

Judge rules in favor of Bove project

By JOE LoTEMPLIO Sep 21, 2007

PLATTSBURGH -- A judge has ruled in favor of the controversial Bove project in downtown Plattsburgh.

Acting State Supreme Court Justice Kevin K. Ryan said the City of Plattsburgh acted properly in granting Burlington, Vt., developer Richard Bove permission to construct a housing project at the corner of Court and Margaret streets.

Bove wants to create housing for income-eligible tenants in a three-story unit that would include retail space on the street level and underground parking.

The project was approved by the city's Common Council last November when then-Mayor Jack Stewart broke a 3-3 tie by voting in favor of the deal.

Several downtown merchants strongly objected to the project, saying it was not a good fit for downtown.

They worried about parking, chain stores competing unfairly and poor quality of life for residents of the project.

Last May, four of them -- John Seiden, Patricia Waldron, Dan Waldron and Peter Whitbeck -- filed a suit in Supreme Court, arguing that the city did not follow proper procedure in allowing the project.

Ryan's ruling said the city did indeed give the project an ample review before approving it.

"Given this record, the court cannot say the respondents (city and Bove) failed to take a hard look at all the relevant areas of environmental concern and make a reasoned determination of the basis for its determination," the ruling said in part.

"The petition (to halt the project) is denied."

Whitbeck said he doubts the ruling will be appealed.

"We don't think we have enough to have it overturned," he said.

"But we still do not believe that this is something that belongs in downtown. We have an unbelievably high rate of low-income housing in the city already compared to the rest of the county, and downtown is a business district, and we should be concentrating on that."

Patricia Waldron said the group will continue to mull its legal options.

"The city, the School Board and 95 percent of the downtown merchants agree that this is not a fiscally responsible project," Waldron said.

"With the help of our new mayor, we wish for only integral decisions to be made for downtown Plattsburgh."

The project relies on valuable federal tax credits that Bove must secure. He said recently that he had not yet applied for the credits because the case was still in court.

But now he will.

"If we had lost in court the project would have been done, but now we can apply for the credits," Bove said.

"But it is a competition to get the credits so it is not a done deal, but we are still alive."

Bove said he still believes the project is a good fit for Plattsburgh.

"We will refresh our study, but I'm pretty sure it will say what it said two years ago -- that Plattsburgh is in need of workforce housing by about 100 units."

Bove said he will meet with Mayor Donald Kasprzak next week to discuss the project.

Kasprzak, who strongly opposed the project when he was campaigning for mayor last year, is still against the idea.

"As mayor, I guess I should be pleased that the city won the case, but personally I am still not in favor of this project.

"I still maintain that it is in the wrong location and the city is not receiving ample remuneration for the property."

Under the agreement with the city, Bove will pay the city taxes at a discounted rate. He would also pay special-assessment parking fees and a lease payment.

Payments would escalate over a 15-year period beginning with \$18,211 in the first year.