



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 environment 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 than 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]he 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	437⁶	+30

<u>Total On- and Off- Street Spaces</u>	<u>820</u>	<u>800</u>	<u>-20</u>
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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 shot 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 issue 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 Downtown 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 enactment 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 jobs¹ 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 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 riverwalks 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 different 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



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

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.

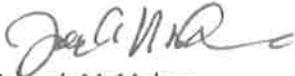
As stated above, Prime has provided detailed information from a mixed use development they have recently constructed and continue to operate in Saratoga Springs, New York known as "The Hamlet". This documentation included that project's approved site plan application, the approved parking calculations 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,

A handwritten signature in black ink, appearing to read "Joe McMahon", written in a cursive style.

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

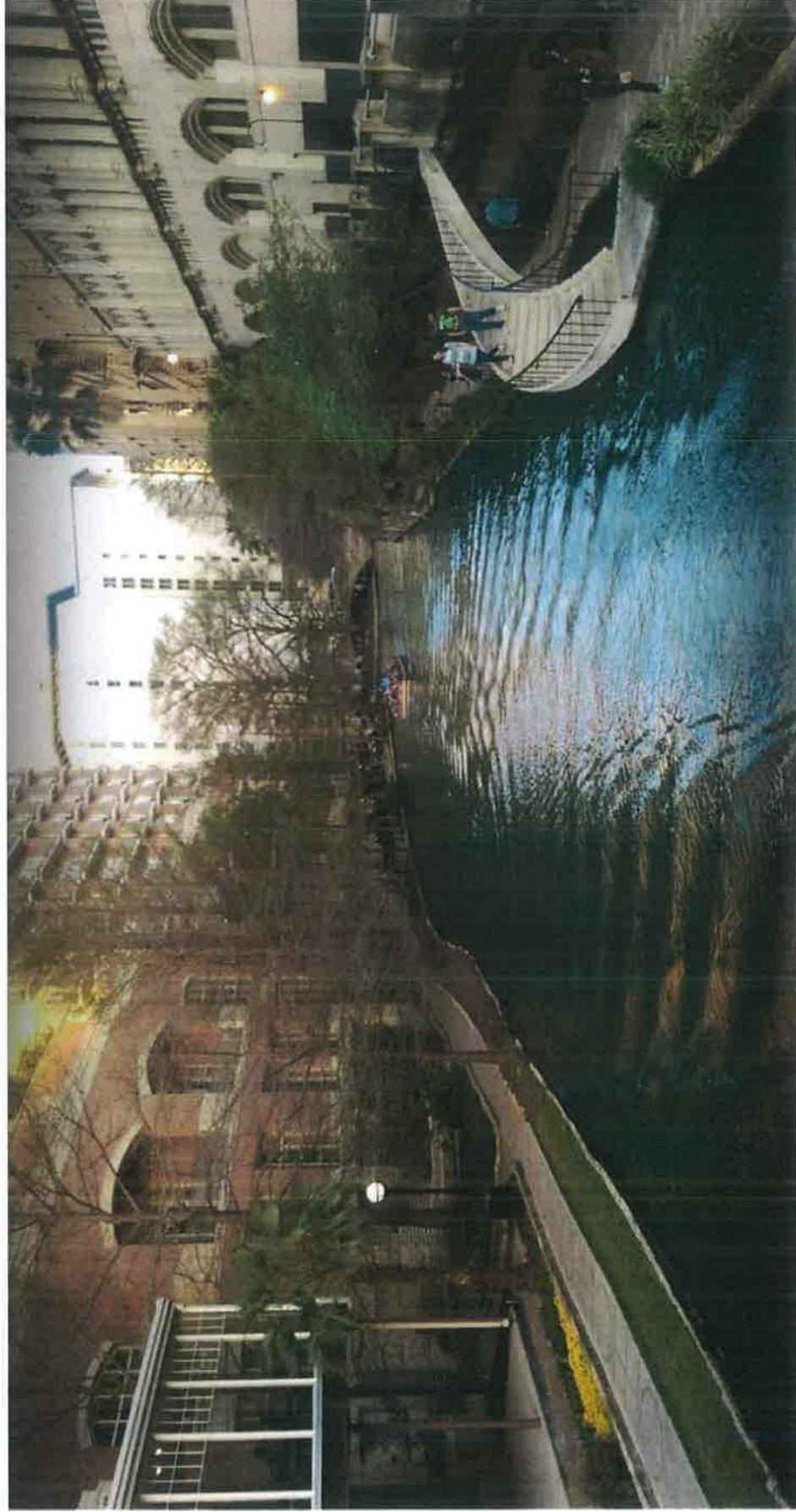


*San Antonio Riverwalk, San Antonio, Texas
Note the close proximity of the buildings to the riverfront*

Plattsburgh Zoning Board of Adjustment - February 10, 2020 meeting
Public Comments / Responses

Examples of Existing Waterfront Walkways in Urban Setting

February 21, 2020



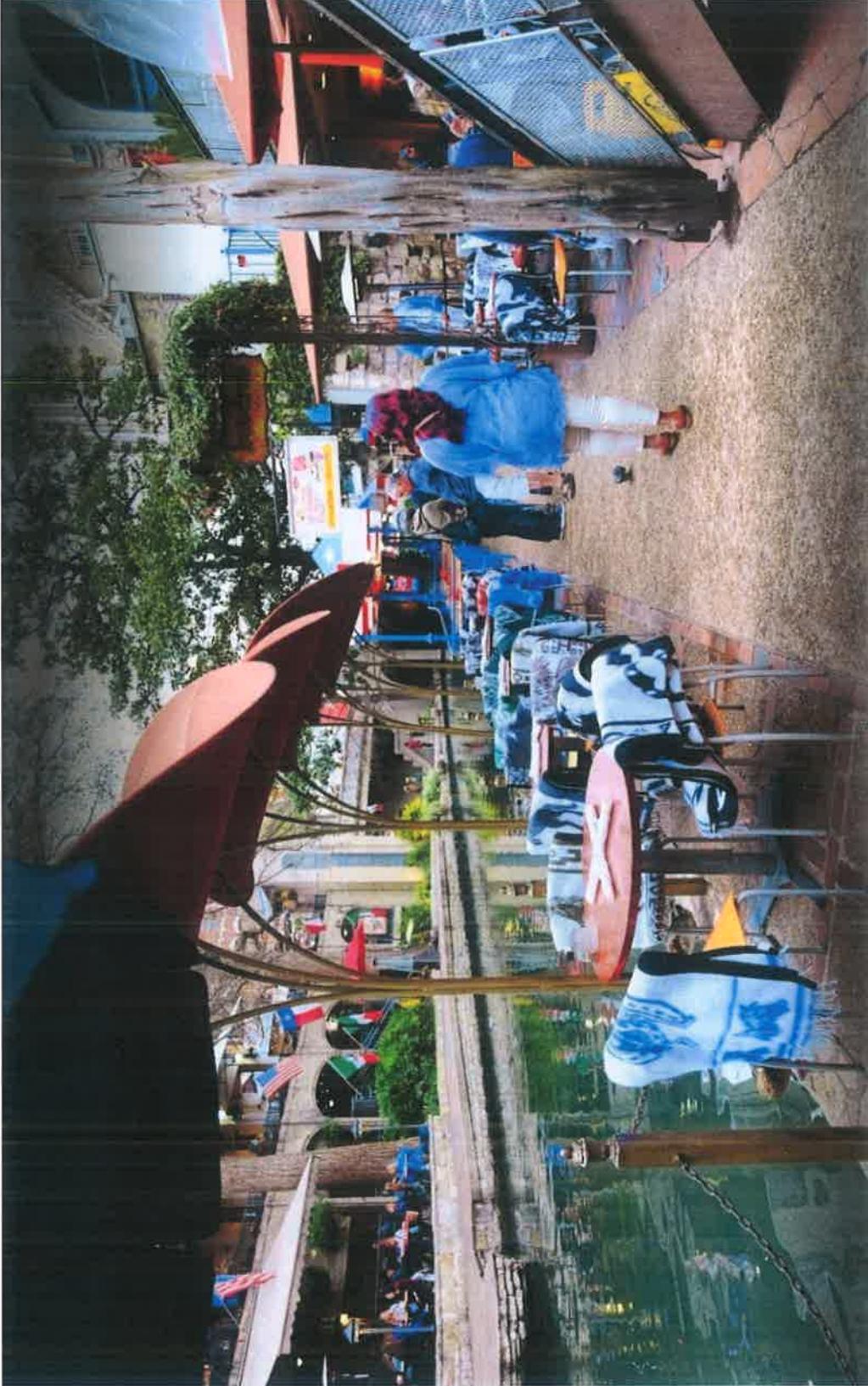
San Antonio Riverwalk, San Antonio, Texas

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



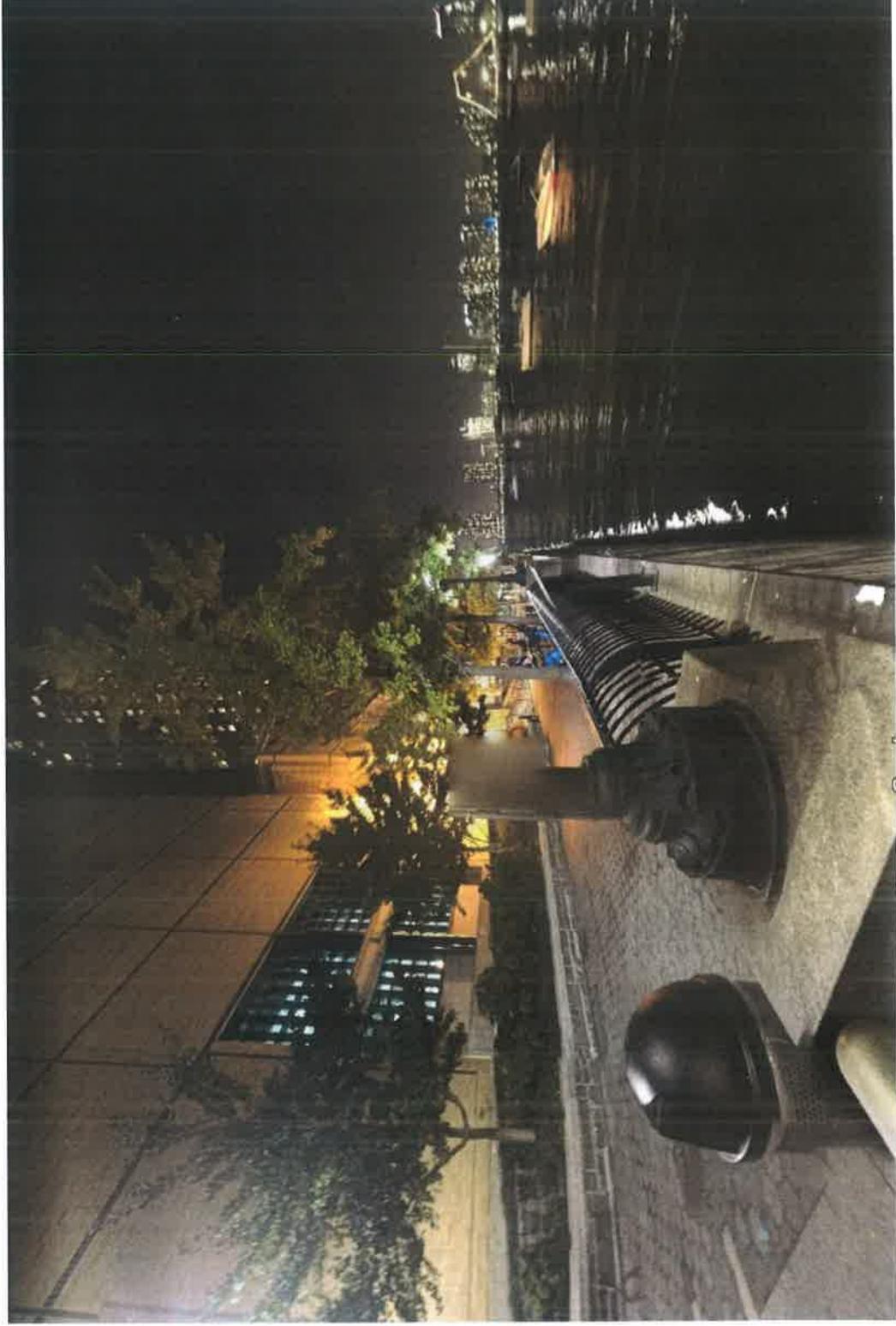
San Antonio Riverwalk, San Antonio, Texas

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



New Building
Height: 61'-2"
Mid Block
Height: 49'-9"
Ashley Building
Height: 49'-2"

Grade

The City of Plattsburgh
Plattsburgh, NY
2/21/2020

Plattsburgh Mixed Use Development
Durkee Street Building Height Comparison

MACKENZIE ARCHITECTS P. C.

162 Battery Street, Burlington, Vermont 05401 802.863.7177 (T) www.mackenziearchitects.com

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

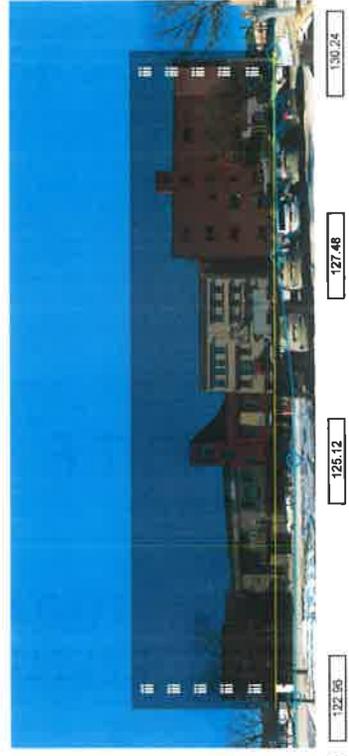
EXHIBIT F

BUILDING HEIGHT CHARTS SUBMITTED AT PUBLIC HEARING BY
MEMBER OF PUBLIC

PROPOSED DRI 114 UNIT RESIDENTIAL HOUSING COMPLEX
WEST ELEVATION



ELEVATION
180
180
175
180
190
140
130
120



ELEVATION
122.96
125.12
127.48
130.24

1 Presented at ZBA on 2/10/20
NOT TO SCALE

2 Forwarded week of 2/17/20
NOT TO SCALE

Plattsburgh Mixed Use Development
Farrington Illustrations

The City of Plattsburgh
Plattsburgh, NY
2/21/2020

MACKENZIE ARCHITECTS P.C.
162 Battery Street, Burlington, Vermont 05401 802.863.7177 (T) www.mackenziearchitects.com

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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



Plattsburgh, New York

Scott Lawliss
Fire Chief

Plattsburgh Fire Department
65 Cornelia Street
Plattsburgh, NY 12901
Tel: 518-536-7542
Fax: 518-561-8236
lawliss@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

