

ZONING BOARD OF APPEALS

FEBRUARY 10, 2020 MEETING MINUTES

**Present:** Chairman Ron Nolland, Kathleen Insley, Scott DeMane, Kellie Porter, Meghan Weeden (alt), Elizabeth Jent (alt)  
Joseph McMahan, Building Inspector  
James Welch, Housing Code Inspector

**Absent:** Steven Sullivan

**Also Present:** Tana and Gary Hanley  
Matthew Miller, Director of Community Development  
Turner Bradford, McFarland-Johnson  
Gail Henderson-King, White & Burke Real Estate Advisors  
Charles Gottlieb, Whiteman, Osterman & Hanna LLP  
Debra Osterhaus, Prime Companies  
Mark Schachner, Attorney at Miller, Mannix, Schachner and Hafner, LLC  
Scott Allen  
June Foley  
Timothy Palkovic  
Kathy Baumgarten  
Laura Palkovic  
Kevin Farrington  
Sylvia Beaudreau  
Joan Jansen  
Alan Booth

Mr. Nolland called the meeting to order at 7:03 PM. The following items were on the agenda.

<b>APPEAL</b>	<b>APPLICANT</b>	<b>REQUEST</b>
2233	GARY AND TANA HANLEY 2 KELLOG COURT	CLASS B AREA VARIANCE EXTENSION TO PREVIOUS VARIANCE TO ATTACH A ROOFED ADDITION TO HOME ON CURRENT DECK AREA
2232	CITY OF PLATTSBURGH 22 DURKEE STREET	SPECIAL USE PERMIT TO AMEND THE BOUNDARIES OF AN EXISTING PLANNED UNIT DEVELOPMENT AND A SPECIAL USE PERMIT FOR USE OF APARTMENTS ON THE FIRST FLOOR OF A MULTI-STORY BUILDING WITHIN A PLANNED UNIT DEVELOPMENT – PUBLIC HEARING

The agenda will be heard in the following order:

Appeal 2233  
Appeal 2232

The **first** item heard was Appeal #2233, Tara and Gary Hanley, 2 Kellog Court, Class B area variance for extension to previous variance to attach a roofed addition to home on current deck area.

Discussion of addition of 3-season room to deck area and increased coverage issue.

*Public Comment: None*

**MOTION:**

*By: K. Insley, seconded by M. Weeden*

*IN REGARD TO APPEAL #2233, AFTER REVIEW OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM PART 1, THAT IN PART 2 NO OR SMALL IMPACT MAY OCCUR BE CHECKED ON ITEMS 1-11, AND THAT THE SECOND BOX BE CHECKED AT THE BOTTOM OF PAGE 4 AND CHAIR MAY SIGN.*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED  
(E. Jent (alt) abstained)*

MOTION:

By: S. DeMane, seconded by M. Weeden

FOR APPEAL #2233, CLASS B AREA VARIANCE AT 2 KELLOG COURT, TO APPROVE WHAT THEY HAVE AND WHAT THEY ARE PLANNING ON BUILDING FOR THE PORCH, INCREASING THEIR DEFICIENCY OF AREA COVERAGE BY 1.6% WITH NO CONDITIONS.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED  
(E. Jent (alt) abstained)

The **second** item heard was appeal #2232, City of Plattsburgh, 22 Durkee Street, Special Use Permit to amend the boundaries of an existing planned unit development and a special use permit for use of apartments on the first floor of an multi-story building within a planned unit development – Public Comment

Mr. Nolland describes zoning board's role in special use permitting for this appeal.

Mr. Nolland describes purpose for hearing this appeal at this meeting is for public comment. Public comment will be adjourned at the end of this meeting so as public comment can be reopened at future meetings regarding this appeal.

To begin the presentation, Matthew Miller introduced attorney Mark Schachner, special council to the city regarding SEQR, who discussed the SEQR process going forward, and the zoning board's obligations under SEQR when evaluating these applications.

Gail Henderson-King presented and discussed revised project plans.

Turner Bradford and Charles Gottlieb presented revised parking plan calculations.

Board discussion of plan as presented.

*Public Comment:*

*Scott Allen, downtown property/business owner, appreciates public hearing remaining open for future meetings. Concerned that plans being presented thus far are conceptual, no final plans submitted as yet. Speaks to 2-part application regarding boundaries and first-floor apartments. Mr. Allen believes that what is for review is actually an amendment to a PUD approved many years ago for the Gateway project.*

*June Foley, city resident, speaks in opposition of this project with concerns regarding parking problems, inadequate green space, and project not in keeping with the character of downtown.*

*Timothy Palkovic, city resident, speaks in opposition of this project with concerns regarding deficit of parking availability, deficit of long term off street parking, diagonal parking issues, pedestrian/bikeability safety concerns. Concerns regarding setback issues. Concerns related to loss of marketability of current downtown businesses. Timothy submitted written speech into record.*

*Kathy Baumgarten, city resident, speaks in opposition of this project with concerns of maintaining the historical integrity of Plattsburgh, The Battle of Plattsburgh, Bridge Street. Concerns related to continued construction of the Riverwalk. Concern about how snow removal will be accomplished/ADA compliance. Concerned about how unfortunate urban renewal projects in Niagara Falls may impact our region.*

*Laura Palkovic, city resident, asks if handicap parking spaces are included in parking plans. Speaks about concern for downtown character, retail/restaurant space viability, previously failed Gateway restaurant.*

*Kevin Farrington, prior planning board and zoning board of appeals member, speaks to difficulty of the job at hand for autonomous boards regarding this development project in the way it has been presented to date. Mr. Farrington discusses flaws in parking plan, concerns regarding architecture/mass of building, height/elevation of building, health and safety concerns. Mr. Farrington shows elevation drawings to the board and audience.*

*Sylvie Boudreau, city resident, presents concerns regarding proposed size of building and its conformity of architecture and character to surrounding buildings, lack of open space and public amenities, and parking issues. Ms. Boudreau also speaks to concerns of lack of sidewalk/walkability. Ms. Boudreau presents to the board a list of empty retail spaces in downtown Plattsburgh and is concerned adding more retail would stress an already declining downtown market. Ms. Boudreau also presents to the board a picture of empty retail space in a similar development in Winooski, Vermont. Ms. Boudreau speaks of concerns with traffic flow on Durkee Street if made a one-way street, in regard to truck deliveries and presents a current photo of double parking due to delivery trucks on Durkee Street.*

*Local real estate developer speaks to respecting city codes, codes are there for a reason and should be adhered to.*

*Joan Jansen, city resident, voices concerns about how delivery trucks would be able to make deliveries with new traffic flow. Speaks of problems with size of the proposed building and maintaining character of downtown.*

*Alan Booth, city business owner, prior planning board member and chairman and former chair of Downtown Future Planning Commission, presents stakeholders visions, goals, and findings from a 25-year old Future Planning Commission Report and its relevance today, to include a traffic flow study, increasing access to river, parking location, and snow removal. Mr. Booth speaks to project plans lacking of open space and parking. Mr. Booth voices he is not averse to habitational housing, but believes a different location would be better suited.*

*Representative from EZ Properties believes all developers, local or otherwise should follow the same zoning rules. Concern for lack of parking and potential problems with snow removal.*

*Concerned citizen thanks the zoning board for their public service and speaks to their responsibility to protect the City of Plattsburgh. Voices concern that this proposed project lacks parking as presented and is concerned about the loss of character to downtown Plattsburgh. Implores the board to listen to the public's concerns and wishes as presented.*

Public comment adjourned.

MOTION:

By: S. DeMane, seconded by: K. Insley

CITY OF PLATTSBURGH ZONING BOARD OF APPEALS AGREES TO GRANT LEAD AGENCY TO  
THE CITY OF PLATTSBURGH PLANNING BOARD FOR VILAS HOME ADDITION AT 61  
BEEKMAN STREET

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED  
(E. Jent (alt) abstained)

MOTION:

*By: K. Insley, seconded by K. Porter*

*TO APPROVE MINUTES FROM JANUARY 21, 2020 MEETING*

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

Motion to Adjourn:

*By: S. DeMane, seconded by K. Insley*

Adjourned at 9:12 PM

For the purpose of this meeting, this meeting was audio and video recorded. This is a true and accurate copy and transcription of the discussion and for a more detailed discussion, see the recording.

Lisa Beebie  
Secretary  
Zoning Board of Appeals

Submitted to zoning Board 2/10/20

**SCOPING DOCUMENT APPENDIX 1**

Empty storefronts in the City of Plattsburgh

8 City Hall Place

33 Durkee Street

1 Broad Street

4 Broad Street (Smooth Moves)

33 Bridge Street (This N'That)

126 Margaret Street

128 Margaret Street

327 Cogan Avenue

22 Brinkerhoff

306 Cornelia Street (Zee Mart)

334 Cornelia

334 Cornelia

334 Cornelia

267 Margaret Street

164 Boynton Avenue

164 Boynton Avenue

22 Clinton Street

26 Clinton Street

316 Cornelia

316 Cornelia

316 Cornelia

316 Cornelia

316 Cornelia

24 Brinkerhoff Street

6433 Peru Street

72 Margaret Street

24 Margaret Street

5143 Peru Street

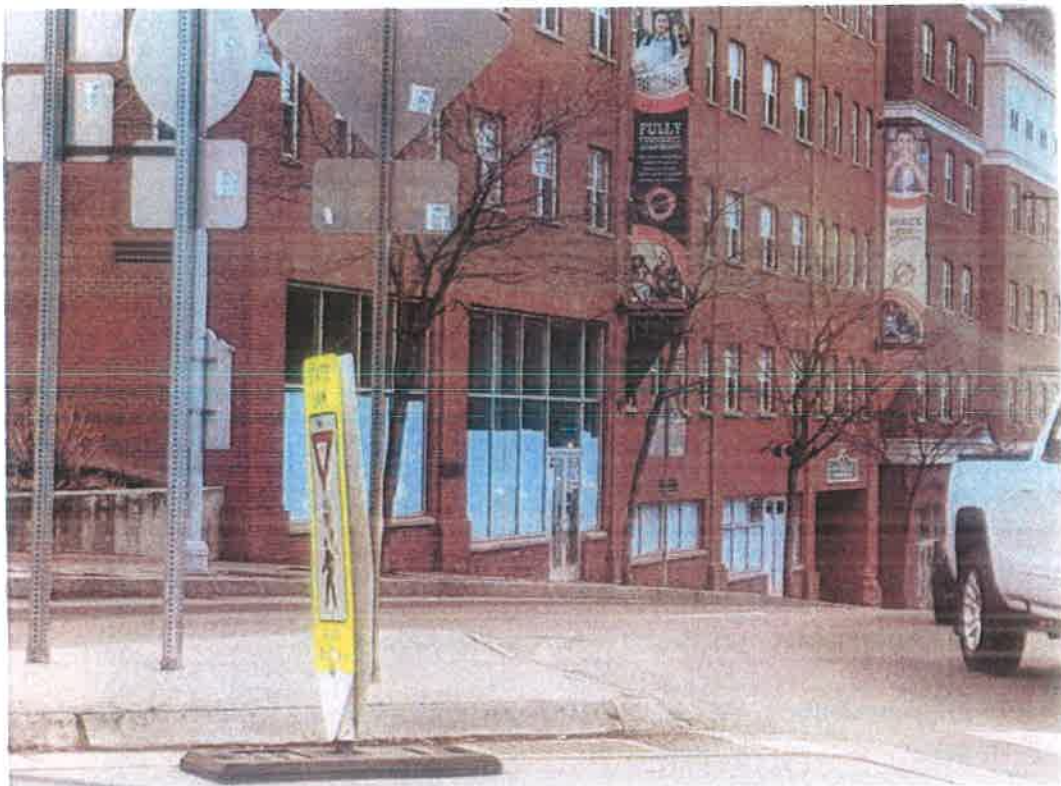
8 South Platt Street

38 Skyway Shopping Center

PLEASE NOTE: This list was compiled on July 30, 2019. It does not include the empty storefronts in the Town of Plattsburgh, many of which are major storefronts in the Route 3 commercial corridor, as well as several empty storefronts in the Champlain Centre.



Submitted to zoning Board 2/10/20  
Spinner Place, Winooski, VT





Submitted to zoning Board 2/10/20

Double parking Durkee Street



Submitted to zoning Board 2/10/20

The statements of fact are referenced in the Final GEIS report

Parking availability brings people downtown to shop, do business and to work. The Mayor and City Council know that downtown faces a Prime LLC parking deficit. That is why they are considering elaborate signage and parking meters in a clumsy and ill advised attempt to make up the loss.

The City is weak in its computation of parking spaces. They have computed 6 additional spaces after construction when in reality there will be a deficit of 123 spaces. (Fuller, Exhibit A) Additionally the City neglects to recognize that on street parking does not substitute for long term parking. Carl Walker, a City hired parking specialist, says long term parking should be replaced by an equal number of off street long term parking spaces. The City's plan does not follow this guideline..

The City center may become a dead zone during the 18 months projected for the construction of the Prime building. A severe loss of parking will exist for one to two years. During this time businesses will suffer and may close. The GEIS proposes parking in the City Waterfront marina during construction, This is a walking distance of 3,200-FT. Industry standards consider maximum acceptable walking distances from 400 to 1,600-FT. (Fuller) The construction is an alarming prospect for this reason alone.

The Durkee Street lot provides 65% of long term off-street public parking. These will not all be replaced, as stated by Sheridan Garner, Clinton County Planning Department. Since Prime has not shown the floor plan for the below ground parking there is no way to be confident in the number of spaces they say will actually be available under ground. These spaces may be inflated in the GEIS report.

Proposed diagonal parking on Durkee Street is inflated because of not allowing for code setbacks from corners. Kenneth Bibbins, Regional traffic engineer for the department of Transportation says that both Bridge and Durkee Streets do not have sufficient widths to allow angled parking. In his concern for safety he says that "based on the concept of traffic implications, I would use the strongest language possible to discourage the institution of this change." [of diagonal parking on Bridge and Durkee Streets]

There are additional safety concerns. The GEIS does not consider pedestrian walk-ability, bicycle paths and safety. The proposed one-way Durkee Street will be deadly for bicycle traffic and unsafe for all traffic during deliveries. It is not clear, but shouldn't the setback of the Prime building be five feet like the Gateway building not three feet? Sufficient setback must be a safety issue

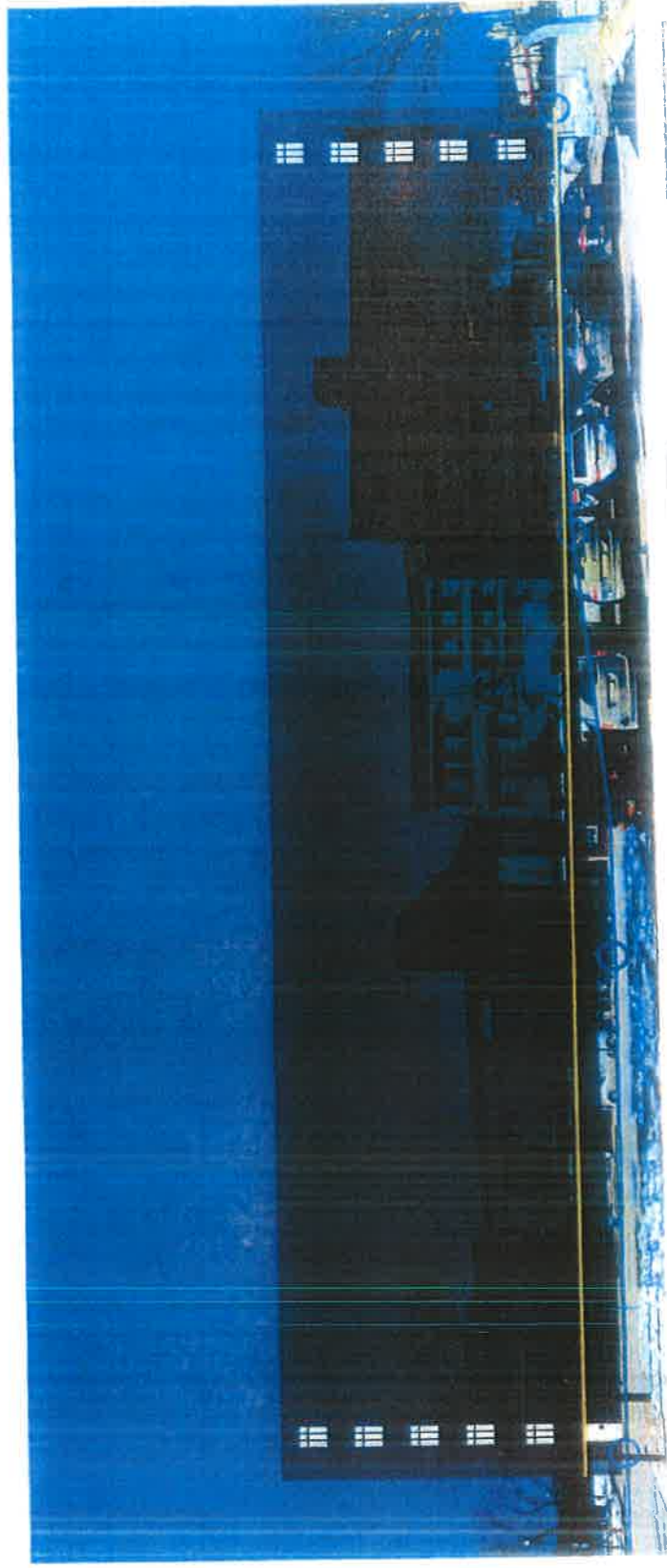
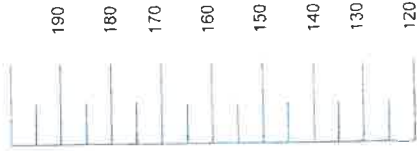
We should not be crippling downtown businesses by removing parking to accommodate a large corporate building. The North Country Food Co Op will be especially hard hit. If the Durkee Street lot is destroyed patrons will have to carry produce possibly for blocks to their car.

Aesthetic concerns are that the huge building will be shoe-horned into a site that is simply too small for it to exist comfortably. The immense scale of the Prime building will suffocate the open space at the City core, and will be in place for generations to come.

Lin Palkovic

Presented to zoning Board 2/10/20

PROPOSED DRI 114 UNIT RESIDENTIAL HOUSING COMPLEX  
WEST ELEVATION



ELEVATION

122.96

125.12

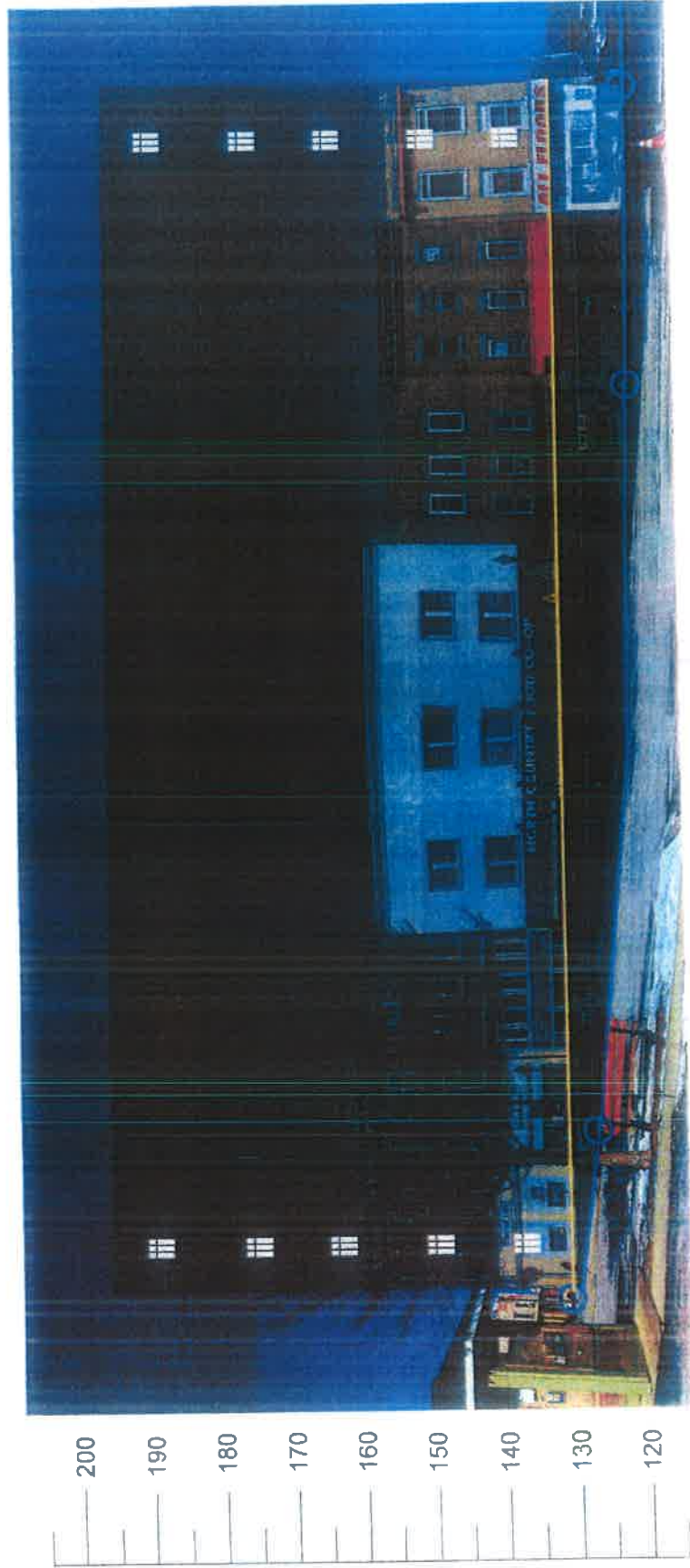
127.48

130.24



Presented to Zoning Board 2/10/20

PROPOSED DRI 114 UNIT RESIDENTIAL HOUSING COMPLEX  
NORTH ELEVATION



ELEVATION

130.24

129.11

122.04

118.68

