for downtown Plattsburgh. This project, when successfully completed, will spark development and improvements all over downtown and the harborside area. Developers are interested in downtown Plattsburgh, and they are eagerly waiting to see how we as a city handle the Durkee Street project. Please, let's not let this golden opportunity pass us by. Our children and grandchildren will thank us.

Michael Kelly
Plattsburgh City Councilor - Ward 2
44 City Hall Place
Plattsburgh, NY 12901
518-561-0072

---------- Forwarded message ---------
From: **City Info** <cityinfo@plattsburghcitygov.com>
Date: Mon, Apr 6, 2020 at 8:36 AM
Subject: Fwd: ZONING BOARD SPECIAL MEETING AGENDA
To: Matthew <MillerMa@cityofplattsburgh-ny.gov>

---------- Forwarded message ---------
From: <sunshine19542@charter.net>
Date: Sun, Apr 5, 2020 at 4:49 PM
Subject: ZONING BOARD SPECIAL MEETING AGENDA
To: <cityinfo@plattsburghcitygov.com>

Dear Zoning Board:

In all the years I did minutes for the zoning board – the Special Use Permits were always explained as a "Matter of Right."

Appeal #2232 – 22 Durkee Street:

I ask that you approve the SUP for Durkee Street. Durkee Street has been dragged on long enough and needs to be approved. If ever we need a shot in the arm for development, this is the time.

I'm sorry that the Building Inspector's Office, along with the Community Development Office, and Zoning and Planning Boards have to deal with "unfounded and false accusations."

Please continue your hard work and diligence of enforcing the zoning code.

Thank you for listening to my concerns.

Denise Nephew

Plattsburgh

Beebie, Lisa

From: City Info <cityinfo@plattsburghcitygov.com>
Sent: Monday, April 6, 2020 12:05 PM
To: McMahon, Joe
Cc: Beebie, Lisa
Subject: Fwd: Zoning Board Comment

---------- Forwarded message ---------
From: **Peggy** <peggydegrandpre@yahoo.com>
Date: Mon, Apr 6, 2020 at 11:08 AM
Subject: Zoning Board Comment
To: <cityinfo@plattsburghcitygov.com>

I support the DRI
Sent from Peggy's iPad

Beebie, Lisa

From: City Info <cityinfo@plattsburghcitygov.com>
Sent: Monday, April 6, 2020 12:28 PM
To: McMahon, Joe
Cc: Beebie, Lisa
Subject: Fwd: Zoning Board comment

---------- Forwarded message ---------
From: <sun85@aol.com>
Date: Mon, Apr 6, 2020 at 11:57 AM
Subject: Zoning Board comment
To: cityinfo@plattsburghcitygov.com <cityinfo@plattsburghcitygov.com>

I'd like to express my support for the long-anticipated Durkee Street redevelopment project. While I believe it is wise to take a measured approach in order to achieve the best outcome for everyone who will be affected, I look forward to the revitalized downtown that will result from the plans currently in place. As a long-time user of the Farmer's Market, I look forward to its new, expanded location by the lake. The vendors' enthusiasm for the new space makes it all the more appealing for customers to follow them there.

It appears that much of the new design for Durkee Street will improve use of existing space, including some features that have been underused, like the green space currently used for the walkway from Margaret to Durkee. My hope is that the influx of residents downtown will result in increased traffic for the existing variety of businesses in that locale, and perhaps a few new ones.

Thank you and best of luck as you move forward.

Steve Patnode

Beebie, Lisa

From: McMahon, Joe
Sent: Monday, April 6, 2020 11:44 AM
To: Beebie, Lisa
Subject: FW: Public Comment for April 6 Zoning Board and April 7 Planning Baord
Attachments: City DRI Letter Henry 4-6-20.pdf

fyi

From: City Info <cityinfo@plattsburghcitygov.com>
Sent: Monday, April 6, 2020 11:36 AM
To: Miller, Matthew <MillerMa@cityofplattsburgh-ny.gov>; McMahon, Joe <McMahonJ@cityofplattsburgh-ny.gov>
Subject: Fwd: Public Comment for April 6 Zoning Board and April 7 Planning Baord

---------- Forwarded message ---------
From: **Brown, Rodney** <Rodney.Brown@clintoncountygov.com>
Date: Mon, Apr 6, 2020 at 10:49 AM
Subject: Public Comment for April 6 Zoning Board and April 7 Planning Baord
To: cityinfo@plattsburghcitygov.com <cityinfo@plattsburghcitygov.com>
Cc: Henry, Mark <Mark.Henry@clintoncountygov.com>

Please provide copies of the attached letter to both the City Zoning Board of Appeals and City Planning Board for their respective meetings on April 6th and 7th. On behalf of Legislator Henry, I ask that the letter be formally recorded as public comment for both meetings, and if possible, be read at the meetings. Thank you.

Rodney L. Brown, Deputy Administrator

Clinton County Legislature

137 Margaret Street – Suite 208

Plattsburgh, NY 12901

Tel. 518-565-4709

Email: Rodney.Brown@clintoncountygov.com

Mark R. Henry
Clinton County Legislator, Area 3
6 Church Street
Chazy, NY 12921
Phone: (518) 578-4359 (cell)
mhenry2@twcny.rr.com

April 6, 2020

TO: City of Plattsburgh Zoning Board of Appeals; and
City of Plattsburgh Planning Board

Dear Board Members:

I have recently received information that your respective Boards will be voting on various actions related to the Prime Companies Mixed Use Residential/Commercial project proposed for the Durkee Street Parking Lot, and partially funded by the Downtown Revitalization Imitative (DRI) grant.

By this letter, I express my wholehearted and unconditional support for this project. In many ways the City of Plattsburgh is the lifeblood of Clinton County. A strong downtown will lift up the entire County. I truly believe that stagnant downtowns result in a slow deterioration of the economic, cultural and emotional vigor of a City. Alternatively, a downtown that continues to grow and adapt will remain vital and energize a community.

The downtown for the City of Plattsburgh, in my opinion, needs the invigoration of downtown residents that will result from the Prime Companies' proposed project. The project will bring renewed life to the day-to-day flow of activities downtown, including most importantly business and recreational activities. While some have decried the supposed negative impacts of this project, focusing on the loss of parking, I believe the City of Plattsburgh has taken the steps necessary to provide alternative parking opportunities to prevent any negative impacts. This project has so much promise for the City of Plattsburgh and County of Clinton. I urge you to focus on all the positive impacts that would result from this project, and take the steps necessary to approve the project and usher in a renewed era of optimism and economic growth for the City.

The views expressed in this letter are mine alone, and I do not speak for the Clinton County Legislature as a whole. While the short notice involved does not permit the Legislature to deliberate and provide a collective response, I will encourage my colleagues to provide their own statements as time allows. I wish you the best of luck in guiding the City of Plattsburgh during these trying times.

With best regards,

Mark R. Henry
County Legislator

CLINTON COUNTY PLANNING DEPARTMENT

135 Margaret Street – Suite 124 · Plattsburgh, New York 12901
Planning (518) 565-4711 • C.C.P.T. (518) 565-4713 • Facsimile (518) 565-4885

March 13, 2020

TO: City of Plattsburgh Common Council
City of Plattsburgh Zoning Board of Appeals
City of Plattsburgh Planning Board

41 City Hall Place
Plattsburgh, NY 12901

Dear Council/Board Members:

The purpose of this letter is to provide my professional and personal opinion regarding the proposed Prime Plattsburgh LLC mixed use development project to be located in the Durkee Street parking lot. I respectfully request that this letter be presented and be recorded on the official record for your respective bodies.

I possess a Masters of Regional Planning Degree from the University of Massachusetts at Amherst, and have served as the Clinton County Planning Director for over 29 years. During that time I have worked on multiple planning initiatives in the City of Plattsburgh, most of them focused on the downtown core of the City. The downtown core of the City of Plattsburgh languished in the period following the intensive commercial and retail development of upper Cornelia Street in the Town of Plattsburgh in the 1970s and 1980s. The downtown core has rebounded to an extent, but still lacks the retail base and steady presence of residents necessary to truly prosper.

The downtown core needs a reinvigoration of people that would be provided by the residential proposal presented by the Prime Plattsburgh LLC at the location of the Durkee Street parking lot. It is my opinion that this project will greatly contribute to the value of the City, enhance the financial strength and resilience of the City, and provide the steady residential base that will uplift and expand the retail offerings located downtown. The proposed project is a classic urban infill project in that it involves the development of underutilized or vacant space within a downtown core already served by existing transportation, water, wastewater and other utilities. Infill projects involve little additional cost to the municipality, while contributing financial productivity and revitalization.

Downtown Plattsburgh would be helped immensely by an increase of residents that will live, recreate, purchase and generally spend time in the downtown core. This project would provide such a benefit of a magnitude that the City has not seen in decades.

Regarding the specifics the project site plan, I find that the proposed structure is compatible in size, scale and design to adjacent structures, and while the design details are subject to personal taste, I believe they would enhance, not detract from existing development. I also find that the plan would enhance and promote walkability given the designed connection

with the proposed Arts Park and Riverwalk, fostering a greater pedestrian flow to those amenities.

The most credible potential negative impact I have heard voiced to date is that of parking availability. The Durkee Street parking lot is the primary source of off-street parking downtown, and publicly available parking in the parking lot will be significantly reduced as a result of the project. I serve on the Plattsburgh Parking Advisory Committee, and the Committee has reviewed relevant parking studies and plans, parking counts and reports of parking violations from the City Police Department. I have been particularly interested and involved in this matter as the County Department of Social Services is and will continue to be the largest single user of off-street parking in the downtown core. Upon review of relevant information and after considerable discussion, the parking committee provided the Common Council with several recommendations that, I believe, will mitigate the most serious parking concerns presented by the project. That is not to say that the location and convenience of off-street parking after the project will be equal to that which exists now with the Durkee Street parking lot, however, I am confident that sufficient parking will continue to exist if the City implements the Advisory Committee's recommendations.

In summary, I strongly believe the proposed Prime Plattsburgh LLC would be an overwhelmingly positive development for the City of Plattsburgh and would contribute greatly to the reinvigoration and revitalization of the downtown. The City has worked diligently with the developers to mitigate the most significant negative impacts of the project, and any impacts that may remain are greatly outweighed by the positive attributes provided by the project.

Yours sincerely,

Rodney L. Brown

Rodney L. Brown
Director

cc: Matt Miller, City of Plattsburgh

Beebie, Lisa

From: Gadway Joseph <joemadecupcakes@gmail.com>
Sent: Thursday, April 2, 2020 7:43 PM
To: ColinR@cityofplattsburgh-ny.gov; Marbut, Shelise; McMahon, Joe; Tamer, Malana; Beebie, Lisa; cityinfo@plattsburghcitygov.com; ron.nolland@gmail.com
Subject: Halt all meetings that should be open to the public immediately

We urge that you cancel the April ZBA and Planning Board meetings and all meetings, except for those that deal with emergency issues as ordered by the Governor, until the COVID 19 state of emergency has been lifted. We note that ZBA's and Planning Boards in cities across New York State are doing so, and Plattsburgh should too. This shouldn't be something that should even be requested, especially since our mayor has recently stressed the importance of social distancing while enforcing a curfew for the city, closing ass parks and non essential gatherings. I appreciate your cooperation and I know that you will agree with me on this request. Thank you for your time and attention to this matter.

Sincerely,

Joseph Gadway

Beebie, Lisa

From: Marc Gendron <mfgendron@icloud.com>
Sent: Thursday, April 2, 2020 1:55 PM
To: cityinfo@plattsburghcitygov.com; Ira Barbell; McMahon, Joe; ron.nolland@gmail.com; Beebie, Lisa; Tamer, Malana; Marbut, Shelise
Subject: ZBA Meeting

Sir,

I urge that you cancel the April ZBA and Planning Board meetings and all meetings, except for those that deal with emergency issues as ordered by the Governor, until the COVID 19 state of emergency has been lifted. We note that ZBA's and Planning Boards in cities across New York State are doing so, and Plattsburgh should too.

Thank You,

Marc Gendron

Beebie, Lisa

From: Timothy Palkovic <palkovtj@plattsburgh.edu>
Sent: Thursday, April 2, 2020 3:12 PM
To: Beebie, Lisa
Subject: Non Essential Meetings

On March 22, Governor Cuomo passed an executive order called PAUSE NEW YORK according to which all non-essential public meetings must be POSTPONED or CANCELED.

The April 6th ZBA meeting and the April 7th Planning Board meetings are non-essential meetings in accordance with the "PAUSE NEW YORK" Executive Order by the Governor.

Municipalities around the state are postponing April Zoning Board and Planning Board meetings in light of the current pandemic.

We demand that you cancel the April 6th ZBA meeting and the April 7th Planning Board meetings because these have no direct, in-person participation by the public and are deemed non essential by Governor Cuomo.

TimPalkovic

Beebie, Lisa

From: Deborah Yokum <debyokum@gmail.com>
Sent: Friday, April 3, 2020 9:54 AM
To: McMahon, Joe; ron.nolland@gmail.com; Beebie, Lisa; Tamer, Malana; Marbut, Shelise; cityinfo@plattsburghcitygov.com
Subject: Cancel ZBA and Planning Board meetings until COVID 19 Crisis is over

To the City of Plattsburgh Zoning Board of Appeals and the City of Plattsburgh Planning Board:

We, the board of The North Country Food Co-op, are writing to urge you to discontinue all meetings, except for those that deal with emergency issues, as ordered by the Governor, until the COVID 19 state of emergency has been lifted. We note that the ZBAs and Planning Boards in cities across New York State are doing so, and Plattsburgh should do so too. We are specifically concerned that very important decisions regarding the Prime Plattsburgh Durkee Street project will be made in a manner that will preclude genuine public comment. Emailed comments before and after a meeting that will be largely inaudible (based on recent Common Council meetings) do not afford true public input. This matter is too important to proceed without proper public feedback.

In addition, we are facing a world-wide crisis, the results of which we cannot predict. We can assume, though, that it will have long-lasting economic consequences. In the meantime, we are all struggling in our personal and professional lives and worrying about our personal safety and whether our businesses will survive this. Having to respond to and keep track of the city's meetings about something that is already threatening our business and not being able to do it in person just adds to this very difficult situation.

We realize you are all voluntarily serving on the ZBA and Planning Board and we are grateful for that. We believe you should not be pressured into meeting and making these very important decisions at a time when we are all facing a global public health and economic crisis. You, as board members, have the authority to cancel these meetings and we ask that you do so.

Sincerely,

Deborah Yokum, President
Board of Directors

Ryan Demers
General Manager

North Country Food Co-op
25 Bridge Street
Plattsburgh, NY 12901

Beebie, Lisa

From: City Info <cityinfo@plattsburghcitygov.com>
Sent: Monday, April 6, 2020 11:42 AM
To: Miller, Matthew; McMahon, Joe
Cc: Beebie, Lisa
Subject: Fwd: Zoning Board Comment 4/6/20 Planning Board Comment 4/7/20
Attachments: Zoning 46.pdf

---------- Forwarded message ---------
From: **Frank Zappala** <fgzappala@hotmail.com>
Date: Mon, Apr 6, 2020 at 10:50 AM
Subject: Zoning Board Comment 4/6/20 Planning Board Comment 4/7/20
To: cityinfo@plattsburghcitygov.com <cityinfo@plattsburghcitygov.com>

see attached

Law Office of Frank G. Zappala
142 Margaret Street
P.O. Box 2886
Plattsburgh, NY 12901
(P) 518-566-7211
(F) 518-566-7214

Frank G. Zappala

Attorney at Law

142 Margaret Street
P.O. Box 2886
Plattsburgh, NY 12901
fgzappala@hotmail.com

Telephone
(518) 566-7211

*Facsimile
(518) 566-7214
*not for service

To: The Plattsburgh Zoning Board of Appeals
The Plattsburgh Planning Board

From: Frank Zappala

Date: April 6, 2020

The proposed Durkee Street project has two lanes of angled parking. Angled parking is dangerous. Attached is a memo sent to the City dated January 28, 2019. This document confirms that angled parking is dangerous.

If the present project is approved with angled parking the Zoning Board and the Planning Board are putting the citizens of Plattsburgh at risk.

From: Bibbins, Ken (DOT)
Sent: Monday, January 28, 2019 1:12 PM
To: Bessette, Michael <BessetteM@cityofplattsburgh-ny.gov>
Cc: Basil, Valmekie (DOT); Ricalton, Al (DOT); Kokkoris, Steve (DOT); Docteur, Aaron (DOT); Ortlieb, Craig H. (DOT);

Subject: Angled Parking Proposal, Bridge Street/US Route 9

Hello again Mike,

I've been in contact with a number of folks in the Department's Main Office, to try to establish all of the information that the City needs in order to make an informed decision about potential changes to Bridge Street/US Route 9/NY Bicycle Route 9.

There are two main questions on the table here:

The first question is relative to jurisdiction. It does not appear to me that the right of way that Bridge Street falls within has sufficient width to allow angled parking without severely impacting its lane widths.

The second question is relative to the likely impacts that angled parking would have on traffic safety. It is well established, by multiple studies, that angled parking causes an increase in accidents. This is due to a number of reasons, including the need for a backing maneuver that is made where the operator of the parked vehicle must back into traffic when exiting the parking space, while their visibility is impaired by adjacent vehicles. This maneuver is particularly dangerous if the roadway in question has a significant volume of bicycle traffic, such as this one. There is also an increase in accidents due to the stop-go nature of drivers searching for an open space, which is more difficult with angled parking because the empty spaces are harder to see. There are some locations in our country where back-in angled parking has been used because that provides somewhat improved visibility when exiting the parking space. That improvement would only exist if there was sufficient space to accommodate the angled parking and it would not address the difficulty with spotting empty parking spaces far enough upstream to avoid a quick stop.

I can tell you that, based on the concept and its traffic safety implications, I would use the strongest language possible to discourage the institution of this change.

Kenneth M. Bibbins, P.E.
Regional Traffic Engineer
New York State Department of Transportation, Region 7
317 Washington Street, Watertown, NY 13601
(315)785-2321|ken.bibbins@dot.ny.gov
www.dot.ny.gov

NEW YORK STATE OF OPPORTUNITY. Department of Transportation

Beebie, Lisa

From: City Info <cityinfo@plattsburghcitygov.com>
Sent: Monday, April 6, 2020 11:32 AM
To: McMahon, Joe; Miller, Matthew
Cc: Beebie, Lisa
Subject: Fwd: Zoning Board (April 6th) and Planning Board (April 7th)

---------- Forwarded message ---------
From: **Paul DeDominicas** <pdedomin@yahoo.com>
Date: Mon, Apr 6, 2020 at 10:30 AM
Subject: Zoning Board (April 6th) and Planning Board (April 7th)
To: cityinfo@plattsburghcitygov.com <cityinfo@plattsburghcitygov.com>

Good evening,

To the Zoning and Planning Boards of the City of Plattsburgh, I am writing this to you as a resident of the City and not as a City Councilor. First, thank you for the work that you do as it is challenging in the best of times. On top of that, everyone is now faced with the added stress of the COVID-19 Pandemic unsure of how it will affect Plattsburgh in the short and long term.

I understand that each Board has a decision to make regarding the Prime development project at Durkee St. I am asking for a pause for this project. The project was developed before the unprecedented response to the COVID-19 pandemic. In a short time, NYS and national economies have slowed considerably. Unemployment is up and is predicted to get worse before it gets better. Locally, many downtown businesses are shuttered with no clear idea of when they will reopen again. While we can model outcomes, we cannot know for sure the impact that the COVID-19 response will ultimately have locally.

Again, I am not asking you to vote against the project at this time. I am asking that you delay any vote to see how the pause in the economy affects local business and city revenues and to allow a better understanding of the situation as it develops. I think that there should be a discussion regarding the viability of a large development downtown after we have a better idea of the local impact or, at the very least, a discussion that the plan may need to change to reflect our new reality. Most people believe that even when we are able to start to return to work, it will be some time before anything is "business as usual".

Thank you for your time,

Paul DeDominicas
Trafalgar Drive
Plattsburgh NY 12901

Beebie, Lisa

From:	Plattsburgh Citizens Coalition <plattsburghcitizencoalition@gmail.com>
Sent:	Monday, April 6, 2020 11:45 AM
To:	cityinfo@plattsburghcitygov.com; McMahon, Joe; Beebie, Lisa; Parrotte, Sylvia
Cc:	Amanda Dagley; estigliani@freepressmedia.com; news@northcountrynow.com; newstips@mynbc5.com; rrockstroh@mychamplainvalley.com; nate@suncommunitynews.com; jlotemplio@pressrepublican.com; Josh; pbradley@wamc.org; McKenzie Delisle; Emily Russell
Subject:	Zoning Board of Appeals Comments 4/6/2020 - 2 - Professional review

Dear Zoning Board and Planning Board Members:

.

Once again, thank you for your service and especially on this complex project and especially when our entire community and globe is stressed by this historic world pandemic. It's a stressful and difficult time for all of us.

Your job is a difficult one month to month, but a particularly difficult one for a project as complex as the DRI. Your job is made even far more difficult due to the fact that the staff that you normally rely on for guidance is the applicant. However, it doesn't have to be that way and, in fact, shouldn't be that way. Section 360-61 of the City Code provides you the help that you are entitled to, but have not yet exercised. You should have your own attorney and your own technical staff to assist you with these decisions. The The Corporation Counsel's allegiance is to the Common Council. The Planning Board and Zoning Board cannot reasonably rely on advice of counsel that is beholding to the Common Council. There are several examples in which the existing conflicts are problematic. The Corporation Council actually advised you at the May 2019 Board meetings to segment the SEQR process to avoid doing a GEIS as is required by law. Of course, we know now that was bad advice and put your decision in peril. He also advised Planning Board Chairman James Abdallah to vote on the DRI SEQR resolution despite his clear conflict of interest. We know now that this too was bad advice which put the Board's decision at that time in peril. Fortunately, those decisions were later reversed when the City reluctantly committed to a GEIS. The City Planner actually opined that the proposed building will not have an adverse impact on the neighborhood; not the staff's position to lead a Board to a conclusion, much less make the conclusion for them. The Community Development Director advised you that "the Common Council is handling the GEIS", when in fact, as an involved agency, you are REQUIRED to prepare your own Findings Statement on the GEIS. Oddly, the Findings Statement is not even included on your agenda. We're sure that they would like very much for you to rubber stamp the Council's Findings Statement. These folks are all beholding to the co-applicant; the Common Council; they are NOT on your team. You need and deserve your own independent adviser selected by your Board, not by the City. The City Attorney is, without question, a superior attorney and if he were representing your Board, then he would no doubt do an excellent job. But he's not. And as has been pointed out, he has a conflict. Think of how odd it makes your Board look to have the applicant's attorney seated at your table and giving you advice!

Regardless of how anyone feels about the Prime Development Project, every Planning or Zoning Board wants to take pride in their process and decisions. You want to know that you are properly and thoroughly evaluating technical issues. You want to know that you are following proper procedure. And ultimately you want to know that your process will not be challenged in the court of law and if it is that your decisions will be defensible. And at a time like this where there is massive public opposition, you want to be at your best. Now add to all of that the current public health crisis and the questions with respect to whether eliminating the public from public meetings is even legal. For that, you need and deserve your own independent counsel and engineer. And you are entitled to it by City Code, which, by the way, was just updated in 2017. This is not unusual. The Town of Plattsburgh, as an example, has historically always had legal counsel to the Zoning Board and Planning Board that is separate and independent from the Town Board's legal counsel. Many, if not most, boards do the same.

Here is the relevant code section:

§ 360-61 Professional review fees.

[Added 12-14-2017 by L.L. No. 8-2017]

A.

Reimbursement of professional review fees.

(1)

In addition to the provisions provided under the terms of Chapter **300**, Subdivision of Land ("Subdivision Regulations"), and this chapter of the City of Plattsburgh Code ("Zoning Code"), the Common Council, the Planning Board and the Zoning Board of Appeals, in the review of any application presented to it, may refer such application, or part of an application, to such planner, engineer, environmental expert, attorney or other professional as such Council or Board shall deem reasonably necessary to enable it to review such application as required by law.

(2)

Fees charged by such professionals shall be in accord with fees usually charged for such services in the Clinton County region or pursuant to an existing contractual agreement between the City and such professional. The Board or Council shall limit such fees as are reasonable in amount and necessarily incurred by the City in connection with a review of an application. For purposes of this section, a fee is reasonable in amount if it bears a reasonable relationship to the expense of the development or the average charge by such an expert to the City or others for services performed in connection with the review of a project similar to that involved in the land use application. All proper charges shall be paid by the City upon submission of a City voucher and in compliance with the City's procurement policy. The applicant shall reimburse the City for the costs of such professional review services upon receipt of a copy of the voucher or, at the discretion of the reviewing Council or Board, in accordance with this chapter. The payment of such fees shall be required in addition to any and all other fees or performance bonds required by this or any other section of this chapter or any other City law or regulation.

B.

Escrow accounts.

(1)

In addition to other mechanisms provided under any other City law or regulation, at the time of submission of any application, or during the review process, the reviewing Council or Board may require the establishment of an escrow account from which withdrawals shall be made to reimburse the City for the cost of professional review services. The applicant shall then provide funds to the City for deposit into such account in an amount to be determined by the reviewing board based on its evaluation of the nature and complexity of the application. The applicant shall be provided with copies of any City voucher for such services as they are submitted to the City. If the applicant objects to the amount to be placed into escrow, the applicant may request that the Council or Board review the projected amount to be placed in escrow.

(2)

Where the City Council, Planning Board or Zoning Board of Appeals establishes an escrow account for an application, such reviewing board shall not be required to consider that application until the deposit required under this chapter has been made.

(3)
A building permit or certificate of occupancy shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the City.

(4)
After all pertinent charges have been paid, the City shall refund to the applicant any funds remaining on deposit.

There are a lot of questions, but to name just a few:

* you've heard a lot about city wide parking. it's a major change. The city claims there's adequate parking. Members of the public have shown flaws and errors in the numbers. You are tasked with reading lengthy documents and lengthy public opposition letters and comments. Are you able to evaluate with certainty which claim is accurate?
* The NYSDOT Regional Traffic engineer went on record to say that the angled parking is dangerous. The applicant claims it isn't. How are you to decide?
* The City is claiming that the Planning and Zoning Board are essential government meetings that can't be postponed. They claim that eliminating the public from public meetings is legal. Is that a defensible position?

To the extent that you have legal and technical questions on this matter, you need your own attorney. Yes, it may take a little time to get the expert objective technical and legal advise that you deserve and that you are entitled to, but in the end that will take far less time and have far less risk than making bad decisions, decisions that are based on bad advice, decisions that are based on misinformation and decisions that are not defensible and will result in lengthy legal battles. Measure twice, cut once!

The Plattsburgh Citizens Coalition and all those we've spoken to welcome a thorough, objective expert review of this project because we know the proposed plan as presented to be critically and fatally flawed and ultimately will have an adverse short term and long term impact on the neighborhood, the community and even the region. We believe any truly objective review will draw the same conclusion. This project, to date, has not been able to receive that kind of unbiased intelligent analysis from the Common Council and we are hopeful that will happen at each of the Board reviews. Whatever you may decide, at least you can hopefully say you as a Board were thorough, evaluated ALL of the information in detail and made good solid defensible decisions based on the best advice and information at your disposal.

You are entitled to this assistance. It is the norm for Planning & Zoning Boards across the State and across the land. Don't ask for it, demand it!

Beebie, Lisa

From:	McMahon, Joe
Sent:	Monday, April 6, 2020 11:44 AM
To:	Beebie, Lisa
Subject:	FW: Public Comment for April 6 Zoning Board and April 7 Planning Baord
Attachments:	City DRI Letter Henry 4-6-20.pdf

fyi

From: City Info <cityinfo@plattsburghcitygov.com>
Sent: Monday, April 6, 2020 11:36 AM
To: Miller, Matthew <MillerMa@cityofplattsburgh-ny.gov>; McMahon, Joe <McMahonJ@cityofplattsburgh-ny.gov>
Subject: Fwd: Public Comment for April 6 Zoning Board and April 7 Planning Baord

---------- Forwarded message ---------
From: **Brown, Rodney** <Rodney.Brown@clintoncountygov.com>
Date: Mon, Apr 6, 2020 at 10:49 AM
Subject: Public Comment for April 6 Zoning Board and April 7 Planning Baord
To: cityinfo@plattsburghcitygov.com <cityinfo@plattsburghcitygov.com>
Cc: Henry, Mark <Mark.Henry@clintoncountygov.com>

Please provide copies of the attached letter to both the City Zoning Board of Appeals and City Planning Board for their respective meetings on April 6th and 7th. On behalf of Legislator Henry, I ask that the letter be formally recorded as public comment for both meetings, and if possible, be read at the meetings. Thank you.

Rodney L. Brown, Deputy Administrator

Clinton County Legislature

137 Margaret Street – Suite 208

Plattsburgh, NY 12901

Tel. 518-565-4709

Email: Rodney.Brown@clintoncountygov.com

Mark R. Henry
Clinton County Legislator, Area 3
6 Church Street
Chazy, NY 12921
Phone: (518) 578-4359 (cell)
mhenry2@twcny.rr.com

April 6, 2020

TO: City of Plattsburgh Zoning Board of Appeals; and
City of Plattsburgh Planning Board

Dear Board Members:

I have recently received information that your respective Boards will be voting on various actions related to the Prime Companies Mixed Use Residential/Commercial project proposed for the Durkee Street Parking Lot, and partially funded by the Downtown Revitalization Imitative (DRI) grant.

By this letter, I express my wholehearted and unconditional support for this project. In many ways the City of Plattsburgh is the lifeblood of Clinton County. A strong downtown will lift up the entire County. I truly believe that stagnant downtowns result in a slow deterioration of the economic, cultural and emotional vigor of a City. Alternatively, a downtown that continues to grow and adapt will remain vital and energize a community.

The downtown for the City of Plattsburgh, in my opinion, needs the invigoration of downtown residents that will result from the Prime Companies' proposed project. The project will bring renewed life to the day-to-day flow of activities downtown, including most importantly business and recreational activities. While some have decried the supposed negative impacts of this project, focusing on the loss of parking, I believe the City of Plattsburgh has taken the steps necessary to provide alternative parking opportunities to prevent any negative impacts. This project has so much promise for the City of Plattsburgh and County of Clinton. I urge you to focus on all the positive impacts that would result from this project, and take the steps necessary to approve the project and usher in a renewed era of optimism and economic growth for the City.

The views expressed in this letter are mine alone, and I do not speak for the Clinton County Legislature as a whole. While the short notice involved does not permit the Legislature to deliberate and provide a collective response, I will encourage my colleagues to provide their own statements as time allows. I wish you the best of luck in guiding the City of Plattsburgh during these trying times.

With best regards,

Mark R. Henry
County Legislator

Beebie, Lisa

From: City Info <cityinfo@plattsburghcitygov.com>
Sent: Monday, April 6, 2020 11:25 AM
To: McMahon, Joe
Cc: Beebie, Lisa
Subject: Fwd: Zoning Board Comment
Attachments: Scan Docs opposing DRI 4-6-2020.pdf

---------- Forwarded message ---------
From: <bobcatgb1@aol.com>
Date: Mon, Apr 6, 2020 at 9:25 AM
Subject: Zoning Board Comment
To: <cityinfo@plattsburghcitygov.com>, <readc@cityofplattsburgh-ny.gov>, <plattsburghcitizencoalition@gmail.com>, <mdelisle@pressrepublican.com>

To: City of Plattsburgh Zoning Board

With respect to the DRI Durkee St. project I am requesting the following actions:

Do not approve said project for many factors that the community has previously set forth. Attached are three documents to support this position.

1. A "letter to editor" published in the Suncommunity news dated March 24,2020. This addresses better options for said project
2. A position letter dated February 28, 2020 addressed to Prime Plattsburg LLC stating facts that are to be considered herein.
3. A "letter to editor" published in the Suncommunity news dated April 4, 2020. This addresses the financial burdens that will also affect the subject DRI project.

The City of Plattsburgh should caution against an approval in light of the current financial situation. Certainly the City does not want to be in a position similar to Burlington with the stalled "City Place" project.

In the alternative, delay a decision until the virus crisis is over and the new financial balance is established for a just decision.

Thank you for your consideration to these facts and documents that are to be entered into the record of the Prime Plattsburgh LLC application

Geoffrey B. Barker
4079 State Route 9
Plattsburgh, NY 12901
518 563-0685

Opinion

Letters SCW Comm News APR. 4, 2020

Taxpayer of Clinton County

To the Editor:

As a resident taxpayer of Clinton County, I am requesting a reply to how the Clinton County Legislators and Legislature is addressing the unemployment and shortfall in sales tax revenue as a result of the COVID virus.

Specifically, the Legislators are requested to address the financial shortfalls in operating budget incomes now and reassess the operating budgets.

Consider:

1. Cancel any further CCIDA PILOT relief and cancel grants to "The Development Corporation" are in order until the virus is under control and economic recovery is positive and/or the new economic reality of the North Country is known.
2. Cancel the planned "International Air Cargo Facility" as not viable. This is an irresponsible progressive waste of taxpayer money and is not economically viable for numerous reasons the Legislators are well aware of
3. Shutter the "International Arrivals Facility" until International air traffic is deemed profitable with respect to the cost structure.
4. Lease out the renovated hangers or shutter to cut operating expenses.
5. Re-access Plattsburgh International Airport lease and utility fees charged to airport vendors to include the parking facility. Brace for potential loss of airline service and revenue.
6. Redirect or cancel county "pork" budgeted items to help maintain core businesses in the area. This is not the major manufacturing jobs that Governor Cuomo overspent in his aggressive economic development programs that we are now tasked to pay for. "Cut costs and live within our means" should be your new moto.
7. Brace for tasking to pay locally for a large increase in Medicaid mandates.
8. Plan for possible unpopular increases in realty taxes and state income taxes that the residents will mostly be unable or unwilling to support.

Thank you for your anticipated attention to this request.

— Geoffrey B. Barker, Plattsburgh, N.Y. ■

SCW Community 3/28/20

will be responded to in the order in which received. Please take the time to explore these sites and engage students in discovering the vital importance of local history and geography as a basis for understanding other places more distant in time and location.

— **Robert L. Arnold, SUNY Professor Emeritus of Education** ■

Plattsburgh parking

To the editor:

The best course to "increase the availability of free parking" is to cancel the Prime Plattsburgh LLC project. Back in the mid 1960s the City of Glen Cove, New York, had a city structure much like Plattsburgh. They were smart then to take the only large parking area and make a multi story parking garage to handle the then current and future parking needs of that city. The virus crisis will be settled eventually. What is of concern to all of us is the economic recovery needs.

The state was in dire financial $6 billion debt prior, with maybe $4 billion more to add. Locally we are going to be tasked to cover our "fair share". My suggestion is to anticipate loss of some of our airline service once this passes and the low cost carriers may not survive. Shut down the "International Arrivals Facility" since it serves only a few corporate and small prop aircraft and no International airline can be profitable with service here. Cut payroll and operating costs.

Cancel the planned "International Air Cargo Facility" as impractical and a waste of money. The Clinton County Legislators are aware of this but enjoy spending our limited tax monies. Airlines loaded with passengers from high density Florida to Plattsburgh/ Montreal is a major threat. So are the packed warehouses and factory facilities that continue to ignore common health concerns.

The unemployed restaurant and leisure business community workers would like to know if any staffing reductions made by the governments means with or without pay for them. And being paid for "telecommunication" from home is unfair and a waste of money. Curtail CCIDA tax relief. Schluter, for example is large enough to not need the pending PILOT relief. Cancel the Prime Plattsburgh LLC PILOT relief application.

The elected and employed public employees need to immediatedly address the loss of tax revenue we are going to experience.

— **Geoffrey B. Barker, Plattsburgh** ■

Thank you

To the editor:

Free the money

PR 4-1-20

TO THE EDITOR: Due to the devastation wreaked upon our city economy by the COVID-19 virus, local businesses will need all the aid and support from City Hall which they can get.

Prior to the pandemic, over 70 local business owners signed a petition against the sale and development of the public land of Durkee Street parking lot to a private downstate concern. I have attended meetings and no provision to replace city snow ban parking has even been made.

City Hall has persisted in its unrelenting pursuit of this project. One can only hope the council has no conflict of interest.

Now would be the perfect time for Mayor Read to abandon this project, to free up DRI monies for our own local existing/struggling businesses, the true purpose of the Downtown Rehabilitation Initiative.

KATHY BAUMGARTEN, TSGT USAF, Ret.
Plattsburgh

Prime Plattsburgh LLC
621 Columbia St. Extension
Cohoes, NY 12047

Dear Sir or Madam;

This letter is written with respect to your application for PILOT relief and the planned Plattsburgh Durkee Street Plattsburgh NY project.

As a resident of the area I want to express to you the following adverse factors your plan is causing for your immediate consideration:

1. The overwhelming majority of Clinton County residents do NOT want this project.
2. The project is being pushed thru with apparent bias and prejudice that will lead to protracted litigation.
3. The loss of the parking lot will have adverse effects on the dwellings and businesses in that area. In spite of what is proposed, the City and County do NOT have viable plans for parking. This will adversely affect the income Prime expects to receive and adversely affect all in the area. Prime will be held responsible for this.
4. The PILOT relief, if granted, will adversely affect the City school tax base as well as the tax base for ALL residents of Clinton County NY
5. There is recent activity that may indicate improper consideration of the PILOT awarding process, again leading to litigation. Many other adverse factors exist. Available upon request.

In light of the above adverse facts, the people of Clinton County request that Prime Plattsburgh LLC withdraw the planned Durkee Street DRI "redevelopment" proposal. Please call me anytime to discuss this request.

Sincerely,

Geoffrey B Barker

Geoffrey B. Barker
4079 Route 9
Plattsburgh, NY 12901
(518) 563-0685

February 29, 2020

Beebie, Lisa

From:	Carol CJK <carolcjk@gmail.com>
Sent:	Saturday, April 4, 2020 12:21 PM
To:	McMahon, Joe; ron.nolland@gmail.com; Beebie, Lisa; Tamer, Malana; Marbut, Shelise; cityinfo@plattsburghcitygov.com
Subject:	Postponement of April 2020 ZBA & PB meetings
Attachments:	Klepper-Request postpone April 2020 ZBA & PB Meetings.pdf

Please see attached letter requesting that the ZBA & PB chairpersons cancel April 2020 meetings due to Covid 19. May everyone stay healthy and safe. Thanks, Carol Klepper

Mr. Ronald Nolland, Chairman, City of Plattsburgh Zoning Board of Appeals
James Abdellah, Chairperson of Plattsburgh Planning Board

RE: Request to cancel April 2020 Zoning Board of Appeals meeting & Planning Board meetings due to nationwide state of emergency Corona pandemic

April 4, 2020

TO WHOM IT MAY CONCERN:

I have read the April 3, 2020 letter from Mayor's office which is on CITY OF PLATTSBURGH BUILDING INSPECTOR OFFICE COMMUNITY DEVELOPMENT OFFICE's letter head. The responses to the complaints made by several Plattsburgh residents do NOT dispute the fact that city officials insist to hold public meetings without full face-to-face participation from all concerned citizens. Since the Mayor has stated that it is NOT his decision but rather the Chairpersons of the Zoning Board and Planning Board's choice to conduct all upcoming meetings *"remotely via videoconferencing software,"* without public attendance, I ask that Ron Nolland and James Abdellah postpone scheduled meetings. Though *"All board meetings will be livestreamed on the City's YouTube channel for contemporaneous viewing by the public and transcriptions of all board meetings held remotely will be made available to the public,"* it does NOT enable public participation as these meetings are taking place.

Many residents do not have reliable Internet service nor computer access at this time. Institutions throughout the nation have experienced security breaches using *Zoom* and other methods of video conferencing to conduct meetings. I like many residents due NOT have the computer capability or access to listen or view them. In fact, those residents who have watched common council meetings had difficulty understanding comments made during meetings and could not view on line. Contrary to the comments made in April 3, 2020 response letter to the public's outcry over holding any ZBA and PB meetings in April conducting NON-ESSENTIAL meetings does NOT comply with *Governor's Executive Orders and current guidance from the NYS Committee on Open Government,* **because Prime's future development is NOT ESSENTIAL to the safety and health of our community.**

As a longtime resident of Plattsburgh, I have always believed that ZBA and PB members work hard to ensure that the public is able to personally attend and participate during all meetings. I am shocked to discover that the Zoning Board of Appeals and Planning Board special meetings are still scheduled for April 6 & 7, 2020 and that the regular meetings are to also take place on April 20 and 27, 2020 respectively.

It is clear that the agenda for April 6 & 7, 2020 meetings are to approve the new boundaries for the Durkee Street parking lot. It is egregious to hold such meetings without full participation from adjacent property owners and stake holders in downtown. Every downtown business person and property owner whom I have spoken to were unaware that these meetings were scheduled and have NOT had ample time to comment. It is incredulous for the Mayor to state that the public commented on all issues for future ZBA & PB meetings now scheduled on April 6 & 7, 2020 in February 2020, stating April 6 & 7 meetings are to replace March 2020 meetings. Since March 2020 meetings were cancelled NO ONE was able to comment.

Any comments made in February 2020 were based on old information. It is ludicrous to even suggest that discussions made in past meetings are the only and final comments to be made by everyone impacted by Prime's project. If that is the case then there should be no reason for any member of the Prime team to attend any future meeting or to provide any further information to either board. Many people due to unforeseen circumstances were unable to attend or comment in the past and welcome the opportunity to fully participate in future meetings.

I thought we lived in a democracy that clearly gives provision for face to face public participation in every meeting. Past comments on any issue are not held in time. It should be noted that every meeting that I have attended regarding Prime's Plattsburgh project has failed to provide complete and accurate information as to all aspects of the Durkee Street project. As someone who has attended many ZBA and PB meetings new information is always provided during the course of any meeting, which is why it is imperative and OUR RIGHT as residents of Plattsburgh to be able to be present to comment during every phase of this project. Furthermore, given the impact such a decision would have on our community and downtown businesses any decisions made on this matter without full participation and personal attendance would be highly suspect. The April 6 & 7, 2020 scheduled meetings are WITHOUT due notice & ability for concerned citizens to attend in person. I like many city residents have been consumed with struggling to keep my business solvent and family members safe from the Corona Virus pandemic.

I am writing to you to plead with you to please postpone ZBA & PB meetings dealing with Prime Development until city residents and other interested parties can attend all meetings in person and fully participate. As chairperson of the Landlord/Tenant committee my colleagues and I have agreed to postpone all meetings until Covid 19 no longer poses a health and economic risk to our community and both our Governor and President have lifted the state of emergency and our local businesses can resume to normal operations. All non-essential businesses have been ordered to close and everyone is struggling to survive. New York State has asked that all NON-EMERGENCY public meetings be postponed until the public can participate in person safely. It is both irresponsible and unethical to hold any ZBA or PB meetings without all city residents and stakeholders being able to comment on Prime's project, especially those who own property adjacent to the Durkee Street Parking lot.

It is the responsibility of both the Zoning and Planning boards to ensure that every resident in Plattsburgh be able to fully participate in all meetings held by ZBA & PB. Zoning and Planning Boards throughout NYS, such as Saratoga, Watertown, and Binghamton have postponed all meetings until further notice due to Covid 19. In reading the Mayor's memorandum pertaining to the manner in which the ZBA and PB meetings are to be conducted, it is clear that the *public is excluded* from participating during these scheduled meetings. Not only is public comment prohibited during any meeting, but it is questionable if either board will accept written comments from city residents prior to ZBA or PB making any decision. I quote, "Please note that, in order to minimize the risk of virus transmission and until further notice, the meetings of both boards will be conducted solely via videoconference. Meetings will not be held at City Hall, access to which is presently restricted…members of the public may watch the meetings live via the City's YouTube channel, the public will NOT be permitted to attend board meetings

via Zoom. Public comments will **NOT** be received by either ZBA or PB board during meetings. Written comments on the application **may, at the discretion of the board,** be accepted until 12:00 p.m. on the date one week following the close of the public hearing."

Given the fact that the future development of Durkee Street parking lot has such a significant impact on the economic welfare of Plattsburgh, county and surrounding communities it is not only poor planning and unjust to hold any meetings pertaining to the development of the Durkee Street lot without full public participation, but any meetings pertaining to Prime's project should NOT take place because it is NOT deemed necessary to safeguard the health or welfare of our community under the guidance issued on March 12, 2020 by NYCOM.

I remind both ZBA and PB members that Prime's project must be granted a *SPECIAL USE PERMIT*, which requires that Prime's proposed use and plan be in "harmony" with all zoning ordinances and local laws and to ensure that granting a SUP to PRIME will NOT adversely affect adjacent properties and neighborhoods. It is not only unreasonable but highly unprincipled to hold any meetings pertaining to Prime without in person public participation and comments. Even more disheartening is to think that members of either board would make any decisions without public input throughout every stage of this process.

Everyone throughout our country is faced with the uncertainty of both our physical well-being and financial health. City officials would be better served to work together to assist local businesses and property owners to weather this economic storm rather than planning any future development at this time. Given the fact that NYS was in a deficit prior to this pandemic and estimates that the state will lose billions of dollars from Corona Virus it is not only unwise but foolish to believe that NYS will have sufficient funds to pay for any grants or revitalization of any downtown in NYS. All businesses throughout NYS and US are facing the loss of jobs, tenants and landlords alike are struggling to pay rent or buy essential items to live.

I implore city officials, Zoning and Planning Board chairpersons and members to act in good faith. I once again, PLEAD with everyone to postpone all future meetings regarding Prime Development until our city, state and country is no longer faced with the ongoing threat of this pandemic and all concerned citizens can safely attend all meetings in person.

Sincerely,

Carol J. Klepper

17 Couch Street, Plattsburgh, NY 12901

---------- Forwarded message ---------
From: **City Info** <cityinfo@plattsburghcitygov.com>
Date: Fri, Apr 3, 2020 at 9:01 AM
Subject: Fwd: PLEASE POSTPONE!!!!
To: Matthew <MillerMa@cityofplattsburgh-ny.gov>

---------- Forwarded message ---------
From: **Jonathan** <jons202@charter.net>
Date: Wed, Apr 1, 2020 at 3:03 PM
Subject: PLEASE POSTPONE!!!!
To: <cityinfo@plattsburghcitygov.com>

Moving the hearing from the 20th to the 6th is unfair and self serving.

Postponement is the only appropriate action at this time. The public is all consumed with protecting themselves, their families and livelihoods.

Please postpone any and all actions in the matter of Prime Properties. Its the right thing to do.

Please postpone any zoning board or planning board meeting dealing with the Prime project without direct, in-person participation by the public. The April 6th ZBA meeting and the April 7th Planning Board meetings is a non-essential meeting in accordance with the "PAUSE NEW YORK" Executive Order by the Governor. Municipalities around the state are postponing April Zoning Board and Planning Board meetings in light of the current pandemic.

Thank you,
Jonathan Schneiderman
Downtown business owner for 16 years.

---------- Forwarded message ---------
From: **lennonb** <lennonb@charter.net>
Date: Thu, Apr 2, 2020 at 1:17 PM
Subject: Any action on the prime project should be delayed till people can physically appear at the meeting
To: <cityinfo@plattsburghcitygov.com>

Sent from my Verizon, Samsung Galaxy smartphone

---------- Forwarded message ---------
From: **City Info** <cityinfo@plattsburghcitygov.com>
Date: Mon, Apr 6, 2020 at 8:23 AM
Subject: Fwd: Zoning Board Comment Mon 6 APR 20
To: Matthew <MillerMa@cityofplattsburgh-ny.gov>

---------- Forwarded message ---------
From: **Jeff Moore** <jmoore1748@gmail.com>
Date: Sun, Apr 5, 2020 at 1:16 PM
Subject: Zoning Board Comment Mon 6 APR 20
To: <cityinfo@plattsburghcitygov.com>

Dear ZBA Members,

I would like to state my support for approving the SUP for the Prime DRI project. After careful review of the FGEIS documents and the McFarland & Johnson answers to the questions raised by the commenters at the public hearings it is clear to me that there are no valid reasons not to approve this SUP request. Specifically: The building design will not tower over the existing downtown structures and has been shown to be aesthetically pleasing to the eye and blending with the surrounding cityscape very well. This project is not anticipated to cause any parking issues as borne out by third party studies, not by assumptions based on speculation. I trust that you will make your determinations based on the facts at hand and not on outside pressure. This is a once in a lifetime opportunity to add a new development to our long dormant Center City. If we continue to allow these empty spaces to remain and propagate we will eventually be left with nothing downtown. In closing I would like to say that I have talked to many people during my daily walks throughout the city and the vast majority are in favor of this project and are looking forward to its construction.

Sincerely,
Jeff Moore
Oak Street, Plattsburgh

---------- Forwarded message ---------
From: **City Info** <cityinfo@plattsburghcitygov.com>
Date: Mon, Apr 6, 2020 at 8:38 AM
Subject: Fwd: DRI Project
To: Matthew <MillerMa@cityofplattsburgh-ny.gov>

---------- Forwarded message ---------
From: **Art Degrandpre** <adegrandpre2483@icloud.com>
Date: Sun, Apr 5, 2020 at 5:38 PM
Subject: DRI Project
To: <cityinfo@plattsburghcitygov.com>

Please let it be known that you have my full support for the DRI project. Plattsburgh can no longer afford to have a stagnant downtown!

Sent from Art's iPad

---------- Forwarded message ---------
From: **Richard Spindler** <rich.spindler@gmail.com>
Date: Sun, Apr 5, 2020 at 6:02 PM
Subject: Zoning Board comment
To: <cityinfo@plattsburghcitygov.com>

Hello,

I would like to comment on the Durkee Lot Development. First, for the City of Plattsburgh to prosper, it is imperative to encourage a variety of people to live downtown, including and especially working professionals. They will provide an economic stimulus to the city that is sorely needed for the downtown. Second, it seems very late in the process of the DRI. After all of the public input given, I cannot imagine the city going back to a blank drawing board on this. Third, I think the complaints about parking are baseless. People that are complaining about parking should live in a larger city and experience real parking issues. Besides, we need to get people out of their cars and walking more anyhow.

I'm sure there are probably inevitable conflicts that arise with such developments. They always do and you will never make everyone happy. Thank you.

Sincerely,

Richard Spindler

---------- Forwarded message ---------
From: **City Info** <cityinfo@plattsburghcitygov.com>
Date: Fri, Apr 3, 2020 at 2:43 PM
Subject: Fwd: Zoning Board Comment 4/6/2020
To: <mcmahonj@cityofplattsburgh-ny.gov>

---------- Forwarded message ---------
From: **Curt Gervich** <cgerv001@plattsburgh.edu>
Date: Fri, Apr 3, 2020 at 2:31 PM
Subject: Zoning Board Comment 4/6/2020
To: <cityinfo@plattsburghcitygov.com>

Please see attached comment from Curt Gervich, 185 Cornelia Street, regarding the Durkee Lot Planned Unit Development/DRI. Please let me know the file is received and can be opened for reading into the minutes at the meeting.
Thank you,
Curt

4_3_20_Gervich_DRI Comment to Planning and Zoni...

--
Dr. Curt Gervich
Associate Professor
Center for Earth and Environmental Science
SUNY Plattsburgh
101 Broad Street
147 Hudson Hall
Plattsburgh, NY 12901
(o) 518-564-4030
(c) 540-818-1896
plattsburgh.edu

Middlebury School of the Environment
Co-Director

Plattsburgh

CENTER FOR EARTH AND
ENVIRONMENTAL SCIENCE
132 Hudson Hall

101 Broad Street
Plattsburgh, NY 12901-2681
Tel: (518) 564-2028
(877) 554-1041
Fax: (518) 564-5267

STATE UNIVERSITY OF NEW YORK

To the City of Plattsburgh Planning and Zoning Boards,

I hold two decades of professional planning experience throughout the United States, have served on the City Planning Board since 2012, teach planning at SUNY Plattsburgh, and hold a Master's Degree and PhD in planning from the University of Vermont and Virginia Tech.

As a planning and zoning board, the question before you is not one of setbacks, lot lines, parking spaces or design standards. It is about the holistic nature of community, capacity of local residents to build our future and determine our destiny, and the positive reinforcing feedback loop that is created when local social, cultural, material and financial assets are aligned. The DRI funding provides the pathway to build on these assets and align these resources- yet the current proposal for the Durkee PUD gums the works with an irreversible misallocation of resources that disrupts, rather than supports, ongoing local efforts.

One line of the Prime proposal in particular demonstrates the failure of the Durkee Lot to synergize with Plattsburgh's assets and needs. On page 8 of the project narrative (section C.1. General Architecture) the proposal states that the development at Durkee will be "oriented toward the river." In reality the project's main facade faces Durkee and Bridge streets, and the river sees brick walls and a parking lot. If the project were to creatively reflect Plattsburgh's character and strengths it would have more open, public and event space to draw residents and tourists downtown; it would provide activities for all ages and families; it would provide flexible space to evolve with community interests; it would provide diverse opportunities for interacting, recreating, spending and earning; and it would compliment Plattsburgh's natural, cultural and historical strengths.

You will hear from other planning professionals that downtown living space is needed to revitalize the downtown core. I don't disagree with this assessment in principle. The DRI, however, is funding

the renovation and addition of downtown housing options and we should give these initiatives a chance to succeed before adding competition. Furthermore, there are possibilities for repurposing existing buildings as unique living spaces in the downtown core, such as the Key Bank building, that should be explored before launching duplicate construction projects. In uncertain situations such as this, conservative and incremental planning that avoids a large outlay of irreversible resources is the most prudent approach. There may be a time for a large PUD project in the City of Plattsburgh, but the calculus of risk and reward doesn't compute on Durkee at this moment.

In the community planning arena, there are two main theories of economic development: *exogenous development* and *endogenous development.* Exogenous development relies on bringing new, large scale projects such as industrial parks, shopping malls, sports complexes and large mixed-use residential/commercial projects to a community. Municipalities often offer big tax breaks to attract these projects because the upfront costs are high and long-term finances are suspect. In reality, experience shows us that these projects tend to provide short term infusions of cash and jobs that don't have much staying power.

Endogenous development strategies lay the groundwork for locals to cultivate economic activity based on local knowledge, needs, interests and resources. Think business incubators, farmers markets, town festivals, outdoor recreation opportunities, parks and greenspace. These projects get local residents moving and interacting. They build relationships and connections to place that have staying power. Endogenous development provides the audience, clientele and users first, and provides the scaffolding for local community members with long-term commitments to place and people to build the stuff they want and need. Plattsburgh has been doing this for decades. The Saranac River, our multiple waterfronts and the Strand are outstanding local assets that residents across generations love and use. Building infrastructure to access and compliment these resources has little risk and enormous rewards.

Many elements of the DRI, such as funding to upgrade existing apartments, streetscape improvements, improved parks and parking are excellent initiatives and I believe they will, in concert with one another, meet their intended objectives. Yet he Durkee Street Planned Unit Development, as currently proposed, misses its mark.

Sincerely,

Dear members of the Zoning Board of Appeals and Planning Board of the City of Plattsburgh

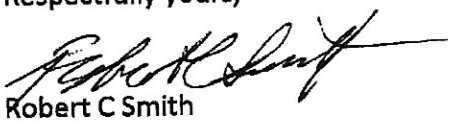
It has always been my position that in order to reenergize a downtown area it is essential we create a desirable place to live, participate in recreation, dine, entertain and purchase goods and services. The missing link in Plattsburgh has been a desirable place to live downtown and the Prime proposal provides us with this missing link for our community to reach its potential.

There has been some resistance to the plan citing concerns over the loss of parking, traffic changes and the granting of a PILOT. I can understand that change is hard to accept but what I don't understand is the following:

- The lack of alternative proposals that would provide the missing link of a desirable place to live by those who object to the plan as proposed by Prime.
- The lack of understanding that a PILOT agreement properly structured have proven to be wonderful tool for redevelopment, job creation and for encouraging community growth.
- I don't understand the concept of hoping landlords will invest in existing structures and infrastructures that will lure people to downtown to live, participate in recreation, dine, entertain and purchase goods and services.
- I don't understand that falsehoods and misinformation can be placed in ads to undermine the proposal by a minority that could jeopardize the desires of the majority who wish to see a vibrant downtown.

I enclose my recent letter to the editor in response to the ad referred to and in support of the Prime proposal.

Respectfully yours,



Robert C Smith
23 Concord Ave
Plattsburgh New York
12901

Letter to the Editor
Submitted 03/03/2020
By Robert C Smith

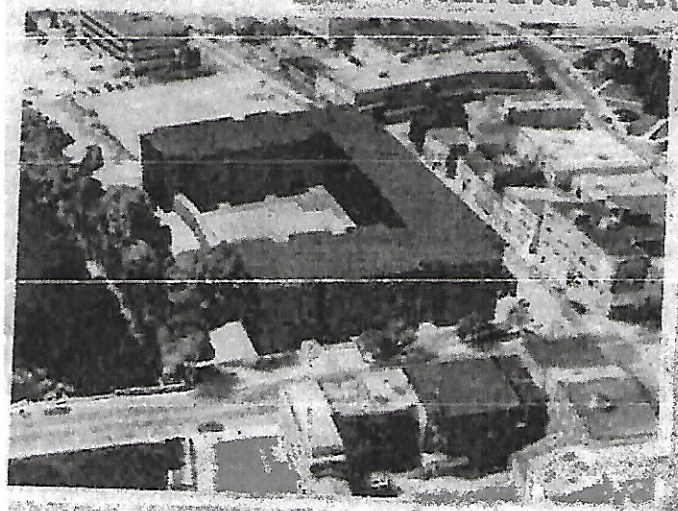
In a recent Sun Weekly paper, I saw an alarming notice about the DRI. As I read through, I found it to be at best a misleading ad. There were numerous bullet points that were not accurate.

- A wall street Corporation is not the developer. The Developer is from Cohoes and has done this successfully in other upstate communities.
- The award is given by the State and dispersed according to its regulations in the administration of the Grant. The mayor and common council support the plan.
- A Payment In Lieu Of Taxes (PILOT) will provide a temporary tax reduction for a period of time, offset by the revenue that such developments generate. Clinton County IDA determines the PILOT value independently of the city and developer
- Our taxes are currently being reduced, our bond rating is improving, and we are now funding a surplus. The statement that our taxes will increase is not an accurate statement.
- The building does not tower above the adjacent buildings. In fact, there are numerous buildings of the same height or taller downtown.
- Durkee street is a narrow two-way street with parking on one side. Making it a one-way street with angled parking will improve its safety.
- The parking plan has been developed after numerous public hearings for over a year.

Admittedly I have supported the DRI because it is the only plan that I am aware of that will bring people to reside, recreate and purchase goods and services in downtown Plattsburgh. I do support the DRI, I know others are not happy with-it offering criticism of aspects of the plan but no alternative. To win me over I need facts not inaccurate political spin and a proposal that gets citizens living, exercising, dining, entertaining, and shopping for goods and services downtown.

City of Plattsburgh Citizens:
YOUR TAXES ARE GOING UP!

- The Durkee Street Parking Lot is being sold to a Wall Street Corporation for $1, and the Mayor has promised them $4.3M of our $10M DRI award.
- This corporation will receive a multimillion dollar TAX BREAK - meaning YOUR taxes will increase.
- This corporation plans to build a 114-unit apartment complex that will TOWER over EVERY SINGLE STRUCTURE downtown.



- The City does NOT have a parking plan that will work.
- A one-way Durkee Street with angled parking will be DANGEROUS.
- Don't allow City Hall to impose paid parking downtown.
- Don't let our community spaces be given away to a Wall St Corporation.

MAKE YOUR VOICE HEARD & HOLD CITY OFFICIALS ACCOUNTABLE!

PLEASE JOIN US FOR THE FOLLOWING MEETINGS:

3/4/20	5:15pm @ County Gov't Ctr - County Planning Board
3/11/20	5:15pm @ County Gov't Ctr - Clinton County Legislature
3/16/20	7pm @ City Hall - City Zoning Board
3/23/20	6pm @ City Hall - City Planning Board
3/30/20	12pm @ County Gov't Ctr - Clinton County Industrial Development Agency

Together.....we can make a difference!

Find us on the web at www.plattsburghcitizenscoalition.com or on f at Plattsburgh Citizens Coalition

Beebie, Lisa

From: City Info <cityinfo@plattsburghcitygov.com>
Sent: Monday, April 6, 2020 11:28 AM
To: McMahon, Joe
Cc: Beebie, Lisa
Subject: Fwd: Zoning Board Meeting comments

---------- Forwarded message ---------
From: **Kathy L. Baumgarten** <foofusdotcom@aol.com>
Date: Mon, Apr 6, 2020 at 10:16 AM
Subject: Zoning Board Meeting comments
To: <cityinfo@plattsburghcitygov.com>

Dear Sirs

These are my comments I am submitting prior to the Zoning Board meeting today. I'll be watching the youtube broadcast to see if they are acknowledged and added to the permanent record of the meeting, which will be posted on the city website.

Especially during this pandemic, it seems like all Downtown Revitalization Initiative monies should go toward helping currently existing downtown businesses, revitalizing them when this is over. Not to be used to bring in competition against them!

Mt additional objections to the Prime development are as follows:

Will affect county tourism by limiting parking (the best and cheapest support we can offer), especially for our biggest regional events- the Battle of Plattsburgh, Fourth of July and Mayor's Cup. If the Mayor intends to relocate these events, he would have said so to relieve the criticism, so we can rightly assume he intends to discontinue city support of them. Noted members of our community have dedicated their entire lives to planning and organizing these events, which are advertised nation-wide.

Pull-in parking is the most popular of handicapped accessible parking; no amount of parallel parking the city has suggested can replace it.

Speaking of parking, at NO TIME has City Hall publicly broached the topic of where snow emergency parking will be relocated to once the Durkee lot is removed. The City of Burlington allows free parking in its three parking ramps to facilitate clearing its streets. But yet Plattsburgh seeks to end it, demonstrating their utter disregard for current downtown apartment dwellers and their landlords in downtown Plattsburgh. (In fact, I spoke with an official at Community Bank on Margaret St. At no time has the city invited any conversation about the business aspect of the bank parking lot and the Pavone lot being constructed next door. They told me that during snow, folks park in there all night. Which would be okay except that their own plow can't get in in the morning, nor can their own employees. This speaks to a greater

need for snow parking than is acknowledged.) This is not some little detail the city can figure out later. Like all good emergency planning, it needs to be done well in advance. Frankly, if they break ground in summer, it will be utter mayhem during peak weather and no one will know what to do come snow. People in our area can be economically devastated by one tow ticket. Small businesses can go bankrupt from one bad week.

The edifice will block from view the Saranac River and prevent for all future generations any enjoyment of this priceless natural wonder. Plattsburgh IS the Saranac! Visitors will ask why we are casting a shadow over it when everyone knows that water access is the best attraction a city can possibly have.

The edifice will be built within inches of the very bridge where the Battle of Plattsburgh was fought . That the bridge and its surroundings are not currently considered to be valued as they deserve in this context is irrelevant. There should be a memorial and historical interpretation center where Highway Oil was to mark this event of National import.

Over 70 local businesses signed a letter stating their opposition to this project; to date, City Hall has dismissed their concerns with utter contempt and have reached out to not even a single one. This is unconscionable and I want the Mayor and City Council to answer directly to the citizens their reasons for acting with this contempt and as if they govern in a vacuum.

The sheer size of this edifice is out of keeping with the nature of Downtown Plattsburgh, regardless of what color they paint it.

Prime has not allowed enough parking for customers, staff and tenants of its proposed development. It should not be our city's responsibility to pay for their parking. Additionally, any promises they have made about allowing public parking on their premises will be null and void as soon as they take possession. Therefore, the City's premise of adequate replacement parking for the loss of Durkee by including these "promised" parking spots is utterly false.

The County Zoning Board's conclusion that the project is thoughtless and without attraction is 100% correct and deserves your complete support. Plattsburgh is and always will be the County Seat and the people of the county park at Durkee lot whenever they come to town. The lot is always well utilized . It is the public's city space.

The Green space/ park at the parking lot as City Hall is touting it is merely a narrow sidewalk along the river and a narrow sidewalk leading to it from Durkee St. That is not a riverwalk. A Riverwalk has room for benches and gardens and features such as fountains, swings, overlooks, etc. Tourists driving by will assume the currently planned narrow walk is on private property and for all intents and purposes, it will be. Foot traffic from the apartments scurrying back and forth from the parking lot, delivery trucks, dumpsters and trash collection trucks will make the Prime's parking lot as busy and unattractive to tourists as possible. The River is already permanently blocked up on its East Shore with grandfathered buildings; this edifice will destroy ANY future hope of public enjoyment, at TAXPAYER EXPENSE!

The proposed building will exponentially increase the downtown traffic congestion rather than relieve it in any way! Imagine all the proposed buildings' tenants leaving for work during our downtown rush hour, deliveries coming in, employees and customers coming in - all crowding Bridge Street, and cars waiting for pedestrians. It will be a nightmare that could not be relieved at that point by ANY amount of action.

The proposed restructuring of the "tried and true as is" Durkee Street roadway should never have to have even been considered. The taxpayers in no way should be paying the price for a building we did not want, nor should we have to bear the unimaginable inconvenience of changing this important branch of Route 9 to one-way traffic to make any accommodations for any private concern. Nor should we later have to pay the price of turning it back to two-way after the fact, nor should we have to lose any parking places to boot. The building should have been designed to be completely self-sufficient without requiring anything from the current structure of the city parking and roads.

This development will hinder the operations of government agencies which use the Durkee Lot, and who have many handicapped patrons who are no where else accommodated for.

As others have said, there is no need for apartments and new shop space downtown. There IS a need to draw locals and visitors to the downtown and get them to stay longer. The best draw for this would be park area around the perimeter of the existing lot. Indeed, City Roads and Grounds could quite easily build more curbing, bring in dirt and stick in a few benches before the end of this month, throw in a few trees and grass seed and it would be the jewel of downtown

before the first day of summer. All ready for social distancing baby buggies and joggers.

Members of the zoning board are entrusted with protecting the spaces in our city - that they are used appropriately and correctly, cost-effectively and in the best interests of those who pay for them- the taxpayers. The opposition by taxpayers to this development is unprecedented in the 30 years I have owned my home on Elm Street, seven blocks from the parking lot. I think we know how we want our city to be.

Also unprecedented is the tenacity with which city hall has pushed back against the will of the people who pay their salaries. Any other mayor would have respectfully backed down to the wishes of their electorate, as the good civil servants they are paid to be.

There is already a contact in place for waterfront development as part of the DRI. The rest of the DRI monies need to revitalize our devastated and ALREADY EXISTING downtown so it can recover from the pandemic.

Regardless of what anyone may lead you to believe, or whatever amount of pressure may be used to sway your conclusions, or who is pressuring you, it is not too late to stop this project. Remember who you really work for.

At the very least, set this devision aside until after the pandemic. What's the hurry? They can't work on it anyways! If it's a good idea now, it will still be a good idea a few months down the road, right?

God Bless and Happy Easter

Sincerely,
Kathy L Baumgarten
TSGT USAF (Ret.)

Beebie, Lisa

From: City Info <cityinfo@plattsburghcitygov.com>
Sent: Monday, April 6, 2020 11:32 AM
To: McMahon, Joe; Miller, Matthew
Cc: Beebie, Lisa
Subject: Fwd: Zoning Board (April 6th) and Planning Board (April 7th)

---------- Forwarded message ---------
From: **Paul DeDominicas** <pdedomin@yahoo.com>
Date: Mon, Apr 6, 2020 at 10:30 AM
Subject: Zoning Board (April 6th) and Planning Board (April 7th)
To: cityinfo@plattsburghcitygov.com <cityinfo@plattsburghcitygov.com>

Good evening,

To the Zoning and Planning Boards of the City of Plattsburgh, I am writing this to you as a resident of the City and not as a City Councilor. First, thank you for the work that you do as it is challenging in the best of times. On top of that, everyone is now faced with the added stress of the COVID-19 Pandemic unsure of how it will affect Plattsburgh in the short and long term.

I understand that each Board has a decision to make regarding the Prime development project at Durkee St. I am asking for a pause for this project. The project was developed before the unprecedented response to the COVID-19 pandemic. In a short time, NYS and national economies have slowed considerably. Unemployment is up and is predicted to get worse before it gets better. Locally, many downtown businesses are shuttered with no clear idea of when they will reopen again. While we can model outcomes, we cannot know for sure the impact that the COVID-19 response will ultimately have locally.

Again, I am not asking you to vote against the project at this time. I am asking that you delay any vote to see how the pause in the economy affects local business and city revenues and to allow a better understanding of the situation as it develops. I think that there should be a discussion regarding the viability of a large development downtown after we have a better idea of the local impact or, at the very least, a discussion that the plan may need to change to reflect our new reality. Most people believe that even when we are able to start to return to work, it will be some time before anything is "business as usual".

Thank you for your time,

Paul DeDominicas
Trafalgar Drive
Plattsburgh NY 12901

Beebie, Lisa

From: Dani G <danirae11683@gmail.com>
Sent: Monday, April 6, 2020 2:57 AM
To: cityinfo@plattsburghcitygov.com; McMahon, Joe; ron.nolland@gmail.com; Beebie, Lisa; Tamer, Malana; Marbut, Shelise
Subject: Zoning Board of Appeals Comment 4/6/2020

City of Plattsburgh Zoning Board of Appeals,

I am writing to express my concern with the continuation of Zoning Board meetings, as well as concerns regarding the application by Prime Plattsburgh requesting a Special Use Permit for their project at the current Durkee Street Municipal Parking Lot.

Considering the Governor's PAUSE New York order which was issued in response to the Coronavirus outbreak, I encourage the Board to postpone any meetings which are not of an urgent matter. The Prime project can hardly be considered "essential", and if it has, please inform the public of such determination. Unless the board intends to vote this application down decisively, moving forward with such meetings to consider such non-essential issues, at a time when the public is not allowed to attend in person to observe and make public comment, will open any decisions made up to legal challenge in the future. I urge you to postpone any meetings that are not of critical concern to the health and well being of members of this community.

Please also accept the following comments in regards to the Prime application for Special Use permit, should the board decide to move forward with its determination:

In accordance with section 360-31 of the city code regarding special use permits, I believe the Zoning Board of Appeals simply CANNOT approve this application as submitted. Approval for such a permit requires that the proposed development must safeguard public health, convenience, and preserve the general character of the neighborhood. It is clear that this project is far too large for the space, and does not satisfy ANY of the criteria by which this application must be measured.

The sheer mass of this structure will dwarf the surrounding buildings of the downtown area. The DGEIS failed to produce an inventory of existing buildings and land within the designated downtown district as was requested; however, I would venture to guess that the proposed structure is close to five times the largest building that currently exists downtown, and at least ten times larger than the average building in our HISTORIC downtown district. The footprint of the building appears to occupy somewhere around 20% of the entire downtown area. We have a small, quaint, downtown which will simply be swallowed up by Prime if this is permitted to move forward. It is imperative that the nature and historic character of our downtown be preserved, as it is one of the ONLY assets we currently possess as a city. The use of differing exterior treatments will fool no one, and this structure will overpower our entire downtown, and stick out like a sore thumb.

The surrounding open space is also severely lacking, and the project provides NO meaningful public amenities as was supposed to be required per the RFP for developers. While the Durkee Street Lot's primary use is a parking lot, it has many secondary uses within the community, and provides an open space with vista views of the Saranac River, as well as gathering space for public events and festivities. Past precedent of this can be seen through the City's public permitting records, in which hundreds of events over the years have applied for and received approval for permits allowing such activities in this space. The project as proposed offers no meaningful public space, and effectively blocks nearly all view of one of our most treasured resources, the

Saranac River. By creating such an uninviting environment along the river, this project will effectively squander this resource and all funding being poured into the development of the Saranac River Trail as well.

It is also concerning that parts of the building will have residential units on the first floor. This is not conducive to a downtown urban experience. All residential units should start on the second or third floors.

The parking issues are also of concern. The building simply does not provide adequate parking for its uses per the city code. The developer mentions that they are providing their own formula for their own parking needs based on a model that works in another location for them. This is unacceptable. They tout this other project as being an acceptable model because it is completely isolated and not in any core city area, and they have no need for any additional parking. However, this is not an equivalent model precisely BECAUSE of the fact that this example is not in an urban downtown environment. The developer should be required to satisfy the city code. It is also concerning that, at the same time the developer wants to provide less parking than required, the city is as also coming up short on replacing the public parking spaces that Prime is going to occupy with the footprint of their building. They should be required to replace those parking spaces as well - either on or off site - as was required of the Gateway building project. This must be equivalent long term off-street parking.

Finally, the conversion of Durkee Street to one way with diagonal parking is extremely concerning regarding the street capacity and use of this building. With 114 new households coming in and out of this new massive structure, as well as all of the businesses' employees and customers, this will result in massive congestion and dangerous situations for both pedestrians and drivers. There will also be issues with garbage. The developer proposes to locate their dumpsters for this massive structure right on Durkee Street, which appear far too small to handle the proposed capacity of this structure. So not only is the public insulted by being given a sidewalk in return for our $4.3 million investment and lucrative tax breaks which we will have to subsidize through our own taxes, but we will also have to be affronted by the refuse from the occupants of this gated community as we walk past garbage heaps on the pathway from the "arts park" to the "riverwalk". Sounds inviting, doesn't it? Insufficient dumpster capacity is also a public health issue, which will attract rodents and wild animals. Considering the proposal now includes the expectation of restaurant space for this location, there will also be an issue of smell when locating these dumpsters street-side. This plan is just terrible.

Considering that the proposed project fails at every point of consideration required by the Board, I ask that the application for SUP be rejected. However, as the board has the ability to put conditions on the developer for any SUP, I also ask that the following criteria which were laid out in the DRI Strategic Plan be provided to the developer for resubmittal of any project plans:

1) building may contain approximately 45 residential units
2) the provision of approximately 1 acre of public green space
3) the 1:1 replacement of public off street parking IN ADDITION to parking to satisfy their own needs

Thank you so much for your consideration of these comments. I also thank you for your service to this city, and hope that you will do the right thing by your community during these uncertain times.

Be well and stay healthy,

Danielle Erb

Beebie, Lisa

From: terrycb12901 <terrycb12901@yahoo.com>
Sent: Thursday, April 2, 2020 10:42 PM
To: McMahon, Joe; ron.nolland@gmail.com; Beebie, Lisa; Tamer, Malana; Marbut, Shelise; cityinfo@plattsburghcitygov.com; Ira Barbell; Kelly, Michael; Gibbs, Elizabeth; DeDominicas, Paul; McFarlin, Patrick; Moore, Jeff
Subject: Stop Non-Essential Meetings!

I urge you to postpone any zoning board or planning board meeting dealing with the Prime project, or ANY non-essential project that's bee submitted! These are PUBLIC meetings and holding any such meeting will exclusively exclude the public!T

You must postpont the April 6th ZBA meeting and the April 7th Planning Board meetings as non-essential meetings in accordance with the "PAUSE NEW YORK" Executive Order by the Governor.

Municipalities around the state are postponing Zoning Board and Planning Board meetings until at least the end of April while in the midst of this pandemic!

The public has a right to attend these meetings and to be heard! To exclude them from attending and voicing concerns, and even their agreement, is worse than wrong and unfair, it's reprehensible.

Terry Broderick

Sent from my Verizon, Samsung Galaxy smartphone

Beebie, Lisa

From: City Info <cityinfo@plattsburghcitygov.com>
Sent: Monday, April 6, 2020 12:07 PM
To: McMahon, Joe
Cc: Beebie, Lisa
Subject: Fwd: Dri project

---------- Forwarded message ---------
From: **s king** <moalem56@yahoo.com>
Date: Mon, Apr 6, 2020 at 11:31 AM
Subject: Dri project
To: <Cityinfo@plattsburghcitygov.com>

Given the current pandemic health situation, it is complete irresponsible for the City to hold any meeting, especially one as important as this project with its impact on our city. I also question the legality of holding such meetings with the inability for public input.

The City, if it allows this and other meeting like it to proceed, is being dishonest, and secretive and does the citizenry a great disservice.

NOT MEETINGS FOR DRI until the emergency passes and public meetings can be held properly

Steve graf
8 lynde
Plattsburgh

Envoye de mon iPad Pro

Beebie, Lisa

From: Dr. Kate Mahoney-Myers <DrKateMahoney@hotmail.com>
Sent: Thursday, April 2, 2020 1:12 PM
To: McMahon, Joe; ron.nolland@gmail.com; Beebie, Lisa; Tamer, Malana; Marbut, Shelise; cityinfo@plattsburghcitygov.com
Subject: Postpone meetings due to covid-19 pandemic

On March 22, Governor Cuomo passed an executive order called PAUSE NEW YORK according to which all non-essential public meetings must be POSTPONED or CANCELLED. Period.

Please postpone all zoning board or planning board meetings that are related or relevant to the downtown DRI /Prime project immediately. The Covid19 pandemic has brought business and families to their knees. Loved ones are ill. Finances are in ruin. There is no reasonable expectation of public participation at this point especially considering the Mayor himself has issued a state of emergency order in the City if Plattsburgh and also has implemented an 8pm curfew. If these meetings continue, it is a clear and blatant attempt to "never let a good crisis go to waste" and impede any in-person participation by the public. The livestream online is enormously subpar, as no one can reasonably hear anything that is being said and many people lack the technological means to participate.

The April 6th ZBA meeting and the April 7th Planning Board meetings are clearly non-essential meetings in accordance with the "PAUSE NEW YORK" Executive Order by the Governor. Municipalities around the state are postponing April Zoning Board, Planning Board and multiple meetings directly because of the current pandemic. In light of the current downtown fiasco, Plattsburgh surely ought to as well.

Sincerely,
Kate Mahoney-Myers
owner of Living Well Chiropractic
10 Brinkerhoff St.
Plattsburgh, NY 12901

Beebie, Lisa

From: Libby Yokum <adklotus@gmail.com>
Sent: Wednesday, April 1, 2020 4:52 PM
To: ron.nolland@gmail.com; McMahon, Joe; Marbut, Shelise; Tamer, Malana; Beebie, Lisa; cityinfo@plattsburghcitygov.com
Subject: City resident request during COVID 19 and PAUSE NEWYORK

To City Departments,

I wanted to politely ask you to postpone Zoning and Planning Board meetings dealing with the Prime/ Durkee St/ DRI projects without public in-person participation. However, what I really want to do is to yell- How the heck is it possible during this horrific pandemic, with downtown businesses being partially or totally closed and terribly financially stressed, with residents unable to pay rent (or cover medical expenses or even buy food), with landlords wondering how they will pay city taxes without their income, and I could go on... How can you even consider NOT canceling these meetings in accordance with the "Pause New York" Executive Order?

Televised meetings are not a workable solution for non-urgent business during COVID 19. The public cannot hear clearly or be involved which is totally unacceptable. Some concerned residents don't even have access.

The underlying question is what is the big hurry to have these meetings and rushed decision making before we even know the outcome of this crisis? We have no idea if the current businesses and apartment owners can even survive this pandemic? Will financial assistance be needed to just keep what we have afloat? Isn't is the City's job to see that residents and businesses are a priority.

Again, please postpone the Zoning Board April 6th and the Planning Board April 7th meetings dealing with the Prime/ Durkee St/ DRI projects without public in-person participation until we get to the end of this current crisis.

Thank you,

Elizabeth (Libby) Yokum

7 Point View Terrace

Plattsburgh NY 12901

C- 518 570-9570

H-518 310-1678

Beebie, Lisa

From: Steven Googin <sgoogin@yahoo.com>
Sent: Wednesday, April 1, 2020 3:13 PM
To: McMahon, Joe; ron.nolland@gmail.com; Beebie, Lisa; Tamer, Malana; Marbut, Shelise; cityinfo@plattsburghcitygov.com
Subject: Postpone meetings

To whom it may concern,

Please postpone any zoning board and planning board meetings dealing with the Prime project without direct, in-person participation by the public. The April 6th ZBA meeting and the April 7th Planning Board meetings are non-essential meetings in accordance with the "PAUSE NEW YORK" Executive Order by the Governor. Municipalities around the state are postponing April Zoning Board and Planning Board meetings in light of the current pandemic.

Sincerely,

Steven Googin

Beebie, Lisa

From: Zukowski Properties <zukowskiproperties@gmail.com>
Sent: Wednesday, April 1, 2020 9:22 PM
To: McMahon, Joe; ron.nolland@gmail.com; Beebie, Lisa; Tamer, Malana; Marbut, Shelise; cityinfo@plattsburghcitygov.com
Cc: Ira Barbell; Kelly, Michael; Gibbs, Elizabeth; DeDominicas, Paul; McFarlin, Patrick; Moore, Jeff
Subject: Fwd: NO SPECIAL MEETING !!!!!!!!!!!!!!!

WE WILL NOT STAND or sit FOR THIS

---------- COLIN READ RUSHING A SPECIAL MEETING OF THE ZONING AND PLANNING BOARDS MONDAY AND TUESDAY. AND WITH THE PUBLIC BANNED FROM ATTENDING. USING THIS STATE OF EMERGENCY TO SNEAK THROUGH THE PRIME DEVELOPMENT IS NOT ONLY INSULTING TO A STRUGGLING POPULATION IT IS UNSCRUPULOUS!!!!

THIS IS THE WORST FORM OF UNDERHANDEDNESS IMAGINABLE AND YOU WON'T STAND FOR IT!

YOU must be held accountable for choosing to play politics during our nation's greatest time of need.

STOP THE MADNESS

EZ Properties
518.563.6021
e-zproperties.com

Beebie, Lisa

From: Marc Gendron <mfgendron@icloud.com>
Sent: Wednesday, April 1, 2020 3:52 PM
To: Beebie, Lisa
Subject: April 6th ZBA Meeting?

Dear Sir,

Please postpone any zoning board or planning board meeting dealing with the Prime project without direct, in-person participation by the public. The April 6th ZBA meeting and the April 7th Planning Board meetings is a non-essential meeting in accordance with the "PAUSE NEW YORK" Executive Order by the Governor. Municipalities around the state are postponing April Zoning Board and Planning Board meetings in light of the current pandemic.

Thank You,

Marc Gendron

Beebie, Lisa

From: City Info <cityinfo@plattsburghcitygov.com>
Sent: Monday, April 6, 2020 12:34 PM
To: Miller, Matthew; McMahon, Joe
Cc: Beebie, Lisa
Subject: Fwd: Suspend meetings

---------- Forwarded message ---------
From: **Shawna Mefferd Kelty** <shkelty@gmail.com>
Date: Mon, Apr 6, 2020 at 12:02 PM
Subject: Suspend meetings
To: <cityinfo@plattsburghcitygov.com>

I am urging the Mayor and the ZBA and the Common Council to stop taking advantage of the state of emergency and to conduct only the essential business of the City. Colin Read should stop putting the Prime Project before the residents of the City of Plattsburgh.

Thank you,
Shawna Mefferd Kelty
--
Shawna Mefferd Kelty, PhD
she | her | hers
RYT 200, PRYT
Associate Professor of Theatre
101 Broad St, 124 Myers
SUNY Plattsburgh
Plattsburgh, NY 12901
(518) 564-2480

Beebie, Lisa

From: boothins <boothins@primelink1.net>
Sent: Friday, April 3, 2020 11:09 AM
To: McMahon, Joe; ronnolland@gmail.com; Beebie, Lisa; Tamer, Malana; Marbut, Shelise; cityinfo@plattsburghcitygov.com
Subject: April 6 & 7 zoning and planning board meetings

Please postpone any zoning board or planning board meeting dealing with the Prime project without direct, in person participation by the public.

The April 6th ZBA meeting and the April 7th Planning Board mneetings is a non-essential meeting in accorance with the "PAUSE NEW YORK" Executive Order by the Governor. Municipalities around the state are postponing April Zoning Board and Planning Board meetings in light of the current pandemic.

Alan B Booth

Beebie, Lisa

From: Kathy Baumgarten <foofusdotcom@aol.com>
Sent: Wednesday, April 1, 2020 3:15 PM
To: Beebie, Lisa
Subject: Plattsburgh on PAUSE

Dear Sir

I am writing as a 30 year resident and Plattsburgh homeowner to plead with you to please postpone any zoning board or planning board meeting dealing with the Prime project without direct, in-person participation by the public.

The April 6th ZBA meeting and the April 7th Planning Board meetings is a non-essential meeting in accordance with the "PAUSE NEW YORK" Executive Order by the Governor.

Other Municipalities around the state are postponing April Zoning Board and Planning Board meetings in light of the current pandemic. Plattsburgh should follow suit.

Kathy L. Baumgarten

Sent from my iPhone

Beebie, Lisa

From: Luis Sierra <lfsierra@earthlink.net>
Sent: Wednesday, April 1, 2020 2:08 PM
To: McMahon, Joe; ron.nolland@gmail.com; Beebie, Lisa; Tamer, Malana; Marbut, Shelise; ancityinfo@plattsburghcitygov.com
Subject: Please respect citizens rights during the Pandemic...respect PAUSE NEW YORK Executive Order

Please postpone any zoning board or planning board meeting dealing with the Prime project without direct, in-person participation by the public. The April 6th ZBA meeting and the April 7th Planning Board meetings is a non-essential meeting in accordance with the "PAUSE NEW YORK" Executive Order by the Governor. Municipalities around the state are postponing April Zoning Board and Planning Board meetings in light of the current pandemic.

Keep in mind that the pandemic is a global crisis with no clear end. The short and long term economic, social and political impact at the local, state, national and global level will be unprecedented in our history. To proceed without public participation on this important matter is careless and disrespectful of our rights as citizens.

Sincerely,

Luis F. Sierra
7 Point View Terrace
Plattsburgh, NY 12901

Home : 518-310-1678
Cell : 518-570-8830

Beebie, Lisa

From:	Plattsburgh Citizens Coalition <plattsburghcitizencoalition@gmail.com>
Sent:	Monday, April 6, 2020 9:55 AM
To:	cityinfo@plattsburghcitygov.com; McMahon, Joe; Beebie, Lisa; Parrotte, Sylvia
Cc:	editor@studleyprinting.com; WIRY; Amanda Dagley; estigliani@freepressmedia.com; news@northcountrynow.com; newstips@mynbc5.com; rrockstroh@mychamplainvalley.com; nate@suncommunitynews.com; jlotemplio@pressrepublican.com; Josh; pbradley@wamc.org; McKenzie Delisle; Emily Russell
Subject:	Zoning Board of Appeals Comment 4/6/2020 - 1 - Letter from Attorney Matt Fuller
Attachments:	PCC_ZBA Ltr 432020.pdf

MEYER, FULLER & STOCKWELL
PLLC ATTORNEYS AT LAW

LAKE GEORGE
TITLE AGENCY

April 3, 2020

City of Plattsburgh Zoning Board of Appeals
c/o Ron Nolland, Chairman
City of Plattsburgh Planning Board
c/o Jim Abdallah, Chairman
City Hall
41 City Hall Place
Plattsburgh, New York 12901

Re: Prime Plattsburgh, LLC Special Use Permit Application

Dear Mr. Nolland, Mr. Abdallah, ZBA and Planning Board members:

Our firm is been retained by the Plattsburgh Citizens Coalition, Inc., a not for profit coalition and its members, of concerned citizens, property owners, and business owners in the City of Plattsburgh relative to the City's proposed development plans with Prime Plattsburgh, LLC. We understand that a ZBA public hearing has been noticed for the Prime Plattsburgh, LLC application for April 6, 2020. We also understand that applications are pending before the Planning Board. We offer the following comments:

1. Open Meetings Law: We note that given the Covid-19 outbreak, Governor Cuomo on March 13, 2020 issued Executive Order 202.1 which, in part, suspended Article 7 of the Public Officers Law, commonly known as the Open Meetings Law. This Executive Order has subsequently been extended and modified through to and including Executive Order 202.13 (as of March 30, 2020). However, what neither Article 7 of the Public Officers Law, nor Governor Cuomo's do, is address public hearings.

It is our belief that the ZBA is holding this public hearing solely under the guidance provided after Governor Cuomo's Executive Order 202.1 which permitted meetings to be held without

public attendance. That order, however, did not address public hearings. Public hearings continue to require active public input, that is, input during the actual meeting either through mechanisms such as "Zoom" or other similar participation level remote meetings. The procedure adopted by the City of Plattsburgh does not satisfy this law.

In addition, the City's procedure appears to ignore Executive Order 202.10 (March 23, 2020, copy attached) which states clearly "Non-essential gatherings of any size for any reason (e.g. parties, celebrations or other social events) are canceled or postponed at this time." With due respect, and particularly given the level of public interest in this project, this project is under no definition "essential". Indeed, it covers literally none of the essential categories covered by New York State Empire State Development at https://esd.ny.gov/guidance-executive-order-2026. [Last accessed 4-1-2020]

What is the reality, however, is that this scheduling of this hearing during this COvid-19 pandemic is a blatant attempt to push a controversial project through with as little public participation as possible. Indeed, it is quite clear that the City's public hearing procedures were perhaps adopted with this exact project in mind.

The ZBA and Planning Board are NOT obligated to follow the City's adopted hearing protocol. The ZBA and Planning Board are well within their respective powers to table this matter until Governor Cuomo lifts the pending prohibition against in person meetings. This matter is the largest project in recent history in the City of Plattsburgh. For this to be rushed through when the public is actually prohibited from appearing in person, for a project that is clearly not essential, is in and of itself an abuse of discretion and irrational. We ask the ZBA and Planning Board to table this matter until the pending prohibition against in person meetings is lifted.

As an update, subsequent to the draft of this letter, we received the correspondence issued by the City by email from the "Mayor's Office" of April 3, 2020 at 12:10pm. Notwithstanding that letter, and the Q&A attached thereto, government meetings are and should be limited to matters that are essential, no different than "essential businesses" are limited to those portions of business that are essential. **The fact is that this Durkee Street project is not essential**. That is

the entire point missed by the meeting guidance, the meeting procedures, and the statement issued by the Mayor's office of this day. Not every government function is essential. Were this a project for a hospital, or a health care center, or a production facility for PPE, the facts would be different, and a reviewing this project would be warranted.

2. Applicant: The applicant is not the "City of Plattsburgh" as noted on the applications. In reviewing the "Development Agreement" between the City of Plattsburgh and Prime Plattsburgh, LLC dated March 29, 2019 (hereinafter the "Agreement"), the pending applications before the ZBA and Planning Board are flawed as a matter of law. A copy of this Agreement is enclosed.

Pursuant to Section 4 of the Agreement titled "Permitting", Prime is the applicant, not the City of Plattsburgh. See Section 4(a)- "*Prime and its agents shall prepare and submit all necessary municipal, state and federal permit applications required for the approval of the Durkee Development and shall present such applications to the applicable governmental authorities.*" Indeed, the SEQRA EAF form in the ZBA's materials note Prime Plattsburgh, LLC as the applicant, not the City. Prime has submitted no such application.

Moreover, not cited in any application materials is the authority or ability of the City of Plattsburgh as a municipal entity to even make this application. In this regard, we believe that City staff time used in pursuing an application that by written agreement is required to be submitted by a private business entity is actually an unconstitutional gift of public resources. While there are contractual obligations that a city may enter into, this Agreement specifically states that Prime, not the City, is to be completing and submitting the applications for this project. Thus, taxpayer dollars cannot be spent as they are now.

Lastly, on this point, the ZBA and Planning Board have to ask: How can the ZBA or Planning Board possibly receive unbiased support from the very community development and code enforcement staff that is bringing this application? Pursuant to General City Law §81-a, and indeed City of Plattsburgh Zoning Law §360-56[C]: "*Assistance to the Boards. Such Boards shall have the authority to call upon any department, agency or employee of the City for such assistance as shall be deemed necessary and as shall be authorized by the legislative body. Such*

department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance." You cannot possibly rely on that assistance of those providing the assistance are the applicant!

The City of Plattsburgh cannot be the applicant as note above, and this needs to be remedied.

3. Waterfront development: We are enclosing our letter to the Common Council of September 9, 2019. To date, this letter has not been answered. However, this same legal issue presents itself to the ZBA and Planning Board. As proposed, the project application will include the alienation of waterfront property. We point you to the full content of our letter as if fully set forth herein. The ZBA and Planning Board are without power to approve any project that would alienate waterfront property.

4. SEQRA: The EAF submitted by the City is shockingly incomplete for a project of this magnitude. Little to no thought or consideration was put into this document. The following questions were not even answered in Part I of the EAF: C.1., C.2.c, C.3.c., D.1.c., D.1.d., D.1.e (incomplete), D.1.h., D.2.a., D.2.b., D.2.e. (incomplete), D.2.f., D.2.g., D.2.h., D.2.i., D.2.j., D.2.o., D.2.p., D.2.q., D.2.s., D.2.t., E.1.b. (incomplete), E.1.c. E.1.e., E.1.f., E.1.g., E.1.h. (incomplete), E.2.h (incorrect- the project site does include a river), E.2.q., and E.3.b..

In addition, we note the City's response at EAF question D.D.2.e.ii.: The City notes that this project will discharge to the Saranac River. The legality of this discharge needs to be researched. We do not believe that the City can legally create a point source discharge from this new project directly to the Saranac River.

Lastly, the underlying facts upon which the SEQRA findings has changed. Indeed, just this week it was reported that a record 6.6 million Americans filed for unemployment. The recession created by the Covid-19 pandemic cannot be ignored, and the underlying need for this project as well as the finances upon which it is based must be reviewed. In short, no board of the City can ignore the economic realities of the current environment.

5. Conflict: We believe the City's corporation counsel has a conflict of interest. The Corporation Counsel's allegiance is to the Common Council. The ZBA's and Planning Board's obligations are to review the pending PUD, site plan, subdivision, special use permit and variance applications. Thus, where questions of law are before the ZBA and Planning Board, or indeed even procedure, the ZBA and Planning Board cannot reasonably rely on the advice of counsel that is beholding to the Common Council, as again, corporation counsel's goal is to further the interests of the Common Council. Indeed, this letter raises significant, valid legal issues that the ZBA and Planning Board needs to address on their own- not in reliance on the Common Council. To the extent that you have legal questions on this matter, you need your own attorney.

Thank you.

Sincerely,

Matthew F. Fuller, Esq.
mfuller@meyerfuller.com

cc: Plattsburgh Citizens Coalition, Inc.

DEVELOPMENT AGREEMENT

This Development Agreement (the "Agreement") is by and between the **CITY OF PLATTSBURGH**, a New York municipal corporation located in Clinton County, New York (the "City") and **PRIME PLATTSBURGH, LLC**, a New York limited liability company with a place of business in Cohoes, New York ("Prime"), and is made and entered into as of the date of execution by the last party to execute this Agreement (the "Effective Date").

Background

1. Prime is a development company with experience and expertise in the design, development and management of mixed-use development projects.

2. The City is the owner of the so-called "Durkee Street Property". This site consists of two separate properties: 40 Bridge Street and 22 Durkee Street. Combined, the footprint of these properties totals approximately 4.3 acres. A portion of the Durkee Street Property is a leased parcel of approximately 1.3 acres on the southern end of the property (the "Leased Parcel"). This leased site contains a three-story office building and a two-level parking structure. It is leased by Investors Corporation of Vermont ("ICV") and shall not be part of the mixed-use development project. The intent of the City is to merge the 40 Bridge Street with the parcel located at 22 Durkee Street and subdivide the Leased Parcel as well as any lands located to the South of Broad Street which may be associated with the 22 Durkee Street property (the "Merger and Subdivision"). Upon completion of these steps, there shall remain an approximately 3.4-acre parcel bordered to the South by the Leased Parcel, to the North by Bridge Street, to the West by Durkee Street, and to the East by the Saranac River (the "Project Site").

3. New York State ("NYS") awarded the City $10 million in grant funding through Governor Andrew Cuomo's Downtown Revitalization Initiative ("DRI") to implement catalytic investment projects in downtown Plattsburgh as part of a longer-term strategy to attract additional public and private investment for revitalization. The Durkee Street redevelopment project is the centerpiece of Plattsburgh's DRI revitalization effort and NYS allocated $4.3 million towards its implementation that can be used as funding for infrastructure improvements, construction, and gap financing.

4. The City DRI's associated Streetscape Improvements and Riverfront Access projects will complement and support redevelopment of the Project Site, which may include improvements on Durkee and Bridge Streets as well as riverfront improvements bordering the Project Site (collectively, "the City's Other DRI Projects").

5. The City issued a Request for Proposals on October 17, 2018 ("RFP"), for a mixed-use development on the Project Site. Prime submitted a proposal in response to the RFP to develop, finance, construct and manage a mixed-use development to be built on the Project Site that is to be purchased from the City.

6. The City and Prime (collectively, the "Parties") memorialized their understandings with regard to the Project Site via a Letter of Intent dated February 22, 2019, incorporated herein and attached hereto as Exhibit "B" (the "Letter of Intent").

7. Prime intends to develop and construct a mixed-use development on the Project Site consisting of 2 buildings which will include approximately 127 +/- market rate apartments including furnished corporate apartments by ExecuStay, approximately 13,515 square feet of commercial space (retail, restaurants and/or office), approximately 7,883 square feet for Farmers' Market/civic space/

community space; approximately 233 parking spaces; and public access to the Saranac River waterfront (the "Durkee Development"). The City and Prime acknowledge and agree that the plans, including the configuration and size of the buildings, are conceptual and, to achieve the goals of each party as set forth herein, may be amended as design and permitting progress in accordance with the terms and conditions of this Agreement.

7. The City supports the Durkee Development. In order to complete the Durkee Development, the 40 Bridge Street parcel will need to be merged with the 22 Durkee Street parcel, the ICV leased parcel and other lands to the south of Broad Street will need to be subdivided from the resulting parcel, and easement rights for utilities and public access will need to be retained by the City. In addition, there will be public parking on the Project Site.

8. The City, as referenced in this document, is defined as follows:

(a) The City Common Council ("City"). The City of Plattsburgh, as the legal entity of the municipality shall be responsible for approval of the Plans, financing, and this Development Agreement and terms and conditions associated with it as outlined below. This shall also include City staff assisting the City Common Council in this capacity.

(b) The City's review boards ("City Boards"): The Planning Board and Zoning Board of Appeals, are independent bodies that will make their own evaluations of the Durkee Development and Project Site under applicable zoning requirements and the terms and conditions of this Agreement shall not be binding on these boards.

9. Prime and the City wish to formulate the necessary terms to proceed with the design, permitting, financing, construction, ownership and management of the Durkee Development.

10. Prime and the City enter into this Agreement to describe the framework for the Parties to proceed with the Durkee Development.

NOW, THEREFORE,

In consideration of the promises and the mutual covenants and agreements herein set forth, and in reliance on the representations and warranties contained herein, the Parties hereby agree as follows:

Section 1. **Prime's Due Diligence.** Prime shall have 40 days from date of execution of the Letter of Intent to complete its general due diligence of the Project Site (the "Due Diligence Period"). Due diligence will be the responsibility and at the expense of Prime and includes, without limitation, the following potential analysis:

- Review of existing City Boards, City, and NYS permitting history and analysis, and needed City, City Boards, and NYS permitting requirements,
- Review of environmental and brownfield restrictions and analysis,
- Title research and examination,
- Engineering analysis,
- Traffic analysis,
- Utility analysis,
- Geotechnical and soil boring analysis, and
- Other items as determined that need to be considered for the development of the site.

To aid in Prime's Due Diligence, the City will promptly provide Prime with any and all environmental documentation and requirements between the City and the NYS Department of Environmental Conservation on complying with the Site Management Plan in place for the Project Site and the environmental easement on the Project Site in the possession or control of the City. The City agrees to work with Prime as needed for amending NYS documents related to the Site Management Plan as may be necessary for change of use, transfer of certificate of completion, and ownership in connection with the Durkee Development. Prime understands that initial brownfield remediation work has been completed on the Property. If following any sale of the Project Site additional contamination is found during construction and further remediation is needed, such remediation shall be the responsibility of Prime. The City shall engage in reasonable efforts to assist Prime with securing potential NYS funding for this work should the need for it arise.

Prime shall provide the City with necessary information for determining utility allocation needs and connections for the Durkee Development. The City will provide Prime copies of title research, an ALTA survey completed in November of 2018, and utility easements on the Project Site. Prime's title research shall identify items that may be of issue and shall work with the City to resolve them during the Due Diligence Period.

The above Due Diligence Period, which is Prime's responsibility, shall be completed within forty (40) days after the execution of the Letter of Intent. Notwithstanding the foregoing, Prime may extend the Due Diligence Period for an additional thirty (30) days upon written notice to the City, delivered to the City no later than the close of business on the fortieth (40th) day of the initial Due Diligence Period, provided that Prime uses its best efforts to complete its due diligence within the initial forty (40) day period.

During the Due Diligence Period, the City and Prime agree to communicate regularly and express their mutual goodwill to coordinate and resolve potential obstacles.

In the event that either the City or Prime determine, for any reason, during the Due Diligence Period, that they do not wish to proceed with the Durkee Development, a written notice of termination shall be delivered to the other party no later than the close of business on the last day of the Due Diligence Period, as same may be extended. Upon such written notice, this Agreement shall terminate with each party having no further obligation or liability to the other, except such obligations and liabilities that expressly survive the termination or expiration of this Agreement.

Section 2. **Access, Prime's Responsibilities, Prime's Indemnity**

(a) From the date of the Letter of Intent through the expiration of the Due Diligence Period, Prime and its authorized agents or representatives shall be entitled to enter upon the Project Site during normal business hours upon advance notice to the City and make such reasonable, minimally invasive investigations, studies and tests including, without limitation, surveys, environmental surveys, geotechnical borings, and engineering studies as Prime deems necessary or advisable, provided, however, that, except as set forth below, Prime shall not be permitted to conduct subsurface environmental testing without City's prior consent, which consent shall not be unreasonably withheld, conditioned or delayed. The Parties acknowledge that it is anticipated that Prime will conduct geotechnical studies and ground penetrating radar studies at the Project Site, which shall include subsurface activities. Prior to conducting such subsurface activities, Prime will provide the City with the scope of such activities for the City's review and approval. The Project Site currently provides public parking in the City so Prime will use reasonable efforts to minimize any anticipated disruption of parking spaces or access.

(b) Prime agrees that in conducting any inspections, investigations or tests of the Project Site, Prime and its agents and representatives shall: (i) not unreasonably interfere with the operation and maintenance of the Project Site; (ii) not unreasonably disturb the tenants or occupants of adjacent properties; (iii) not damage any part of the Project Site or any personal property owned or held by

the City or any tenant or third party; (iv) not injure or otherwise cause bodily harm to the City or its respective guests, agents, invitees, contractors and employees or any tenant or their guests or invitees; (v) maintain comprehensive general liability insurance in terms and amounts reasonably acceptable to the City covering any accident arising in connection with the presence of Prime, its agents and representatives on the Project Site, and deliver a certificate of insurance verifying such coverage to the City prior to entry upon the Project Site; (vi) promptly pay when due the costs of all tests, investigations and examinations done with regard to the Project Site; (vii) not permit any liens to attach to the Project Site by reason of the exercise of Prime's rights hereunder; and (viii) fully restore the Project Site to the condition in which the same was found before any such inspection or tests were undertaken.

(c) Prime covenants and agrees to restore any damage to the Project Site resulting from the conduct of any such inspections, tests, surveys and/or studies and to save and hold the City and its successors and assigns harmless from any claim, damage, cost or expense, including reasonable attorneys' fees, for any damage to the Project Site or the property of third persons and/or adjacent property of third parties or for any personal injuries arising in whole or in part from any inspections, tests, surveys and/or studies performed by Prime or Prime's agents, employees or invitees on the Property. In no event shall the foregoing be construed to render Prime liable in connection with the presence or existence of any hazardous materials or environmental contaminants that exist on or beneath the Property and which were discovered through Prime's inspections, tests, surveys and/or studies except to the extent that any such hazardous materials or environmental contaminants were brought onto the Project Site and released by Prime or its agents. Prime's obligations hereunder shall survive the termination of this Agreement for any reason

(d) Prime shall share with the City all plans, surveys, site plans, building elevations, landscaping and lighting plans, traffic studies, engineering drawings, and all other plans, permits, applications, soil borings and tests, environmental site assessments, reports, and similar materials and products currently existing or generated for, by or on behalf of Prime in connection with the development of the Property during the term of this Agreement ("Work Product"). Prime shall provide copies and review its Work Product and proposed permit applications with the City before Prime submits them to any permit authority for the City's consent which shall not be unreasonably withheld or delayed. In the event that Prime fails to close, all Work Products, except for architectural and conceptual plans that are proprietary to Prime or Prime's architect, shall be assigned to and shall become the property of the City. The City shall provide to Prime, within five (5) days of the Effective Date, all permits, applications, environmental site assessments, reports, and similar materials and products currently existing or generated for, by or on behalf of the City in connection with the development of the Property, or which the City otherwise has in its possession, or are in the possession of the City's agents or consultants and of which the City has actual knowledge.

(e) Prime shall be solely responsible in its sole discretion for selecting the members of its development team including the architect, attorneys, general contractor, property manager, funding sources, consultants and other participants, and coordinating between them.

Section 3. **Pre-Permitting and Design**. In the event neither party provides the written notice of termination provided for in Section 2 above, the Parties shall promptly proceed with the next phase of development of the Durkee Development, the "Pre-Permitting and Design Phase" which shall consist of a ninety (90) day period commencing within fifteen (15) days following the end of the Due Diligence Period, as it may be extended. During the Pre-Permitting and Design Phase, Prime and the City will conduct the following:

(a) Design Process. Prime has engaged the services of Mackenzie Architects to complete the conceptual plan of the Durkee Development. Prime and its agents shall be responsible for preparing the preliminary design plans for the Durkee Development and Project Site, including hiring the

necessary architectural, landscape, engineering and related consultants needed to develop the plans for the permitting of the Durkee Development (the "Plans"). The Plans shall be in sufficient detail to be submitted in connection with the permit proceedings referenced below in the Permit Phase. Prime shall coordinate and communicate with the City regarding conceptual plans so as to foster and encourage City input. The City shall have access to the preliminary designs for the Plans. The City's approval of the Plans is also required, which shall not be unreasonably withheld, conditioned or delayed. The City shall notify Prime in writing of its approval or non-approval (together with detailed reasons as to such non-approval) of the Plans within fourteen (14) days of the City's receipt of the Plans.

(b) The Parties also incorporate by reference the Vision and Project Requirements as set forth in the Appendix A to the Letter of Intent, which is attached hereto as Exhibit "B".

(c) The Parties agree to incorporate energy efficient measures and green infrastructure that could work towards a LEED certification for the Durkee Development provided that such efforts and recommendations can be accommodated in a cost effective manner as determined and agreed to by the Parties.

(d) The City has engaged the services of Saratoga Associates to design the City's Other DRI Projects. Prime and City agree to work cooperatively on the Plans for the Durkee Development and the design of the City's Other DRI Projects with the objective of well-coordinated designs that benefit each.

(e) Farmers' Market. Prior to April 30, 2019, the City will make a determination regarding the viability of a farmers' market on the Project Site. In the event the City determines the farmers' market will remain on the Project Site, the Plans shall incorporate the farmers' market in a manner mutually agreeable to the Parties. In the event a farmers' market will not remain on the Project Site, as determined by the City, then the Parties will propose an alternative public amenity, public parking, or community-oriented project to be incorporated into the design of the Durkee Development to meet the City's DRI goals as outlined in the Letter of Intent. In the event the City determines that a farmers' market on the Project Site is not viable, the Parties agree to work together to relocate the existing Plattsburgh Farmers' and Crafters' Market structure off the Project Site.

(f) Merger and Subdivision. The Plans shall include all documentation reasonably required to merge the 40 Bridge Street parcel with 22 Durkee Street parcel, and then subdivide the ICV leased parcel as well as any lands to the South of Broad Street. The parcels described above are indicated on the Robert M. Sutherland P.C. ALTA SURVEY Plan for the City of Plattsburgh dated 10/16/16 and certified on 11/02/2018, herein attached at Exhibit C.

(g) Public Parking. Prime shall generate an initial draft parking plan for the Project Site and proximate public parking areas which shall be distributed to the City. The proximate public parking areas shall include any parking areas on Bridge Street and Durkee Street to be constructed as part of the City's Other DRI Projects. The plan shall detail the number of public parking spaces, the management system for these spaces, and shall also detail parking lot maintenance and liability. The portion of the parking plan which directly encumbers the Project Site shall be approved by the City, which approval shall not be unreasonably withheld, conditioned or delayed. The Parties shall execute a mutually satisfactory project site parking agreement (the "Project Site Parking Agreement"). There shall be, at a minimum, 30 parking spaces designated exclusively for the public's use on the Project Site.

(h) Public Access Easements. An essential component of the Durkee Development is public access to the Saranac River waterfront. The Plans shall identify those areas identified by the City that it shall retain for public access easements over and across the Project Site and along the Saranac River.

Alternatively, by mutual agreement of the Parties, the Plans may show the property being subdivided in such as manner as shall result in the City retaining ownership of one or more of the areas that provide such public access.

(i) Utility Easements. The Durkee Development may require the relocation of the existing utility easements that encumber the Project Site. The City will work with Prime to identify and grant utility easements on the Project Site, and the Plans shall show any such easements.

(j) Project Schedule. The Parties have created a schedule for the Durkee Development (the "Project Schedule"), a copy of which is attached as Exhibit "A", that sets forth the Parties' best estimate of dates to accomplish the list of tasks delineated within said schedule, with the understanding that some dates may need to be reasonably modified during subsequent phases based on the results of the Parties' reports and investigations. In no event shall the dates set forth in the Project Schedule be considered Times is of the Essence.

(k) City Common Council Approvals. In order to proceed to the Permit Phase (as defined below), the City Common Council shall approve the Plans generated during the Pre-Permitting and Design Phase, which approval shall not be unreasonably withheld, conditioned or delayed. Any objection the City Common Council may have to the proposed design based on standards set forth in the City of Plattsburgh, New York Request for Proposals, Section IV. Vision and Project Requirements attached to the Executed Letter of Intent in Appendix A shall not be deemed unreasonable. The City shall notify Prime in writing of the approval or non-approval of the Plans by the City's Common Council (together with detailed reasons as to such non-approval) of the Plans within fourteen (14) days of the City's receipt of the Plans. In the event of non-approval of the Plans by the City's Common Council, Prime may re-submit modified Plans.

On or before the end of the Pre-Permitting and Design Phase, Prime and the City shall promptly meet to review the Project Budget (outlined in Section 5 Financing below), Project Schedule, Plans, and findings, recommendations and reports referenced above to determine whether to proceed to the next phase of development.

In the event that either the City or Prime determine, for any reason, after their review of all such data and information that they do not wish to proceed with the development of the Project, a written notice of termination shall be delivered to the other party, and upon such written notice, this Agreement shall terminate with each party having no further obligation or liability to the other except as specifically set forth on the Payment Schedule and all of Prime's Work Product, except for architectural and conceptual plans that are proprietary to Prime or Prime's architect, collected during the Pre-Permitting and Design Phase shall be assigned to, and shall become the property of the City. The decision as to whether or not to proceed to the next phase shall be made within fifteen (15) days after the end of the Pre-Permitting and Design Phase, as it may be extended.

Section 4. **Permitting** In the event neither party provides the above referenced written notice of termination as provided for in Section 3, the Parties shall promptly proceed with the next phase of development, the "Permit Phase," which shall consist of a ninety (90) day period and which shall include the following steps:

(a) Permit Applications and Process. Prime and its agents shall prepare and submit all necessary municipal, state and federal permit applications required for the approval of the Durkee Development and shall present such applications to the applicable governmental authorities. In the event that the City's Other DRI Projects require permit approvals, those permit applications shall be prepared, submitted and pursued by the City in conjunction with the Durkee Development. Each party's responsibility for the cost and expense for the engineering work and permit costs shall be set forth on the Payment Schedule. Both the City and Prime shall actively participate

during the Permit Phase and shall execute permit applications and attend informational meetings, pre-permitting meetings and public hearings, as requested. During the Permit Phase, each party shall review and approve any material permit conditions with respect to the design of the Durkee Development that would substantially or adversely affect the construction, development, cost and operation of the Project, as contemplated by this Agreement. The Parties shall undertake such reasonable efforts to ensure permits are obtained in accordance with the target dates set forth on the Project Schedule.

Prime understands that the City Boards are independent bodies that will make their own evaluations of the Durkee Development and Project Site under applicable zoning requirements and that the terms and conditions of this Agreement shall not be binding on these boards.

(b) Planned Unit Development Approval. Simultaneously with the Merger and Subdivision, Prime, with assistance from the City, will use reasonable efforts to obtain an amended Planned Unit Development ("PUD") approval for the Durkee Development on the Project Site per the process described by the City of Plattsburgh Zoning Code.

(c) SEQRA Approval. As part of the City permitting, the Parties will need to obtain SEQRA approval. The Parties agree to work together on preparing and submitting the needed applications to obtain SEQRA approval.

(d) State and Federal Approvals. Prime shall be responsible for obtaining all needed state and federal approvals for the Durkee Development. The City shall be responsible for obtaining all needed state and federal approvals for the City's Other DRI Projects. The Parties agree to work collaboratively as needed for obtaining these approvals.

Section 5. **Financing**

(a) Preliminary Financial Review. Prime shall provide updated financials, to the extent same exist, and operating proforma to City for review and approval during the Due Diligence phase.

(b) Financing. Within forty-five (45) days of receiving all final, non-appealable permits for the Durkee Development (the "Financing Phase"), Prime shall prepare, submit and use its best efforts to obtain the necessary financing for the entire Durkee Development. This shall include monies provided by NYS and awarded to the City as part of the City's DRI grant in an estimated amount of Four Million Dollars ($4,000,000.00) subject to NYS contractual obligations, private financing, and/or other sources. Prime will make all decisions on matters relating to the financing of the Durkee Development, including financial modeling and structuring, analysis of available financial incentives, and the identification and selection of, and all communications and negotiations with, financing sources. Prime will coordinate directly with NYS for the use and acquisition of DRI funds which will be used to leverage Prime's $26M investment. Prime will communicate regularly with the City with respect to the allocation, use and acquisition of DRI funds. The City will review all financing sources and associated commitments. If satisfied with the amount and format of the financing, the City shall provide Prime with a written approval of the financing plan, which approval shall not be unreasonably withheld, conditioned or delayed. The City shall use its commercially reasonable efforts to cooperate with Prime in its efforts to obtain the financing for the Durkee Development.

(c) Real Estate Taxes/PILOT. It is the expectation of the Parties that Prime shall be responsible for payment of real estate taxes for the Durkee Development once the Project Site is conveyed to Prime. Prime intends to pursue a PILOT agreement with Clinton County Industrial Development Agency and the other taxing jurisdictions, including the City and the City of

Plattsburgh School District (the "PILOT Agreement"). Prime will apply for the PILOT Agreement during the Due Diligence Phase.

(d) Project Budget. Except as otherwise set forth herein, it is the Parties' intention that each party will pay for its own costs for the permitting, engineering, design and construction of their respective projects: the Durkee Development by Prime, and the Other DRI Projects by the City. Each party shall prepare its own budget during this phase (including any expectation of reimbursement of costs from the other party and the reasons for such reimbursement). The Parties shall work together to ensure that each project budget is as final as possible given the information available to the Parties during the Pre-Permitting and Design Phase, with the understanding that as the Durkee Development evolves, each budget may require adjustments and modifications. The Parties agree during each phase to periodically review together each party's budget, making any necessary adjustments.

(e) Payment Schedule. The Parties agree during this phase to finalize a schedule (the "Payment Schedule") that sets forth the Parties' best estimate of each party's responsibility for the costs and expenses for their respective projects based on each party's Project Budget, together with a schedule of when such payments will be due. This Payment Schedule will be subject to the Financing Phase as set forth above. It is anticipated that Prime will coordinate and engage directly with NYS regarding its use of the DRI funds. However, due to the inter-related nature of the City's Other DRI Projects, the Parties will also benefit from a Payment Schedule which clearly delineates each Parties' responsibilities for the related projects.

Section 6. **Conditions Precedent to Closing.** The Parties hereby agree to the following conditions, which must be established and satisfied prior to the Closing Date as defined in the Project Schedule:

(a) **City's Closing Conditions**. The City's obligation to close shall be subject to the satisfaction of the following conditions (the "City's Closing Conditions"): (i) Prime being in a position to initiate the Durkee Development on the Property with a start date for construction as defined in the Project Schedule (ii) the City and Prime entering into the Project Site Parking Agreement, (iii) Prime obtaining construction financing for the Durkee Development at commercially reasonable terms after good faith, diligent efforts to obtain said financing, with closing on the construction financing to occur contemporaneously with the Closing under this Agreement; (iv) Prime and the City come to agreement on items in the Pre-Permitting and Design Section above including, but not limited to, incorporation of energy efficient measures and green infrastructure as noted above, incorporation of a farmers' market or an alternate public amenity, public access easements, and utility easements; and (v) Prime obtaining all permits and approvals necessary to construct and operate the Durkee Development.

In the event City's Closing Conditions have not been satisfied on or before the Closing Date, City may, in City's sole discretion elect to: (i) terminate this Agreement by providing written notice of termination to Prime on or before the Closing Date in which case all rights and obligations of the Parties to this Agreement shall cease and terminate, except those that expressly survive the termination or expiration of this Agreement; or (ii) may waive the satisfaction of one or more of City's Closing Conditions and proceed with the sale contemplated by this Agreement.

(b) **Prime's Closing Conditions**. Prime's obligation to close shall be subject to the satisfaction of the following conditions ("Prime's Closing Conditions"): (i) Prime being in a position to initiate the Durkee Development on the Property with a start date for construction as defined in the Project Schedule, (ii) the City and Prime entering into the Project Site Parking Agreement; (iii) the City providing all of the easements described in Section 1 above; (iv) Prime obtaining all necessary financing for the Durkee Development at commercially reasonable terms after good faith, diligent efforts to obtain said financing, with closing on the construction financing to occur

contemporaneously with the Closing under this Agreement; (v) Prime obtaining a PILOT Agreement and other financial assistance from the County of Clinton Industrial Development Agency and other taxing jurisdictions, including the City and the City of Plattsburgh School District, (vi) Prime obtaining a title commitment from a national title insurance company of Prime's choice for the Project Site insuring fee simple title to the Project Site and showing the title to the Project Site to be free and clear of all liens, restrictions, charges, encumbrances, easements, covenants, conditions and other matters affecting title, with the exception of any existing NYS environmental easements, City utility easements, public access easements, and, except for those acceptable to Prime, in its sole and absolute discretion. Any title issues of record as of the end of the Due Diligence period to which Prime has not objected to by the end of the Due Diligence period are considered acceptable to Prime and are waived; (vii) the City having performed all of its obligations hereunder, and (viii) Prime obtaining all permits and approvals necessary to construct and operate the Durkee Development issued without conditions to which the City reasonably objects, and such permits, approvals and consents having become final and unappealable.

In the event Prime's Closing Conditions have not been satisfied on or before the Closing Date, Prime may, in Prime's sole discretion elect to: (i) terminate this Agreement by providing written notice of termination to City on or before the Closing Date in which case all rights and obligations of the Parties to this Agreement shall cease and terminate, except those that expressly survive the termination or expiration of this Agreement; or (ii) may waive the satisfaction of one or more of Prime's Closing Conditions and proceed with the sale contemplated by this Agreement.

Section 7. **Closing**

Purchase and Sale Phase. Within thirty (30) days of Prime obtaining all permits and approvals in final unappealable form the City's review and approval of Prime's financing plan, and the satisfaction of Prime's Closing Conditions, the Parties shall enter into a Purchase and Sale Agreement for the Project Site in a form drafted no later than April 30, 2019 (the "Purchase and Sale Agreement"). The Purchase and Sale Agreement shall include the customary terms and cost allocations for a sale of commercial property in Clinton County. The purchase price (the "Purchase Price") for the Property shall be one dollar U.S. ($1.00), the obligations contained herein, including the obligation to construct and operate the mixed-use development, and other good and valuable consideration.

Within thirty (30) days of the Parties obtaining needed municipal, NYS and federal permits for the Durkee Development and the City's Other DRI Projects, the Parties shall complete a closing. The prospective deed from the City to Prime shall include the City's retention of easements for utilities and public access. The specific easement descriptions will be provided by the City to Prime for its review and approval (and the approval of Prime's lender) and, following such approval, will be recorded in the Clinton County Clerk's Office

Section 8. **Pre-Construction Phase**. Within forty five (45) days of the Closing and as defined in the Project Schedule, Prime shall promptly proceed to the Pre-Construction and Construction Phase, which shall include the following responsibilities:

(a) City's Pre-Construction Obligations.

(i) During the Pre-Construction Phase, the City shall communicate and cooperate with Prime and its agents as Prime completes the bidding process for the contractors and subcontractors.

(b) Prime's Pre-Construction Obligations.

(i) Prime has established with the NYS Department of Labor that Prime's use of DRI funds shall not subject the Durkee Development to prevailing wage laws, but Prime will be required to use best efforts to fulfill NYS Minority and Women Owned Business Enterprise (MWBE) requirements during the bidding process for contractors and subcontractors.

(ii) Once the bidding process has been completed, Prime shall enter into a construction contract per the Plans.

(iii) The principals of Prime agree to deliver for the City's benefit a completion guaranty in a form to be negotiated and agreed upon no later than April 30, 2019 (the "Completion Guaranty"), whereby the principals for Prime guaranty Prime's obligations to construct and complete the Durkee Development in accordance with the Plans. The Completion Guaranty shall be subject to the review and approval of Prime's lender(s).

Upon completion of the Pre-Construction Phase the Parties shall proceed to the Construction Phase in accordance with Section 9 below.

Section 9. **Construction Phase**. During the Construction Phase, the Parties shall have the following responsibilities and obligations:

(a) City's Construction Obligations:

(i) Absent a written agreement with Prime to the contrary, pay all costs, expenses and fees incurred in connection with the construction of the City's Other DRI Projects.

(b) Prime's Construction Obligations:

(i) Pay all costs, expenses and fees incurred in connection with the construction of the Durkee Development.

(ii) Supervise the construction of the Durkee Development to ensure compliance with all laws and obtain all final permits and certificates of occupancy for the Durkee Development.

(iii) Ensure that the insurance requirements set forth on Exhibit D, attached hereto, are met.

The Parties acknowledge and agree that subject to construction sequencing constraints, it is the Parties' intent that the construction of the Durkee Development and the City's Other DRI Projects shall occur simultaneously, and that all reasonable efforts shall be made by both Parties to ensure that each project is substantially complete at relatively the same time.

Each party shall have the right to reasonably review and inspect the other's project during construction to ensure compliance with the Plans and approved permits.

Following substantial completion of the Durkee Development, Prime, or an equally qualified management company, shall manage the Durkee Development while same is owned by Prime.

Section 10. **Joint Obligations of the Parties**. During the term of this Agreement, the City and Prime agree as follows:

(a) To cooperate and communicate with each other on a regular basis including arranging joint meetings to address issues set forth in this Agreement and to discuss any change orders so as to permit the orderly and efficient construction and development of the Durkee Development.

(b) To perform their activities as to the Project Site in a commercially reasonable manner.

(c) To act in a manner designed to cause the Durkee Development to be placed in service by September 1, 2021 when the Certificate of Occupancy is issued as noted in the Schedule in Exhibit A.

(d) To indemnify and hold harmless the other from and against any and all costs, expenses, damages and liabilities arising out of or in connection with: (i) breach by such party of its obligations under this Agreement; and (ii) any negligent or willful activities of the party with respect to the Durkee Development, except to the extent attributable to the fault or neglect of non-indemnifying party.

Section 11. **Term**. The term of this Agreement (the "Term") shall commence on the Effective Date and, unless earlier terminated pursuant to the provisions of Section 1, 3, 13(i) (below), shall terminate on the date that the Durkee Development is substantially complete. As used herein, the Durkee Development will be deemed to be "substantially complete" when: (a) certificates of occupancy have been issued for the Durkee Development by the City; (b) a certificate of substantial completion has been issued by the architect for the Durkee Development; (c) the physical construction of the Durkee Development is complete, subject only to a minor punch list of completion items; and (d) all legal documents by and between the City and Prime finalized with regard to the use and operation of the Durkee Development.

Section 12. **Ongoing Role of the Parties**. During the Term:

(a) The City shall not encumber the Project Site with any liens or mortgages and shall not convey any easements or related interests to third parties except as contemplated in this Agreement, or enter into any leases for the Project Site, except for the leases contemplated in this Agreement, without Prime's prior written consent, not to be unreasonably withheld.

(b) The Parties shall cooperate to execute legal documents required for the Durkee Development, such as easements, licenses or other legal interests needed for the success of the Durkee Development.

(c) The Parties shall provide assistance to each other to support the success of the Durkee Development including supporting and attending permit proceedings and pre-development meetings with neighborhood groups.

Section 13. **Default/Termination**. At any time during the term of this Agreement, if either party is in default, the non-defaulting party shall be entitled to the following remedies.

(a) Except as set forth above, if either party shall fail to commence their work in accordance with the provisions of this Agreement; fail to prosecute their work to the completion thereof in a diligent, efficient, workmanlike, skillful and careful manner and in strict accordance with the Plans and the terms and conditions of the federal, state and municipal permits for the Project (including without limitation in conformance with the City's code standards and other applicable standards); fail to perform any of its obligations under this Agreement or the Plans; file a voluntary case under bankruptcy laws; be adjudged bankrupt; or fail to make prompt payments as outlined in the Payment Schedule, the non-defaulting party shall have the right, if the defaulting party shall not cure such default within thirty (30) days written notice thereof (provided, however, that if such default is not susceptible of cure, given commercially reasonable

diligence on the part of the defaulting party within such thirty (30) day period and the defaulting party during such thirty (30) day period commences curing such default and continues with diligence and continuity to cure such default, the defaulting party shall have such additional time, as shall be reasonable under the circumstances, within which to cure such default) to terminate this Agreement.

The above-described rights and remedies set forth in this Agreement are cumulative and in addition to any other rights and remedies at law or in equity. Additionally, in the event of a default by Prime, the City shall be entitled to all of Prime's Work Product, except for architectural and conceptual plans that are proprietary to Prime or Prime's architect, for the Durkee Development which shall be assigned to and become the property of the City. Neither party, however, shall be liable to the other for any consequential or indirect damages.

(b) Notwithstanding the terms of Subsection 13(i), this Agreement may be terminated under the terms set forth above in Sections 1 and 3.

Section 14. **Dispute Resolution**. The development of the Project will involve a number of future decisions among the Parties and will require ongoing cooperation and fair dealing. If a dispute arises out of or relates to this Agreement or its breach (a "Dispute"), the Parties shall endeavor to settle the Dispute first through direct discussions. In the event that such Dispute cannot be resolved within thirty (30) days after written notice to the other party thereof specifying the subject of the Dispute, the Parties hereby expressly agree to mediate the matter before an impartial mediator before proceeding with arbitration or litigation. The costs of mediation shall be shared equally between the Parties. In the event both Parties do not agree to proceed with arbitration, then either party shall have the right to have the Dispute adjudicated in court in Clinton County, New York, in which case the court shall have the authority to award costs and reasonable attorneys' fees to the substantially prevailing party.

Section 15. **Independent Contractor**. Each party is an independent actor and entity, and nothing in this Agreement shall be deemed to make either party an agent or partner of the other, or to give either party the right to bind the other in any way.

Section 16. **Force Majeure**. In the event that either party shall be delayed, hindered in or prevented from the performance of any act required hereunder, by reason of strikes, lock-outs, labor troubles, inability to procure materials, failure of power, restrictive state or federal governmental laws or regulations, riots, insurrection, war, terrorism, or other reason beyond its reasonable control (including the act, failure to act or default of the other party), then performance of such act shall be excused for the period of the delay and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay.

Section 17. **Waiver**. The failure of either party to insist on strict performance of any of the provisions of this Agreement or to exercise any right it grants will not be construed as a relinquishment of any right or a waiver of any provision of this Agreement. No waiver of any provision or right shall be valid unless it is in writing and signed by a duly authorized representative of the party granting the waiver.

Section 18. **No Assignment**. Neither party may assign or convey this Agreement or its obligations hereunder without the other's prior written consent, except that Prime may assign this Agreement to a newly formed entity either having the same members/majority owners as Prime.

Section 19. **Governing Law**. This Agreement shall be governed and construed in accordance with the laws of the state of New York.

Section 20. **Notices**. Any notices to be given pursuant to this Agreement shall be sufficient if given by a writing deposited in the United States mails, certified mail or registered mail, return receipt requested, postage prepaid, by commercial courier, provided the courier's regular business is delivery service and provided further that it guarantees delivery to the addressee by the end of the next business day following the courier's receipt from the sender, by facsimile or by email (provided that the electronic process used is reasonably secure and not easily susceptible to manipulation) addressed as follows:

If to the City:	City of Plattsburgh Attn: Office of Community Development, City Hall, 41 City Hall Place Plattsburgh, NY 12901 Telephone No.: (518) 536-7510 Telecopier No.: (518) 561-7367 MillerMa@cityofplattsburgh-ny.gov
With a copy to:	Dean C. Schneller, Esq. Law Offices of Dean C. Schneller 121 Bridge Street Plattsburgh, NY 12901 Telephone No.: (518) 647-8877 Telecopier No.: (518) 647-8316 Dean@schnellerlaw.com
If to Prime:	Prime Plattsburgh, LLC c/o Prime Companies Attn: Dean Devito 621 Columbia Street Cohoes NY 12047 Telephone No.: (518) 785-9000 ddevito@CBCPrime.net
With a copy to:	Whiteman Osterman & Hanna LLP One Commerce Plaza Albany, New York 12260 Attn: Randall S. Beach, Esq. Telephone No.: (518) 487-7740 Telecopier No.: (518) 487-7777 rbeach@woh.com

or to such other person, address or number as the party entitled to such notice or communication shall have specified by notice to the other party given in accordance with the provisions of this Section 8. Any such notice or other communication shall be deemed given: (i) if mailed, three days after being deposited in the mail, properly addressed and with postage prepaid; (ii) if sent by courier, the next day after being deposited with the courier, properly addressed and with prepaid; (iii) if sent by telecopy, when transmission has been electronically confirmed; and (iv) if sent by email, upon receipt of a read-receipt or other acknowledgment of receipt by the recipient.

Section 21. **Representations and Warranties.** As of the date hereof and as of the Closing Date, the City represents, warrants and covenants to Prime that:

(a) There are no contracts, agreements, undertakings or otherwise which would be binding on Prime or the Project Site from and after the closing other than those disclosed or of record.

(b) Except as has been disclosed to Prime, the City has not received any notice, nor is the City aware, of any violation of any ordinance, regulation, law, statute, rule, insurance requirement, or restriction relating to the Project Site.

(c) There are no attachments, executions, assignments for the benefit of creditors, or voluntary or involuntary proceedings in bankruptcy or under any applicable debtor relief laws or any other litigation contemplated by or pending or threatened against the City or the Project Site.

(d) No other signatures or approvals are required to make this Agreement fully enforceable by Prime with respect to the City or the Project Site.

(e) There is no pending or threatened condemnation or similar proceeding or assessment affecting the Project Site or any part thereof, nor to the knowledge of the City is any such proceeding or assessment contemplated by any governmental authority.

(f) There is no existing lease or service, management, maintenance, repair, employment, construction or other contract or agreement currently affecting the Project Property.

The City hereby indemnifies and holds harmless Prime from and against any and all loss, expense (including, without limitation, reasonable attorney fees), penalty fees, liability, cost, claim, demand, action, cause of action and suit arising out of or in any way related to any breach of any representation or warranty of Seller in Section 21 of this Agreement.

Section 22. **Counterparts**. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

Section 23. **Further Assurances**. The Parties agree to execute, acknowledge, if necessary, and deliver such documents, certificates or other instruments and take such other actions as may be reasonably required from time to time to carry out the intents and purposes of this Agreement.

Section 24. **Waiver of Rule of Construction**. The Parties waive the benefit of any rule that this Agreement is to be construed against one party or the other.

Section 25. **Severability**. If a court of competent jurisdiction determines that any portion of this Agreement is illegal, unenforceable or invalid, then that portion shall be considered to be removed from this Agreement, the remainder shall remain in full force and effect, and the Parties shall cooperate to modify the Agreement to cause it to conform to the original language of the Agreement to the extent consistent with the finding of the court.

Section 26. **Entire Agreement**. This Agreement constitutes the entire agreement between the Parties relating to its subject matter, and supersedes all prior representations, understandings and agreements, written or oral, express or implied. The Agreement can be modified only by written agreement executed by authorized representatives of each party.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties, as evidenced by the signature of their Duly Authorized Agents, do hereby execute this Agreement this 29th day of March, 2019.

IN PRESENCE OF:

Witness

CITY OF PLATTSBURGH

By: _____
Colin Read, Mayor

IN PRESENCE OF:

Witness

PRIME PLATTSBURGH, LLC

By: _____ - Member
Duly Authorized Agent

STATE OF NEW YORK
COUNTY OF CLINTON

On this 29 day of March, 2019, personally appeared COLIN READ, to me known to be the person who executed the foregoing instrument, and he/she acknowledged this instrument, by him/her signed, to be his/her free act and deed and the free act and deed as the Mayor of the City of Plattsburgh.

STATE OF NEW YORK
COUNTY OF Albany

SYLVIA PARROTTE
Notary Public, State of New York
No. 01PA6304470
Qualified in Clinton County
Commission Expires May 27, 2022

On this 1 day of April, 2019, personally appeared ASSD Secretary, to me known to be the person who executed the foregoing instrument, and he/she acknowledged this instrument, by him/her signed, to be his/her free act and deed and the free act and deed as the duly authorized member of Prime Plattsburgh, LLC.

DANIELLE KOONCE
Notary Public - State of New York
NO. 01KO6229404
Qualified in Albany County
My Commission Expires 10/22

Exhibit "A"

Project Schedule

Durkee Development - Schedule
Development Agreement Exhibit "A"

The Parties shall develop a schedule for the proposed project that anticipates construction of needed utility realignments and adjustments for the proposed project based on the following outline. This schedule assumes no extensions.

February 21, 2019	Execution of the Letter of Intent.
March 31, 2019	Prime's Completion of Due Diligence Work.
April 1, 2019	Execution of the Development Agreement.
April 30, 2019	Draft Purchase and Sale Agreement; Negotiated Completion Guaranty complete.
May 21, 2019	City approves Prime's proposed Project conceptual design prior to obtaining permits.
November 30, 2019	Prime obtains needed municipal, NYS and federal permits for proposed project. City obtains needed municipal, NYS and federal permits for the other DRI projects.
December 30, 2019	Closing on sale of property.
January 30, 2020	Prime to break ground on construction of proposed project.
May 1, 2020	City to break ground on construction of other DRI projects.
September 1, 2021	Prime to complete building 1 of proposed project, Certificate of Occupancy issued.
February 28, 2022	Prime to complete building 2 of proposed project, Certificate of Occupancy issued.

Exhibit "B"

Executed Letter of Intent

Letter of Intent
By and Between the City of Plattsburgh, New York and Prime Companies, LLC.

February 21, 2019

This non-binding Letter of Intent (LOI) sets forth the basic terms, conditions and process upon which Purchaser and Seller will enter into a Development Agreement for the Property described below.

Background

New York State (NYS) awarded the City of Plattsburgh $10 million in grant funding through Governor Andrew Cuomo's Downtown Revitalization Initiative (DRI) to implement 10 catalytic investment projects in downtown Plattsburgh as part of a longer-term strategy to attract additional public and private investment for revitalization. The Durkee Street Site (Project Site) is the centerpiece of Plattsburgh's DRI revitalization effort and NYS allocated $4.3 million towards its implementation that could include public infrastructure and gap financing. The DRI's Streetscape Improvements and Riverfront Access projects will complement and support the Project Site redevelopment, which will include improvements on Durkee and Bridge Streets, and Saranac River riverfront improvements bordering the Project site.

The City of Plattsburgh, New York (the "City") issued a Request for Proposals on October 17, 2018 ("RFP"), for a mixed-use development on several City owned parcels of land approximately 3.4 acres in size located on Durkee Street and bordering the Saranac River in downtown Plattsburgh. Prime Companies, LLC ("Prime Companies") submitted a proposal in response to the RFP to develop, finance, construct and manage a mixed-use development to be built on the Project Site that is to be purchased from the City. The City's Common Council subsequently authorized negotiation of both a LOI and a Development Agreement ("DA") based on Prime Companies' proposal.

The City and Prime Companies (collectively, the "Parties") wish to memorialize their understandings with regard to the Project in this LOI, which shall also form the basis for the drafting of a DA.

Seller: The City of Plattsburgh, New York

Purchaser: An entity to be formed through Prime Companies, LLC.

Property: The Project Site consists of two separate properties: 40 Bridge Street and 22 Durkee Street and is approximately 4.38 acres combined. A portion of this is a leased parcel of approximately 1.3 acres on the southern end of the Project Site that contains a three-story office building and a two-level parking structure (the "Leased Property"), which is not part of the Property. Access to the Property is from Durkee Street and Bridge Street. Seller shall be responsible for the subdivision of the Leased Property from the Property and the merger of 40 Bridge Street and 22 Durkee Street, both of which may be part of the permitting for the Project.

Purchase Price: The purchase price (the "Purchase Price") for the Property shall be one dollar U.S. ($1.00), the obligations contained herein, including the obligation to construct and operate the mixed-use development, and other good and valuable consideration. The Purchase Price shall be paid at Closing.

Project Development: Purchaser intends to develop and construct a mixed-use development consisting of 2 buildings consisting of approximately 127 +/- market rate apartments (exact number of units TBD) including furnished corporate apartments by ExecuStay, approximately 13,515 square feet of commercial space (retail, restaurants and/or office), approximately 7,883 square feet for Farmers' Market/civic space; approximately 233 parking spaces; and public access to the Saranac River waterfront. Seller and Purchaser acknowledge and agree that the plans, including the configuration and size of the buildings, are conceptual and, to achieve the goals of each party, may be amended as design and permitting progress. The proposed Project may be phased with building 1 to start construction first and building 2 to begin construction approximately 6 months later.

DRI Funding: Seller has $4 million remaining of their DRI awarded funding to be used towards a public – private partnership to support public infrastructure investments and provide vertical development gap financing to incentivize development on the Project Site. Purchaser and Seller, in consultation with NYS Empire State Development (ESD), shall work to determine how best to allocate the DRI funds to this Project. The final determination of the use of the DRI funding for the Project will be outlined in the DA.

Seller and Purchaser shall work with ESD and the NYS Department of State (DOS) to determine which specific elements will be covered by other DRI funded projects bordering the Project Site: Streetscape Improvements for Durkee and Bridge Streets, and Riverfront Access for the Saranac River ("Seller's other DRI projects"). The final determination of the specifics of the work to be covered by the other DRI funded projects will be outlined in the DA.

Due Diligence: Purchaser shall have 40 days from the date both Parties have executed this LOI for completing general due diligence of the Property. Due diligence will include, but not be limited to,

- Existing City and NYS permitting history and analysis, and needed City and NYS permitting requirements,
- Environmental studies and brownfield restrictions and analysis,
- Title research and examination,
- Engineering analysis,
- Traffic analysis,
- Utility analysis,
- Geotechnical and soil boring analysis, and
- Other items as determined that, in Purchaser's sole discretion, need to be considered for the development of the site.

Purchaser may extend the due diligence for an additional thirty (30) days upon written notice to Seller, delivered to Seller no later than the close of business on the fortieth (40th) day of the initial due diligence period, provided that Purchaser uses its best efforts to complete its due diligence within the initial forty (40) day period.

Seller will provide Purchaser with any and all environmental documentation pertaining to the Property and requirements between the City and the NYS Department of Environmental Conservation on complying with the Site Management Plan and the environmental easement on the Project Site. Seller agrees to work with Purchaser as needed for amending NYS documents related to the Site Management Plan as may be necessary, for change of use, transfer of certificate of completion, and ownership. Purchaser understands that initial brownfield remediation work has been completed on the Property. If during construction, additional contamination is found and further remediation is needed, it shall be the responsibility of the Purchaser. The Seller will assist the Purchaser in efforts to secure potential NYS funding for this work.

The Purchaser shall provide the Seller with necessary information for determining utility allocation needs and connections for the proposed project. The Seller will provide the Purchaser needed information for utility easements on the Property as outlined in the Schedule below.

Seller will provide Purchaser with title research prepared by the City's attorney and an ALTA survey completed in October 2018.

Open Issues; The following open issues will involve negotiations between the Purchaser and Seller prior to execution of the DA.

Farmer's Market / Public Amenities: The Seller will work with the Purchaser to determine whether the Farmer's Market remains within the Purchaser's proposed project, and if so, how it will be physically laid out, designed and operated prior to beginning construction. Seller shall determine the logistics of the Farmer's Market utilizing space within the proposed project prior to execution of the DA. The Seller shall work with the Purchaser to determine what will be the public amenities proposed for the Property and how they will be managed.

Public Parking: Purchaser will work with the Seller to determine the specific number of parking spaces to be available for public use. When agreement on the number of parking spaces is reached, the Seller and Purchaser shall draft a parking agreement that will be referenced in the DA.

Public Access: Purchaser shall provide public access to the Saranac River riverfront through the Property. Purchaser will work with the Seller on the locations and management/ maintenance of the public access.

Coordination with Streetscape and Riverfront Access Projects: Both parties acknowledge that Seller's other DRI projects need to progress during the same timeframe as the Purchaser's proposed project. Purchaser shall coordinate with Seller on design drawings and construction schedules for the Purchaser's proposed project and the Seller's other DRI projects to begin concurrently.

Purchaser shall be responsible for construction of the Purchaser's proposed project. It is currently contemplated that Purchaser may also construct Seller's other DRI projects under terms to be negotiated. In which event, Seller and Purchaser agree to negotiate a construction agreement addressing reimbursement for construction costs associated with Seller's other DRI projects, construction management, and oversight prior to commencing construction for the Purchaser's proposed project and the Seller's other DRI projects.

Permitting: Purchaser understands and acknowledges that the City as a permitting authority is separate and distinct from the City as Seller of the real estate. Seller makes no representation to Purchaser with respect to compliance of the proposed project with any applicable regulations, including, but not limited to, local zoning ordinances. Except as otherwise set forth herein, Purchaser will be required to apply for and obtain all permits that would be

required regardless of the City being the Seller. Purchaser and Seller shall work cooperatively throughout the design and permit process and make changes as needed. Purchaser shall receive design approval from the City as Seller of the real estate prior to applying for any permits, which approval shall not be unreasonably withheld, conditioned or delayed. Any objection the City may have to the proposed design based on standards set forth in the City of Plattsburgh, New York Request for Proposals, Section IV. Vision and Project Requirements attached in Appendix A shall not be deemed unreasonable.

The parties agree that it may be most efficient to seek permits for the Purchaser's project and the Seller's other DRI projects as a single permit process. Purchaser may assume lead responsibility for all permitting, with Seller's cooperation and support as necessary and appropriate. Seller is responsible for providing designs and any design changes for the Seller's other DRI projects to Purchaser in a timely manner to facilitate permitting. It is anticipated that the proposed project will apply for approvals as a Planned Unit Development (PUD) and subdivision as a single permit process. It is currently contemplated that the PUD will be configured as follows:

- the former Highway Oil site will be merged by the Seller with the larger Durkee parking lot.
- the parking lot south of Broad Street will be subdivided by the Seller such that it may be part of the PUD.
- The portion of the site currently leased to ICV will be a separate lot, through subdivision obtained by Seller, which may be within the PUD.
- Boundary adjustments with the abutting public rights-of-way will be made as needed to keep the streets, associated parking and sidewalks within the public rights-of-way.
- Subject to further review by the parties, the area with public riverfront improvements may also be subdivided with ownership being retained by the Seller.

Purchaser's Financing: Purchaser shall be responsible for obtaining all necessary public and/or private financing for the Purchaser's proposed project. This will include the DRI funding and may include a PILOT agreement and other public support.

Purchaser's Financial Obligations: As part of Purchaser's and Seller's negotiation for a definitive DA, the parties agree to Purchaser's financial obligations to Seller as follows:

a. Purchaser's costs – provided Purchaser's proposed project has been found through due diligence to be suitable, in Purchaser's sole discretion, for Purchaser's intended purposes on financial terms typical for the industry, and has not been denied necessary permits,

Purchaser agrees to use best efforts to obtain necessary funding to cover the costs associated with the proposed project.

b. Purchaser's construction of its project – Purchaser shall be responsible for construction of Purchaser's proposed project.

Purchaser's Contingencies: Purchaser's obligation to purchase the Property and construct the proposed project will be contingent upon satisfaction of the following contingencies prior to closing:

a. Funding: Purchaser securing necessary funding for the proposed project, which is to include the DRI funding as negotiated above.

b. Purchaser's Permits and Approvals: Purchaser obtaining all necessary, final and non-appealable City, NYS, and federal permits and approvals for the Purchaser's proposed project and, if applicable, the Seller's other DRI projects in final form not subject to appeal, containing terms and conditions reasonably acceptable to Seller and Purchaser.

c. Seller's Permits and Approvals: Seller obtaining final, non-appealable subdivision and merger approvals as may be combined in a single permit process with the Purchaser's Permits it is responsible for in accordance with this LOI.

d. Developer Agreement: Purchaser shall have executed a DA with Seller to purchase the Property, construct buildings and site improvements for Purchaser and Seller's use, provide public amenities and a public access easement to the Saranac River riverfront, provide a negotiated number of public parking spaces, provide needed easements for public utility access, and, if warranted, lease a portion of one building to Seller for operation of a farmer's market

e. Due Diligence: Purchaser's satisfaction, in Purchaser's sole discretion, with its due diligence studies conducted in accordance with the terms of this LOI. Failure to object by the end of the Due Diligence period shall constitute satisfaction with this contingency.

Seller's Contingencies: Seller's obligation to sell the Property will be contingent upon satisfaction of the following contingencies prior to closing:

a. Developer Agreement: Seller shall have executed a DA with the Purchaser to purchase the Property, construct buildings and site improvements for Purchaser and Seller's use, provide public amenities and a public access easement to the Saranac River riverfront, provide a negotiated number of public parking spaces, provide needed easements for public utility access, and, if warranted, lease a portion of one building to Seller for operation of a farmer's market.

b. Purchaser's Funding: Reasonable evidence of full funding commitments for the Purchaser to purchase the Property and pay for the construction of all phases of the proposed project.

c. Permits and Approvals: Purchaser has obtained all required federal, NYS, and municipal permits and approvals for Purchaser's proposed project and, if applicable, Seller's other DRI projects.

Closing: Closing to take place within 30 days of the following: obtaining all permits and approvals in final unappealable form and Purchaser obtaining all necessary financing.

Schedule: The Parties shall develop a schedule for the proposed project that anticipates construction of needed utility realignments and adjustments for the proposed project based on the following outline.

February 21, 2019	Execution of the Letter of Intent.
March 31, 2019	Purchaser's Completion of Due Diligence Work.
April 1, 2019	Execution of the DA.
June 1, 2019	Seller of real estate approves proposed Project design prior to obtaining permits.
October 31, 2019	Purchaser obtained needed municipal, NYS and federal permits for proposed project. Seller obtained needed municipal, NYS and federal permits for the other DRI projects.
November 30, 2019	Closing on sale of property.
December 1, 2019	Purchaser to break ground on construction of proposed project.

May 1, 2020	Seller to break ground on construction of other DRI projects.
May 31, 2021	Purchaser to complete building 1 of proposed project.
December 31, 2021	Purchaser to complete building 2 of proposed project.

Reversionary Rights: If Purchaser fails to commence construction within 30 days of closing or fails to make substantial construction progress for any period exceeding 2 weeks, as such breach will be set forth in the DA, all right, title, and interest in the Property would revert back to the Seller. The foregoing shall not apply in the event Purchaser is delayed or hindered in or prevented from the performance of any work because of strikes, lockouts, labor troubles, inability to procure material, failure of power, unreasonably restrictive governmental laws or regulations, riots, insurrection, war, acts of terror, any reason not in the control of Purchaser or other reason of a like nature not the fault of Purchaser.

Development Agreement: Within 14 days of full execution of this LOI, Seller shall provide a first draft of DA to Purchaser. The Parties agree to negotiate and enter into a final, executed DA no later than April 1, 2019. In the event that the Parties have not reached agreement and executed a DA by this date, this LOI shall be of no further force and effect, and the Parties shall be free to pursue other options for the Project Site.

Non-Binding: The provisions of this LOI do not constitute a binding agreement between the Parties, but instead are intended to set forth the Parties' understanding of the basic terms, conditions and process upon which a binding, definitive DA will be based. Purchaser shall not be obligated to purchase, and Seller shall not be obligated to sell the Property until the Parties have executed a binding, definitive DA. Notwithstanding these limitations, this LOI is a sincere expression of the Parties' intent to proceed. This LOI is contingent upon the approval of the City's Common Council, which approval the City shall diligently pursue.

The Parties do hereby set their signatures and seals to the Joint Letter of Intent on this 22nd day of February 2019.

Prime Companies, LLC

By: _____

Title: Member

Name: _____

City of Plattsburgh

By: _____

Title: Mayor

Name: Feb. 22, 2019 / Colin Read

Letter of Intent
By and Between the City of Plattsburgh, New York and Prime Companies, LLC.
February 21, 2019

APPENDIX A

I. VISION AND PROJECT REQUIREMENTS

- New Buildings and Site Development: The proposed development must consist of multi-story buildings that have mixed-uses. The City envisions residential, office, and retail uses for the Project Site. It should provide for public access to nearby amenities and should have community green space. The City's goals for the project include:
  - Include market rate residential development, Class A office space, and retail space,
  - Capitalize on local and regional initiatives focusing on food, agriculture, arts, history and tourism,
  - Serve multiple community functions,
  - Provide for physical/visual connections to Westelcom Park (across Durkee Street), the Saranac River riverfront, and the regional waterfront trail extensions, and
  - Provide community green space.

  The City will consider uses other than what has been identified above.

  The primary goal is to realize buildings and uses on the site that fit in well with the diverse urban fabric, maintain the historical look and feel of the downtown area, add to the increasing vibrancy of downtown, are economically feasible, and help contribute to a stable tax base.

  Design and Configuration:
  - The buildings and site shall be constructed of quality materials and design. The design of the buildings shall require approval of the City.

  - Maximizing lot coverage and placing the buildings in a manner that enhances pedestrian access and visual appeal from the street is highly encouraged.

  - The proposed site and building layout shall be handicap accessible, barrier free and customer oriented, providing easy pedestrian access.

- The buildings/spaces shall be designed and fit up in accordance with general standards for the use being provided and shall meet all applicable code requirements as specified and currently adopted by federal, NYS and local municipal authorities and permit grantors having jurisdiction.

- The City requires multiple stories for the buildings taking advantage of streetscape proximity and riverfront views.

- Developers are encouraged to incorporate the existing farmers' market structure into their proposals and develop it for three-season use. This could involve leaving the existing structure in its current location, relocating it to a different location on the site, or constructing a new three-season structure. The DRI funds could potentially be used for this work and could also be combined with other uses. If the developer is not able to include the farmer's market structure in their proposed plan, they should explain why.

Parking

Parking for the uses being proposed shall be provided on site as much as is reasonably possible. The proposed developer must address its parking needs on and off site for its build out. The City will cooperate with the developer in addressing parking requirements. Parking should be provided on site for residential units and commercial/office space. If a parking structure is part of the proposed development, the City may be interested in additional spaces for public use. The City will consider all proposed options. If the developer proposes a phased development, it is possible to use a portion of the existing parking lot for meeting parking needs while development is ongoing. The developer should consider parking under the buildings if feasible.

The City is working on a downtown parking plan that will include on street and off-street parking which they will be implementing over the next six months. The City is in the process of buying real property to develop into a municipal lot that will help accommodate the loss of parking from redevelopment of the Durkee parking lot. A managed parking system for the downtown area is also in the process of being implemented.

As mentioned above, the Streetscape Project is considering adding angled parking along Durkee and Bridge Streets bordering the site, which could be available for use by the development on the Project Site.

The City will work with the selected developer to identify other adjoining and nearby City-owned parking spaces/lots that may provide some of the parking for the proposed project through a development agreement to be executed between the selected developer and the City. The selected developer shall provide a calculation of the number of parking spaces that will be required to meet the needs of the uses being proposed and such number of parking spaces shall require approval of the City's Planning Board.

For additional information regarding parking, the current Code of the City of Plattsburgh may be found at the following website: http://www.cityofplattsburgh.com/DocumentCenter/View/1213/City-of-Plattsburgh-Code
The section of the Code applicable to parking begins on Page 534 (25301) and ends of Page 556 (25321).

Exhibit "C"

Alta Survey Plan

Plan entitled "ALTA SURVEY Showing Certain Lands of The City of Plattsburgh, Clinton County, State of New York" prepared by Robert M. Sullivan, P.C. dated October 16, 2016 and certified November 2, 2018.

Map Notes:

1. Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyor's seal is a violation of section 7209, sub-division 2 of the New York State Education Law.
2. Only copies from the original of this survey marked with an original of the Land Surveyor's embossed seal shall be considered valid true copies. Maps prints shall be stamped with the surveyor's ink seal with an original signature.
3. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. Said certifications shall run only to the person for whom the survey is prepared and on his behalf the title company, governmental agency, and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.
4. Copyright 2018, Robert M. Sutherland, P.C. All rights reserved.
5. The location of sub-surface improvements are approximate and compiled from field location and mapping provided by the respective utility companies. The contractor shall confirm the location of all utilities prior to the commencement of excavation.
6. Subject to any findings of an accurate abstract of title or those discoverable by inspection.
7. All easements and rights-of-ways of record as indicated in Title Insurance Commitment No. 18-Cert1612-ORT, issued by Old Republic National Title Insurance Company with an effective date of November 17, 2006, or easements and rights-of-ways that are discoverable by inspection, are indicated hereon.
8. Subject to any and all right of ways and easements of record, if any.
9. North arrow and bearings based on grid north NAD 83 New York East zone 18.
10. Vertical datum based on NAVD 1988.
11. All distances shown hereon are ground distances.
12. Riparian rights, if any, have not been established as a result of this survey.
13. Building offsets, as shown on this map, are not to be used for construction purposes.
14. Missing property corners were not set as a result of this survey.

Reference Maps:

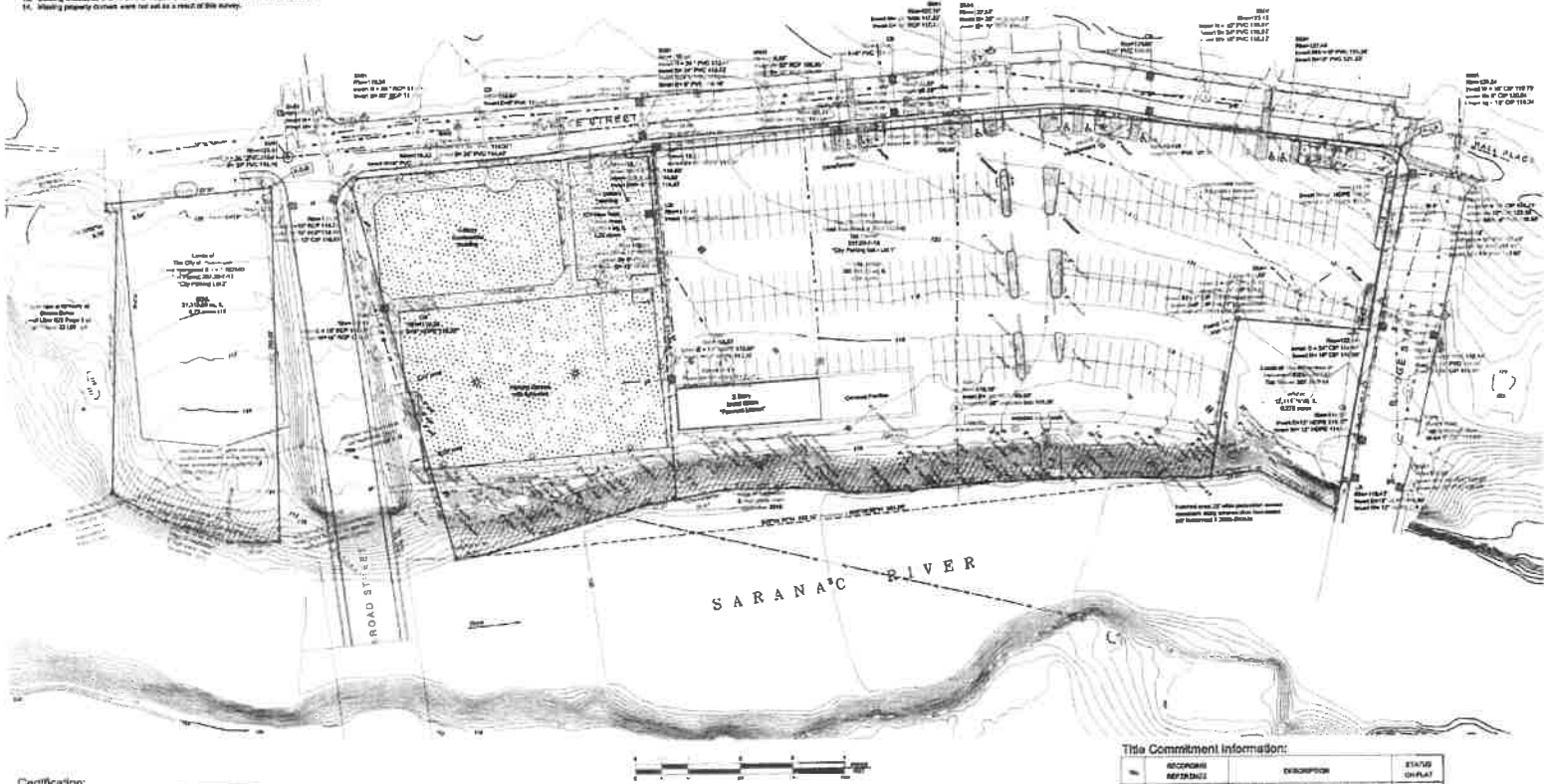
1. "Map of Lands of City of Plattsburgh 44-46 Margaret Street, Plattsburgh," prepared by Joseph A. Merlino, L.S. dated September 20, 1974 and filed in the Clinton County Clerk's Office in Book A Page 67.
2. "Survey Map Showing Parcels of Land(Parcels A-J) owned by City of Plattsburgh Proposed to be conveyed to City Place Associates," prepared by Jolly and Russo Land Surveyors dated September 25, 1998 and filed in Clinton County Clerk's Office in Slide 16 Page 73.
3. "Boundary Survey Portion of Lands of The City of Plattsburgh," prepared by G.T. Jaste Associates, P.C. dated October 8, 2004 and on file in the office of Robert M. Sutherland, P.C.
4. "Map Showing Plattsburgh Gateway-Phase 1 Site Plan," prepared by Robert M. Sutherland, P.C. dated May 13, 2008.

Reference Deeds:

1. City Place Associates to City of Plattsburgh by deed dated February 27, 2003 and recorded on instrument # 2003-102640 on March 12, 2003 in the Clinton County Clerk's Office.
2. Lease to ICHANY, LLC to City of Plattsburgh by deed dated May 28, 2008 and recorded as instrument # 2008-200033 on November 17, 2008 in the Clinton County Clerk's Office.
3. Richard A. Marks to City of Plattsburgh by deed dated July 8, 2004 and recorded on instrument # 2014-200023 on July 08, 2014 in the Clinton County Clerk's Office.

Legend:

- 5/8" iron rod w/ RMS survey cap (to be set)
- Found property evidence (as described)
- Computed corner
- Fire Hydrant
- Sanitary manhole
- Drainage manhole
- Catch basin round
- Catch basin square
- Telephone pedestal
- Cable pedestal
- Water Valve
- Water chatoff
- Light pole
- Utility pole
- Sign
- Bollard
- Monitoring well
- Gas marker
- Gas meter
- Gas valve
- Electric meter
- Deciduous tree
- Coniferous tree
- Waterline
- Sanitary line
- Storm line
- Underground electric
- Underground telephone
- Underground gas
- Property line
- Adjoiner property line



Scale: 1 Inch = 40 Feet

Tax Map Reference:

Section 207.20 - Block 7 - Lot 14 & Lot 15
City of Plattsburgh
County of Clinton

Title Commitment Information:

No.	RECORDING REFERENCE	DESCRIPTION	STATUS ON PLAT
			SHOWN ON PLAT
5			SHOWN ON PLAT
			SHOWN ON PLAT
9			SHOWN ON PLAT
10			SHOWN ON PLAT
11			SHOWN ON PLAT
12			SHOWN ON PLAT
13			SHOWN ON PLAT
14			SHOWN ON PLAT

REFERENCE: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
PLAT NO. 18-CERT1612-ORT

Certification:

I hereby certify to the parties of interests listed below that this survey was prepared from deeds and maps of record and from an accurate survey performed during September and October of 2018.

The City of Plattsburgh
Old Republic Nation Title Insurance Company

Jeffrey P. Soma, L.S.
N.Y.S. License #050203

11/02/2018
Date

No.	Revision/Issue	Date

RMS
ENGINEERS • PLANNERS • SURVEYORS
SOIL & MATERIAL TESTERS

ALTA SURVEY
Showing Certain Lands of
The City Of Plattsburgh
- Owner -
City of Plattsburgh
Clinton County — State of New York

Project #	18184	Sheet	SURVEY
Date	10/16/18		1
Scale	1" = 40'		
Drawn	DJG	Checked	J.P.S.

COPYRIGHT R. M. SUTHERLAND, P.C. - 2018

Exhibit "D"

INSURANCE AND INDEMNIFICATION REQUIREMENTS

A. Architect

During design and construction, the architect and all other design professionals shall carry professional liability assurance (E&O insurance) covering claims arising out of negligent errors or omissions in rendering or failure to render professional services, in any amount not less than $1.0 million each claim and $1.0 million annually aggregated. Coverage shall include liability arising out of a contract. If such insurance is on a claims made bases, Architect shall maintain liability coverage for not less than five years following the date of substantial completion of the Durkee Development.

B. General Contractor/Construction Manager

During construction, the GC/CM shall carry:

"All risk" Builders Risk Insurance with a limit of liability of 100% of completed value of the project, to include the interests of Prime's and the City's respective mortgagee, contractors and subcontractors involved in the project.

Workers Compensation insurance in accordance with New York State statutory requirements and Employers' Liability insurance in the amount not less than $1.0 million each occurrence, $1.0 million annual aggregate.

Owners and Contractors Protective Liability for the Durkee Development protecting the interests of the City and general contractor/construction manager, $1.0 million per occurrence.

Commercial General Liability Insurance including Bodily Injury and Property Damage Liability, Independent Contractors Liability, Contractual Liability, Product Liability and Completed Operations Liability in an amount not less than $5.0 million combined single limit, per occurrence, and $5.0 million aggregated to this Project, naming the City and Prime as additional insureds.

Commercial Automobile Liability Insurance in an amount not less than $1.0 million per occurrence for bodily injury and property damage liability arising out of the operation and use of owned, hired, and non-owned vehicles and naming the City and Prime as additional insureds.

Performance Bond and Labor & Materials Payment Bond. At the option of Prime, the general contractor shall provide performance and payment bonds. If required by Prime or Prime's lender, such bonds shall be in amount equal to 100% of the contract sum or an amount to be determined based on its lender's requirements.

C. Proof of Insurance

Companies authorized to do business in the State of New York and rated no less than "A-" by the latest edition of Best's Insurance Guide, published by Alfred M. Best Co. or equivalent, shall issue all insurance policies. Certificates of Insurance shall be furnished prior to the award of the contract. Certificates shall clearly indicate the coverage type, insurance amount, and additional insured status as noted above. The Certificates must provide that in the event of any material change or cancellation of the policies, each party will be given thirty (30) days' notice thereof. Each party will review the insurance coverage every 3 years and each party will update its coverage over the term of the ground lease (in the event the legal structure is for a ground lease), or over the term of the mortgage (in the event the legal structure is for a fee title conveyance) as required by the City as an operating expense.

MEYER, FULLER & STOCKWELL
PLLC ATTORNEYS AT LAW

LAKE GEORGE
TITLE AGENCY

September 5, 2019

City of Plattsburgh Common Council
c/o Hon. Colin L. Read
City Hall
41 City Hall Place
Plattsburgh, New York 12901

Re: City of Plattsburgh Downtown Area Improvement Projects Draft Generic Environmental Impact Statement (DGEIS) Draft Scoping Document Comments

Dear Mayor Read and City of Plattsburgh Common Council:

Our firm is been retained by the Plattsburgh Citizens Coalition, Inc., a not for profit coalition and its members, of concerned citizens, property owners, and business owners in the City of Plattsburgh relative to the City's proposed development plans with Prime Plattsburgh, LLC. In reviewing the "Development Agreement" between the City of Plattsburgh and Prime Plattsburgh, LLC dated March 29, 2019 (hereinafter the "Agreement"), we believe this Agreement is a nullity. The City of Plattsburgh is without power to convey the waterfront property, or any portion of it, identified in the Agreement broadly as "40 Bridge Street and 22 Durkee Street" (hereinafter the "Properties").

The Properties that are subject to the Agreement are identified by Tax Map Parcels 207.20-1-14 and 207.20-1-15. Both of these parcels lie along the Saranac River, and therefore constitute, by law, "water front" properties. The City may not legally convey these Properties.

Pursuant to New York General City Law §20(2), a city is empowered to: "***To take, purchase, hold and lease real…property within…the limits of the city;…, and to sell and convey the same, but the rights of a city in and to its water front,…streets,…avenues, parks, and all other public places, are hereby declared to be inalienable, except in the cases provided for by subdivision seven of this section.***" ***Emphasis added***. In this instance, New York General City Law §20(7) included in the foregoing exception does not apply as there connection to any of the exceptions contained therein.

There is no question that this river front property, which includes the entirety of the Properties, constitutes "water front" as set forth in New York General City Law §20(2). See for example,

Gladsky v. City of Glen Cove, 164 A.D.2d 567, 2nd Dept. 1991 for a thorough discussion of this issue now posed to the City of Plattsburgh.

- As in this instance, the City of Glen Cove attempted to convey a portion of property that included "frontage on Glen Cove Creed". Id. at 567.
- The question of whether or not the property in Glen Cove, as with the property along the Saranac River here, had ever been "used, acquired or dedicated" to public purpose is irrelevant. "*While other forms of City-owned property may be converted to public use and thereby be rendered inalienable under the statute,* ***waterfront property has been expressly declared to be inalienable, regardless of the manner in which the property is used****. Although we recognize that the statutory restriction against the alienation of certain municipal property emanates, to a large extent, from the "public trust" doctrine (see, Matter of Lake George Steamboat Co. v. Blais, 30 N.Y.2d 48, 330 N.Y.S.2d 336, 281 N.E.2d 147; Brooklyn Park Commrs. v. Armstrong, 45 N.Y. 234, supra; Matter of Central Parkway, 140 Misc. 727, 729–730, 251 N.Y.S. 577; Gewirtz v. City of Long Beach, 69 Misc.2d 763, 330 N.Y.S.2d 495, aff'd 45 A.D.2d 841, 358 N.Y.S.2d 957) the Legislature did not see fit to include a public-use limitation in the statute, and we decline to engraft such a limitation in a statute which is otherwise clear and unequivocal on its face.*" Id. at 571. ***Emphasis added***. Thus, in this instance, we need not delve into whether or not the City ever "dedicated" this property to protection under the public trust doctrine. New York General City Law §20(2) preempts that decision or action.'
- The exceptions of New York General City Law §20(7) do not include alienation of water front property. See again, Gladsky: "*Nor does General City Law § 20(7), upon which the plaintiff relies, compel a contrary result. This subdivision creates a "discontinuance" exception to the statute's blanket prohibition against the alienability of public property by empowering a municipality to "lay out, establish, construct, maintain and operate markets, parks, playgrounds and public places, and upon the discontinuance thereof to sell and convey the same" (emphasis supplied).* ***Notably absent from the enumeration of the type of property which may be freely sold by a municipality upon the discontinuance of its public use is waterfront property. The reason for this absence is clear—waterfront property, as we have noted, is entitled to special protection by virtue of its geographical location rather than by virtue of its use****. Unlike a public playground, which may cease to be a playground if its use is altered,* ***waterfront property is intrinsically unique. That the discontinuance exception does not, and should not, apply to waterfront property becomes all the more compelling given the significant ecological, scenic, and aesthetic qualities inherent in it.*** "***Emphasis added.***

In addition, it is also noted that the parking lot here may very well also be protected by the public trust doctrine, in addition to the issues surrounding New York General City Law §20(2) above. See generally 10 East Realty, LLC v. Incorporated Village of Valley Stream, 49 A.D.3d 764, Second Department 2008, as well as the related 10 East Realty cases at 17 A.D.3d 474, 49 A.D.3d 770. Although the Second Department found in the case of the village in 10 East Realty that the public trust doctrine was not violated by the conveyance of a parking lot there, here, we have a bit of a different scenario. In the City of Plattsburgh, this parking lot, and indeed other similar parking lots within the downtown parking district, are held for the benefit of that parking district. Taxpayers are charged a special tax for the maintenance, repair and upkeep of those parking lots, evidencing an intention by the City of Plattsburgh to hold those public parking

spaces in public trust for this district. That is, the City cannot, absent legislative approval, remove the benefit that it has charged the City's parking district. Thus, no parking property may be alienated without addressing the underlying special taxing district.

The continuing wrong evidenced by the Agreement in violation of New York General City Law §20(2) must be reversed. The City of Plattsburgh does not possess the legal authority to enter into the Agreement.

Thank you.

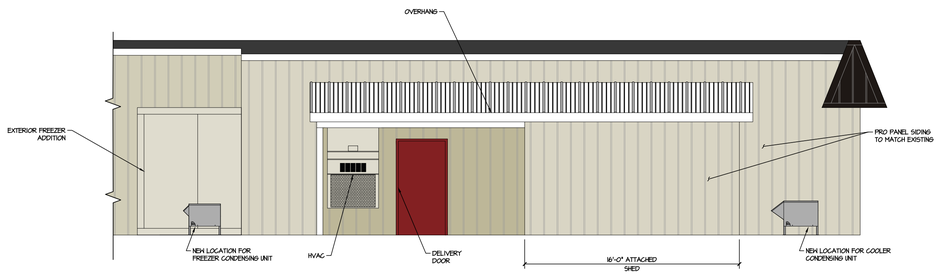
Sincerely,

Matthew F. Fuller, Esq.
mfuller@meyerfuller.com

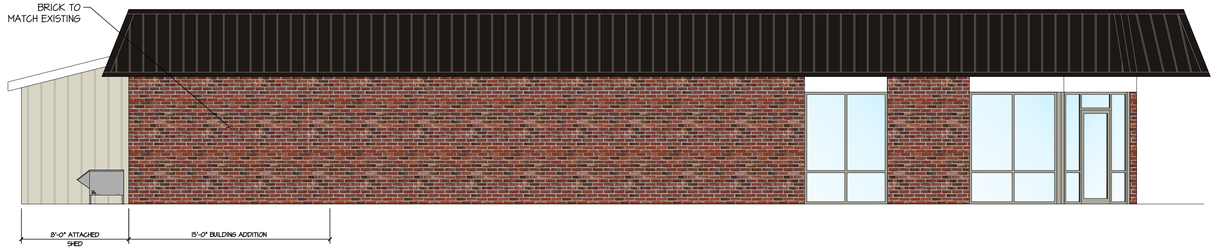
cc: Plattsburgh Citizens Coalition, Inc.

PROPOSED STEWART'S SHOP ADDITION

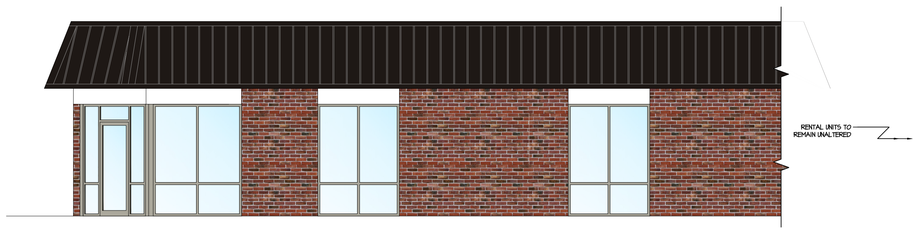
4994 SOUTH CATHERINE STREET - PLATTSBURGH, NY



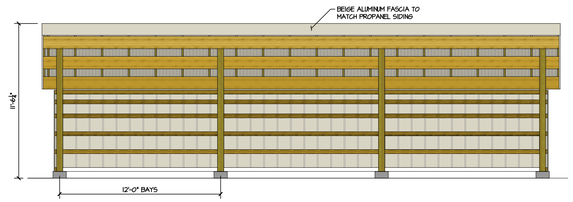
PROPOSED ELEVATION EAST



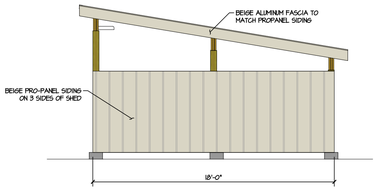
PROPOSED ELEVATION NORTH



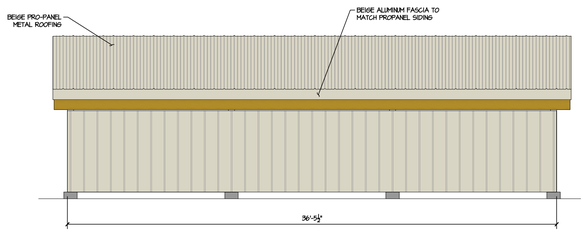
PROPOSED ELEVATION WEST



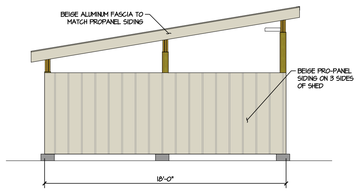
SHED ELEVATION NW



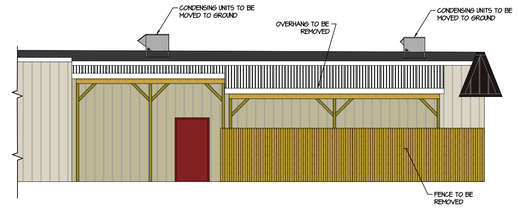
SHED ELEVATION SW



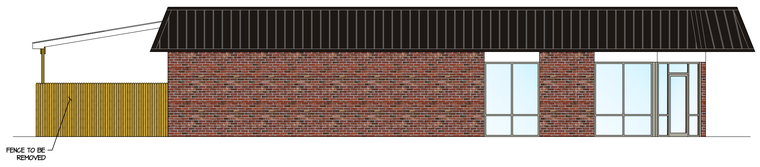
SHED ELEVATION SE



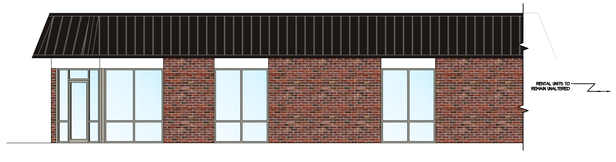
SHED ELEVATION NE



EXISTING ELEVATION EAST



EXISTING ELEVATION NORTH



EXISTING ELEVATION WEST

STATE OF NEW YORK
SCOTT EDWIN KRIEMER
091096
LICENSED PROFESSIONAL ENGINEER

ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW

STORE NAME, ABBREVIATION & NO.: PLATTSBURGH - PLAP - 260

SITE LOCATION: 4994 SOUTH CATHERINE STREET - PLATTSBURGH, NY

DATE	NO.	REVISIONS

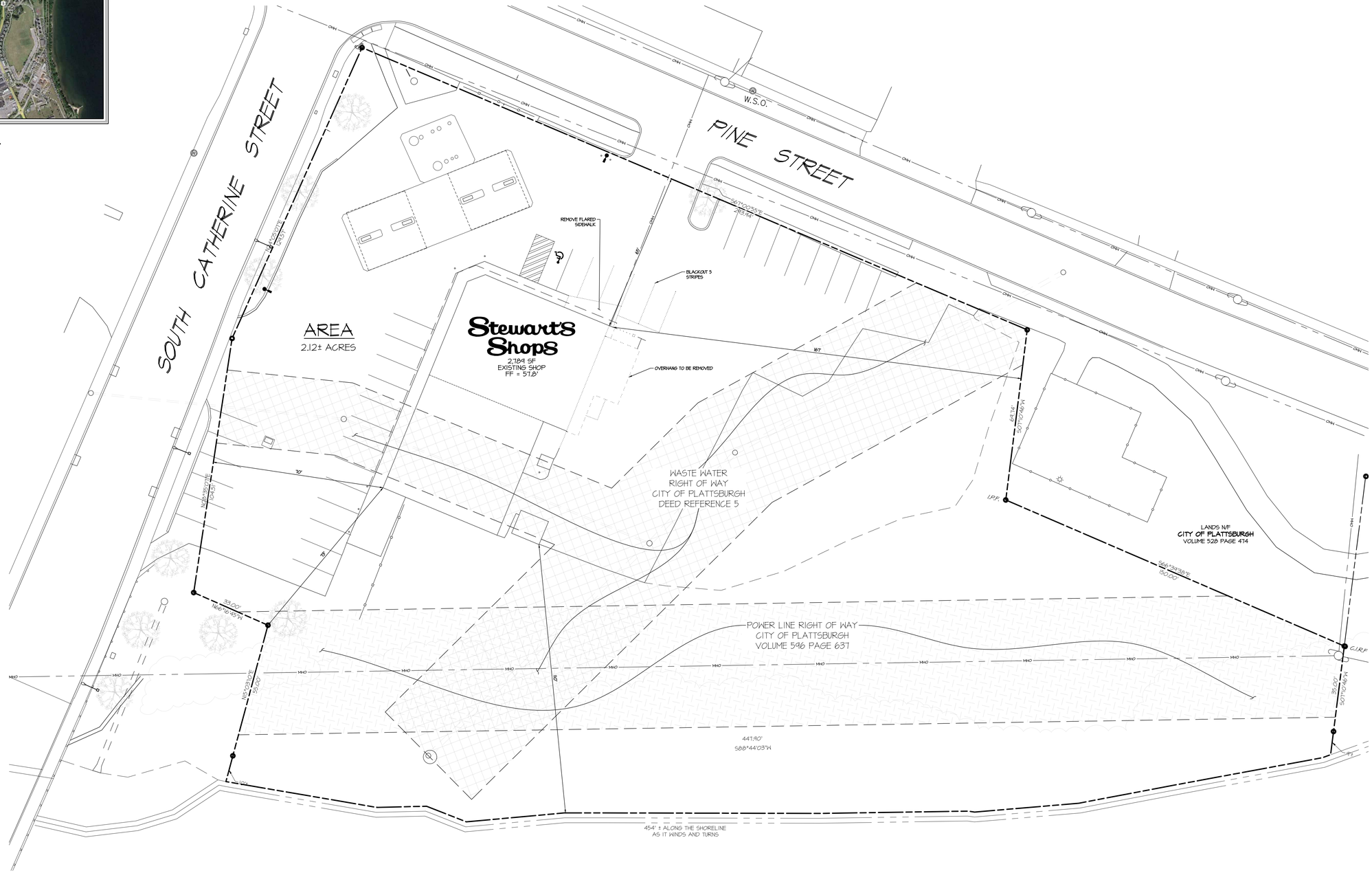
Stewart's Shops
SARATOGA SPRINGS, NY 12866
TEL. (518)581-1200 FAX (518)581-1209

DRAWN BY: RR
SCALE: NTS
DATE: 2/5/20

DRAWING NO.: T-1

TITLE: ELEVATIONS

SITE LOCATION MAP
SCALE: N.T.S.



LEGEND	
PROPERTY LINE	
FIRE HYDRANT	
WATER VALVE	WV
GAS VALVE	GV
SEWER MANHOLE	S
SEWER CLEANOUT	
CURB INLET	
CATCH BASIN	
GUY WIRE	
UTILITY POLE	
SIGNPOST	
TRAFFIC SIGNAL CONTROL BOX	
POLE LIGHT	
WELL	W
BOLLARD	
IRRIGATION SLEEVE	IR
OVERHEAD UTILITIES	OHW
WATER SERVICE, 1" TYPE "K" COPPER	W
SEWER SERVICE, 4" SDR 26	S
STORM PIPE, PROPOSED, HDPE	
STORM PIPE, EXISTING	
STOCKADE FENCE	
CHAINLINK FENCE	
SPLITRAIL FENCE	
U/G ELECTRICAL/TELE SERVICE	UE/UT
U/G ELECTRICAL CONDUIT	UE
U/G GAS LINE	G
U/G CAMERAL CONDUIT	CAM
DIESEL PRODUCT LINE	DSL
SUPER PRODUCT LINE	SUP
UNLEADED PRODUCT LINE	UNL
EXISTING MAJOR CONTOUR	100
EXISTING MINOR CONTOUR	100
PROPOSED MAJOR CONTOUR	100
PROPOSED MINOR CONTOUR	100
PROPOSED SPOT ELEVATION	100.00
EXISTING UNCHANGED SPOT ELEVATION	100.00

NOTES:
1. SOME FEATURES IN LEGEND MAY NOT HAVE BEEN USED.
2. DARKER LINES INDICATE NEW WORK.
3. DOTTED LINES INDICATE REMOVED ITEMS.

SURVEY NOTES:

1) BASE MAP PREPARED FROM A JANUARY 2020 FIELD SURVEY.
2) NORTH ORIENTATION BASED ON DEED REFERENCE 1.
3) ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
4) UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
5) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS THEREFORE SUBJECT TO ANY EASEMENTS, GOVENANTS OR RESTRICTIONS OF RECORD OR ANY STATEMENT OF FACTS SUCH DOCUMENT WOULD DISCLOSE.
6) UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES HAVE BEEN SHOWN FROM SURFACE LOCATIONS AND MEASUREMENTS OBTAINED FROM A FIELD SURVEY WITHOUT THE BENEFIT OF SURFACE LOCATIONS BEING MARKED BY THE PROPER AUTHORITIES, THERE MAY BE OTHER UTILITIES WHICH THE EXISTENCE OF ARE NOT KNOWN. SIZE TYPE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED IN THE FIELD BY PROPER AUTHORITIES PRIOR TO ANY AND ALL CONSTRUCTION OR DESIGN. CALL DIG SAFE PRIOR TO ANY EXCAVATION.

MAP REFERENCES:

1) "RIGHT OF WAY PLAN SOUTH CATHERINE STREET ; CITY OF PLATTSBURGH SOUTH PLATT STREET CITY OF PLATTSBURGH" DATED FEBRUARY 12, 1993 PREPARED BY STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION
2) "CITY OF PLATTSBURGH ACQUISITION MAP PIN 1ME028.30A" (DEED REFERENCE 4)
3) RIGHT-OF-WAY MAP CITY OF PLATTSBURGH MUNICIPAL LIGHTING DEPT. VICINITY OF PINE & SO. CATHERINE STREETS ON LANDS OF IRVING REED & GORDON BURDO" DATED MARCH 08, 1978 PREPARED BY ENGINEERING SERVICES JOSEPH MARTINA PROFESSIONAL ENGINEER.

DEED REFERENCES:

1) CONVEYANCE TO STEWART'S SHOPS CORP. BY DEED RECORDED IN THE CLINTON COUNTY CLERK'S OFFICE AS INSTR NUMBER: 2010-00232944.
2) GRANT OF EASEMENT TO NEW YORK TELEPHONE COMPANY BY DEED RECORDED IN THE CLINTON COUNTY CLERK'S OFFICE IN VOLUME 739 OF DEEDS PAGE 111.
3) POWER LINE RIGHT OF WAY GRANTED TO THE CITY OF PLATTSBURGH BY DEED RECORDED IN THE CLINTON COUNTY CLERK'S OFFICE IN VOLUME 596 OF DEEDS PAGE 637.
4) CONVEYANCE TO THE CITY OF PLATTSBURGH BY DEED RECORDED IN THE CLINTON COUNTY CLERK'S OFFICE AS INSTR NUMBER: 2011-00240343.
5) WASTE WATER EASEMENT/RIGHT OF WAY GRANTED TO THE CITY OF PLATTSBURGH BY DEED RECORDED IN THE CLINTON COUNTY CLERK'S OFFICE IN VOLUME 739 OF DEEDS PAGE 22.

STATE OF NEW YORK
SCOTT EDWIN KERNER
091095
LICENSED PROFESSIONAL ENGINEER

ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.

STORE NAME, ABBREVIATION & NO.
PLATTSBURGH - PLAP - 260

SITE LOCATION
4994 SOUTH CATHERINE STREET - PLATTSBURGH, NY

DATE	NO.	REVISIONS

Stewart's Shops
SARATOGA SPRINGS, NY 12866
TEL. (518)581-1200 FAX (518)581-1204

DRAWN BY: RR
SCALE: 1" = 20'
DATE: 2/4/20

DRAWING NO.
S-1

TITLE:
EXISTING SITE PLAN

CITY OF PLATTSBURGH

CLINTON COUNTY PARCEL: 221.7-5-46
ZONE: B-1

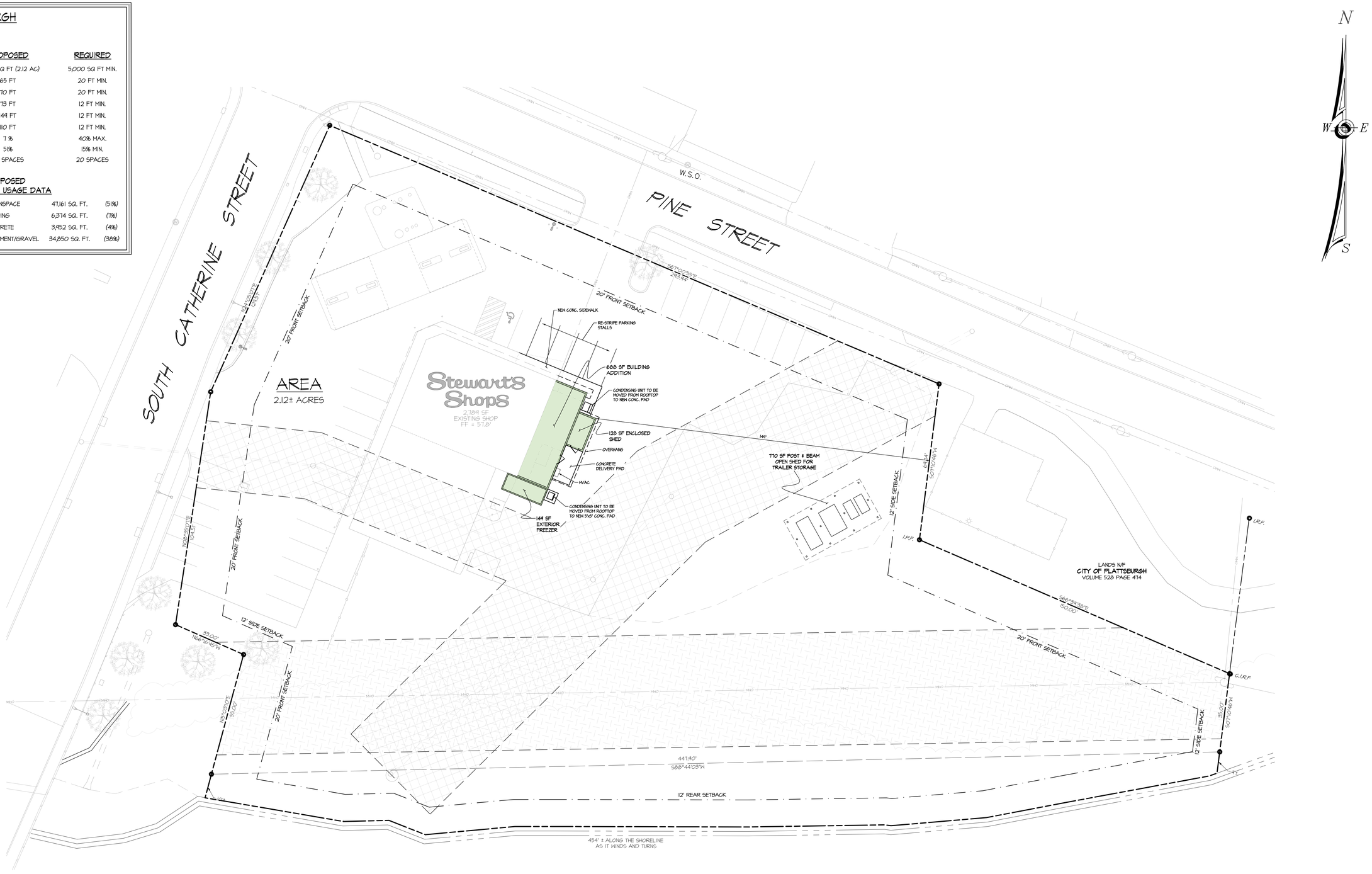
	EXISTING	PROPOSED	REQUIRED
LOT AREA	92,337 SQ FT (2.12 AC)	92,337 SQ FT (2.12 AC)	5,000 SQ FT MIN.
FRONT BLDG SETBACK (NE)	65 FT	65 FT	20 FT MIN.
FRONT BLDG SETBACK (W)	70 FT	70 FT	20 FT MIN.
SIDE BLDG SETBACK (S)	73 FT	73 FT	12 FT MIN.
SIDE BLDG SETBACK (E)	167 FT	149 FT	12 FT MIN.
REAR SETBACK (INTERIOR)	110 FT	110 FT	12 FT MIN.
BUILDING COVERAGE	6%	7 %	40% MAX.
OPEN SPACE	51%	51%	15% MIN.
PARKING SPACES	32 SPACES	32 SPACES	20 SPACES

EXISTING SITE USAGE DATA

GREENSPACE	47,195 SQ. FT.	(51%)
BUILDING	5,409 SQ. FT.	(6%)
CONCRETE	3,706 SQ. FT.	(4%)
PAVEMENT/GRAVEL	36,027 SQ. FT.	(39%)

PROPOSED SITE USAGE DATA

GREENSPACE	47,161 SQ. FT.	(51%)
BUILDING	6,374 SQ. FT.	(7%)
CONCRETE	3,952 SQ. FT.	(4%)
PAVEMENT/GRAVEL	34,850 SQ. FT.	(38%)



STATE OF NEW YORK
SCOTT EDWIN KITCHNER
091096
LICENSED PROFESSIONAL ENGINEER

ALTERATIONS TO THIS DOCUMENT BY OTHER THAN AN AUTHORIZED LICENSED PROFESSIONAL ENGINEER IS ILLEGAL AND A VIOLATION OF THE NEW YORK STATE EDUCATION LAW

STORE NAME, ABBREVIATION & NO.: PLATTSBURGH - PLAP - 260

SITE LOCATION: 4994 SOUTH CATHERINE STREET - PLATTSBURGH, NY

DATE	NO.	REVISIONS

Stewart's Shops
SARATOGA SPRINGS, NY 12866
TEL. (518)581-1200 FAX (518)581-1209

DRAWN BY: RR
SCALE: 1" = 20'
DATE: 2/4/20

DRAWING NO. S-2

TITLE: PROPOSED SITE PLAN

Plattsburgh, NewYork

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

_____ USE — CLASS A VARIANCE
_____ AREA — CLASS B VARIANCE
✓ SUP — SPECIAL USE PERMIT

Date: 2/10/2020 Appeal No.: 2234

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described.

Applicant: Stewart's Shops Corp.

Applicant's Address: PO Box 435
Saratoga Springs NY 12866

Telephone No.: 518-581-1261 x4415

Parcel Identification: 221.7-5-46

Location of Request: 4994 South Catherine St.

Property Owner: applicant

Request Description: add 149 sq ft ext freezer, 688 sq ft rear bldg addt, new sidewalk, 128 sq ft shed, restripe parkin

Zoning District: B1

Section Appealed: SUP

Previous Appeal: No.: _____ Date: _____

Identify Applicant's Right to Apply for Variance:

Ownership: ✓ Long Term Lease: _____ Contract To Purchase: _____

Other (Please Explain): _____

Applications for Zoning Variances must be accompanied by:
13 copies of existing and proposed site plan
13 copies of existing and proposed floor plan

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Jennifer L Howard
Signature (Owner/Applicant)

Jennifer L Howard
Print First and Last Name

Joanne D. McDermott
Notary Public

JOANNE D. MCDERMOTT
Notary Public Reg. #01MC6117949
State of New York, Saratoga County
Commission Expires Nov. 1, 20 20

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

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Stewart's Shop #260		
Project Location (describe, and attach a general location map): 4994 South Catherine St., Plattsburgh		
Brief Description of Proposed Action (include purpose or need): add 149 sq ft exterior freezer add 688 sq ft rear bldg addition partial new sidewalk 128 sq ft shed restripe some parking		
Name of Applicant/Sponsor: Stewart's Shops Corp.	Telephone: 518-581-1201 ext 4415 E-Mail: jhoward@stewartsshops.com	
Address: PO Box 435		
City/PO: Saratoga Springs	State: NY	Zip Code: 12866
Project Contact (if not same as sponsor; give name and title/role): Jennifer Howard	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Counsel, Town Board, or Village Board of Trustees ☐Yes☐No		
b. City, Town or Village Planning Board or Commission ☐Yes☐No		
c. City, Town or Village Zoning Board of Appeals ☑Yes☐No	Special Use Permit	March 16, 2020
d. Other local agencies ☐Yes☐No		
e. County agencies ☐Yes☐No		
f. Regional agencies ☐Yes☐No		
g. State agencies ☐Yes☐No		
h. Federal agencies ☐Yes☐No		
i. Coastal Resources. *i.* Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No *ii.* Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No *iii.* Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No		

C. Planning and Zoning

C.1. Planning and zoning actions.
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes☑No • **If Yes,** complete sections C, F and G. • **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1
C.2. Adopted land use plans.
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐Yes☑No If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes☐No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes☑No If Yes, identify the plan(s):
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☑No If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
B1

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located?

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?
NA

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? commercial

b. a. Total acreage of the site of the proposed action? 2.12 +/ acres
b. Total acreage to be physically disturbed? 1500 +/- sq ft acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.12 +/- acres

c. Is the proposed action an expansion of an existing project or use? ☑ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 30 sq ft Units: 1

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☑ No
iii. Number of lots proposed?
iv. Minimum and maximum proposed lot sizes? Minimum Maximum

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: months
ii. If Yes:
- Total number of phases anticipated
- Anticipated commencement date of phase 1 (including demolition) month year
- Anticipated completion date of final phase month year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? ☐Yes ☑No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☑Yes ☐No

If Yes,

i. Total number of structures 2

ii. Dimensions (in feet) of largest proposed structure: 14'6" height; 15 width; and 46 length

iii. Approximate extent of building space to be heated or cooled: 837 sq ft square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☑No

If Yes,

i. Purpose of the impoundment:

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify:

iii. If other than water, identify the type of impounded/contained liquids and their source.

iv. Approximate size of the proposed impoundment. Volume: million gallons; surface area: acres

v. Dimensions of the proposed dam or impounding structure: height; length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☑Yes ☐No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i .What is the purpose of the excavation or dredging? foundation

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): 50 yards
- Over what duration of time? during construction

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
removal to approved site

iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes ☑No
If yes, describe.

v. What is the total area to be dredged or excavated? .03 acres

vi. What is the maximum area to be worked at any one time? .05 acres

vii. What would be the maximum depth of excavation or dredging? 15 feet

viii. Will the excavation require blasting? ☐Yes ☑No

ix. Summarize site reclamation goals and plan:

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☑No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☑No
If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☑No
If Yes:

- acres of aquatic vegetation proposed to be removed:
- expected acreage of aquatic vegetation remaining after project completion:
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):
- proposed method of plant removal:
- if chemical/herbicide treatment will be used, specify product(s):

v. Describe any proposed reclamation/mitigation following disturbance:

c. Will the proposed action use, or create a new demand for water? ☐Yes ☑No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No
If Yes:

- Name of district or service area:
- Does the existing public water supply have capacity to serve the proposal? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No
- Do existing lines serve the project site? ☐Yes ☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project:
- Source(s) of supply for the district:

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes ☐No
If, Yes:

- Applicant/sponsor for new district:
- Date application submitted or anticipated:
- Proposed source(s) of supply for new district:

v. If a public water supply will not be used, describe plans to provide water supply for the project:

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☑Yes ☐No
If Yes:

i. Total anticipated liquid waste generation per day: 700 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):
sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☑No
If Yes:

- Name of wastewater treatment plant to be used:
- Name of district:
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project? ☑Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☑No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☑No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☑No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☑Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

heavy equipment/delivery vehicles

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

power generation

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

NA

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☑Yes ☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

during construction only

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐Morning ☐Evening ☐Weekend ☐Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☑No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☑Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☑No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☑No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☑Yes ☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☑No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 7 am - 6 pm
- Saturday: 7 am - 6 pm
- Sunday: na
- Holidays: na

ii. During Operations:

- Monday - Friday: 4 am - 1 am
- Saturday: 4 am- 1 am
- Sunday: 4 am-1 am
- Holidays: varies

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

heavy construction equipment

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe:

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

flush mounted soffitt

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☑ Yes ☐ No

If Yes:

i. Product(s) to be stored existing gasoline tanks

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities:

double wall fiberglass tanks

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☑ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: 1 tons per 2 month (unit of time)
- Operation : 1.5 tons per year (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: NA
- Operation: cardboard recycled, bottle return

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: hauled away
- Operation: hauled away

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☑ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☑ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☑No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☑No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☑No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☑No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☑No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☑Yes ☐No

If yes, provide DEC ID number(s): 510003, 510007

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

Class A Superfund Site NYSEG

_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☑ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☑ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? unknown feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: unknown _____ %
_____ %
_____ %

d. What is the average depth to the water table on the project site? Average: 8 feet

e. Drainage status of project site soils: ☐ Well Drained: _____ % of site
☐ Moderately Well Drained: _____ % of site
☐ Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: ☑ 0-10%: _____ % of site
☐ 10-15%: _____ % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☑ Yes ☐ No

j. Is the project site in the 100-year Floodplain? ☑ Yes ☐ No

k. Is the project site in the 500-year Floodplain? ☑ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑ Yes ☐ No
If Yes:

i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? ☐Yes ☑No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☑No

If Yes:

i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☑No

If Yes:

i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☑No

If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☑No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☑No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

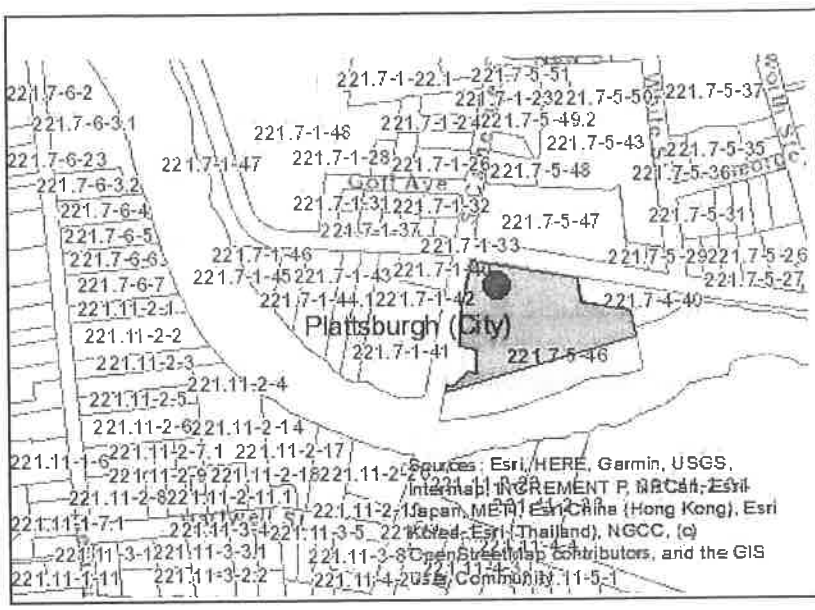
Applicant/Sponsor Name Stewart's Shops Corp Date 2/24/2020

Signature Jennifer L Howard Title Property Manager

PRINT FORM

EAF Mapper Summary Report

Monday, February 24, 2020 11:27 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	510003, 510007
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes

E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Plattsburgh, New York

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

DISCOVER Plattsburgh

_____ USE
CLASS A VARIANCE

___✓___ AREA
CLASS B VARIANCE

_____ SUP
SPECIAL USE PERMIT

Date: 2-21-20 Appeal No.: 2235

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described.

Applicant: BethAnn O'Neil

Applicant's Address: 261 S. Peru St.
Plattsburgh, NY 12901

Telephone No.: 518-420-3219

Parcel Identification: 221.19-1-7.1

Location of Request: 261 S. Peru St.

Property Owner: BethAnn O'Neil

Request Description: Replace cedar shrubs with vinyl fencing (6ft.)

Zoning District: R-2

Section Appealed: 360-29 G

Previous Appeal: No.: _____ Date: _____

Identify Applicant's Right to Apply for Variance:

Ownership: ✓ Long Term Lease: _____ Contract To Purchase: _____

Other (Please Explain): _____

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

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

* _____
Signature (Owner/Applicant)
BethAnn O'Neil
Print First and Last Name

_____
Notary Public

LISA M. BEEBIE
Notary Public, State of New York
No. 01BE6395749
Qualified in Clinton County
Commission expires August 5, 2023

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

Building and Zoning Department
41 City Hall Place
Plattsburgh, NY 12901
Ph.: 518 563 7707
Fax: 518-563 6426

DISCOVER
Plattsburgh

Plattsburgh, New York

PROCEDURE IN APPEALING THE ZONING ORDINANCE
CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION 2-21-20

ZONING BOARD MEETING DATE 3-16-20

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings -	$ 50.00
Multiple Dwellings	$150.00
Commercial Properties	$150.00

All checks should be made payable to the "City Chamberlain". In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a variance from the ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to the spirit of the ordinance and do substantial justice. Financial disadvantage to the property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests, which will involve any construction, alterations, or physical change of their property. **THIRTEEN (13) copies of the entire packet including drawings, site plans and the original application are required** (we recommend the plans be approved before the THIRTEEN (13) copies are made).

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

1. Publish the request in three successive issues of the Press-Republican newspaper not less than five (5) nor more than ten (10) days before the hearings.

2. Notify, by letter, all adjoining property owners of your request

This office is responsible for implementing the above requirements.

If there are any questions, please contact this office. Thank you for your cooperation.

ZONING BOARD OF APPEALS

CITY HALL

PLATTSBURGH, NEW YORK 12901

STANDARDS OF PROOF - AREA VARIANCE

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

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

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

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

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

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

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

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

C. Other Grounds for Denial:

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

STANDARDS OF PROOF - AREA VARIANCE

3. Is this hardship self-created? An area variance cannot be denied solely on the ground of self-created hardship, but is a factor to be considered.

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

Area Variances Standards

The state statues define area variances as: "the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by dimensional or physical requirements of the applicable zoning regulations."

General City Law, 81-b(1)

The state statues then go on to provide the zoning board with the standards for granting the area variances;

"(b) In making it's determination, the zoning board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(3) whether the requested area variance is substantial;

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and

(5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The board of appeals , in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community."

General City Law, 81-b(4)

Area or Dimensional Variances

Area variances may be granted where setback, frontage, lot size or yard requirements of this Code cannot be reasonably met. In making it's determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determinations the board shall also consider the following criteria:

Please give a written response to each section.

(1) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

No, it is replacing overgrown cedar shrubs. It will make it look much neater.

(2) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

NO

(3) Is the requested area variance substantial?

Yes, this will give me more of my yard back. The shrubs are overgrown. It will also continue to give me the privacy of my yard.

(4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

No. As of right now, my overgrown cedar shrubs are impeding on my neighbors property. My neighbor directly across the street received a variance to replace overgrown cedar shrubs with a 6ft. vinyl fence and it looks much neater in the neighborhood.

(5) Has the alleged difficulty been self-created?
This information shall be relevant to the decision of the board but shall not necessarily preclude granting of the variance.

No, The shrubs have been maintained. If they had been maintained differently before I purchased the home there would've been

Variances

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

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

The basic standards for determining unnecessary hardship and practical difficulty have been established and refined by the courts in numerous cases.[1]

Use Variance

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

1. Uniqueness

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

2. Reasonable Return

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

3. Character

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

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

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

Area Variance

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

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

1. First, the applicant must demonstrate that the application of the zoning ordinance to his property causes significant economic injury.

2. Once the applicant has demonstrated economic injury, then the municipality must show that the regulation in question is reasonably related to a legitimate exercise of the police power.

3. Last, assuming the municipality has met its burden of proof, the applicant must demonstrate that the restrictions, as strictly applied in his case, are unrelated to the public health, safety or welfare of the community and that granting the variance will not adversely affect the community.

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

1. How substantial the variation is in relation to the requirement;

2. The potential effect of increased density on available municipal, county and state facilities and services;

3. Whether the variance will cause a substantial change in the character of the neighborhood;

4. Whether the difficulty can feasibly be mitigated by some other method; or

5. Whether the interests of justice will be served in granting the variance.

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

Summary

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

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

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

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

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

[4] Waschsberger v. Michalis, 19 Misc 2d 909 (1959).

Department of Planning

Note: This Tech Memo was prepared by the Department of Planning as an informational publication for municipal governments. It is not intended to be a legal opinion.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
Replace overgrown cedar shrubs with 6ft. vinyl fencing

Project Location (describe, and attach a location map):
261 S. Peru St.

Brief Description of Proposed Action:
I'm going to remove overgrown cedar shrubs and replace them with 6ft. vinyl fencing to keep the privacy needed.

Name of Applicant or Sponsor:	Telephone: 518-420-3219
BethAnn O'Neil	E-Mail: boneil@plattsesd.org

Address:
261 S. Peru St.

City/PO:	State:	Zip Code:
Plattsburgh	NY	12901

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☒	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: City of Plattsburgh Zoning	☐	☒

3.a. Total acreage of the site of the proposed action? 138x64 acres
b. Total acreage to be physically disturbed? 36x39 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 138x64 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☒
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO ☒	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: Hose	NO ☒	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☒	YES ☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☒	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☒	YES ☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☒	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☒ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☒	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	NO ☒	YES ☐	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES			

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☒	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: BethAnn O'Neil Date: 2-21-20

Signature: _____

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

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

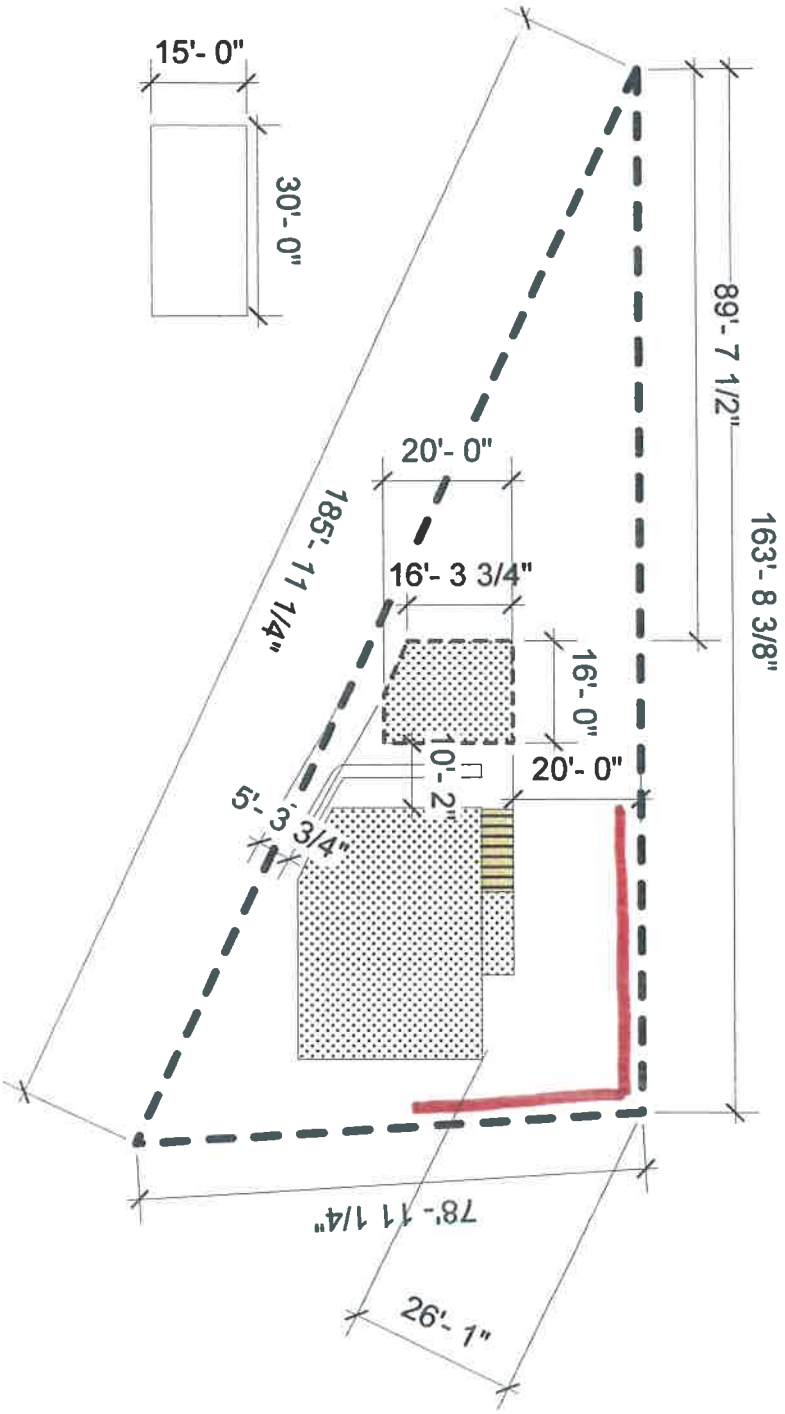
☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

BethAnn O'Neil
261 S. Penn St.
Platts.

Shrubs replaced with vinyl fence.



Plattsburgh, New York

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

Plattsburgh

_____ USE CLASS A VARIANCE

__X__ AREA CLASS B VARIANCE

_____ SUP SPECIAL USE PERMIT

Date 2/21/20 Appeal No 2236

An application is hereby made to the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a variance to allow the property use as herein described.

Applicant: City of Plattsburgh

Applicant's Address: 41 City Hall Place
Plattsburgh, NY 12901

Telephone No.: 518.563.7642

Parcel Identification: 221.12-2-6

Location of Request: 52 US Oval, Plattsburgh, NY 12901

Property Owner: City of Plattsburgh

Request Description: 3 area variances requested for 2-lot minor subdivision. Variance requested for max bldg coverage, min open space, + min lot size.

Zoning District: RC-2

Section Appealed:

Previous Appeal: No.: Date:

Identify Applicant's Right to Apply for Variance:

Ownership: X Long Term Lease: Contract To Purchase:

Other (Please Explain):

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

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Signature of Owner/Applicant*

Matthew Miller
Print First and Last Name

Shelise A Marbut
Notary Public

SHELISE A. MARBUT
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01MA6365804
QUALIFIED IN CLINTON COUNTY
COMMISSION EXPIRES OCTOBER 16, 20 21

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

Building and Zoning Department
41 City Hall Place
Plattsburgh, NY 12901
Ph.: 518 563 7707
Fax: 518-563 6426

DISCOVER
Plattsburgh

Plattsburgh, New York

PROCEDURE IN APPEALING THE ZONING ORDINANCE
CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION 2/21/2020

ZONING BOARD MEETING DATE 3/16/2020

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings -	$ 50.00
Multiple Dwellings	$150.00
Commercial Properties	$150.00

All checks should be made payable to the "City Chamberlain". In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a variance from the ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to the spirit of the ordinance and do substantial justice. Financial disadvantage to the property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests, which will involve any construction, alterations, or physical change of their property. **THIRTEEN (13) copies of the entire packet including drawings, site plans and the original application are required** (we recommend the plans be approved before the THIRTEEN (13) copies are made).

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

1. Publish the request in three successive issues of the Press-Republican newspaper not less than five (5) nor more than ten (10) days before the hearings.

2. Notify, by letter, all adjoining property owners of your request

This office is responsible for implementing the above requirements.

If there are any questions, please contact this office. Thank you for your cooperation

CITY OF PLATTSBURGH
COMMUNITY DEVELOPMENT OFFICE

Project Narrative

DATE: February 21, 2020
MEMO TO: City of Plattsburgh Zoning Board
FROM: Malana Tamer
RE: City of Plattsburgh, 52 US Oval Subdivision 2020

Dear Members of the Zoning Board:

The City of Plattsburgh is owner of 52 US Oval with Tax Map Parcel ID # 221.12-2-6. The property is zoned RC-2 in the Oval Historic District and is home to the City of Plattsburgh Recreation Center, a vacant 2 story brick building known as the Chaplin House and stormwater rain garden. The City has interest from local real estate agencies and potential buyers to purchase the 2-story brick building known as the Chaplin House.

The proposed subdivision is a minor 2-lot subdivision to create an approximately 1.24 acre lot with the City Recreation Center and raingarden and a .19 acre lot with the Chaplin House. The subdivision creates the need for three (3) separate variances for Lot 5A-City Rec Center and Lot 5B-Chaplin House.

Lot 5A (City Rec Center):

-Deficient in max building coverage

-Deficient in min open space

Lot 5B (Chaplin House)

-Deficient in min lot size

Approval of the subdivision is dependent upon the granting of the aforementioned variances. Please see the attached written response in regards to the variance weight in relation to the detriment to the health, safety and welfare of the neighborhood and community.

Thank you for your time and consideration.

Malana Tamer
City Planner

CITY OF PLATTSBURGH
COMMUNITY DEVELOPMENT OFFICE

AREA OR DIMENSIONAL VARIANCE REQUEST

DATE: February 21, 2020
TO: City of Plattsburgh, Zoning Board of Appeals
FROM: Community Development Office
RE: 52 US Oval Area Variance request

1.) Will an undesirable change be produced to the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance?

No, the character of the neighborhood will not be affected. No changes to the existing buildings or site are being proposed as part of the subdivision. The new proposed lot line will separate the City Recreation Center and rain garden from the 2 story brick house, known as the Chaplin house. This new property boundary will create the need for a max building coverage and min open space variance for the Rec Center lot and a lot size variance for the proposed Chaplin House lot.

2.) Can the benefit sought by the applicant be achieved by some method, feasible to the applicant to pursue, other than an area variance?

The new lot line is proposed along an existing hedgerow, which is a natural boundary line to create 2 separate lots. The stormwater rain garden, which was a City sponsored project will remain on City property. The 2nd lot will contain the Chaplin House only, which the City will be able to consider disposal of per City Code Section 24-3.

3.) Is the requested area variance substantial?

Yes, but no new building or site improvements are being requested.
Lot 5A
-Max Bldg Coverage -21% variance
-Min Open Space-23% variance
Lot 5B
-Min Lot Size-6,736sq ft variance

SCHEDULE OF AREA AND BULK CONTROLS (ZONED - RC-2) (US OVAL HISTORIC DISTRICT)

DESCRIPTION	REQUIRED	EXISTING	PARCEL '5-A'	PARCEL '5-B'
MIN. LOT SIZE	15,000 SF	62,188 SF	53,924 SF	8,264 SF(B)
MIN. LOT WIDTH	156 FT / 61 FT	328 FT	328 FT	80 FT
MIN. LOT DEPTH	156 FT / 61 FT	149 FT	175 FT	102 FT
MAX BLDG. AREA	25%	40%	46%(B)	14%
MIN. OPEN SPACE	50%	34%	27%(B)	81%
MIN. FRONT YD SETBACK	40 FT	0 FT	0 FT(A)	15.4 FT(A)
MIN. SIDE YD SETBACK	24/48 FT	14.4/33.0 FT	14.4(A)/106.1 FT	18.6(A)/52.8 FT
MIN. REAR YD. SETBACK	24 FT	27.0 FT	27.0 FT	41.9 FT
MAX BLDG. HEIGHT	49 FT OR 3.5 STORIES	T.B.D.	T.B.D.	T.B.D.

AREA AND BULK CONTROL DEFICIENCIES:
(A) PRE-EXISTING, NON-CONFORMING ATTRIBUTES WILL NOT BE MADE WORSE BY PROPOSED SUBDIVISION
(B) DEFICIENCIES ANTICIPATED TO REQUIRE A VARIANCE FROM THE ZONING BOARD OF APPEALS

SCHEDULE OF REQUIRED VARIANCES:
PROPOSED PARCEL '5-A':
- AREA - DEFICIENT IN MAX. BUILDING COVERAGE & MIN. OPEN SPACE

PROPOSED PARCEL '5-B':
- AREA - DEFICIENT IN MIN. LOT SIZE

4.) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

No, because no new site improvements are being requested. The new lot line follows an existing hedgerow.

5.) Has the alleged difficulty been self-created?

Yes. The City has had interest from local realtors and private purchasers to purchase the Chaplin House. The city wishes to subdivide the property to be able to consider disposal of the property. The new lot line creates the need for multiple area variances, but no changes to the existing site will occur.

Thank you for your time and consideration.

Malana Tamer
City Planner

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information

City of Plattsburgh

Name of Action or Project:

City of Plattsbrugh 52 US Oval Subdivision 2020

Project Location (describe, and attach a location map):

52 US Oval

Brief Description of Proposed Action:

2 lot minor subdivision of City owned property at 52 US Oval for the purposes of disposal of excess property. Lot 1 will be an approximate 1.24 acre parcel to be retained and includes the City of Plattsburgh Recreation Center. Lot 2 will be an approximate .19 acre parcel to be disposed as excess City property. 3 area variances required.

Name of Applicant or Sponsor:	Telephone: 518-563-7642
City of Plattsburgh	E-Mail: tamerm@cityofplattsburgh-ny.gov

Address:

41 City Hall Place

City/PO:	State:	Zip Code:
Plattsburgh	NY	12901

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3. a. Total acreage of the site of the proposed action? 1.43 acres
   b. Total acreage to be physically disturbed? 0 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.43 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

5. ☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☑ Other(Specify): Public Recreation
   ☑ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☑	☐

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____ _____	☑	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____ _____	☐	☑

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☐	☑
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☑

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Lake Champlain _____ _____		

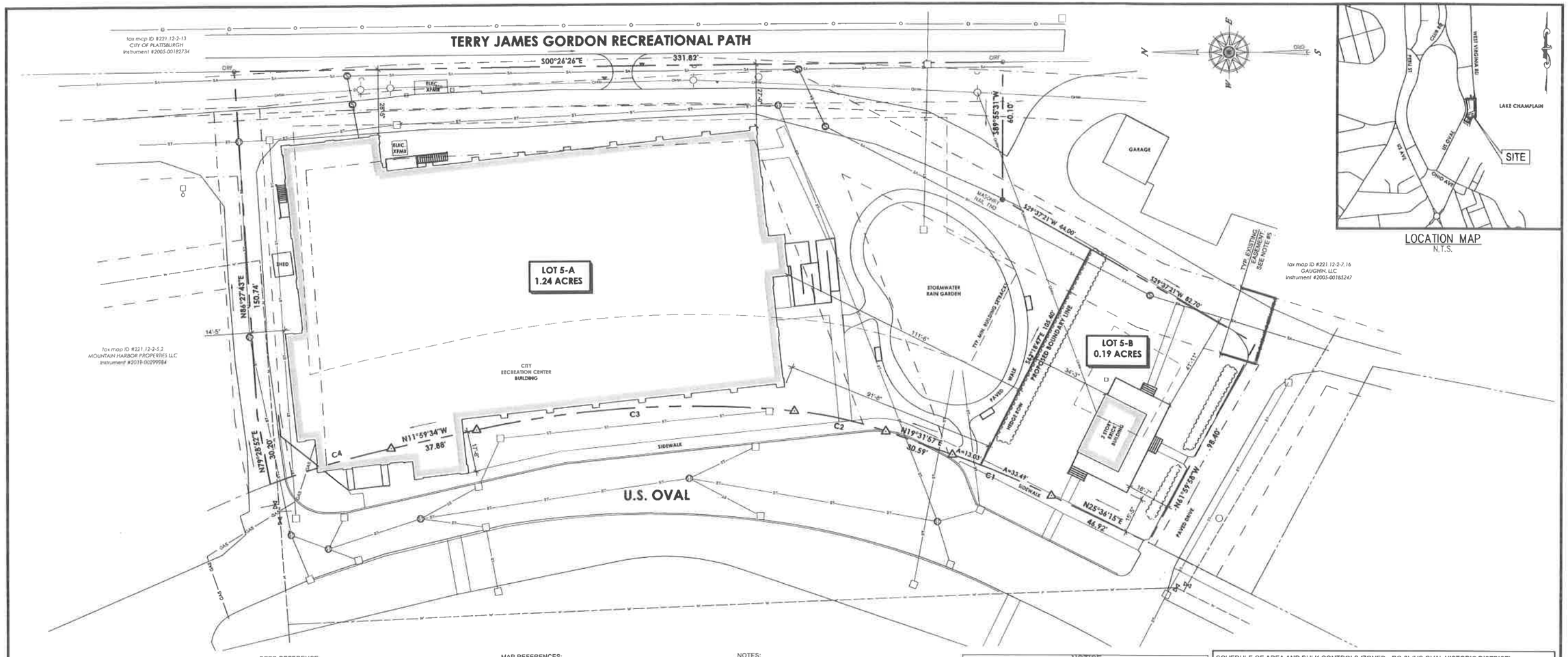
	NO	YES
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☑ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100-year flood plan?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☑	☐
If Yes, a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☑	☐
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	☑	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Malana Tamer Date: 2/21/20

Signature: Title: City Planner

PRINT FORM



CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	439.00'	46.52'	46.50'	N22°34'04"E	6°04'17"
C2	171.20'	40.85'	40.75'	N12°41'49"E	13°40'12"
C3	444.23'	138.43'	137.87'	N03°03'38"W	17°51'16"
C4	380.57'	54.65'	54.60'	N16°06'24"W	8°13'39"

DEED REFERENCE:

1. INSTRUMENT NO. 2003-00151426 FILED IN THE CLINTON COUNTY CLERK'S OFFICE ON JANUARY 30, 2003.

MAP REFERENCES:

1. MAP ENTITLED "PARC SUBDIVISION, PHASE II, CITY OF PLATTSBURGH, NY", PREPARED BY A.E.S. NORTHEAST, DATED NOV. 8, 2001 AND FILED IN THE CLINTON COUNTY CLERK'S OFFICE ON APRIL 23, 2002 IN BOOK PL-8, PAGE 243-249
2. MAP ENTITLED "SURVEY MAP SHOWING SUBDIVISION OF CERTAIN LANDS OF MARILYN LARKIN, EAST SIDE OF US OVAL, CITY OF PLATTSBURGH, CLINTON COUNTY, NEW YORK", PREPARED BY A.E.S. NORTHEAST, DATED NOV. 2, 2018 AND FILED IN THE CLINTON COUNTY CLERK'S OFFICE ON FEBRUARY 28, 2019 AS FILE 2019-00299617.
3. MAP ENTITLED "CITY OF PLATTSBURGH AND STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION, PLATTSBURGH PEDESTRIAN AND BICYCLE PATH", PREPARED BY LAMOUREUX & DICKINSON, DATED FEBRUARY 18, 1999 AND FILED IN THE CLINTON COUNTY CLERK'S OFFICE ON MAY 7, 2000 IN BOOK PL-8, PAGE 67.

NOTES:

1. INFORMATION SHOWN HEREON WAS COMPILED FROM AN ACTUAL FIELD SURVEY CONDUCTED DURING THE MONTH OF DECEMBER, 2019.
2. THE BASIS OF BEARING IS GRID NORTH, NEW YORK STATE PLANE NAD83, EAST ZONE AND VERTICAL DATUM IS NAVD88 (GEOID 12B) DERIVED FROM GPS RTK UTILIZING NYS DOT RTN CORS NETWORK.
4. UNDERGROUND UTILITIES SHOWN HEREON ARE NOT CERTIFIED TO. WHILE EVERY EFFORT WAS MADE TO PLOT UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES FROM FIELD INVESTIGATIONS AS WELL AS DATA OBTAINED FROM PREVIOUS MAPS, RECORD UTILITY DRAWINGS AND UTILITY FIELD MARKOUTS, THERE MAY BE OTHER UNDERGROUND UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN TO THE UNDERSIGNED. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY THE EXISTENCE, SIZE AND LOCATION OF ANY UNDERGROUND UTILITIES AND STRUCTURES SHOWN OR NOT SHOWN HEREON. DIG SAFELY NEW YORK MUST BE NOTIFIED PRIOR TO CONDUCTING TEST BORINGS, EXCAVATION AND CONSTRUCTION.
5. EASEMENTS OVER THE SUBJECT PARCEL SHOWN HEREON WERE DERIVED FROM PLAN REFERENCE 1 AND SURFACE FEATURES LOCATED DURING THE SURVEY. LOCATIONS MAY VARY BASED ON ACTUAL LOCATIONS OF UNDERGROUND UTILITIES.
6. THIS SURVEY AND THE CERTIFICATION HEREON SHALL BE VALID ONLY TO THE PARTY OR PARTIES HEREON NAMED AND ARE NOT TRANSFERRABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS, OTHER THAN AS MAY BE OR EXPRESSLY STATED HEREON.
7. THE OFFSETS OR DIMENSIONS SHOWN HEREON, FROM THE PROPERTY LINES TO THE STRUCTURES, ARE FOR A SPECIFIC PURPOSE AND USE; THEREFORE, THEY ARE NOT INTENDED TO MONUMENT THE PROPERTY LINES OR TO GUIDE THE ERECTION OF FENCES, ADDITIONAL STRUCTURES, OR ANY OTHER IMPROVEMENT.

LEGEND:

PROPERTY LINE (EXISTING)
PROPERTY LINE (PROPOSED)
ADJOINING PROPERTY LINE
EASEMENT LINE
ZONING SETBACK
CHAIN LINK FENCE
TREE LINE
CURB
OVERHEAD WIRES
UNDERGROUND ELECTRIC
UNDERGROUND GAS
UNDERGROUND COMMUNICATIONS
SANITARY SEWER
STORM SEWER
UNDERGROUND WATER

CIRS CAPPED IRON ROD SET
IRF IRON ROD FOUND
CIRF CAPPED IRON ROD FOUND
IPF IRON PIPE FOUND
(OA) OVERALL DISTANCE
℄ CENTERLINE
℘ PROPERTY LINE
CONIFEROUS SHRUB
DECIDUOUS SHRUB
DECIDUOUS TREE
CONIFEROUS TREE
UTILITY POLE
GUY ANCHOR
UTILITY POLE WITH LIGHT
LIGHT POLE

CABLE/TV BOX
TELEPHONE JUNCTION BOX
ELECTRIC BOX
ELECTRIC METER
SEWER MANHOLE
CLEANOUT
CATCH BASIN GRATE
STORM MANHOLE
GAS SHUTOFF
GAS VALVE
GAS METER
FIRE HYDRANT
WATER SHUTOFF
WATER METER
WATER VALVE
MONITORING WELL
SIGN POST

NOTICE

THIS SUBDIVISION PLAN IS APPROVED BY THE CITY OF PLATTSBURGH AS A FINAL SUBDIVISION PLAT. BUILDING/DEVELOPMENT PERMITS WILL BE ISSUED BY THE CITY OF PLATTSBURGH ONLY AFTER A COPY OF THE FINAL SUBDIVISION PLAT SIGNED BY CHAIRMAN/VICE CHAIRMAN OF CITY OF PLATTSBURGH PLANNING BOARD IS FILED IN THE CLINTON COUNTY CLERK'S OFFICE.

OWNER DATE

PER PLANNING BOARD RESOLUTION _____ THIS SUBDIVISION PLAT IS HEREBY CERTIFIED TO BE IN COMPLIANCE THEREWITH.

COMMUNITY DEVELOPMENT STAFF DATE

CITY PRELIMINARY SUBDIVISION PLAT APPROVAL

PLANNING BOARD CHAIR DATE

NOTE: THE ISSUANCE OF THIS AUTHORIZATION, APPROVAL OR PERMIT DOES NOT RELIEVE THE PROJECT APPLICANT/SPONSOR OF ANY RESPONSIBILITIES FOR OBTAINING ANY OTHER APPROVALS/PERMIT FROM ANY OTHER FEDERAL, STATE, OR LOCAL AGENCY INCLUDING THE US ARMY CORPS OF ENGINEERS (USACOE) WHICH MAY BE REQUIRED.

SCHEDULE OF AREA AND BULK CONTROLS (ZONED - RC-2) (US OVAL HISTORIC DISTRICT)

DESCRIPTION	REQUIRED	EXISTING	PARCEL '5-A'	PARCEL '5-B'
MIN. LOT SIZE	15,000 SF	62,188 SF	53,924 SF	8,264 SF(B)
MIN. LOT WIDTH	156 FT / 61 FT	328 FT	328 FT	80 FT
MIN. LOT DEPTH	156 FT / 61 FT	149 FT	175 FT	102 FT
MAX BLDG. AREA	25%	40%	46%(B)	14%
MIN. OPEN SPACE	50%	34%	27%(B)	81%
MIN. FRONT YD SETBACK	40 FT	0 FT	0 FT(A)	15.4 FT(A)
MIN. SIDE YD SETBACK	24/48 FT	14.4/33.0 FT	14.4(A)/106.1 FT	18.6(A)/52.8 FT
MIN. REAR YD. SETBACK	24 FT	27.0 FT	27.0 FT	41.9 FT
MAX BLDG. HEIGHT	49 FT OR 3.5 STORIES	T.B.D.	T.B.D.	T.B.D.

AREA AND BULK CONTROL DEFICIENCIES:
(A) PRE-EXISTING, NON-CONFORMING ATTRIBUTES WILL NOT BE MADE WORSE BY PROPOSED SUBDIVISION
(B) DEFICIENCIES ANTICIPATED TO REQUIRE A VARIANCE FROM THE ZONING BOARD OF APPEALS

SCHEDULE OF REQUIRED VARIANCES:
PROPOSED PARCEL '5-A':
- AREA - DEFICIENT IN MAX. BUILDING COVERAGE & MIN. OPEN SPACE

PROPOSED PARCEL '5-B':
- AREA - DEFICIENT IN MIN. LOT SIZE

PRELIMINARY

PRELIMINARY

REVISIONS

NO.	DATE	DESCRIPTION	BY

HORIZONTAL SCALE
20 10 0 20 40 60
1" = 20'

CITY OF PLATTSBURGH
CLINTON COUNTY • NEW YORK

SUBDIVISION PLAN
PREPARED FOR
CITY OF PLATTSBURGH
TAX MAP ID #221.12-2-6

DESIGNED BY
DRAWN BY MAD
REVIEWED BY MSC

AEDA
Engineering & Surveying PLLC
1248 Rt. 3
P.O. Box 182
Plattsburgh, New York 12901
tel: 518.562.1800 fax: 518.562.1702

DATE 12/20/19
SCALE 1"=20'
SHEET 1