

December 23, 2019

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**RE: Comments related to Downtown Revitalization Initiative Project –  
Draft Generic Environmental Impact Statement (DGEIS)**

Dear Ms. Carlin and Ms. Parrotte:

As you may know, our firm is been retained by the Plattsburgh Citizens Coalition, Inc., a not for profit coalition and its members, of concerned citizens, property owners, and business owners in the City of Plattsburgh relative to the City's proposed development plans with Prime Plattsburgh, LLC. We offer the following comments in coordination with our client relative to the City's DRI project, and more particularly, the Draft Generic Environmental Impact Statement (DGEIS).

The following abbreviations are used in this correspondence:

APMPP	Arnie Pavone Memorial Parking Plaza
BSPL	Broad Street Parking Lot
COP	City of Plattsburgh
DGEIS	Draft Environmental Impact Statement
DLMUD	Durkee Lot Mixed-Use Development
PFCM	Plattsburgh Farmers' and Crafters' Market

Our comments are as follows:

1. Unsafe angled parking on Durkee Street is proposed. The DGEIS fails to demonstrate how vehicle and bicycle traffic safety concerns will be mitigated with respect to angled street side parking. The NYS DOT has gone on record discouraging the use of angled street side parking. Angled street side parking will result in adverse impacts to traffic safety.
2. Inadequate public parking during DLMUD construction period. The DLMUD project will cause the loss of 289 public parking spaces. The COP has stated that in order to meet downtown parking demands of visitors, workers, and residents, the loss of those 289 spaces shall be compensated by developing new parking elsewhere in the downtown area. The DGEIS states that the COP will offset this loss of parking by creating 289 new public parking spaces elsewhere throughout downtown. The DLMUD project claims it will make 50 public parking spaces available on the DLMUD site after construction. The COP is including the above mentioned 50 parking spaces in its 289 offset total. Those 50 spaces will not be available for over one year during construction. Loss of parking spaces during the construction period will result in adverse impacts to the local economy for an unacceptable period of time.
3. It is unclear how the 50 parking spaces that will be owned by Prime will be made available to the public. Will Prime charge for use of those spaces? If so, how much? Will there be other conditions placed on the use of those 50 spaces? The uncertainty regarding arrangements for the use of 50 downtown parking spaces results in an adverse impact on downtown parking. A draft agreement between the Prime and the City regarding arrangements for the use of those 50 parking spaces should be discussed and appended to the DGEIS.
4. Street side parking on private property. The Prime project proposes that portions of the proposed street side parking on the east side of Durkee Street and the south side of Bridge Street extend beyond the street boundary, on to the Prime parcel. Prime proposes to grant an easement back to the City for this condition. This is a highly unconventional arrangement for street side parking. The DGEIS should explain why the east boundary of Durkee Street and the south boundary of Bridge Street cannot be moved further back that any street side parking spaces would lie exclusively within the legal bounds of the street, thus avoiding the need to rely on an easement and indemnity agreement to accommodate street side parking.
5. The existing Durkee Street public parking lot offers free parking to downtown visitors, workers, and residents (although the parking lot is funded by a special assessment fee borne by property owners within the downtown parking district). The DLMUD will force the relocation of 289 of these parking spaces. If COP suddenly assesses exorbitant parking fees to either the special assessment district, or directly to users through a paid parking scheme, such action could have a significant adverse impact. The impact of new

parking fees should be further evaluated in the DGEIS as the DLMUD is causing an instant relocation of 289 free public parking spaces.

6. Table 4 – Comparison of Project Alternatives. A smaller, more compatible DLMUD should be added as Alternative D and evaluated. Alternative D should consider the following:
  - A four story DLMUD (instead of five) would be more compatible with the neighborhood.
  - The DLMUD setbacks should match or be no less than the existing street side setbacks of the Gateway building located on the south end of the site (part and purpose of the original 2004 PUD).
  - A 114-unit apartment building is unprecedented in downtown Plattsburgh. Alternative D should include a building with significantly fewer units. It is important to note that the 2017 North Country Downtown Revitalization Initiative: Plattsburgh Award booklet acknowledged “*approximately 45 residential units*”.
7. PUD variance/deviations from underlying zoning requirements. Yes, PUD’s allow some latitude from underlying zoning bulk and density requirements, but it is unclear why the DLMUD proposes to deviate so broadly from underlying zoning (see DGEIS § 3.1.2.2 Zoning starting on pg. 92). For example, the northeast corner of the proposed Prime building is set back only 3 feet from the property line, rather than the 15 feet that the underlying zoning would require. Worse yet, the parking garage exits from the building at this corner. Vehicles exiting the garage will have to drive onto the sidewalk before they can see oncoming pedestrian traffic. This condition creates a danger and adverse impact to pedestrian traffic that should be mitigated.
8. Snow storage at alternative parking lots. The DGEIS does not discuss plans for snow storage at the offset parking lots such as APMPP and BSPL and the DLMUD 50 space public parking area. Storing plowed up snow in existing parking spaces for any period of time will result in a significant loss of parking spaces, causing an adverse impact to downtown parking.
9. Development Agreement. The DGEIS references the Development Agreement between Prime and the City. The Development Agreement should be appended to the GEIS.
10. Relocation of PFCM next door to COP sewage treatment plant. The COP proposes to relocate the PFCM to a building within 200 feet of the COP sewage treatment plant. The DGEIS is silent on the impact of odors from the COP sewage treatment plant on the PFCM. Noxious odor and hauling of raw sewage adjacent to a farmer’s market could have adverse impacts to the health of PFCM customers and should be addressed in the DGEIS.

11. The GEIS relies on several non-code compliant designs, which creates an adverse impact for maneuverability and safety at the individual sites and sets a precedence for other future developments that is detrimental throughout the City. To mitigate this adverse impact, the GEIS should establish as criteria that all proposed parking shall be compliant with City Zoning Code.
12. The GEIS relies on several non-code compliant designs, which creates an adverse impact for maneuverability and safety at the individual sites and sets a precedence that is detrimental to other developments throughout the City. To mitigate this adverse impact, the GEIS should establish as criteria that all proposed work shall be compliant with generally accepted standards for highway design and traffic safety (i.e. NYSDOT Highway Design Manual, AASHTO, etc.).
13. The DMLUD development parking is deficient by 31 spaces as per GEIS.
14. The development plans presented to the public by the developer, by the City Common Council, by the Community Development Office and by the Parking Committee has consistently under represented the parking demand that will result from the proposed development because they did not acknowledge the restaurant component which has a higher demand than commercial. This flaw has been pointed out to these committees but ignored. Now, during the GEIS the restaurant component of the DLMUD is acknowledged and causes additional onsite parking demand increasing the total to 317 parking spaces. This actual demand has not been accounted for in the parking calculations. The City's parking plan must be re-evaluated to provide compensatory parking for this new actual parking demand being presented in the GEIS for the first time.
15. Furthermore, the City and developer contended that the DLMUD will provide the parking for its own demand on site. Only now during the GEIS is that standard being abandoned and the GEIS is offering that the parking supply will supposedly adhere to some nefarious national average in lieu of compliance with the City zoning code. This is unacceptable. The DLMUD must provide onsite parking to meet its own demand in strict accordance with the City code and as has been represented to the public on numerous occasions. The DLMUD parking plan and the City's parking plan must be re-evaluated to provide adequate parking onsite to meet the demand for the proposed development and to provide adequate compensatory public parking elsewhere in the downtown location.
16. Additionally, the GEIS cites that "the restaurant component will create an additional 35 employees." The number of employees is grossly exaggerated. Additional study should be provided that includes a survey of actual local restaurants to better document the actual number of employees that may be expected. Furthermore, the employee classification (i.e. full time vs. part time) as well as worker pay should be included in this additional analysis.

17. GEIS should establish as criteria that the detailed site plan must include the details and assessment of future use and that the site plan must provide adequate parking
18. Replacement of the public parking spaces lost as a result of the proposed DMLUD project is one of the key adverse impacts to the community and must be thoroughly evaluated. While it is understood that the GEIS is conceptual in nature, the adequacy of the compensatory parking plan is critical and must be accurately detailed. There are several incorrect statements, sketches, plans and calculations that are included in the GEIS that result in a false, misleading or otherwise incorrect assessment of the parking impact. A few examples will be provided. A far more thorough and accurate evaluation must be conducted and included for this GEIS to be considered complete.
19. The proposed parking plan includes a series of new diagonal parking spaces on Durkee Street, however, some of these spaces are in violation of New York State Vehicle and Traffic Law which requires a minimum clear distance between parking and pedestrian crosswalks. See for example, NY V&T §1202(2)(b) – no parking within 20 feet of a crosswalk at an intersection, and §1202(3)(b) – no parking within 15 feet of a fire hydrant. This diagonal parking plans presented in the GEIS are unsafe and illegal. Moreover, the plans result in a false count for the actual number of compensatory parking spaces being provided. Since accurate parking impact evaluation is key to the overall GEIS, it is imperative that the plans be corrected to provide correct number of parking spaces, otherwise it will be impossible to evaluate the adverse impacts. The on street diagonal parking plans must be re-evaluated to remove the falsely inflated number of compensatory parking spaces currently being provided.
20. The proposed parking plan includes a series of new diagonal parking spaces on Durkee Street, however, some of these spaces block existing commercial driveways such as the commercial auto repair facility located at 17 Durkee Street which has four vehicle bays. The proposed plan, as shown, would eliminate access to two of those bays. These are the types of inaccuracies that give a false indication of the adequacy of replacement parking and lead the reader to incorrect conclusions about the viability of the City's parking plan. A thorough evaluation by a professional traffic engineer should be conducted. The GEIS should stipulate that all parking plans shall follow City, State and Federal rules and regulations and shall be designed in accordance with industry standards such as AASHTO and the New York State DOT Highway Design Manual.
21. Section 3.4 indicates that 27 or 43 additional parking spaces will be created on DRSI in the two direction or one direction scenarios, respectively, but does not provide sufficient plans to demonstrate those numbers. In fact, those numbers are incorrect and therefor misleading as documented within these comments. Accurate, safe, legal parking schemes designed in accordance with city, state and federal highway design standards must be adequately detailed in order to correct the errors and to support the dubious claims being made in this GEIS report.

22. The proposed parking plan relies heavily on the concept of replacing long-term off-street parking with on-street parking. This concept is inherently and fundamentally harmful to local downtown businesses who rely on short term parking in close proximity to their business establishment to maintain a viable business in a small City with a cold climate. The occupation of on street parking spaces by long-term parking will have a direct and severe impact on local businesses. The GEIS should evaluate an alternative in which the long-term off-street parking is replaced with long-term off-street parking to avoid an adverse impact to businesses.
23. The proposed parking plan is inconsistent with adopted community plans. The City accepted the parking plan conducted by professional parking consultant Carl Walker recommends that off street parking should be compensated with an equal amount of long-term off-street parking. The proposed plan does not accomplish this community adopted objective, but instead replaces long-term off-street parking with on-street parking.
24. The proposed parking plan is inconsistent with adopted community plans. The City accepted the parking plan conducted by professional parking consultant Carl Walker warns that on-street parking is recommend that off street parking should be compensated with an equal amount of long-term off-street parking.
25. The proposed parking plan is inconsistent with adopted community plans. The City accepted the parking plan conducted by professional parking consultant Carl Walker cautions, “The current Durkee St. Lot provides 65% of the off-street public parking supply downtown. Eliminating these parking spaces without replacing them would result in hundreds of parkers being displaced during and after development.”. The parking plan presented in the GEIS is flawed in several ways documented within the body of these comments and, therefore, fails to demonstrate that these objectives for alternative parking have been met. Clearly, an inadequate alternative parking plan will result in a significant adverse impact.
26. The GEIS discriminates against persons with disabilities and is therefore in violation of the City’s adopted Title VI Plan as well as Federal and State Civil Rights Law. One such example is the Westelcom Park plan which uses the existing non-compliant walkway to allow the population to traverse between Durkee Street and Margaret Street, a primary stated purpose of the park, but fails to provide the same opportunity for persons with disabilities. The plan makes no indication of bringing this non-compliant passage into compliance as is required by State and Federal Law.
27. The GEIS does not provide any significant evaluation of multi-modal travel within the project area. Specifically, the GEIS should evaluate bicycle circulation as documented in the City adopted Saranac River Trail Master Plan. The GEIS should, more specifically, evaluate alternatives for bicycle access on Durkee Street, Bridge Street and Green Street. The Saranac River Trail Phase 2 included bicycle access alternatives on Durkee Street

which would complete the connection of the Saranac River Trail from the City limit upstream by the Plattsburgh High School and SUNY College all the way to the downtown business district. The DRI Plan presented in the GEIS, however, would destroy that planned connections along Durkee Street, Bridge Street and Green Street and create an extremely unsafe passage for bicycles (see attached email from Region 7 Traffic Safety engineer concerning angled parking) in the core of the downtown business district. This would potentially jeopardize the NYSOPRHP and NYSDOT grant funds for the Saranac River Trail Phase 2 project and NYSDOT grant funds for the Saranac River Trail Phase 3 project, that have been allocated to accomplish these community adopted objectives.

28. Pedestrian Facilities evaluation in the GEIS is limited to one sentence, “The proposed projects will improve pedestrian facilities through improved connectivity, improved crossings, and additional ADA/all access crossings.” This evaluation is wholly inadequate. The overarching objective for a DRI is to create a more walkable, more bikeable, more quaint feeling downtown. The proposed plans significantly degrade walkability, increase within the pedestrian experience in several ways. The GEIS should be modified to include critical analysis of this core aspect of the DRI. Additional study must be provided to evaluate alternatives and opportunities for increased pedestrian mobility, pedestrian safety, opportunities for additional streetscapes beyond enhancement of the existing Westelcom park and the existing river walk. The GEIS should also evaluate pedestrian safety as it relates to access control safety for all the proposed projects (i.e. APMPP, the City – County cooperative renovation of the County Government Center Parking Lot, diagonal parking, cross walk locations, proposed driveways,
29. Plattsburgh drivers know that the City Hall / Bridge Street intersection is very congested every day especially during morning rush hour. The traffic analysis reports the level of service E (poor levels of comfort and convenience). The traffic counts for Southbound City Hall Place presented in the report are conspicuously low and not consistent with other traffic data collected at that intersection.
30. The traffic count numbers are inconsistent with City commissioned traffic study conducted by Professional Traffic Engineers which indicated the Southbound City Hall Place traffic to be over three times more than the mere 110 vehicles reported in this traffic study. The City of Plattsburgh commissioned a traffic study of the same intersection as part of a NYSDOT / Federal Highway Funded Project Number PIN 7752.67 Margaret Street and City Hall Place Project and reported traffic counts of 330 vehicles compared to the 110 vehicles reported in the GEIS. While minor variations of 5% or 10% may occur over time, the City commissioned traffic study of the same intersection reported a traffic volume at the most critical leg of the most critical intersection that is 300% higher than that reported in the GEIS. There are numerous other such examples though out the traffic study portion of the GEIS, that are grossly inconsistent with the PIN 7752.67 project traffic study as well as the Route 9 traffic study. This brings into question the validity of the entire GEIS Traffic Study. The traffic study should be repeated by an independent, objective qualified 3<sup>rd</sup> party.

31. The traffic count data provided in the GEIS traffic study also deviates significantly from available traffic data collected and published by the NYSDOT, such as NYSDOT traffic data for Station 711104. This brings into question the validity of the entire GEIS Traffic Study. The traffic study should be repeated by an independent, objective qualified 3<sup>rd</sup> party.
32. Report claims no disturbance of Riverbank, however, it does not include Stormwater discharge piping to the river.
33. The report should incorporate the potential health risks associated with coal tar contamination from the current NYSEG - Saranac St. Former MGP Site (DEC Site # 510007).
34. Inventory of all cultural and historical resources in the DRI area is incomplete. A full accounting and inventory of all resources should be thoroughly documented.
35. The EIS does not provide or adequately demonstrate how impacts to historic character of downtown will be mitigated. Specifically, a series of visual renderings a be provided that illustrate how views of the river will be impacted from each property along Durkee Street, Broad Street and Bridge Street.
36. The EIS briefly mentions the fact that the entire Downtown Plattsburgh Historic District is eligible for listing on the National and State Registers of Historic Places but fails to describe the specific unique historical and architectural characteristics of that district.
37. Additionally, the EIS fails to demonstrate how impacts to those unique historic qualities will be avoided. The EIS also fails to provide alternatives analysis to demonstrate that there may be better development alternatives more in keeping with the unique characteristics of downtown Plattsburgh. Size and height alternatives should be considered as part of the evaluation of consistency with community character.
38. The proposed 114-unit apartment complex will be by far the largest apartment complex in downtown Plattsburgh. A complete inventory of housing units should be prepared for a more thorough evaluation of the question of consistency with community character.
39. The Scoping document indicated that *“The City proposes to relocate the PFCM from the DSMPL to a site in the City’s Harborside area near Dock Street. The site is anticipated to become part of a larger Master Plan considering future development along the harbor, which is being pursued through funding as part of a 2019 consolidated funding application by the City.”* However, according to the GEIS, the City has decided that the Plattsburgh Farmers’ and Crafters’ Market will actually be located off Green Street, not near Dock Street as stated in the scoping document. Thus, the Scoping Document step in the SEQRA process must be amended to include evaluation of the Green Street area, not

Dock Street. The scoping should have been immediately amended, but was not, now the DGEIS process is flawed.

40. The GEIS parking relies heavily upon the Court Street Government Center parking lot to compensate for the loss of parking at the DLMUD. The City entered into an agreement with Clinton County for certain parking improvements to the County's parking lot off Court Street. However, we do not see where the City underwent any SEQRA reviews related to this expenditure, nor do we see where the City coordinated any SEQRA review with Clinton County. This is a violation of the SEQR process. The parking lot design, financing and construction must be made part of this GEIS.
41. Furthermore, the County Government Center lot is not compliant with City zoning code, did not receive a permit, did not undergo Site Plan review by the City Planning Board, does not comply with NYSDOT Highway Design Standards for number of access drives. All the design noncompliance concerns result in an unsafe streetscape for vehicles and pedestrians.
42. Table 39 Public Parking Projects is incorrect in many ways. For example, the table claims that there are an additional 65 public parking spaces being created, however, the recent renovation resulted in 60 visitor parking spaces. Even more importantly, this claim is misleading as the County already 44 visitor parking spaces prior to the renovation. Since parking is so critical to this to this DRI, it's imperative that the GEIS have a thorough and accurate analysis of compensatory parking being provided. For reference, we have attached hereto as "Exhibit A" a correction to GEIS Table 39.
43. PILOT Agreement. The proposed PILOT agreement is inconsistent with previous others granted in the area and will create a tax burden for the citizens, property owners and business owners throughout the City of Plattsburgh and the Plattsburgh School District. A comparative analysis should be conducted to detail and compare other PILOT agreements provided for say the last 20 or 30 years. The analysis should include, but not necessarily be limited to, the comparative number of full-time jobs created, the amount and percent of tax abatement and the duration of each PILOT. The GEIS should establish as a criteria that any PILOT agreement that results in a tax increase for citizens must be considered a significant adverse impact.
44. The economic impact of the proposed development is grossly conflated and is presented as mitigating justification for what will in fact be a tax increase for city, school and county taxpayers. A fact-based PILOT agreement should be performed that includes the evaluation of an alternative in which there is no tax increase suffered by the taxpayers separate from the conflated economic impact used to justify the project. The analysis should factor in all of the costs (purchase of properties for alternative parking locations, demolition of buildings such as the Glens Falls National Bank, design and construction of parking lots, etc) and loss of tax revenue (removal of Glens Falls Bank from the tax rolls, etc) that comprise the true impact of the development to taxpayers. Only through this analysis can a true evaluation of the severity of the impact be measured.

#### 45. IRREVERSIBLE IRRETRIEVABLE COMMITMENT OF RESOURCES

The Durkee Street Municipal Parking Lot is a publicly owned waterfront parking property. Conveyance of this property to a Private Development Corporation (i.e. Prime Companies) would result in an irreversible irretrievable commitment of resources.

In reviewing the “Development Agreement” between the City of Plattsburgh and Prime Plattsburgh, LLC dated March 29, 2019 (hereinafter the “Agreement”), we believe this Agreement is a nullity. The City of Plattsburgh is without power to convey the waterfront property, or any portion of it, identified in the Agreement broadly as “40 Bridge Street and 22 Durkee Street” (hereinafter the “Properties”).

The City may not legally convey these Properties. Pursuant to New York General City Law §20(2), a city is empowered to: “*To take, purchase, hold and lease real...property within...the limits of the city;..., and to sell and convey the same, but the rights of a city in and to its water front,...streets,...avenues, parks, and all other public places, are hereby declared to be inalienable, except in the cases provided for by subdivision seven of this section.*” **Emphasis added.** In this instance, New York General City Law §20(7) included in the foregoing exception does not apply as there connection to any of the exceptions contained therein. There is no question that this river front property, which includes the entirety of the Properties, constitutes “water front” as set forth in New York General City Law §20(2). See for example, *Gladsky v. City of Glen Cove*, 164 A.D.2d 567, 2nd Dept. 1991 for a thorough discussion of this issue now posed to the City of Plattsburgh.

- As in this instance, the City of Glen Cove attempted to convey a portion of property that included “frontage on Glen Cove Creed”. *Id.* at 567.

- The question of whether or not the property in Glen Cove, as with the property along the Saranac River here, had ever been “used, acquired or dedicated” to public purpose is irrelevant. “*While other forms of City-owned property may be converted to public use and thereby be rendered inalienable under the statute, waterfront property has been expressly declared to be inalienable, regardless of the manner in which the property is used. Although we recognize that the statutory restriction against the alienation of certain municipal property emanates, to a large extent, from the “public trust” doctrine (see, Matter of Lake George Steamboat Co. v. Blais, 30 N.Y.2d 48, 330 N.Y.S.2d 336, 281 N.E.2d 147; Brooklyn Park Commrs. v. Armstrong, 45 N.Y. 234, supra; Matter of Central Parkway, 140 Misc. 727, 729–730, 251 N.Y.S. 577; Gewirtz v. City of Long Beach, 69 Misc.2d 763, 330 N.Y.S.2d 495, aff’d 45 A.D.2d 841, 358 N.Y.S.2d 957) the Legislature did not see fit to include a public-use limitation in the statute, and we decline to engraft such a limitation in a statute which is otherwise clear and unequivocal on its face.*” *Id.* at 571. **Emphasis added.** Thus, in this instance, we need not delve into whether or not the City ever “dedicated” this property to protection under the public trust doctrine. New York General City Law §20(2) preempts that decision or action.’

- The exceptions of New York General City Law §20(7) do not include alienation of water front property. See again, *Gladsky*: “*Nor does General City Law § 20(7), upon*

*which the plaintiff relies, compel a contrary result. This subdivision creates a “discontinuance” exception to the statute’s blanket prohibition against the alienability of public property by empowering a municipality to “lay out, establish, construct, maintain and operate markets, parks, playgrounds and public places, and upon the discontinuance thereof to sell and convey the same” (emphasis supplied). Notably absent from the enumeration of the type of property which may be freely sold by a municipality upon the discontinuance of its public use is waterfront property. The reason for this absence is clear—waterfront property, as we have noted, is entitled to special protection by virtue of its geographical location rather than by virtue of its use. Unlike a public playground, which may cease to be a playground if its use is altered, waterfront property is intrinsically unique. That the discontinuance exception does not, and should not, apply to waterfront property becomes all the more compelling given the significant ecological, scenic, and aesthetic qualities inherent in it.” Emphasis added.*

In addition, it is also noted that the parking lot here may very well also be protected by the public trust doctrine, in addition to the issues surrounding New York General City Law §20(2) above. See generally *10 East Realty, LLC v. Incorporated Village of Valley Stream*, 49 A.D.3d 764, Second Department 2008, as well as the related *10 East Realty* cases at 17 A.D.3d 474, 49 A.D.3d 770. Although the Second Department found in the case of the village in *10 East Realty* that the public trust doctrine was not violated by the conveyance of a parking lot there, here, we have a bit of a different scenario. In the City of Plattsburgh, this parking lot, and indeed other similar parking lots within the downtown parking district, are held for the benefit of that parking district. Taxpayers are charged a special tax for the maintenance, repair and upkeep of those parking lots, evidencing an intention by the City of Plattsburgh to hold those public parking spaces in trust for this district. Thus, no parking property may be alienated without addressing the underlying special taxing district.

The continuing wrong evidenced by the Agreement in violation of New York General City Law §20(2) must be reversed. The City of Plattsburgh does not possess the legal authority to enter into the Agreement and doing so would result in an irreversible irretrievable commitment of public resources

46. Municipal Utilities – This section discusses water and sewer resources and how they are adequate enough to handle the capacity needed for the proposed development in the Durkee Street Lot; however, there is no mention of projected electric usage and what the potential negative impacts on the community might be as far as electric rates for city residents. Please include this information as well. What electrical zone is the project(s) located in. Is the transmission and distribution to that zone adequate to support the additional load? What will the electrical load be for the project(s)? What type of heating is being proposed? Will the existing electrical infrastructure require any upgrades to accommodate the proposed project(s). If so, will the projects return on investment be able to justify such a capital expenditure within Public Service Commission regulations. Please explain the associated costs and return on investment in detail so that the potential adverse impacts can be properly and thoroughly understood and evaluated. In recent years nearby projects were told they could not install certain types of electrical equipment

because the infrastructure was at or near its peak capacity (i.e. Plattsburgh Public Library, Catherine Gardens, Senior Center, etc). How will the proposed project impact the at-capacity status of the electrical system in that neighborhood? What limitations will be required?

47. Traffic and Transportation System- The traffic count data includes only vehicle traffic, however, pedestrian and bicycle traffic counts should also be conducted. Typically, that data is collected during spring, summer and fall months as well as winter. Since walkability and bikeability has been identified in DRI documents as a key objective, it is imperative that data should also be collected for these modes of transportation so that the projects impacts to these concerns be thoroughly evaluated and understood. Within traffic and transportation systems, pedestrian traffic should also be considered and negative impacts on walkability and bikeability based on site plans for the proposed projects be detailed – some of which I discuss in the next section. I would also suggest that the council pursue implementing a Complete Streets policy prior to any further changes or improvements to streets, sidewalks, or parking lots as a mitigating measure.
48. Parking – The GEIS claim that the current plan is sufficient to replace all parking being lost as a result of the planned development at the Durkee Street Lot is incorrect and not sufficiently supported with accurate data and information. There are also adverse environmental impacts to the walkability of the downtown area due to specific design features of the proposed Arnie Pavone Parking Lot (e.g. no mention in the GEIS that the Division Street sidewalk will be destroyed) as well as the changes made to the County Parking Lot. Both lots seek to increase parking capacity by eliminating through lanes within the lots themselves and instead increasing the number of entrances/exits, thereby increasing the number of curb cuts – having a negative impact on walkability in the downtown area. We also object to the omittance of the the County Lot in the DGEIS as well as its construction without any review. The GEIS relies on the County Government Center parking lot renovation as the second greatest location for replacement parking to compensate for the parking lost at the Durkee public lot, the City participated in negotiations with the County Government Center for design of the County Government Center parking lot renovation including relinquishing a portion of the City Street Right of Way to the County for parking (in violation of City Code), the City entered into an agreement and provided financing for the County Government Center Parking Lot and yet omitted this parking lot from the GEIS. The parking lot design also did not receive a Building permit prior to construction, nor a Planning Board review as is required by City Code. The parking lot design is in violation of several City Code standards as well as NYSDOT Highway Design Manual Standards for pedestrian safety / access control. Not only did the city increase the number of curb cuts along Court Street in order to fit in more parking spaces, but these changes were made for the express interest of providing more parking spaces to accommodate the construction of the proposed development at the Durkee Street lot – and is therefore an example of segmentation as they are undeniably interrelated. Either those changes should have been included in the DGEIS before completion, or those additional parking spaces should not be considered in the count of replacement parking spaces displaced by the Durkee Street lot development.

49. Fiscal and Economic Conditions – We disagree that the proposed development will not have any adverse impacts on the public-school system, as does the Plattsburgh City School Board. Please provide a complete analysis of potential costs and impacts which include the effects of the proposed PILOT agreement on the rest of the taxpayers. I also disagree with the assumed projected economic outcomes of this project. This statement shows that only 4 full time jobs will be directly created by the developers themselves. 35 jobs are expected to be provided by the tenants of the commercial and/or restaurant space created by the developers, but there is no guarantee of occupancy in those spaces. The inclusion of an additional 58 jobs, \$1.9 million in earnings, and nearly \$5.2 million in sales is highly speculative and optimistic. My clients strongly object to these assertions. Will the developer be held accountable for ensuring that these projections be met within the terms of their PILOT? What protections does the community have against economic downturn in return for the large investment we are making in terms of the DRI grant money, public land, and tax incentives being offered to this developer?
50. Historic and Cultural Resources – We are glad to see that the city is consulting with the NYSOPRHP to determine if there are any adverse environmental impacts; though we would prefer it to be recognized that this is required by law, as the Plattsburgh Downtown Historic District is listed as “eligible” on the State Historic Registry and the NYSOPRHP should therefore be considered an “Involved Agency” rather than an “Interested Agency” as indicated in the GEIS. The project will receive significant amounts of State Funding. The project also has the potential to have a significant adverse impact on the Saranac River Trail (SRT) Phase 2 project which is funded by NYSOPRHP. SRT Phase 2 includes bike lanes or an accessible bike route along Durkee Street. The DRI project proposes to abolish this important aspect of the NYSOPRHP funded SRT Phase 2 Project. Furthermore, the GEIS provides virtually no analysis or evaluation of this important concern. Also, please note that bicycles are prohibited by law from travelling on sidewalks, therefore, the Riverwalk and sidewalk along Broad Street are not a viable alternative. A full alternatives analysis should be conducted to demonstrate how this NYSOPRHP funded project will not be adversely impacted. It should also be recognized that “The Point” historic district which includes the area directly across the Saranac River from the proposed development on the Durkee Street Lot is listed on the National Registry of Historic Places. As such, any negative impacts on the historic and cultural integrity of that area should also be considered, and the National Park Service should also be consulted as to impacts on that area. Specifically, negative impacts of the view from the area and its character due to the imposing nature and scale of the proposed project at the Durkee Street Lot directly adjacent should be considered. I also would ask the council to read the following Summary Statement of Significance from the State Registry, and consider pursuing the suggestions made and add the Plattsburgh Downtown Historic District to the official registry list prior to development of any land within the district to ensure protection of the historic and cultural resources of our downtown area.
51. Temporary Parking during construction. The GEIS describes a temporary parking scheme during construction that relies on parking at the City Waterfront marina. Given the walking distance of 3,200-FT, the cold weather climate in the North Country (especially along the lake), human nature and published standards, this alternative is

entirely unacceptable. Industry standards consider maximum acceptable walking distance for levels of services A through D for outdoor/uncovered service conditions level a through D vary from 400-feet to 1,600-ft respectively. The proposed 3,200-ft walk from the Dock Street parking lot well beyond any acceptable distance range and well beyond Level of Service E (the point of failure). This is clearly not a viable alternative whether with or without shuttle buses and is certain to have a significant adverse impact on businesses, patrons and employees and employers. The GEIS conclusion that the interim parking during construction will not have a significant adverse impact on the community is clearly devoid of reasoned elaboration.



We appreciate the incorporation of the foregoing and look forward to the City addressing these in the comments to the DGEIS.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Fuller".

Matthew F. Fuller, Esq.  
[mfuller@meyerfuller.com](mailto:mfuller@meyerfuller.com)

cc: Plattsburgh Citizens Coalition, Inc.

# EXHIBIT A

## Corrections to GEIS Table 39 Public Parking Projects

Location	Existing Public Spaces		Proposed Public Spaces		Net Change		
	City Claims	Actual	City Claims	Actual	City Claims	Actual	
APMPP	0	0	109	109	109	109	
DLMUD	289	289	50	19	-239	-270	The GEIS finally acknowledges what the PCC has stated for a long time: The DLMUD does NOT provide adequate onsite parking. It is deficient by 31 spaces (See GEIS Table 35)
County Govt Center	0	44	65	60	65	16	The City neglects to recognize that this lot had 44 Visitor Parking Spaces BEFORE the reconfiguration. It also neglects to factor in the 5 on street spaces lost as a result of the reconfiguration.
Bridge st parking	32	32	38	32	6	0	Short-term on-street parking is not an acceptable substitute for long-term off-street parking. Also this number is inflated and includes spaces that would block existing driveways, too close to crosswalks, hydrants, etc.
BSMPL	59	59	81	81	22	22	
Durkee St parking	15		58	15	43	0	Short-term on-street parking is not an acceptable substitute for long-term off-street parking. Also this number is inflated and includes spaces too close to crosswalks, hydrants, etc.
TOTAL	395	424	401	316	6	<b>-123</b>	<b>CITY PARKING PLAN CLAIMS TO CREATE A NET INCREASE OF 6 SPACES, BUT IN FACT IS DEFICIENT BY 123 SPACES!</b>

### Abbreviations

APMPP - Arnie Pavone Parking lot (former Glens Falls Bank)

DLMUD - Durkee Lot Development

BSMPL - Bridge St Municipal lot

**From:** Bibbins, Ken (DOT)  
**Sent:** Monday, January 28, 2019 1:12 PM  
**To:** Bessette, Michael <BessetteM@cityofplattsburgh-ny.gov>  
**Cc:** Basil, Valmekie (DOT); Ricalton, Al (DOT); Kokkoris, Steve (DOT); Docteur, Aaron (DOT); Ortlieb, Craig H. (DOT);

**Subject: Angled Parking Proposal, Bridge Street/US Route 9**

Hello again Mike,

I've been in contact with a number of folks in the Department's Main Office, to try to establish all of the information that the City needs in order to make an informed decision about potential changes to Bridge Street/US Route 9/NY Bicycle Route 9.

There are two main questions on the table here:

The first question is relative to jurisdiction. **It does not appear to me that the right of way that Bridge Street falls within has sufficient width to allow angled parking** without severely impacting its lane widths.

The second question is relative to the likely impacts that angled parking would have on traffic safety. It is well established, by multiple studies, that **angled parking causes an increase in accidents**. This is due to a number of reasons, including the need for a backing maneuver that is made where the operator of the parked vehicle must back into traffic when exiting the parking space, while their visibility is impaired by adjacent vehicles. This maneuver is **particularly dangerous if the roadway in question has a significant volume of bicycle traffic, such as this one**. **There is also an increase in accidents due to the stop-go nature of drivers searching for an open space**, which is more difficult with angled parking because the empty spaces are harder to see. There are some locations in our country where back-in angled parking has been used because that provides somewhat improved visibility when exiting the parking space. That improvement would only exist if there was sufficient space to accommodate the angled parking and it would not address the difficulty with spotting empty parking spaces far enough upstream to avoid a quick stop.

I can tell you that, **based on the concept and its traffic safety implications, I would use the strongest language possible to discourage the institution of this change.**

**Kenneth M. Bibbins, P.E.**  
Regional Traffic Engineer  
**New York State Department of Transportation, Region 7**  
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