

**PILOT DEVIATION APPROVAL RESOLUTION  
PRIME PLATTSBURGH, LLC PROJECT**

A regular meeting of County of Clinton Industrial Development Agency (the “Agency”) was convened in public session in the offices of the Agency located at 137 Margaret Street, Suite 209 in the City of Plattsburgh, Clinton County, New York on March 22, 2021 at 12:00 o’clock p.m., local time.

The meeting was called to order by the (Vice) Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Trent Trahan	Chairperson
David Hoover	Vice Chairperson
Michael E. Zurlo	Secretary
Kim Murray	Assistant Secretary
Keith Defayette	Treasurer
Mark Leta	Member
John VanNatten	Member

Each of the members present participated in the meeting telephonically pursuant to Executive Order No. 202.1, as supplemented, issued by New York State Governor Andrew M. Cuomo, suspending provisions of Article 7 of the Public Officers Law that require public in-person access to public meetings and authorizing board members to participate in said meetings by conference call or similar service.

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Renee McFarlin	Executive Director
Toni Moffat	Executive Assistant
Dorothy Brunell	Administrative Assistant
Christopher C. Canada, Esq.	Agency Counsel
George W. Cregg, Jr., Esq.	Agency Counsel

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. 03-21-03

RESOLUTION AUTHORIZING A DEVIATION FROM THE AGENCY’S UNIFORM TAX EXEMPTION POLICY IN CONNECTION WITH THE PROPOSED PAYMENT IN LIEU OF TAX AGREEMENT TO BE ENTERED INTO BY THE AGENCY IN CONNECTION WITH THE PRIME PLATTSBURGH, LLC PROJECT.

WHEREAS, County of Clinton Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the

“Enabling Act”) and Chapter 225 of the 1971 Laws of New York, as amended, constituting Section 895-f of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in July, 2019, Prime Plattsburgh, LLC, a New York State limited liability company (the “Company”) submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 3.36 acres located at 40 Bridge Street (currently tax map no. 207.20-7-14) and 22 Durkee Street (currently tax map no. 207.20-7-15) in the City of Plattsburgh, Clinton County, New York (collectively, the “Land”), (2) the construction on the Land of an approximately 148,499 square foot building and approximately 60,430 square feet of parking space (collectively, the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery and equipment (collectively, the “Equipment”) (the Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to constitute an approximately 109 unit residential apartment complex with ground level commercial/retail space and parking and other directly and indirectly related activities; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on July 8, 2019 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on July 11, 2019 to the chief executive officers of the county and of each city, town, village and school district in which the Project is or is to be located, (B) caused notice of the Public Hearing to be posted on July 11, 2019 on a bulletin board located at Clinton County Government Center located at 137 Margaret Street in the City of Plattsburgh, Clinton County, New York, (C) caused notice of the Public Hearing to be published on July 17, 2019 in the Press-Republican, a newspaper of general circulation available to the residents of the City of Plattsburgh, Clinton County, New York, (D) conducted the Public Hearing on August 5, 2019 at 6:00 o’clock p.m., local time at the offices of the Agency located at 137 Margaret Street, Suite 209 in the City of Plattsburgh, Clinton County, New York and (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), by resolution adopted by the members of the Agency on July 8, 2019 (the “Preliminary SEQR Resolution”), the Agency (A) determined (1) that the Project may constitute a “Type I action”, (2) desired to follow the coordinated review procedures outlined in the Regulations, and (3) consented to the City of Plattsburgh Common Council (the “Common Council”) serving as “lead agency” with respect to the Project and (B) authorized the Chairperson or Vice Chairperson of the Agency to contact the Common Council of the concurrence by the Agency that the Common Council shall be the “lead agency” with respect to the Project (as such quoted terms are defined in SEQRA); and

WHEREAS, in connection with the Application, the Company made a request to the Agency (the “Pilot Request”) that the Agency deviate from the Agency’s Uniform Tax Exemption Policy (the “UTEP”) by providing for fixed payments in lieu of taxes being based on the number of apartments in the Project Facility and the amount of rental space; and

WHEREAS, on July 8, 2019, the members of the Agency adopted a resolution (the “Resolution Authorizing the Pilot Deviation Letter”) which authorized the Executive Director to notify the Affected Tax Jurisdictions of the proposed deviation from the UTEP in connection with the Project, which proposed deviation is outlined in the letter dated December 30, 2020 (the “Pilot Deviation Letter”), a copy of which Pilot Deviation Letter is attached hereto as Exhibit A; and

WHEREAS, by resolution adopted by the members of the Agency on March 22, 2021, the Agency (A) acknowledged that (1) the Project is an action, subject to the requirements of the SEQRA, with said Project being part of overall revitalization efforts collectively described as the Downtown Area Improvement Projects (“DAIP”), which has been classified as a SEQRA Type I action, (2) a coordinated SEQRA review was conducted, with the City of Plattsburgh Common Council (the “Common Council”) as the SEQRA lead agency, which recognized that the DAIP may result in one or more significant impacts on the environment and wished to review the potential impacts of the DAIP taken together rather than separately, (3) the Common Council determined to conduct this comprehensive review of the DAIP through preparation of a generic environmental impact statement (“GEIS”) pursuant to SEQRA and 6 NYCRR § 617.10 of the implementing regulations, (4) the City of Plattsburgh Common Council was designated as Lead Agency for SEQRA review of the DAIP on June 6, 2019, (5) a public scoping session was held on August 22, 2019 at which time the public was given the opportunity to comment on the Draft Scoping Document which outlined the proposed contents of the Draft Generic Environmental Impact Statement (the “DGEIS”), (6) a Final Scoping Document was adopted by the Common Council on September 5, 2019, (7) the DGEIS and associated plans, reports, and studies were prepared based on the Final Scoping Document, (8) the Common Council declared the DGEIS complete for public review and circulation on November 21, 2019, (9) the DGEIS and Notice of Completion were duly circulated as required by SEQRA, (10) the DGEIS was posted on the City’s website, (11) a Notice of Acceptance of Draft GEIS and Public Hearing was published in the Environmental Notice Bulletin (ENB) on December 4, 2019, (12) a public hearing allowing for public comment on the DGEIS was held by the Common Council on December 9, 2019 and the public comment period remained open through December 23, 2019, (13) copies of the transcript from the public hearing and the written comments received on the DGEIS are provided in the Final Generic Environmental Impact Statement (the “FGEIS”), (14) the Common Council accepted the FGEIS as complete on January 30, 2020, (15) in accordance with Section 617.9(b)(7) of the SEQRA regulations, the FGEIS incorporated by reference the DGEIS dated November 21, 2019, and all supporting appendices, (16) in accordance with Section 617.9(b)(7) of the SEQRA regulations, the FGEIS incorporated by reference the DGEIS dated November 21, 2019, and all supporting appendices, (17) the FGEIS and Notice of Completion were duly circulated as required by SEQRA and a Notice of Acceptance of

the FGEIS was published in the Environmental Notice Bulletin (ENB) on February 12, 2020, and (18) the Common Council (i) issued its SEQRA findings statement on February 20, 2020 for the DAIP (the “Initial Findings Statement”) and (ii) issued its amended SEQRA findings statement on September 10, 2020 for the DAIP, respectively (the “Amended Findings Statement” and together with the Initial Findings Statement, the “Lead Agency Findings Statement”), (B) adopted the Lead Agency Findings Statement, (C) adopted certain additional findings under SEQRA related to the Project, (D) certified that (1) the Agency has considered the relevant environmental impacts, facts and conclusions disclosed in the FGEIS prepared in connection with the proposed action, (2) the Agency has weighed and balanced the relevant environmental impacts with the social, economic and other essential considerations relating to the proposed action, (3) the requirements of 6 NYCRR Part 617 have been met, and (4) consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable in the FGEIS and (E) directed Agency staff to complete the filing and distribution requirements required by SEQRA; and

WHEREAS, pursuant to Section 874(4) of the Act, prior to taking final action on such request for a deviation from the UTEP, the Agency must give the chief executive officers of the County and each city, town, village and school district in which the Project Facility is located (collectively, the “Affected Tax Jurisdictions”) written notice of the proposed deviation from the UTEP and the reasons therefor prior to the meeting of the Agency at which the members of the Agency shall consider whether to approve such proposed deviation; and

WHEREAS, by the Pilot Deviation Letter, the Executive Director notified the chief executive officers of the Affected Tax Jurisdictions of the proposed deviation from the UTEP and further notified said chief executive officers that the members of the Agency would consider whether to approve such proposed deviation at this meeting; and

WHEREAS, in addition to the PILOT Deviation Letter attached hereto as Exhibit A, reference is made to the following additional documents attached as exhibits hereto:

- Exhibit B – Initial Findings Statement;
- Exhibit C – Amended Findings Statement;
- Exhibit D – Letter from Chazen Companies dated February 13, 2020

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby finds and determines as follows:

(A) The Agency has considered any and all responses from the Affected Tax Jurisdictions to the Pilot Deviation Letter.

(B) The Agency has reviewed and responded to all written comments received from any Affected Tax Jurisdiction with respect to the proposed deviation.

(C) The Agency has given all representatives from an Affected Tax Jurisdictions in attendance at this meeting the opportunity to address the members of the Agency regarding the proposed deviation.

(D) The Agency has reserved to itself the right to deviate from the UTEP in special circumstances. In determining whether such special circumstances exist, the Agency may consider the magnitude of the deviation sought and the factors which might make the project unusual. The UTEP lists a number of factors the Agency may want to consider in these circumstances, all of which are also outlined in Section 874(4)(a) of the General Municipal Law (the “GML”).

(E) While there is no requirement under the UTEP or the GML for the Agency to consider each of the factors set forth in Section 874(4)(a) of the GML, the Agency shall, for purposes of making a reasoned determination on whether to approve the proposed deviation from the UTEP, address a number of such factors as they relate to the Project.

(i) Period of exemption. Based upon the completed Exhibit A to the UTEP and the Cost Benefit Analysis, the Project scored a total of 12 points or more, which qualifies the Project for Tier III benefits. Tier III provides for a decreasing exemption on the value of the improvements over a 15-year period, with the proposed project becoming fully taxable in the 16<sup>th</sup> year. The proposed PILOT for the Project provides for a 21-year period, in which during the construction phase (the first 3-years of the PILOT), the Project will be taxed on the assessed value of the land only. Upon completion of the Project, the proposed PILOT will provide for a decreasing exemption on the value of the improvements over an 18-year period. As such, the proposed PILOT is an 18-year PILOT, and a minor deviation from the length of a Tier III PILOT.

(ii) Types of projects for which exemption can be claimed. Under the UTEP, the Agency may provide financial assistance to a Mixed Use Project, which is defined as a project that is both “(a) permitted by the Act and (b) is deemed by the Agency based upon all of the relevant facts to advance priorities of a municipal downtown revitalization plan or otherwise promote employment opportunities and prevent economic deterioration.” In making this determination, the Agency may rely on “a letter [from] a governmental official with appropriate expertise setting forth the facts upon which the Agency will rely in making a determination that the proposed Mixed Use Project will advance priorities of a municipal downtown revitalization plan or otherwise promote employment opportunities and prevent economic deterioration.” Based upon the Statement of Findings attached hereto as Exhibit B (which was adopted by the City), in particular Section 2.1 of the Amended Findings Statement, there are ample facts to support the Agency’s determination that the Project is a Mixed Use Project. The Agency’s Uniform Criteria for the Evaluation of Projects Policy provides the following criteria for Commercial Projects, each of which are addressed herein.

(a) Extent to which a project will create or retain jobs. The Project is expected to create four (4) permanent FTE jobs with wages totaling \$120,000 per year.

(b) Estimated value of tax exemptions. Total real property tax exemptions for the proposed PILOT will be approximately \$5.4 million, as compared to \$3.3 million under the Tier III PILOT and \$4.2 million under an RPTL 485-a structure.

(c) Amount of private sector investment. The estimated total construction cost is \$22.7 million, of which \$18.7 million is private sector investment.

(d) Likelihood of the project being accomplished in a timely fashion. Given the track record of the Applicant for similar types of projects in other communities, it can be reasonably anticipated that the Project will be accomplished in a timely fashion.

(e) Extent of new revenue provided to local taxing jurisdictions. Currently the Project site is owned by the City of Plattsburgh and generates no revenue for the local taxing jurisdictions. The proposed PILOT will result in \$2,622,200 in additional revenue to the local tax jurisdictions, while only requiring an estimated \$1,216,282.14 in additional municipal service expenditures. This results in a net gain to the local tax jurisdictions of \$1,412,578.87. The Plattsburgh City School District objected to certain information provided in the Draft and Final General Environmental Impact Statement prepared for the City for the Project and, specifically, the analysis of the potential impacts the Project may have on the School District's student population and budget. The Chazen Companies, the Applicant's engineer for the Project, responded to those concerns in a letter to the City, dated February 13, 2020, a copy of which is attached hereto as Exhibit C. Based on the analysis in that letter, the addition of 22 new students to the School District results in essentially no impact to the School District's budget, as there will be a corresponding increase in annual state aid. Accordingly, the School District will realize a net gain from the proposed PILOT structure.

(g) Local labor construction jobs. The Project will create approximately forty-eight (48) FTE construction jobs, and the Company will use best efforts to hire from within the local community.

(h) Regional wealth creation (% of sales/customers outside of the County). This criteria is not applicable to the Project.

(i) Location in a highly distressed census tract. The Project site is located in Census Tract 1013, which is a highly distressed census tract as the poverty rate is greater than twenty percent and the unemployment rate is greater than 1.25 times the statewide unemployment rate.

(j) Alignment with local planning and development efforts. The Project is in alignment with local planning and development efforts. As stated in Section 2.1 of the Amended Findings Statement, "the proposed projects are consistent with the City's public policy and will implement several recommendations and goals that pertain to this area of the City."

(k) Promotes walkable community areas. The Project will facilitate the development of the planned Riverwalk and will also include a pedestrian pathway that will connect the Project Site with the Riverwalk and the proposed improved Westelcom Park. The Project, coupled with other revitalization projects undertaken by the City, will improve pedestrian facilities through improved connectivity, improved crossings, and additional ADA/all access crossings. New traffic patterns will reduce potential pedestrian/vehicle conflicts and enhance on-street bikeability in the downtown.

(l) Elimination or reduction in blight. Section 2.10 of the Amended Findings Statement states that the Project "will fill an existing void in the urban fabric with a new building that will complement the built context, and the remaining proposed projects will create a more visual appealing streetscape."

(m) Proximity/support of regional tourism attractions/facilities. In addition to its connectivity to the Riverwalk, the Project will include the planned refurbishing of the current Plattsburgh Farmers' and Crafters' Market building for use as a 3,400 square foot commercial space. Section 2.6 of the Amended Findings Statement provides a discussion of the additional economic benefits provided by the Project. Section 2.9 of the Amended Findings Statement

provides a discussion of the recreational benefits the Project will provide, including the development of the planned Riverwalk and a 2,500 square foot publicly accessible civic space in an open-air pavilion with access from the new pedestrian walkway. This facility may be used for public gatherings or other commercial uses permitted under the City's Code. The overall effect of the Project will be to increase recreational opportunities in the City which is a significant component of the City's revitalization efforts.

(n) Local or County official support. The City of Plattsburgh is in support of the Project, accepting the FGEIS as complete on January 30, 2020. The Initial Findings Statement and the Amended Findings Statements were adopted by the City on February 20, 2020 and September 10, 2020, respectively.

(o) Building or site has historic designation. The City determined that the Project will not create any significant adverse environmental impacts on historic and cultural resources.

(p) Provides brownfield remediation. The Project repurposes a remediated brownfield site and, through the proposed PILOT structure, will provide significant additional revenue to the local affected taxing jurisdictions.

(iii) The extent to which a project will create or retain permanent, private sector jobs. As previously discussed, the Project is expected to create four (4) FTE permanent jobs, as well as indirectly create ten (10) additional FTE permanent jobs, according to Section 2.6 of the Amended Findings Statement.

(iv) Whether affected tax jurisdictions will be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided. Any recapture of financial benefits received by the Project from the Agency will be in accordance with the Agency's Recapture of Project Benefits Policy and the Uniform Project Benefit Agreement to be entered into between the Company and the Agency.

(v) The impact of a proposed project on existing and proposed businesses and economic development projects in the vicinity. As stated in Section 2.1 of the Amended Findings Statement, "the [Downtown Area Improvement Projects] will center a mixed-use residential development ([the Project]) at the Saranac River waterfront connecting it with the [Westelcom Park Improvements] and nearby cultural resources, the [Saranac River Trail Greenway], and the parks located north of Bridge Street with the component projects... playing a supporting role in the revitalization efforts that will ensure that the composite needs of a good downtown (parking, pedestrian infrastructure, streetscaping, and passive recreational opportunities) are met. The proposed [Downtown Area Improvement Projects] will work in unison to capitalize on the City's existing assets in this area by connecting them through improved streets and parking conditions, waterfront and inter-block connections, bringing people to the area through housing and commercial uses and redeveloping an underutilized waterfront parcel, with considerable environmental issues, into use with a contextual-designed mixed-use development." Section 2.6 of the Amended Findings Statement states, "[i]nvestment of this scale tends to attract additional investment, as the City becomes a more desirable place to live, work, and visit. The addition of 115 new households creates a new market for existing retailers within the City, and creates opportunities for additional retailers to move in. The result will be a more vibrant downtown area, which will expend dividends for the community for years to come."

(vi) The amount of private sector investment generated or likely to be generated by the proposed project. The total cost of the Project is anticipated to be \$22.7 million, of which \$18.7 million is private sector investment. Section 2.6 of the Amended Findings Statement states, “It is anticipated that approximately 75 new jobs will be present on-site with wages totaling \$1.7 million and new expenditures of nearly \$6.7 million occurring. . . As the businesses make purchases from suppliers and employees spend their earnings, a portion of this will also occur within the City.”

(vii) The demonstrated public support for the proposed project. The City of Plattsburgh is in support of the Project, accepting the FGEIS as complete on January 30, 2020. The Initial Findings Statement and the Amended Findings Statement were adopted by the City on February 20, 2020 and September 10, 2020, respectively.

(viii) The likelihood of accomplishing the proposed project in a timely fashion. Given the track record of the Company for similar types of projects in other communities, it can be reasonably anticipated that the Project will be accomplished in a timely fashion.

(ix) The effect of the proposed project on the environment. The Common Council of the City required the Company to prepare an extensive GEIS and received comments both at a public hearing and in writing. Based on its review of all information provided for the Project in the FGEIS, the Common Council adopted the Amended Findings Statement on February 20, 2020. In adopting the Amended Findings Statement, the Common Council certified that the Project is “[c]onsistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decisions those mitigative measures that were identified as practicable in the Draft and Final Generic Impact Statements and this Findings Statement.”

(x) The extent to which the project will utilize, to the fullest extent practicable and economically feasible, resource conservation, energy efficiency, green technologies, and alternative and renewable energy measures. The design and plans for all energy-related systems for the Project will be compliant with the New York State Energy Construction Code and standards. The Project is anticipated to use modern efficient fixtures and designs including low flow plumbing, high-efficiency lighting, and high-efficiency heating/cooling.

(xi) The extent to which the proposed project will require the provision of additional services, including, but not limited to additional educational, transportation, police, emergency medical or fire services. According to Section 2.6 of the Amended Findings Statement, the Project will require an estimated \$66,056.18 annually in municipal service expenditures. However, the Project will result in a negative net fiscal impact of \$5,851.46 annually to the City. According to Section 2.6 of the Amended Findings Statement, the addition of twenty (20) new students to the Plattsburgh City School District will result in \$220,820 in new expenses, with a corresponding increase of \$221,220 in annual state aid. Commencing in year 8 of the proposed PILOT Schedule, the school district will receive \$69,407.37 in PILOT revenue, resulting in a positive net impact of \$69,007.37.

(x) The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts. As previously stated, the Project site is currently owned by the City of Plattsburgh and generates no revenue for the local taxing jurisdictions. The proposed PILOT will result in \$2,856,200 in additional revenue to the local tax jurisdictions, while only requiring an estimated \$1,287,166.32 in additional municipal service expenditures. This results in a net gain to the local tax jurisdictions of \$1,569,033.68.



Section 2. Based on the findings and determinations in Section 1 above, the Agency hereby determines to deviate from the UTEP with respect to the terms of the proposed payment in lieu of tax agreement to be entered into by the Agency with respect to the Project Facility for the reasons set forth in the Pilot Deviation Letter.

Section 3. Upon preparation by special counsel to the Agency of a payment in lieu of tax agreement with respect to the Project Facility reflecting the terms of this resolution (the "PILOT Agreement") and approval of same by the Chairman or Vice Chairman of the Agency, the Chairman or Vice Chairman of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the PILOT Agreement, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in such form as is approved by the Chairman or Vice Chairman, the execution thereof by the Chairman or Vice Chairman to constitute conclusive evidence of such approval.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the PILOT Agreement, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the PILOT Agreement binding upon the Agency.

Section 5. Any action taken by the Agency staff with respect to the PILOT Deviation Letter prior to the date of this resolution is hereby ratified and confirmed.

Section 6. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trent Trahan	VOTING	_____
David Hoover	VOTING	_____
Michael E. Zurlo	VOTING	_____
Kim Murray	VOTING	_____
Keith Defayette	VOTING	_____
Mark Leta	VOTING	_____
John VanNatten	VOTING	_____

The foregoing resolution was thereupon declared duly adopted.

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STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF CLINTON                 )

I, the undersigned (Assistant) Secretary of County of Clinton Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on March 22, 2021 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”) except as modified by Executive Order 202.1, as supplemented, said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present, either in-person or appearing telephonically in accordance with Executive Order 202.1, as supplemented, throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 22<sup>nd</sup> day of March, 2021.

\_\_\_\_\_  
(Assistant) Secretary

(SEAL)

EXHIBIT A  
PILOT DEVIATION LETTER

See attached.



Renee McFarlin  
 Executive Director  
 137 Margaret Street, Suite 208  
 Plattsburgh, NY 12901  
 renee.mcfarlin@clintoncountygov.com  
 518.565.4627  
 908.337.0390  
 518.565.4616

December 30, 2020

**CERTIFIED MAIL  
 RETURN RECEIPT REQUESTED**

Mark R. Henry  
 County Legislative Chairperson  
 County of Clinton  
 Clinton County Government Center  
 137 Margaret Street, Suite 208  
 Plattsburgh, New York 12901

Jay C. Lebrun, Superintendent of Schools  
 Plattsburgh City School District  
 49 Broad Street  
 Plattsburgh, New York 12901

Colin L. Read, Mayor  
 City of Plattsburgh  
 41 City Hall Place  
 Plattsburgh, New York 12901

Leisa Boise, President  
 Plattsburgh City School District  
 49 Broad Street  
 Plattsburgh, New York 12901

RE: Proposed Deviation from Uniform Tax Exemption Policy by  
 County of Clinton Industrial Development Agency  
 in connection with its Proposed Prime Plattsburgh, LLC Project

Dear Lady and Gentlemen:

This letter is delivered to you pursuant to Section 874(4)(c) of the General Municipal Law.

In July, 2019, County of Clinton Industrial Development Agency (the "Agency") received an application (the "Application") from Prime Plattsburgh, LLC (the "Company"), which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project to consist of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 3.36 acres located at 40 Bridge Street (currently tax map no. 207.20-7-14) and 22 Durkee Street (currently tax map no. 207.20-7-15) in the City of Plattsburgh, Clinton County, New York (collectively, the "Land"), (2) the construction on the Land of an approximately 148,499 square foot building and approximately 60,430 square feet of parking space (collectively, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery and equipment (collectively, the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute an approximately 109 unit residential apartment complex with ground level commercial/retail space and parking and other directly and indirectly related activities; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

Harry J. McManus, County Legislative Chairperson  
 Colin R. Read, Mayor  
 Jay C. Lebrun, Superintendent of Schools  
 Leisa Boise, School Board President  
 December 30, 2020

In connection with the Application, the Company has made a request to the Agency enter into a payment in lieu of tax agreement (the "Proposed Pilot Agreement") which terms would deviate from the Agency's Uniform Tax Exemption Policy (the "Policy"). Capitalized terms not otherwise defined herein are defined in the Policy.

The Proposed Pilot Agreement would not provide any abatement for any special assessments levied on the Project Facility, nor for the Land upon which the Project Facility would sit. The Proposed Pilot Agreement would be for a term of twenty-one (21) years, with the Company making payments in each year to the Affected Tax Jurisdiction as follows:

<b>PILOT Year</b>	<b>Projected Tax</b>	<b>Prime Proposed PILOT</b>	<b>City Share of PILOT</b>	<b>County Share of PILOT</b>	<b>PCSD Share of PILOT</b>
1	\$15,060.81	\$0.00	\$0.00	\$0.00	\$0.00
2	\$15,286.72	\$0.00	\$0.00	\$0.00	\$0.00
3	\$369,049.36	\$0.00	\$0.00	\$0.00	\$0.00
4	\$374,585.10	\$0.00	\$0.00	\$0.00	\$0.00
5	\$380,203.88	\$0.00	\$0.00	\$0.00	\$0.00
6	\$385,906.93	\$0.00	\$0.00	\$0.00	\$0.00
7	\$391,695.54	\$0.00	\$0.00	\$0.00	\$0.00
8	\$397,570.97	\$119,900.00	\$34,017.96	\$16,474.66	\$69,407.37
9	\$403,534.54	\$119,900.00	\$34,017.96	\$16,474.66	\$69,407.37
10	\$409,587.55	\$146,700.00	\$41,621.64	\$20,157.07	\$84,921.28
11	\$415,731.37	\$146,700.00	\$41,621.64	\$20,157.07	\$84,921.28
12	\$421,967.34	\$146,700.00	\$41,621.64	\$20,157.07	\$84,921.28
13	\$428,296.85	\$146,700.00	\$41,621.64	\$20,157.07	\$84,921.28
14	\$434,721.30	\$181,900.00	\$51,608.57	\$24,993.67	\$105,297.76
15	\$441,242.12	\$181,900.00	\$51,608.57	\$24,993.67	\$105,297.76
16	\$447,860.75	\$203,700.00	\$57,793.65	\$27,989.07	\$117,917.28
17	\$454,578.66	\$203,700.00	\$57,793.65	\$27,989.07	\$117,917.28
18	\$461,397.34	\$236,400.00	\$67,071.28	\$32,482.16	\$136,846.57
19	\$468,318.30	\$236,400.00	\$67,071.28	\$32,482.16	\$136,846.57
20	\$475,343.08	\$275,800.00	\$78,249.82	\$37,895.85	\$159,654.33
21	\$482,473.22	\$275,800.00	\$78,249.82	\$37,895.85	\$159,654.33
	\$8,074,411.73	\$2,622,200.00	\$743,969.13	\$360,299.10	\$1,517,931.77

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 December 30, 2020

The property upon which the Project Facility would sit is currently owned by the City of Plattsburgh and does not generate property tax revenue to any Affected Taxing Jurisdiction<sup>1</sup>. Thus, total anticipated property tax revenues to each jurisdiction would increase as follows:

PILOT Year	Proposed PILOT	Property Taxes on Land	City Revenues	County Revenues	PCSD Revenues
1*	\$0.00	\$15,062.39	\$4,273.05	\$2,070.99	\$8,718.36
2*	\$0.00	\$15,288.33	\$4,337.14	\$2,102.05	\$8,849.14
3*	\$0.00	\$15,517.65	\$4,402.20	\$2,133.58	\$8,981.87
4**	\$0.00	\$15,750.42	\$4,468.23	\$2,165.58	\$9,116.60
5	\$0.00	\$15,986.67	\$4,535.25	\$2,198.07	\$9,253.35
6	\$0.00	\$16,226.47	\$4,603.28	\$2,231.04	\$9,392.15
7	\$0.00	\$16,469.87	\$4,672.33	\$2,264.50	\$9,533.03
8	\$119,900.00	\$16,716.92	\$38,756.81	\$18,783.98	\$79,076.13
9	\$119,900.00	\$16,967.67	\$38,827.95	\$18,818.45	\$79,221.27
10	\$146,700.00	\$17,222.19	\$46,503.04	\$22,538.28	\$94,880.87
11	\$146,700.00	\$17,480.52	\$46,576.32	\$22,573.80	\$95,030.39
12	\$146,700.00	\$17,742.73	\$46,650.71	\$22,609.85	\$95,182.16
13	\$146,700.00	\$18,008.87	\$46,726.21	\$22,646.45	\$95,336.21
14	\$181,900.00	\$18,279.00	\$56,788.72	\$27,523.37	\$115,866.91
15	\$181,900.00	\$18,553.19	\$56,866.51	\$27,561.07	\$116,025.61
16	\$203,700.00	\$18,831.48	\$63,129.89	\$30,596.70	\$128,804.90
17	\$203,700.00	\$19,113.96	\$63,210.03	\$30,635.53	\$128,968.40
18	\$236,400.00	\$19,400.66	\$72,568.02	\$35,171.00	\$148,061.65
19	\$236,400.00	\$19,691.67	\$72,650.57	\$35,211.01	\$148,230.09
20	\$275,800.00	\$19,987.05	\$83,911.74	\$40,668.88	\$171,206.43
21	\$275,800.00	\$20,286.86	\$83,996.79	\$40,710.10	\$171,379.96
<b>Total Revenue</b>	<b>\$2,622,200.00</b>	<b>\$368,584.55</b>	<b>\$848,454.79</b>	<b>\$411,214.29</b>	<b>\$1,731,115.47</b>

\*Indicates anticipated construction year

\*\*Indicates anticipated issuance of Certificate of Occupancy

The Policy provides that, for a facility similar to the Project Facility, payments in lieu of taxes will normally be determined as follows: the Company would have the benefit of a 100% abatement in real property taxes on the Facility and any portion of the Equipment assessable as real property pursuant to the New York Real Property Tax Law in years one through five of the payment in lieu of tax agreement followed by a 50% abatement in year six with a five percent per year increase over the remaining term of the fifteen year payment in lieu of tax agreement.

<sup>1</sup> With the exception of parking overlay Special Assessment District (SAD) taxes which accrue to the City of Plattsburgh only for the maintenance of public parking within the SAD.

Harry J. McManus, County Legislative Chairperson  
Colin R. Read, Mayor  
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The purpose of this letter is to inform you of such Pilot Request and that the Agency is considering whether to grant the Pilot Request and to approve the Proposed Pilot Agreement conforming to the terms of the Pilot Request. The Agency expects to consider whether to approve the terms of the Proposed Pilot Agreement at its meeting scheduled for February 8, 2021 at 12:00 p.m., local time at the offices of the Agency located in the offices of the Agency located at 137 Margaret Street, Suite 209 in the City of Plattsburgh, Clinton County, New York (the "Meeting"). This letter is forwarded to you for purposes of complying with Section 874 of the General Municipal Law of the State of New York and the Policy, the latter of which requires a thirty (30) day notice prior to the Agency taking final action with respect to the Proposed Pilot Agreement (if said Proposed Pilot Agreement may deviate from the provisions of the Policy).

The Agency considered the following factors in considering the proposed deviation:

**1. The nature of the Project:** residential apartment complex with retail/commercial.

**2. The present use of the property:** non-property tax generating municipally owned and maintained parking lot and approximately 3,000 square foot three seasons corrugated metal building that currently houses the Plattsburgh Farmers and Crafters Market.

**3. The economic condition of the area at the time of the request of the Company and the economic multiplying effect that the Project will have on the area:** At the time of the filing of the Application, the economic condition of the area in which the Project Facility is to be located is generally underutilized. The area is also surrounded by distressed census tracts. Therefore, the area is strategically targeted for adding commercial/retail/residential development, based on the presence of vacant or underutilized buildings/real estate, including the property.

**4. The extent to which the Project will create or retain permanent, private sector jobs and the number of jobs to be created or retained and the salary range of such jobs:** The Project is expected to create four (4) full time jobs at a salary range of \$30,000 and 48 construction jobs with a salary range of \$37,777.96.

**5. The estimated value of new tax exemptions to be provided:** Mortgage recording tax exemption: \$163,400; sales tax exemption \$680,000; and real property tax exemption \$8,074,411.73.

**6. The economic impact of the Proposed Pilot Agreement on affected tax jurisdictions:** The Proposed Project site is a parking lot that does not currently generate property tax revenues<sup>2</sup>. If approved, the Project will generate new revenue for all affected taxing jurisdictions via both the Proposed Pilot Agreement and tax on the land itself without increasing costs to any affected taxing jurisdiction. The Project will serve as an investment in long-term future revenues when the Project is fully taxable; further, it is expected to spur additional development in the City of Plattsburgh. The Proposed Pilot Agreement and anticipated land revenue to be generated by the Project averages and totals as follows on the next page:

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<sup>2</sup> With the exception of parking overlay Special Assessment District (SAD) taxes which accrue to the City of Plattsburgh only for the maintenance of public parking within the SAD.

Harry J. McManus, County Legislative Chairperson  
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	City of Plattsburgh	Clinton County	Plattsburgh City School District
<b>Average</b>	\$40,402.61	\$19,581.63	\$82,434.07
<b>Total</b>	\$848,454.79	\$411,214.29	\$1,731,115.47

**7. The impact of the Proposed Pilot Agreement on existing and proposed businesses and economic development projects in the vicinity:** The Project will have a positive impact on the community as a new development/private investment in the core downtown of the City of Plattsburgh. The Proposed Pilot Agreement will facilitate this development, a key component of the City of Plattsburgh’s Downtown Revitalization Initiative. The addition of new households in the downtown retail district of the City of Plattsburgh will serve as an enhanced consumer base to increase market demand for products and/or services that will both support existing businesses and spur new the establishment of new businesses in the downtown area.

**8. The amount of private sector investment generated or likely to be generated by the Proposed Pilot Agreement:** \$22,700,000.00.

**9. The effect of the Proposed Pilot Agreement on the environment:** The City of Plattsburgh Common Council is the “lead agency” for purposes of determining the impact of this Project on the environment, and has not found any adverse environmental impact.

**10. Project Timing:** expect to be completed in 2023.

**11. The extent to which the Proposed Pilot Agreement will require the provision of additional services including, but not limited to, additional educational, transportation, police, emergency medical or fire services:** It is not anticipated that the Project will have a significant burden upon the educational facilities for any school district within the City of Plattsburgh. By way of reference, The Real Estate Institute at Stony Brook University College of Business published a study in May 2019 relating to the impact market rate apartments on school district enrollment (a copy of which has been attached to this letter). The results of that study, when applied to the proposed Project, shows a likelihood of not more than ten (10) new students being enrolled in the Plattsburgh City School District (the “District”) as a result of the proposed Project<sup>3</sup>. The costs of such enrollment would be offset by an average of \$82,434 per year in new revenue, totaling \$1,731,115 over the life of the Proposed Pilot Agreement, to be received by the District.

As an infill development, it is not anticipated that additional emergency services will be required to serve the Proposed Project, as the site is within the existing coverage area of emergency services. After the completion of the Project, neither the employees nor residents of the Project are anticipated to generate a substantial or insurmountable burden on the roadways of the City of Plattsburgh.

<sup>3</sup> The City of Plattsburgh as Lead Agency considered the impact of 22 additional students on the Plattsburgh City School District; the CCIDA is considering that projection as extremely conservative and calculates 10 as the most likely maximum addition to the student body.



Harry J. McManus, County Legislative Chairperson  
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**12. Anticipated Tax Revenues: \$2,990,784.55**

**13. The extent to which the Proposed Pilot Agreement will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the Project Facility is located:** The Project aligns with the continuing development of the downtown area of the City of Plattsburgh including: (a) encouraging investment in urban land and buildings for employment and housing; and (b) increasing job opportunities for all residents. While several market rate multi-unit housing projects have developed on the outskirts of, or in the vicinity of the City of Plattsburgh over the last decade, none have developed in the retail/core downtown. Without residential development in the downtown of the City of Plattsburgh, the population will remain car-centric, consumer spending will continue at its current levels, and the municipality will remain limited in its ability to attract and retain younger generations of the workforce.

The Agency will consider the Proposed Pilot Agreement (and the proposed deviation from the Policy) at the Meeting. The Agency would welcome any written comments that you might have on this proposed deviation from the Policy. In accordance with Section 874(4)(c) of the General Municipal Law, prior to taking final action at the Meeting, the Agency will review and respond to any written comments received from any affected tax jurisdiction with respect to the proposed deviation. The Agency will also allow any representative of any affected tax jurisdiction present at the Meeting to address the Agency regarding the proposed deviation.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me at the above telephone number.

Sincerely yours,



Renee McFarlin  
Executive Director

EXHIBIT B  
INITIAL FINDINGS STATEMENT

See attached.

EXHIBIT C  
AMENDED FINDINGS STATEMENT

See attached.

EXHIBIT D

LETTER FROM CHAZEN COMPANIES

See attached.

February 13, 2020

Colin Read, Mayor  
City of Plattsburgh  
41 City Hall Place  
Plattsburgh, NY 129011

**Re: Plattsburgh Downtown Area Improvements EIS  
Plattsburgh City School District Comments  
Chazen Project No.: 91922.00**

Dear Mayor Read:

The City of Plattsburgh provided us with a copy of the February 7, 2020 correspondence from David J. Baroody, Assistant Superintendent for Business of the Plattsburgh City School District. His correspondence takes issue with information provided in the Draft and Final Generic Environmental Impact Statement prepared for the City of Plattsburgh Downtown Area Improvement Projects and specifically, the analysis of the potential impacts the Durkee Lot Mixed Use Development may have on the School District's student population and budget. This correspondence provides the City with our response to Mr. Baroody's comments.

The City's consultant team did reach out to the Plattsburgh City School District (PCSD) Business Office in preparing the Draft Generic Environmental Impact Statement (DGEIS). Initial calls by the City's consultant during the week of October 14<sup>th</sup> and 21<sup>st</sup> were not returned. Email correspondence requesting the school budget was sent to Mr. Baroody on October 23, 2019 (copy attached). We received no response. The City of Plattsburgh Community Development staff subsequently contacted the business office and obtained budget data on October 25, 2019.

Mr. Baroody indicates the information contained in the Final Generic Environmental Impact Statement (FGEIS) is false but does not cite any specifics. We understand from the correspondence he takes issue with our analysis and its conclusions. We believe all of the data in both the DGEIS and FGEIS is accurate as it was obtained from the budget data provide by the school district.

To estimate the net impact of the Project on the School District, the City's consultant Camoin 310 employed an approach to fiscal impact analysis that seeks to quantify the marginal impact of new students on the District. This approach is a standard methodology that isolates variable costs within the District budget (i.e. costs that are likely to change as student enrollment changes) from fixed costs (i.e. costs that are unlikely to change as student enrollment changes). The variable costs are then divided across the student population to calculate the estimated variable expenditures per pupil. State aid per pupil is then subtracted from this amount to calculate the net impact per pupil. This approach is frequently used in cases where the expected increase in the number of students is minimal relative to overall student enrollment, and therefore unlikely to trigger the need for added fixed costs, such as facilities maintenance and district administration expenses.

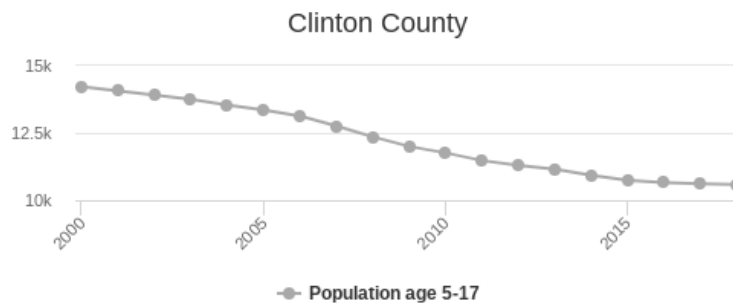
Section 3.6 of the DGEIS used a single demographic multiplier to calculate the number of new school age children, regardless of residential unit size. This was initially estimated at 30 students. Information regarding the unit mix and target rents became available after the DGEIS was issued and according to Prime, rents on

New York: Hudson Valley • Capital District • North Country • Westchester  
Tennessee: Nashville • Chattanooga Oregon: Portland

Chazen Engineering, Land Surveying & Landscape Architecture Co. DPC (NY) • Chazen Engineering Consultants, LLC (TN/OR)

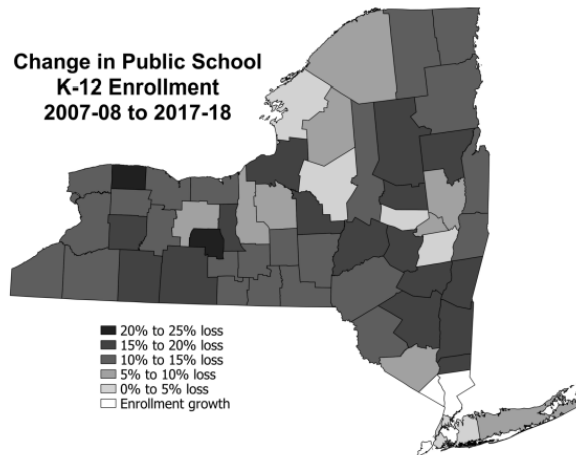
these market rate units are expected to start around \$1,200/month. Recognizing that the number of new school age children will vary based on bedroom count of new residential units and anticipated rental rates, the Final DGEIS refined the estimate to 22 new students to be added to the district. We believe this to be a reasonable and conservative (high) estimate of new students. This estimate was derived from a widely accepted methodology and demographic multipliers for New York State from Dr. Robert W. Burchell Rutgers and the Center for Urban Policy Research at Rutgers, leaders in demographics and fiscal impact analysis.

We note that the multiplier was developed/published in 2006 and does not take into account the regional and national trend of our aging population. As shown in the chart below, which uses data from the US Census Bureau, Clinton County's school age population has trended downward since at least 2000.



Data source: [U.S. Census Bureau](#)

This trend is not unique to Clinton County and has led to declining school enrollment in many districts throughout the state. A 2018 study by the Empire Center showed declining enrollment over the ten years between 2007/08 and 2017/18 in all but 100 of the State's nearly 700 districts. All counties north of Westchester and Rockland experienced net declines in the overall number of students enrolled in their public school systems.



Source: Empire Center, 2018 <https://www.empirecenter.org/wp-content/uploads/2018/09/rdb180904.pdf>

Therefore, while the multipliers used are from 2006, it is logical to infer that school age children multipliers in Upstate New York have trended downward since that time. It should also be noted that the multipliers used were calculated based on data from all of New York State, including downstate regions that tend to have more stable or growing school enrollment. A multiplier specific to Upstate New York would be lower than the state average used in the Final DGEIS.

As a point of reference, the City was provided a copy of the *Impact of Market Rate Apartments on School District Enrollment* (May 2019) prepared by Real Estate Institute (REI) at Stony Brook University. The report analyzes the impact of multi-family projects on Long Island School Districts by sampling a series of apartments (200 units or greater) to determine the number of school aged children by unit. REI examined 14 Long Island apartment complexes comprising 3,928 apartment units. The unit count in the sample apartment complexes ranged from 42 to 450, and the number of students generated ranged from 0 to 71. The number of students generated on a per-unit basis ranged from 0.00 to 0.27. On average there were 25.5 students per apartment complex or 0.09 students per unit. This compares to an overall multiplier of 0.19 used in the Final DGEIS (as derived from the Rutgers multipliers) which produced the estimate of 22 students across the Project's 115 proposed units.

If the 0.09 multiplier from the Stony Brook study were used, this would produce an estimate of just 11 students for the Project. Only *one* complex from the 14 complexes Stony Brook sampled had a multiplier above the 0.19 multiplier used in the Final GEIS. Though we recognize that this study was specific to Nassau and Suffolk counties on Long Island (which, like Clinton County, have experience declining enrollment), the low rate of school age children is in line with trends we have seen in our professional experience throughout the Northeast.

Based on proposed rents and the type of development, it is reasonable to expect that the Project's units will primarily attract young professionals, empty nesters, and retirees. Therefore, the number of new school age children may in fact be less than what is predicted by the multipliers (which are based only on unit size and rent). Additionally, this estimate also assumes all residents of the project are new residents to Plattsburgh rather than residents relocating within Plattsburgh who may already be attending the PCSD.

Therefore, based on the evidence presented, we believe that the 22 students calculated for this Project is conservative (high), and that the number of students actually generated by the Project will be considerably lower. Twenty-two (22) students would represent a 1.2% increase in student enrollment in the PCSD, and an average of 1.7 students in each K-12 grade level. This is a relatively minimal increase in the student population, and thus the methodology described above was deemed appropriate for the analysis since a need for significant fixed costs investments would not be triggered.

For the new school aged children that will reside in the development, however, the intangible benefits of having more families with children in the community, some of which include increased household spending, balancing out the aging of the community, and strengthening the community's fabric and levels of volunteerism, will outweigh the impact on school facilities.

The variable expenses used in the analysis included instructional salaries and supplies costs in the categories shown in the following table, which appears in the EIS. The variable expenses used total approximately \$19.8 million, which is about 44% of the total 2019-2020 School District budget. The remaining portion of the budget (56%) was deemed to be "fixed."

Budget Function	Expenses
1670 (BOCES printing and copying)	\$53,959
1910 (student insurance)	\$113,600
2110 (instructional costs- salaries and supplies)	\$11,314,059
2250 (special education staff)	\$6,337,595
2610 (library supplies)	\$492,389
2630 (computer supplies)	\$1,005,958
2850 (co-curricular)	\$76,465
2855 (sports equipment)	\$360,211
2870 (supplies)	\$10,000
Total Variable Expenses	\$19,764,236

On a per pupil basis, we calculated variable expenses of \$11,041. After subtracting average State Aid per pupil of \$11,062, we estimated a positive net impact per pupil of \$21 (essentially no impact).

Assistant Superintendent Baroody's letter dated February 7, 2020, asserts that the correct value to use in estimating impact for new resident students is the Non-resident Tuition (NRT) rate prepared by the State Education Department. This rate is calculated for all districts statewide through a formula, according to §8 CRR-NY 174.2 *Computation of tuition charges for nonresident pupils* and is used to set rates for tuition of non-resident students. The Project occupants would be residents of the City.

According to an attachment provided by Mr. Baroody, the rate for the Plattsburgh City School District is \$11,180.17 per non-resident student for the 2018-2019 school year, taking into account State Aid. As per §8 CRR-NY 174.2, the calculation excludes District costs associated with "transportation, including debt service for buses, adult education, special schools, community services, and any other appropriations which do not benefit such [nonresident] student," leaving many other costs included that are unlikely to change with an increase in student population of 1.2%.

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*Mayor Colin Read*  
*February 13, 2020*  
*Page 5 of 5*

Absent information from the School District on specific variable costs that should be considered in addition to those that are listed in the table above, Camoin 310 finds it overly conservative to use the NRT formula, which treats the vast majority of District expenditures as variable for the purposes of setting non-resident tuition.

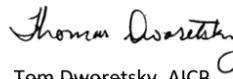
Chazen and Camoin 310 welcomes further information from the District that will assist in refining the estimates provide in the EIS.

Sincerely,  
THE CHAZEN COMPANIES



Chris Round, AICP  
V.P. Planning Services  
Sr. Principal

CAMOIN 310



Tom Dworetzky, AICP  
Director of Research