

**CITY OF PLATTSBURGH
PLANNING BOARD**

RESOLUTION NO.: 2019-24B

**GRANTING A MINOR SUBDIVISION TO THE CITY OF PLATTSBURGH FOR LANDS
ALONG DURKEE STREET**

January 12, 2021

WHEREAS, the City Planning Board has received and reviewed a Final Minor 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 subdivide an approximate 5.3 acre lot into 2 parcels to create an approximate .72 acre parcel and an approximate 4.66 acre developable parcel separated by Broad Street and located on Durkee Street 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 a Special Use Permit (“SUP”) to the Zoning Board to replace 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”) on approximately 2.76 acres of land located on a lot identified as tax parcel 207.20-7-15 (the “Project Site”); and

WHEREAS, the parking lot located to the south of Broad Street is separated by Broad Street from the Project Site but is by deed reference part of Tax Map Parcel #207.20-7-15; 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, 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, on December 23, 2019, the Planning Board approved the sketch plan of the Minor Subdivision in accordance with the City's subdivision regulations, with the following Planning Board members voting on the sketch plan – Maurica Gilbert, Richard Perry, Reginald Carter, and Loretta Rietsema; and

WHEREAS, there have been no changes to the Minor Subdivision Plat since the sketch plan was approved by the Planning Board; and

WHEREAS, the Planning Board held a duly noticed public hearing on February 24, 2020 to accept public comments on the Minor 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, the Planning Board has reviewed all submissions made by the Applicant, all public and agency comments made during the two public hearings related to the Project and the Minor Subdivision application, and has reviewed the standards set forth in the City’s Subdivision Code Article IV, Section 300-21 and 300-22; and

WHEREAS, the subdivision map, plans and related material has been reviewed by the City of Plattsburgh’s Community Development Office who 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 Public Works, Building Inspector, Emergency Services, and Municipal Lighting Departments and comments were included within the Community Development Office staff review letter; and

WHEREAS, the Planning Board has reviewed the Minor Subdivision application and related materials to subdivide an approximate 5.3-acre lot into 2 parcels 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; and

NOW, THEREFORE, BE IT RESOLVED, that the City Planning Board of the City of Plattsburgh does hereby approve the Minor Subdivision Application for the Project and finds that the Project complies with the general standards for the issuance of a Minor Subdivision as set forth in the City's Subdivision Code; and

BE IT FURTHER RESOLVED, that, along with all Minor Subdivision final plan requirements in Sections 300-21 and 300-22 of the City of Plattsburgh Subdivision 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 shall 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 certification in writing from the Community Development Office 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 subdivision (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 Minor Subdivision Plat Approval, the paper copies of the subdivision maps and plans.
4. Require that the applicant shall have the said approved Final Subdivision maps and plans filed in the Clinton County Clerk's Office in accordance with the City of Plattsburgh Subdivision Code; and

BE IT FURTHER RESOLVED, that upon the submittal of the "Final" 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

Roll Call:	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
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