

MaryAnne Bukolt-Ryder  
Attorney-At-Law

---

61 Clinton Street  
PO Box 3043  
Plattsburgh, NY 12901-0298  
Telephone: (518) 561-8800

April 22, 2020

Plattsburgh City Zoning Board  
Plattsburgh City Planning Board

To Whom it May Concern:

I am writing this letter to express my support for the Prime Durkee Street Project. Just for the record, and despite rumors to the contrary, I remain on the Parking Committee which over the last several months has been attempting to formulate a plan to replace parking that would be lost and restructure parking that already exists with an eye toward better efficiency. I think the planning has gone well and we are on our way to real and viable solutions to parking in our Lake City.

I am not going to deny that I had reservations about the Durkee Street project to begin with. However, as time went on and I began to investigate the plans and revisions, and the work that was being done, I became more and more convinced that overall the project is sound, will enhance our downtown and promote welcome economic growth for our city.

Change is not always easy, but it is also not always bad. I have lived here since the early 1980's and have watched while special interest groups have thwarted various plans for expansion and growth. It would appear that this odd form of parochialism continues even to this day—which is probably a significant reason why despite Plattsburgh's prime location, excellent health care and transportation systems, superior schools and colleges, our local development has continued to be dwarfed by other upstate communities.

With the increase in industrial and international businesses which have re-located here over the past several years, our area is poised to become more than a tourist attraction. We can and should be an economic oasis for Northern New York State. However, to accomplish this, we must be ready to provide a skilled workforce and appropriate housing for a generation that has already demonstrated that it may not be interested in the traditional white picket fence dream of home ownership. The Prime Project helps fill that void.

Right now, we have a great opportunity to be ready to surge forward economically as the national and state economies are re-set. We have money from the State to help. Fear and hesitation are the enemies. There is no growth without change, and there is no change without growth. Let's decide in favor of moving forward.

Sincerely, MaryAnne Bukolt-Ryder



City Info &lt;cityinfo@plattsburghcitygov.com&gt;

**(no subject)**

2 messages

**TENZIN DORJEE** <tenzinformayor@gmail.com>  
To: cityinfo@plattsburghcitygov.com

Mon, Apr 20, 2020 at 1:46 PM

**To: The Plattsburgh City Planning Board  
The Plattsburgh Zoning and Appeals Board****From: A Concerned Plattsburgh Citizen****Re: Dean Schneller, Esq. Conflict of Interest**

**I am a taxpayer in the City of Plattsburgh, New York and want to alert you to the conduct of the Dean Schneller, Esq. the attorney who represents the Mayor Colin Read and the City Council of Plattsburgh. The City of Plattsburgh presently has a SEQR application pending before the Planning Board and the Zoning Board. As a taxpayer I am greatly concerned of the multiple parties he is representing.**

**The Planning Board and the Zoning Board are independent of the City Council and the Mayor.**

**New York State General City Law authorizes municipalities within the State of New York to have a Planning Board and a Zoning Board of Appeals. Each of these Boards has the authority to hire their own legal counsel to assist in reviewing application before them. In fact, the City Charter under section 360-61 allows each Board to hire their own attorney.**

**Mr. Schneller is in violation of the sections listed below of The New York State Rules of Professional Responsibility**

DR 5-105 (a) and (b) (22 NYCRR 1200.24 [a], [b]) — failing to decline proffered employment and continuing multiple employment if the exercise of independent professional judgment on behalf of a client will be or is likely to be adversely affected by his representation of another client, or if it would be likely to involve him in representing differing interests, and a disinterested lawyer would not believe that he could competently represent the interest of each client and each client did not consent to the representation after full disclosure of the implications of the simultaneous representation and the advantages and risks involved; and

DR 5-105 (c) (22 NYCRR 1200.24 [c]) — representing multiple clients with differing interests without disclosing the implications of the simultaneous representation and without obtaining the consent of the clients to the representation.

**The Planning Board and the Zoning Board are required by law to approve, disapprove or require modification to the City Council's application. As stated, Mr. Schneller client is the City Council, so how can he represent the Boards when they have different interests then his client. This is a clear conflict of interest.**

**His loyalty is to his client, the applicant, the City Council. He cannot represent the applicant**

**before the independent Boards.**

**Recently, a New York State Court stated in a decision the following:**

DR 5-105 (A) and (B) (22 NYCRR § 1200.24) of the Code of Professional Responsibility provides:

A lawyer shall decline proffered employment if the exercise of independent professional judgment in behalf of a client will be or is likely to be adversely affected by the acceptance of the proffered employment, or if it would be likely to involve the lawyer in representing differing interests.... A lawyer shall not continue multiple employment if the exercise of independent professional judgment on behalf of a client will be or is likely to be adversely affected by the lawyer's representation of another client, or if it would be likely to involve the lawyer in representing differing interests....

Nevertheless, DR 5405 (C) provides that an attorney may represent clients with potentially adverse interests if "... a disinterested lawyer would believe that the lawyer can competently represent the interest of each and if each consent to the representation after full disclosure of the implications of the simultaneous representation and the advantages and risks involved."

Given the conflicts inherent in simultaneous representation, a prima facie rule of disqualification applies where there is an existing attorney-client relationship on behalf of a client whose interests are adverse to the interests of another current client (*Cinema 5, Ltd. v Cinerama, Inc.*, 528 F2d 1384 [2d Cir 1976]). Under this standard, where the attorney-client relationship is a continuing one, adverse representation is prima facie improper, (*Matter of Kelly*, 23 NY2d 368, 376 [1968]), and the attorney must be prepared to meet the very high standard that there will be no actual or apparent conflict in loyalties or diminution in the vigor of representation (*Cinema 5, Ltd. v Cinerama, Inc.*, 528 F2d 1384 [2d Cir. 1976]; *Thaler v Jacoby & Meyers Law Offices*, 294 AD2d 230, 742 NYS2d 241 [2002]). The prima facie rule of disqualification applies, even though the simultaneous representation occurred unknowingly and inadvertently (see, e.g., *Cinema 5, Ltd. v Cinerama, supra*). An attorney must avoid not only representing clients who have actual conflicts but also must avoid representing client whose interests appear conflicting (*Cardinale v. Golinello, supra*; see also, *Kassis v. Teacher's Ins. & Annuity Assn.*, 93 N.Y.2d 611 [1999]). And, an attorney must avoid not only the fact but even the mere appearance of impropriety (*Tekni-Plex, Inc. v Mayner & Landis*, 89NY2d 123,130-131 [1996]). Where there is a conflict of representation, doubts as to the existence of a conflict of interest are to be resolved in favor of the disqualification (*Lammers v Lammers*, 205 AD2d 432, 613 NYS2d 906 [1st Dept 1994]).

**Mr. Schneller has a conflict of interest and the Boards need to retain outside counsel.  
Preferably from outside Clinton County.**

**Thank you,**

**Tenzin Dorjee**

---

**City Info** <cityinfo@plattsburghcitygov.com>  
To: mcmahonj@cityofplattsburgh-ny.gov  
Cc: "Beebie, Lisa" <BeebieL@cityofplattsburgh-ny.gov>

Mon, Apr 20, 2020 at 2:13 PM

[Quoted text hidden]



City Info &lt;cityinfo@plattsburghcitygov.com&gt;

## Comments for Tonight's Zoning Board Meeting- Please forward!!!

2 messages

**Kathy L. Baumgarten** <foofusdotcom@aol.com>  
To: cityinfo@plattsburghcitygov.com

Mon, Apr 20, 2020 at 1:22 PM

I am writing in advance of the zoning meeting this evening.

Especially during this pandemic, it seems like all Downtown Revitalization Initiative monies should go toward helping currently existing downtown businesses, but I understand that you may have limitations on what you can do. If it is at all possible, please table this entire project for a time more advantageous for the economic good of the city. You do not need concern yourselves for how this will economically affect the companies behind Prime, as they are out of town and not in your jurisdiction.

As I have said at previous meetings, my objections to the Prime development are as follows:

- It will affect county tourism by limiting parking (the best and cheapest support we have to 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.
- 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 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. Plattsburgh seeks to end it, demonstrating utter contempt for apartment dwellers and their landlords in downtown Plattsburgh.
- 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 their parking is only for their customers, so customers often park at Durkee so they can walk to other shops after the bank, and 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 meed 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.
- The edifice will block from view the Saranac River and prevent for all future generations any enjoyment of this *priceless natural wonder*. THAT is the nature and character of our downtown! Additionally, 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. But, IMO 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.

- 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. 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 with 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 DRI as City Hall is applying it to Durkee St is merely a narrow sidewalk along the river and a narrow sidewalk leading to it. That is not a riverwalk. A Riverwalk has room for benches and gardens and features such as fountains, 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 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 tenants leaving for work during our rush hour, deliveries coming in, employees and customers coming in crowding Bridge Street, and waiting for pedestrians.
- 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 branch of Route 9 to one-way traffic to make any accommodations for same building. 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.
- This board is 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 monies need to revitalize our devastated and ALREADY EXISTING downtown so it can recover from the pandemic.
- Regardless of what the Mayor may lead you to believe, it is not too late to stop this project. At the very least, set it 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,  
Kathy L Baumgarten  
TSGT USAF (Ret.)  
Reply Reply All

---

**City Info** <cityinfo@plattsburghcitygov.com>

Mon, Apr 20, 2020 at 1:36 PM

To: "Beebie, Lisa" <BeebieL@cityofplattsburgh-ny.gov>, mcMahonj@cityofplattsburgh-ny.gov

[Quoted text hidden]