

**CITY OF PLATTSBURGH
PLANNING BOARD**

RESOLUTION NO.: 2019-11B

**GRANTING A PLANNED UNIT DEVELOPMENT AND A SUBDIVISION WITHIN THE
PLANNED UNIT DEVELOPMENT TO THE CITY OF PLATTSBURGH FOR LANDS
ALONG DURKEE STREET**

WHEREAS, the City Planning Board has received and reviewed a Planned Unit Development (PUD) Subdivision application and materials; and

WHEREAS, on or about November 29, 2019, the City of Plattsburgh, New York (the "Applicant") submitted an application for approval to amend the boundaries of and subdivide an existing Planned Unit Development (the "PUD") into an approximate 4.66 acre parcel into 2 lots to create an approximate 1.9 acre lot (the "City Lot") and an approximate 2.76 acre developable lot ("Prime Lot"), and related area and bulk zoning requirements. The PUD Subdivision is bounded by Broad Street, Durkee Street, Bridge Street and the Saranac River with public water and public sewer on property identified as Tax Map Parcel #207.20-7-15 (the "Property"); and

WHEREAS, in 2004, the City of Plattsburgh Zoning Board of Appeals (the "Zoning Board") approved the issuance of a Special Use Permit (the "SUP") for 5+ acres of land to be classified as a Planned Unit Development, and then the City of Plattsburgh Planning Board (the "Planning Board") approved the Planned Unit Development, which was part of a redevelopment plan, for the entire Durkee Street site; and

WHEREAS, this Durkee Street Planned Unit Development includes a 1.3 acre lot leased by Investors Corporation of Vermont containing a four-story office building and a two-level parking structure, a surface parking lot and farmer's market pavilion, and a parking lot located to the south of Broad Street; and

WHEREAS, this Planned Unit Development for the Durkee Street site has been amended several times by the City Planning Board in subsequent years; and

WHEREAS, on or about December 19, 2019, the City of Plattsburgh (the "City") submitted an application for approval of two SUPs to the Zoning Board: 1) to amend the boundaries of this previously approved Planned Unit Development adjoining Durkee Street in the City of Plattsburgh (the "PUD") with new boundaries to facilitate development of the Durkee Lot Mixed-Use Development ("DLMUD" or "Project") on approximately 2.76 acre lot, and 2) for the use of

apartments on the first floor of a multistory building within a PUD, on a lot identified as tax parcel 207.20-7-15 (the “Project Site”); and

WHEREAS, under the PUD provisions within the City of Plattsburgh Zoning Code, Section 360-21, the Planning Board has the authority to deviate from certain zoning requirements to allow for flexible standards to facilitate desired development; and

WHEREAS, the instant PUD application being sought by the City has sought certain zoning deviations (annexed hereto as Exhibit A) to facilitate the Saranac River Riverwalk and the DLMUD; and

WHEREAS, the DLMUD would consist of, among other things, an approximately 200,000 gross square foot building containing 109 residential units and 10,000 square feet of commercial space, a second building containing 3,400 square feet of renovated commercial space for both commercial and civic use, a total 309 parking spaces in two surface lots and a large, underground parking deck, a publicly accessible pedestrian walkway, open green space, and other related improvements, which is in a separate Site Plan application before the Planning Board; and

WHEREAS, the Project Site is located within the City’s Central Business “C” Zoning District and pursuant to the City’s Zoning Code Schedule of Permitted Uses – Part B, a PUD is a permitted use within the C Zoning District by the issuance of a SUP from the Zoning Board; and

WHEREAS, the Project Site is located in the core of Plattsburgh downtown urban area and therefore is within a built urban environment; and

WHEREAS, pursuant to the City’s Zoning Code Schedule of Permitted Uses – Part B, apartments on the first floor of a multistory building within a PUD are a permitted use within the C Zoning District by the issuance of a SUP from the ZBA; and

WHEREAS, the City’s Zoning Code § 360-21(C)(7) states that “[a] planned unit development may include any mixture of uses, permitted as of right or by special use permit that are permitted within the zoning district”; and

WHEREAS, the Project will include retail business and commercial uses, personal and business service establishments, residential apartments, and parking and loading areas, all of which are permitted uses in the City’s C Zoning District; and

WHEREAS, adjacent to the DLMUD, within the PUD, the City has been designing a pedestrian walkway along the Saranac River, which “Saranac River Riverwalk” will remain City-owned property as part of Lot 2A within the PUD as well as a series of improvements to the

“Westelcom Park”, Durkee Street, and the parking lot located to the South of Broad Street, which park, street, and lot improvements will not be within the PUD (the “Adjacent Projects”); and

WHEREAS, the Project and the proposed Saranac River Riverwalk is designed to increase public use of the Saranac River waterfront and provide enhanced green space considering that the existing conditions of the Project Site, an underutilized municipal parking lot without a functional waterfront; and

WHEREAS, the Planning Board finds that the proposed Saranac River Riverwalk is consistent with the City’s community plans, including the Local Waterfront Revitalization Plan, which recommends revitalizing the City’s waterfront in a manner that strikes a balance between waterfront revitalization and economic development; and

WHEREAS, the Project and the Saranac River Riverwalk are designed to improve the existing conditions of the Project Site and increase the pedestrian use of the waterfront, which is currently dilapidated and not utilized to its fullest extent by members of the public; and

WHEREAS, the Saranac River Riverwalk, being adjacent to the Project, is consistent with Plattsburgh’s urban setting as demonstrated in the PUD Subdivision and SUP applications; and

WHEREAS, the Project and the revitalized Saranac River Riverwalk will improve pedestrian access. As a result of this development, the Saranac River waterfront may be accessed four (4) different ways: 1) Bridge Street; 2) Durkee Street via public access being provided by Prime; 3) Broad Street; and 4) available public parking spaces being provided on the Project Site by Prime ; and

WHEREAS, the safety of the Saranac River Riverwalk will be improved by the proposed development, as documented by the City of Plattsburgh Chief of Police in an email dated February 18, 2020; and

WHEREAS, the PUD application that has been considered by the Planning Board, and the related deviations, will facilitate the development of this functional Saranac River Riverwalk; and

WHEREAS, on June 27, 2019, the City Planning Board submitted to the City’s Common Council (the “Council”) its consent for the Council to serve as lead agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”) for the City’s Downtown Area Improvement Projects (the “DAIP”) Generic Environmental Impact Statement (the “GEIS”) which

included, among other proposed improvements within the City's downtown area, the Project and the Adjacent Projects; and

WHEREAS, on November 21, 2019, the Council accepted, as the lead agency, a Draft GEIS as complete for purposes of public review and the Draft GEIS was submitted to the Planning Board as an involved agency pursuant to SEQRA for its review and comment on November 22, 2019; and

WHEREAS, the Council held a public hearing on the Draft GEIS on December 9, 2019 to accept oral and written public comments on the Draft GEIS and the Council accepted written comments on the Draft GEIS until December 23, 2019; and

WHEREAS, on January 30, 2020, the Council, as the lead agency, accepted as complete a Final GEIS for the DAIP pursuant to SEQRA which addressed all substantive comments on the Draft GEIS and the Project, and the Final GEIS was submitted to the Planning Board as an involved agency pursuant to SEQRA on January 31, 2020; and

WHEREAS, on February 20, 2020, the Council, as the lead agency, adopted a Findings Statement for the GEIS which concluded that the Project avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable (the "SEQRA Findings") and filed the SEQRA Findings in accordance with all applicable laws; and

WHEREAS, on September 10, 2020, the Council, as the lead agency, adopted an amended Findings Statement for the GEIS which concluded that the Project avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable (the "SEQRA Findings") and filed the SEQRA Findings in accordance with all applicable laws; and

WHEREAS, the Planning Board held a duly noticed public hearing on February 24, 2020 to accept public comments on the PUD Subdivision application and the hearing was continued on April 27, 2020 at which point the public hearing was closed; and

WHEREAS, on March 7, 2020, the Governor of the State of New York issued Executive Order 202.1, stating that "to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed"; and

WHEREAS, a continued public hearing scheduled for March was canceled as a result of COVID-19 health concerns; and

WHEREAS, at the April 7, 2020 Planning Board meeting the Planning Board agreed on new meeting protocols that would include video and tele conferencing with public participation consistent with New York Executive Order 202.15; and

WHEREAS, on April 9, 2020 the Governor of the State of New York issued Executive Order 202.15, which states that public hearings “may continue if the convening public body or official is able to hold the public hearing remotely, through use of telephone conference, video conference, and/or other similar service.”

WHEREAS, at the April 27, 2020 Planning Board meeting (held via video and tele conference) the Planning Board accepted public comment and closed the public hearing; and

WHEREAS, due to significant project changes between the April Planning Board meeting and the August project materials, the Planning Board opened a public hearing at the August 24, 2020 Planning Board meeting (held via video and tele conference) and closed the public hearing; and

WHEREAS, in support of its PUD Subdivision application, the City has submitted materials including, but not limited to, a PUD Subdivision project narrative, supplemental project narratives, a map showing the existing PUD boundaries and a separate map showing the new PUD boundaries proposed in the PUD application, a map showing the proposed subdivision within the PUD, a memorandum and associated documentation submitted in support of the City’s overall parking plans for the downtown area, and responses to all public comments received during the public hearing held for the PUD Subdivision application (the “Application Materials”); and

WHEREAS, the project requires two (2) special use permits (SUP) 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. The project was issued the special use permits by appeal # 2232 at the December 17, 2020 Zoning Board of Appeals meeting; and

WHEREAS, the following federal, State, and local agencies have already issued determinations, approvals and/or permits for the Project which have been provided to the Zoning Board:

1. On December 23, 2019 and August 25, 2020, the NYS Office of Parks, Recreation and Historic Preservation ("OPRHP") issued a letter concluding that the Project "will result in No Adverse Effect to historic properties, including archaeological and/or historic resources."
2. On January 27, 2020 and August 28th, the City’s Department of Public Works issued a letter stating that the City’s water supply and wastewater collection/treatment systems are sufficient to handle the Project’s design flows.

3. On January 27, 2020 and August 10, 2020, the Plattsburgh Municipal Lighting Department issued a letter stating that the City has sufficient capacity within its electrical supply and distribution system to service the Project.
4. On February 20, 2020 and July 27th, the Chief of the City's Fire Department issued a letter stating that he has no concerns regarding the Project and that the City's Fire Department will be able to provide fire protection to the building.

WHEREAS, the Planning Board has reviewed all submissions made by the Applicant, all public and agency comments made during the Planning Board public hearing related to the Project and has reviewed the PUD standards set forth in the City's Zoning Code. Throughout this lengthy review process, the Planning Board requested numerous revisions to the Project; and

WHEREAS, the Planning Board has reviewed the City Zoning Code at Section 360-21(C) and (D) which sets the general conditions and guidelines for the Planning Boards' review of PUD applications; and

WHEREAS, the Project was referred and submitted to the Clinton County Planning Board on February 24, 2020 in accordance with NYS municipal Law Section 239-m; and

WHEREAS, the Clinton County Planning Board did on March 4, 2020 hear this referral and by a vote of 6-0 did determine that the PUD application was of local concern without county-wide impacts; and

WHEREAS, related to the site plan of the DLMUD, we note that the stormwater pollution prevention plan ("SWPPP") and related materials were reviewed by the City's Engineering Consultant, Laberge Group, who provided a letter dated March 20, 2020; and

WHEREAS, the DLMUD site plan, which would result from the PUD application, was reviewed by the City's Engineering Consultant, Laberge Group, who provided a letter dated March 20, 2020; and

WHEREAS, the detailed preliminary site map, plans and related materials have been reviewed by the City's Community Development Department which has submitted a recommendation letter dated April 24, 2020 to the Planning Board for the Planning Board's consideration

WHEREAS, Laberge Group provided a final letter dated May 13, 2020 stating that the project has satisfied all of the 3rd party engineer review comments; and

WHEREAS, the PUD Subdivision map, plans, and related material have been reviewed by the City of Plattsburgh's Community Development Office which has submitted a staff review letter dated August 24, 2020 for the Planning Board's consideration; and

WHEREAS, review of the final subdivision map, plans and materials have been coordinated with the City's Department of Public Works, Building Inspector, Emergency Services, and Municipal Lighting Departments and comments from those departments were included within the Community Development Office staff review letter; and

WHEREAS, the Planning Board has reviewed the PUD Subdivision application and Application Materials to amend the boundaries of and subdivide an existing PUD into an approximate 4.66 acre parcel into 2 lots to create an approximate 1.9 acre lot and an approximate 2.76 acre developable lot, and related area and bulk zoning requirements and finds that they fully comply with the City's laws as described in the Planning Board's findings below; and

WHEREAS, that the Planning Board received and placed on file the said Community Development Office Staff Review letter dated August 24, 2020 and concurs with the said letter and ALL items listed therein.

NOW, THEREFORE, BE IT RESOLVED, that the City Planning Board of the City of Plattsburgh does hereby approve the PUD Subdivision Application for the Project pursuant to Zoning Code Section 360-21, et. seq. and finds that the PUD Subdivision Application, and related development, complies with the general standards for the issuance of a PUD as set forth in the City's Zoning Code.

BE IT FURTHER RESOLVED, that the Planning Board finds that the PUD Subdivision Application meet all guidelines in Zoning Code Section 360-21(C) and (D) to its satisfaction and allows the flexibility of the development of the land that preserves the natural and scenic qualities of the open lands, safeguards public health, convenience and for the preservation of the general character of the neighborhood as discussed in its findings as set forth below, and further finds that all requested zoning deviations meet the applicable PUD deviation test as set forth in Zoning Code Section 360-21(D).

Section 360-21, C Grant of Authority and General Conditions

(1) This procedure may be followed at the discretion of the Planning Board if, in said Board's judgment, its application would benefit the City.

The application will result in the redevelopment of an underutilized lot within Plattsburgh's downtown core, which has been desired by the City for a number of years with infill buildings that will integrate the street wall with the streetscape and fit into the general character of the surrounding area. It will provide a mix of proposed residential and commercial uses that typically

define a mixed-use downtown environment and are presently nearby. It will provide improved public open space and access between the downtown and the Saranac River with enhanced connections to nearby green spaces - the improved Arts Park and the Saranac River Riverwalk. It will also result in economic benefits to the City in new tax revenue, new jobs, and new residents who are anticipated to frequent downtown businesses.

Upon review of the Application documents and materials, the GEIS, and public comments, the Planning Board finds the PUD Subdivision will be beneficial for the City.

- (2) A planned unit development shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of Chapter 360 applicable to the district or districts in which such land is situated and conforming to all other applicable requirements...**

Following the requirement in the Zoning Code Section 360 Attachment 2, Schedule III, C-Central Business District, High-rise building:

| <i>Zoning Code</i> | <i>Allowed</i> | <i>Proposed</i> |
|--|----------------|------------------|
| Maximum number of dwelling units allowed | 276 units | 109 units |
| Minimum lot size | 50,000 sq. ft. | > 50,000 sq. ft. |

The proposed number of dwelling units in the PUD Subdivision is considerably less than what is allowed if a conventional subdivision was proposed, and both lots exceed the minimum lot size.

Based on the above information and review, the Planning Board finds the proposed PUD Subdivision will not exceed the number of building lots or dwelling units that could be permitted if the land were to be subdivided conventionally.

- (3) The Planning Board as a condition of plat approval may establish such conditions on the ownership, use, and maintenance of such open lands shown on the plat as it deems necessary to ensure the preservation of the natural and scenic qualities of such open lands. The Planning Board shall consider the goals, objectives and recommendations contained in the City of Plattsburgh Comprehensive Plan, the City of Plattsburgh Local Waterfront Revitalization Plan, and the Re-Use Plan for the former Plattsburgh Air Force Base before approving such plan.**

The proposed open lands within the PUD Subdivision that will be maintained for public use include the Saranac River Riverwalk and the pedestrian walkway connection from Durkee Street opposite the Arts Park to this walk. The Riverwalk will remain in City ownership and the

City will be responsible for its maintenance. There is a proposed easement agreement between Prime Plattsburgh, LLC and the City for use of the pedestrian walkway connection to ensure its accessibility to the public and to define maintenance responsibilities.

The *City of Plattsburgh Comprehensive Plan – 1999* recommends a mix of commercial, retail and office uses, support of intensified development, and maximizing recreational and public access to the Saranac River. The *City of Plattsburgh Local Waterfront Revitalization Plan (LWRP)* states that downtown revitalization and economic development are essential components and Durkee Street is identified as a gateway linking downtown to the waterfront at Dock Street. The LWRP recognizes this area as a prime area for mixed-use development, parking, and river access. It also recommends that as Durkee Street is developed as urban space, pedestrian and streetscape improvements should extend westward towards the park space between Durkee and Margaret Streets.

Considering the above, the Planning Board finds the proposed open lands within the proposed PUD subdivision support the goals of the *City of Plattsburgh Comprehensive Plan – 1999* and the *City of Plattsburgh Local Waterfront Revitalization Plan* and will preserve the natural and scenic qualities leading to and along the Saranac River riverfront. It is a crucial part of downtown revitalization that will support economic development along with taking advantage of the Saranac Riverfront for enhanced public access and use.

(4) The minimum percentage of open space contained in the entire PUD shall be the minimum percentage required by Schedule II for the zoning district in which the PUD is located. In calculating the area of required open space, § 360-17B of this chapter shall apply.

The minimum percentage of open space proposed in the entire PUD Subdivision exceeds the minimum percentage of required open space. The minimum open space is calculated based on Schedule II for the C – Central Business district which is 100% of required setbacks. The calculations for the entire PUD Subdivision are as follows:

| | |
|------------------------------|-----|
| Minimum Open Space Required: | 15% |
| Minimum Open Space Provided: | 22% |

The proposed open spaces include the following:

- The Riverwalk along the Saranac River, an identified top priority for the City. It will be designed as a riverfront walkway with site furnishings and landscape plantings that will connect Broad, Durkee, and Bridge Streets to the Saranac River riverfront;
- Bordering the riverfront walk and the surface parking lot;

- Pedestrian walkway with landscape plantings and site furnishings connecting Durkee Street to the Riverwalk;
- 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.

Therefore, the Planning Board finds that the proposed PUD Subdivision meets the required minimum percentage of open space for the entire PUD, and the resulting development will allow for the revitalization of the Saranac River Riverwalk. Currently, the existing riverfront on the Durkee Street Lot is underutilized and in need of repair. The PUD Subdivision will allow for the Riverwalk to be improved and access will be provided, in part, through a pedestrian walkway through Prime's Project. This will enhance the open space areas and provide more opportunities for residents and visitors.

(5) The plat showing such planned unit development may include areas within which structures may be located, the height and spacing of buildings, open spaces and their landscaping, off-street open and enclosed parking spaces, streets, driveways, and any other features required by the Planning Board.

The PUD Subdivision plan includes the location of the existing and proposed structures, spacing of buildings, open spaces, parking – off street and enclosed, and driveways. The Prime Site Plan application shows more detail of the various features proposed for Lot 2B. The Planning Board finds the PUD Subdivision plan complies with this requirement.

(6) Planned unit developments are permitted in all zoning districts except RH.

The PUD Subdivision is proposed in the C – Central Business zoning district, which is permitted as shown in Section 360 Attachment 1, Schedule I in the Zoning Regulations. As noted above, the Zoning Board has reviewed and approved the City's Special Use Permit for a PUD on this lot. Therefore, the Planning Board finds the PUD Subdivision is permitted in the C – Central Business zoning district.

(7) A planned unit development may include any mixture of uses, permitted as of right or by special use permit that are permitted within the zoning district.

The proposed uses within the PUD Subdivision are a mixture of uses that are permitted as of right and by special use permit in the C – Central Business zoning district that include the following:

- *Permitted Principal Uses:* retail business and commercial uses, personal and business service establishments, eating and drinking establishments, parks and recreation facilities, apartments above the first floor.
- *Accessory Uses:* parking and loading areas.
- *Uses Requiring Special Use Permit:* PUDs, apartments on the first floor of a multistory building within a PUD.

As mentioned above, the City applied for two Special Use Permit (SUP) requests for the proposed PUD boundary and the uses to include the PUD and apartments on the first floor of a multistory building within a PUD that the City Zoning Board of Appeals has approved. The Planning Board finds the PUD Subdivision's mix of uses are permitted as of right and by special use permit within the C – Central Business zoning district.

(8) In reviewing and approving all plans, the Planning Board, in addition to the standards set forth herein, may utilize the standards of the subdivision and site plan review requirements, as well as the opinions of the City Planner, other department heads and City consultants.

This PUD Subdivision does have a connected Site Plan application for Lot 2B (the Prime Lot). The Planning Board has reviewed these applications simultaneously and utilized both the PUD, subdivision, and site plan review requirements. In addition, the Planning Board has been provided with information related to the Saranac River Riverwalk. The Planning Board has obtained information from its City Planning consultant and the City's Building Official. In addition, the Planning Board has retained an independent engineering firm, Laberge Group, to review and comment on the DLMUD site plan and stormwater management of the result development.

(9) No tract, parcel or lot or tracts, parcels or lots shall be developed as a planned unit development unless it shall contain an area of adjoining and contiguous land as specified in the following table and shall contain sufficient access to the public road system as designated on the Official Map of the City of Plattsburgh, as amended.

The PUD Subdivision is proposed for the C – Central Business zoning district which requires a minimum land area of 3 acres as specified in the Section 360-21(C)(9) table. The proposed PUD Subdivision contains approximately 4.66 acres and has ample access from City owned Durkee and Bridge Streets. Therefore, the Planning Board finds it meets this requirement.

Section 360-21, D. Guidelines for Review and Approval of Planned Unit Developments

In accordance with Section 360-21, D Guidelines for Review and Approval of Planned Unit Developments, the Planning Board considered the following regarding requested deviations in accordance with Section 360-54 (D)(3) (b) Area variances. The Planning Board has considered whether the benefit to the applicant if the deviation is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Planning Board has considered the standards for obtaining an area variance related to these deviations from the guidelines in accordance with Section 360-54 (D) (3) (b) Area variances as follows. The list of deviations approved by this resolution is annexed hereto as Exhibit A.

(1) Boundary line and internal street setback requirement

Lot 2A – Gateway Building (ICV)

The front, side, and rear yard setbacks for a high-rise building, as determined in the underlying C - Central Business zoning district, are 12 feet for the 4 story Gateway building. The front and rear yard setbacks were previously approved for the Gateway building (ICV) by the Planning Board. The side yard setback for the existing parking garage from the northern boundary line is 3 feet, which is a 9-foot deviation from the underlying C – Central Business zoning district requirements. The northern boundary line, which was approved by the Planning Board in 2004, is accounted for as a separate lot in the City tax database but was never formally subdivided as a separate lot. The Planning Board has considered this deviation and finds it will not have a detriment to the health, safety, and welfare of the neighborhood.

Lot 2B – Durkee Street Mixed Use Development (DLMUD)

The required front yard setback for the proposed building from Durkee and Bridge Streets is 15 feet. The proposed building is 15 feet from Durkee Street and 15 feet from Bridge Street.. The required side and rear yard setbacks are 15 feet. The proposed building is 2 feet from the Lot 2A property line and the existing farmers' market is 5 feet from the Lot 2A property line. These are measured from an existing farmers' market building that is being rehabilitated and deviate 13 feet and 10 feet, respectively. There are no proposed public or private internal streets within the PUD Subdivision.

In accordance with Section 360-54 (D) (3) (b), the Planning Board finds that the benefit to the Applicant of the granting of this deviation outweighs any adverse impact for the following reasons:

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

The proposed building setbacks will meet City Code. The proposed rear setback for the existing farmers' market building from Lot 2A exists based on the original approval of the Gateway complex. These side and rear setbacks allow for open space to remain along the Saranac River and for a broader area for the Riverfront improvements. Therefore, the Planning Board finds the above requested front, side and rear setback deviations will not create an undesirable change in the character of the neighborhood.

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

In order to have the proposed building and development fit into the context of the neighborhood, be part of the streetscape fabric and a walkable downtown, the Planning Board finds there is not another feasible option other than an area variance. Any potential alternative would be a significant departure from the planned development and therefore would not be feasible.

(c) Whether the requested area variance is substantial;

The Planning Board finds requested setback deviations are pre existing and are not substantial when looking at the application through the totality of the circumstances because they are consistent with the character of the physical buildings and streetscape fabric of the surrounding neighborhood and downtown.

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

The Durkee Street reconfiguration/streetscape and Bridge Street streetscape improvements will be coordinated with the PUD Subdivision and creates a more consistent street wall, allows for more pedestrian friendly sidewalks, provides increased on street parking and additional landscape plantings. In addition, improved green space and pedestrian access to the Saranac River and pedestrian facilities will be beneficial to the neighborhood and downtown. The Planning Board finds the proposed deviations will not have an adverse impact on the physical or environmental conditions in the neighborhood.

Further, the resulting development will manage all stormwater in accordance with New York State regulations as demonstrated by the Project SWPPP. Lastly, the PUD application and resulting development was the subject of a Generic Environmental Impact Statement, which stated that no significant adverse environmental impacts will result.

(e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

The proposed building will be consistent with and in character with the surrounding neighborhood and the downtown. Based on the above review, the Planning Board finds that granting the setback deviations outweighs any detriment caused by such action.

(2) Building height.

The maximum allowable building height in stories is determined by the lot area times 0.0001. For Lot 2A, the maximum building height is 5 stories. The existing Gateway building is 4 stories.

For Lot 2B, the maximum allowable building height in stories is 14. The proposed building is 5 stories tall and meets this requirement. The proposed height in feet for a building in this district is the number of stories times 12, which equates to 60 feet for a 5-story building. The proposed building is up to 65' tall measured from average grade. This is a requested deviation of 5 feet for Lot 2B.

In accordance with Section 360-54 (D) (3) (b), the Planning Board finds that the benefit to the Applicant of the granting of this deviation outweighs any adverse impact for the following reasons:

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

The proposed building height of 5 feet above the required 60-foot story height for a 5-story building is similar to and consistent with building heights within the surrounding area. Further, the Planning Board notes that a Zoning Compliant structure may be permitted at 14 stories in height, which would result in significant impacts. The Planning Board finds this deviation will not create an undesirable change in the character of the neighborhood nor will it be a detriment to nearby properties.

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

The 5-story building (one level underground, four stories above ground, and a mezzanine level) is designed to accommodate underground parking. Due to the site sloping down towards the Saranac River, there is not a feasible option to adjust to this grade difference. Because of this existing site

condition, the Planning Board finds there is not a feasible option other than this minor height variance.

(c) Whether the requested area variance is substantial;

The Zoning Regulations do allow for a building height of 14 stories in this C - Central Business District, which equates to 168 feet tall. The 65 feet height (measured from average grade) of the proposed building is considerably less than this. Therefore, the Planning Board finds the building height deviation is not substantial. Further, the building height is consistent with the surrounding buildings (the Ashely) building and therefore no substantial when looking at the totality of the circumstances.

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

The proposed building is consistent with what is typically found in downtown Plattsburgh and is conceptually designed to have similar architectural details that exist in surrounding buildings to blend in with the character of the neighborhood. Therefore, the Planning Board finds that the proposed height deviation will not have any adverse impacts on the physical or environmental conditions in the neighborhood.

Further, the resulting development will manage all stormwater in accordance with New York State regulations as demonstrated by the Project SWPPP. Lastly, the PUD application and resulting development was the subject of a Generic Environmental Impact Statement, which stated that no significant adverse environmental impacts will result.

(e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

Based on the difficulty of maintaining the height of the building as impacted by the physical challenges of the sloping site, the Planning Board finds that granting the building height deviation outweighs any detriment caused by such action.

(3) Distance between buildings.

The buildings (Gateway building and parking garage) on Lot 2A were previously approved by the Planning Board. There is only one building proposed on Lot 2B. The distance between buildings on Lot 2A and Lot 2B is approximately 235 feet. The farmers' market building is existing. The

Planning Board finds the proposed PUD Subdivision meets the required distance between buildings and no deviation is required.

(4) Land use density.

The entire PUD Subdivision development also meets the land use density requirements for the C – Central Business zoning district as follows:

| | <u>Underlying Zoning District</u> | <u>Proposed</u> |
|-----------------------------|-----------------------------------|-----------------|
| Maximum Building Coverage | 82% | 31% |
| Minimum Area | 50,000 sq. ft. | 120,120 sq. ft. |
| Maximum # of Dwelling Units | 276 | 109 |
| Minimum Open Space | 15% | 22% |

The Planning Board finds each lot within and the entire PUD Subdivision meets the land use density: maximum building coverage, minimum area, minimum area per dwelling unit, and minimum open space requirements for the C – Central Business zoning district.

(5) Open space.

(a) Required percentage of site and (b) Computation

As noted above, the entire PUD Subdivision and the individual lots meet the required percentage of open space. The proposed open space for the PUD Subdivision includes the Riverwalk along the Saranac River, the pedestrian walkway and landscape plantings from Durkee Street to the Riverwalk, walkways along Durkee and Bridge Streets, and walkways and amenities in the courtyard of the building. The open space in both Lots 2A and 2B meets the requirements of 360-17(B).

The PUD Subdivision and the resulting development will allow for the revitalization of the Riverwalk along the Saranac River. Currently, the existing riverfront on the Durkee Street Lot is underutilized and in need of repair. The PUD Subdivision will allow for the Riverwalk to be improved and access will be provided through it from Durkee Street. This will enhance the open space areas and provide more opportunities for residents and visitors. The Planning Board finds the open space provided meets the required percentage of the site.

(b) Modification

The proposed open space for the PUD includes easements for public use for the Saranac River Riverwalk, pedestrian walkway connection from Durkee Street to the Saranac River Riverwalk, and utility easements for water, sewer, and stormwater.

(c) Circulation and off-street parking

Lot 2A was previously approved for off-street parking for the Gateway building.

Lot 2B has proposed 309 parking spaces for its project. The Zoning Regulations for off-street parking demand require 307 parking spaces.

In the DGEIS and FGEIS, it is noted that the City's off-street parking requirements have not been amended in some time. Per the City's zoning regulations, 307 spaces would need to be provided on-site for the residential and commercial components of the DLMUD. However, as noted in the SEQRA record, the City's off-street parking requirements have not been updated in some time. 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.

Under the City's Zoning Code, the required parking for the DLMUD would be 307 parking spaces. Lot 2B is proposing 309 parking spaces on-site which exceeds what is estimated to be required to meet the needs of the proposed uses. Prime is allocating up to ninety two (92) of those spaces to be made available for use by the public. It is expected that those utilizing these 92 spaces will not only enjoy the commercial components of the DLMUD and the Saranac River Riverwalk but other downtown amenities. The proposed DLMUD parking demand calculations are based upon the approved, constructed, and occupied parking demand from Prime's most similar project that it has recently constructed. This deviation is based on a similar project known as "The Hamlet" in Saratoga Springs, NY. The Hamlet consists of three mixed use buildings surrounding a courtyard surface parking lot with residential basement parking beneath one of the buildings.

The Planning Board has reviewed the information submitted by Prime and the City's Building Inspector letter related to the parking calculations and finds that this is a suitable example of prior parking demand to be utilized for the DLMUD. The Planning Board highlights that the Hamlet has been operating for more than four years with the following uses: more than 10,800 sf of restaurant space; more than 20,000 sf of retail/commercial space; a more than 20,000 sf market; and 145 residential units. Within that time the Hamlet has not experienced a parking deficiency. Further, the Planning Board finds that this parking demand is conservative for the following reasons:

- The Hamlet is not within the urban core of Saratoga Springs.
- There is no nearby, additional parking off-site that can be accessed by Hamlet users.
- The Hamlet is not connected to a walkable community.

- All Hamlet users require automobiles to access the site.

It is for these reasons that the DLMUD's parking demand will be less than the Hamlet's because of the walkable community that will be created by the DLMUD and the PUD Subdivision. The City of Plattsburgh's Building Inspector has confirmed this parking computation and stated that *"[b]ased on my review of this documentation, I concur with [the developer'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."* The Planning Board also recognizes that other similarly situated municipalities seeking downtown revitalization have begun to eliminate off-street parking requirements in their downtown cores to facilitate a walkable community.

In short, the DLMUD proposes the following off-street parking, which has been based on similar developments previously constructed by Prime:

Zoning Requirement – 307 off-street parking spaces

Parking Demand Based on Similar Development – 217 spaces

Proposed public parking –92 spaces

Off-Street Parking Provided – 309 spaces

The existing publicly accessible parking spaces located on the site will be relocated and replaced in several nearby downtown lots and streets. The FGEIS outlines and documents these replacement publicly accessible parking spaces. Regarding the City's overall downtown parking strategy, as analyzed herein and in the GEIS, the Planning Board finds that there is sufficient existing and currently proposed publicly accessible parking spaces located nearby on several downtown lots and public streets within the City's Downtown Parking Special Assessment District ("SAD") to satisfy observed parking demand. The City anticipates that the majority of these new parking spaces will be operational prior to the start of construction of the proposed Project. The GEIS outlines and documents the new locations of these publicly accessible spaces. The City is implementing this parking relocation process as part of its Public Parking Plan, which has been confirmed and approved by the City's parking consultant during the GEIS process.

The proposed parking spaces conform to the required dimensions for standard, compact and subcompact spaces. The proposed 24-foot aisle within the surface parking areas is less than the 26-foot aisle width required in the Zoning Regulations resulting in a 2-foot deviation. The proposed 22-foot aisle within the parking garage is less than the 26-foot aisle width required in the Zoning Regulations resulting in a 4-foot deviation. The proposed access driveways are in excess

of the required 50 feet from street intersections. The northern access driveway on Durkee Street is approximately 170 feet from the Durkee and Bridge Street intersection; the southern access driveway on Durkee Street is approximately 270 feet from the Durkee St.

Thus, as noted in Exhibit A, the PUD application has requested a deviation related to the number of required off-street parking as well as access aisle width.

In accordance with Section 360-54 (D) (3) (b), the Planning Board finds that the benefit to the Applicant of the granting of this deviation outweighs any adverse impact for the following reasons:

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

Prime has provided an alternative parking method based on a project they own in Saratoga Springs, New York called "The Hamlet". The project will provide sufficient parking to meet all the proposed demand from its site. In addition, the project will provide up to 92 publicly available parking spaces. The alternative parking calculations provided better reflect modern off-street parking requirements that are designed to facilitate a walkable downtown. These have been confirmed by the City Building Official and represent off-street parking that has been utilized in other municipalities. Further, the Planning Board finds that the 2-foot access aisle deviation will not provide an adverse impact as it is common in other developments and will not result in any car/truck traffic conflicts as reflected in the Application Materials.

Based on the above, the Planning Board finds the requested parking deviation will not create an undesirable change in the character of the neighborhood or to nearby properties.

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

The goal of this PUD Subdivision and DLMUD is to revitalize an underutilized parcel in the downtown with a walkable mixed-use development. Zoning Code Section 360-21 was enacted with the intention to have flexible zoning regulations to promote desired development. Another method may be to seek additional actual area variance from the Zoning Board of Appeals. However, such an alternate method would still require variances and therefore is not feasible. Requiring the 307 parking spaces on the Project Site for the DLMUD would not only be a significant deviation from the Project, and therefore not feasible, but would be detrimental to the purpose of the PUD application and the City's overall Downtown Revitalization Initiative ("DRI") which was intended to create a walkable community that is less dependent on motor vehicle transportation. In addition, by increasing the access aisle dimensions to avoid a deviation request would result in less parking spaces. It is for these reasons that the Planning Board finds that there

is no other feasible alternative other than the requested PUD deviations to facilitate the resulting development.

(c) Whether the requested area variance is substantial;

The requested parking deviations are not substantial because they are consistent with and meet the needs of the DLMUD and support a walkable downtown. It is consistent with what other municipalities are implementing and using for downtown parking standards. As noted in the DGEIS and FGEIS, the City's parking requirements have not been updated in several years and do not currently reflect parking requirements in an urban setting. The alternate parking computation is successful in other similar situated municipalities. Further, the requested 2-foot access aisle deviation is inherently not substantial.

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

The Durkee Street reconfiguration/streetscape and Bridge Street streetscape improvements will be coordinated with the PUD Subdivision and DLMUD and will allow for more pedestrian friendly sidewalks, increased on street parking, and additional landscape plantings – all improvements to the physical and environmental conditions in the area.

Further, the resulting development will manage all stormwater in accordance with New York State regulations as demonstrated by the Project SWPPP. Lastly, the PUD application and resulting development was the subject of a Generic Environmental Impact Statement, which stated that no significant adverse environmental impacts will result. To this end, we find that the reduction in off-street parking and the width of the access aisle reduces the impervious surface on the Project Site resulting in more open space and an environmental benefit.

Therefore, the Planning Board finds the proposed parking deviations will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

(e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

The issue of providing on-site parking for the project based on the City's current standard versus the necessary parking for the project based on Prime's own experience and other municipalities standards would not support the desire to have a walkable pedestrian friendly development in the downtown. In this regard, the area variance for parking would be self-created. However, based on

the information provided by the City, the DGEIS and the FGEIS, the Planning Board finds the requested parking deviations are reasonable.

(6) Off-street loading requirements.

The required off-street loading berth is based on 1 space per 10,000 to 25,000 sq. ft. of floor area. This pertains to the proposed commercial space which totals less than 25,000 sq. ft. One (1) off street loading berth is provided, which meets this requirement.

(7) Streets.

There are no proposed internal streets for the PUD Subdivision. Therefore, this is not applicable.

(8) Other improvements.

All proposed utility improvements: water, sewer, and stormwater, will be designed in accordance with City, County, and State regulations.

BE IT FURTHER RESOLVED, the Zoning Code deviations approved herein are specifically applicable to the proposed development that has been considered and approved by the Planning Board in conjunction with this PUD application, which includes the DLMUD, the Saranac River Riverwalk and the existing ICV building. In the future, to the extent that this development is either abandoned, torn down or significantly reconfigured, the requested Zoning Code deviations would not be applicable to future development that has not been approved by the Planning Board.

BE IT FURTHER RESOLVED, that, along with all PUD final plan requirements in Chapter 300 of the City of Plattsburgh Zoning Code, the Applicant shall complete the following conditions within 90 days of the date of this Resolution, unless extensions have been granted by this Board:

1. The Applicant have their surveyor/engineer submit a final paper plan and related material to the Community Development Office showing compliance with all items in the said list of recommendations and Planning Board discussion items,
2. Require that upon the Community Development Office certifying in writing that the revised paper subdivision (final) plans and related materials are in compliance with all the items requested, the applicant is required to submit four (4) sets of paper copies of the accepted PUD (final) plan,

3. Upon receipt of the said final plans and other related materials, the acting chairperson of the City of Plattsburgh's Planning Board is authorized to execute, as a Final PUD Plat Approval, the paper copies of the PUD maps and plans, and
4. Require that the applicant shall have the said approved Final PUD maps and plans filed in the Clinton County Clerk's Office in accordance with the City of Plattsburgh Zoning Code.

BE IT FURTHER RESOLVED, that the Planning Board does hereby establish the following additional conditions of approval:

- a. Subject to the project complying with all permit requirements; and
- b. Subject to the project complying with all NYSDEC requirements; and
- c. Subject to the approval of the Special Use Permit for the amendment of the PUD boundaries; and
- d. Subject to the approval of the Special Use Permit for Apartments on the First Floor; and
- e. Subject to the approval of the associated PUD Minor Subdivision with Planning Board Agenda # 2019-24; and
- f. Subject to the applicant providing all required utility, parking, sidewalk, and pedestrian access easements in a form approved by Corporation Counsel; and
- g. Subject to the applicant providing all required shared use and parking agreements; and
- h. Subject to the applicant complying with any requirements of the Planning Board noted in the Planning Board Resolution discussion.

BE IT FURTHER RESOLVED, that upon the submittal of the "Final" PUD Subdivision plan duly filed in the Clinton County Clerk's Office, the Building Inspector shall then be notified and authorized to issue building permits for parcels within the said subdivision.

On the motion of Planning Board member Reg Carter, seconded by Planning Board member Loretta Rietsema, the foregoing resolution was adopted with all Planning Board members voting as follows:

Discussion (Not Verbatim): None

| | <u>Yes</u> | <u>No</u> | <u>Abstain</u> |
|------------------|------------|-----------|----------------|
| Roll Call: | | | |
| Maurica Gilbert | | X | |
| Rick Perry | X | | |
| Reg Carter | X | | |
| Derek Rosenbaum | X | | |
| Loretta Rietsema | X | | |

Carried: 4-1-0



DEREK ROSENBAUM

ACTING CHAIRPERSON

DATED: Plattsburgh, New York
 January 12, 2021

EXHIBIT A

**PLANNED UNIT DEVELOPMENT
LIST OF DEVIATIONS**

Plattsburgh Durkee Street Project
List of Deviations for PUD Subdivision - UPDATED
 January 7, 2021

| Requirement | Central Business Zoning District - High Rise | PUD Requirement | Lot 2A: City Owned (Gateway Complex) | Deviation Requested per § 360-21(D) | Lot 2B: Prime Lot | Deviation Requested per § 360-21(D) |
|---|--|---|--|-------------------------------------|--|-------------------------------------|
| Minimum Lot Area | 50,000 sq. ft. | | 82,965 sq. ft. | Not applicable | 120,119 sq. ft. | Not applicable |
| Minimum Land Area | Not applicable | 3 acres for entire PUD area | 1.9 acres (totals 4.66 acres with Lot 2) | Not applicable | 2.76 acres (totals 4.66 acres with Lot 1) | Not applicable |
| Minimum Lot Dimension | 202 FT for Lot 2A 233 FT for Lot 2B | | Previously approved | No | 573 FT | No |
| Width | 70 FT for Lot 2A 70 FT for Lot 2B | | Previously approved | No | > 500 FT | No |
| Depth | 100 FT for Lot 2A 100 for Lot 2B | | Previously approved | No | 265 FT | No |
| Front Setback (Durkee and Bridge Streets) | 12 FT for Lot 2A 15 FT for Lot 2B | | Previously approved | No | 19 FT Durkee Street 15.1 FT Bridge Street | No |
| Side Setback | 12 FT for Lot 2A 15 FT for Lot 2B | | 3 FT (north) | Yes | 2 FT (east - existing farmers market building) | Yes |
| Rear Setback | 12 FT for Lot 2A 15 FT for Lot 2B | | Previously approved | No | 5 FT (south - existing farmers market building) | Yes |
| Height (FT) | 48 FT for Lot 2A 60 FT for Lot 2B | | Previously approved | No | 65 FT | Yes |
| Height (Stories) | 5 stories for Lot 2A 14 stories for Lot 2B | | Previously approved | No | 5 stories | No |
| Minimum Distance Between Buildings | | The minimum distance between any two buildings, other than buildings containing common walls, shall be not less than as computed under the following formula: S=(LA+LB+2(HA+HB))/6 Where: S = Required minimum horizontal distance between any wall of Building A at any given level and any wall of Building B at any given level or the vertical prolongation of either; LA = Total length of Building A. Building A shall be that structure which is of equal or greater length of the two buildings selected; LB = Length of Building B; HA = Height of Building A. The height of Building A is the average height above the finished grade of the structure; HB = Height of Building B. | Previously approved | No | Minimum distance between buildings is as follows: LA = 250 ft, LB = 106 ft, HA = 65 ft, HB = 18 ft, S = 87 ft Actual Distance: 117 FT | No |
| Maximum Building Coverage | Previously approved for Lot 2A 84% for Lot 2B | | Previously approved | No | 31% | No |
| Minimum Open Space | Previously approved for Lot 2A 16% for Lot 2B | | Previously approved | No | 22,925 SF or 19% | No |
| Parking Lot Aisle Width | 25 FT | The Planning Board has the authority to approve alternate off street parking design standards within a PUD as stipulated in Section 360-21-C-1 and through the site plan review process per Section 360-38.-E-4-b of the City Zoning Code. | Previously approved | No | 24 FT (surface and open lots) 22 FT (basement garage) | Yes |

| Requirement | Central Business Zoning District - High Rise | PUD Requirement | Lot 2A: City Owned (Gateway Complex) | Deviation Requested per § 360-21(D) | Lot 2B: Prime Lot | Deviation Requested per § 360-21(D) |
|-------------------------------------|--|--|---|---|---|---|
| Minimum Number of Parking Spaces | See City parking requirements in Notes below | The Planning Board can approve an alternative calculation for parking demand, as stipulated in Section 360-21.-D-5-d-5 of the City Zoning Code. The Planning Board has the authority to approve an alternate method of parking calculation if the applicant can provide sufficient justification for the calculation. Instead of the methods stipulated in Section 360-26, the applicant is requesting an alternative method for calculating the residential/commercial/restaurant parking demand. The applicant has based this demand on another similarly sized project in the region that they have constructed and operated for multiple years with similar uses, layout, and construction. The project has operated without any parking issues. | Previously approved | No | <i>Residential :</i> 1.5 / dwelling unit x 109 units (164 spaces) <i>Commercial/Retail/Restaurant :</i> 1 / 300 sf x 13,400 sf (45 spaces) <i>Employee :</i> 1/2 space per employee per 900 sf of commercial space (8 spaces) <i>Public Parking for City Use :</i> 92 spaces <i>Total 309 spaces</i> | Yes |

City Parking Requirements Notes:

Residential:
2 / dwelling unit for first 10 units x 10 units (Lot 2B - 20 spaces)
1.75 / dwelling unit over 10 x 99 units (Lot 2B - 174 spaces)
+1 for each adult occupying the unit over 2 (0 spaces)
Commercial:
1 / 250 sf x 7,250 sf (Lot 2B - 29 spaces)
Restaurant:
1 / 50 sf customer area x 3,690 sf (Lot 2B - 74 spaces)
1 / 250 sf other area x 2,460 sf (Lot 2B - 10 spaces)
Public Parking for City use (Lot 2B - 92 spaces)