



DEPARTMENT OF PLANNING, HOUSING, & COMMUNITY DEVELOPMENT

Mayor, Richard C. David
Director, Dr. Juliet Berling

Staff Report Series A Site Plan and Special Use Permit Review

Planning Commission Date: July 13, 2015
Address: 41 Oak Street
Tax Id #: 160.55-2-7
Case Number: 2015-34
Zoning: Neighborhood Office District (C-5)

REVIEW REQUESTED

This application would provide for the conversion of an existing two-story mixed-use Professional Office and residential building into a 10-bedroom dwelling unit, meant primarily to serve as a rental. Each floor will have the possibility of functioning as a separate dwelling unit, each with its own bath and kitchen. The applicant has proposed having a locking door separating the two floors that would allow for flexible rental of the building.

The proposal would involve the renovation of the interior, with minor changes to better accommodate residential occupancy. There are no proposed changes to the exterior.

The subject property is in the C-5, Neighborhood Office District, where the proposed use, **Multi-unit Dwelling with more than four bedrooms**, is permitted with a Special Use Permit and Site Plan approval from the Planning Commission.

STAFF FINDINGS AND RECOMMENDATIONS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning

Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

SITE REVIEW

The subject property is located on Oak Street, between Leroy Street to the north and Ayres Street to the south. The parcel is situated between a funeral home at 45 Oak Street and a parking lot at 37 Oak Street. Other land uses in the immediate vicinity are primarily professional offices and single and two family residential. St. Patrick Church is located to the immediate northeast of the site.

PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

51 Oak Street: In January of 2009, a Special Use Permit and Series A Site Plan Review for a proposed restaurant in the C-5 District was approved.

ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Type I** Action. The Planning Commission should act as the lead agency to determine any environmental significance related to the Site Plan and Special Use Permit.

1. Motion to determine what type of action:
 - a. **Type I**
 - b. Type II
 - c. Unlisted
2. Determine Lead Agency and other involved agencies.
3. After the Public Hearing, Determination of Significance. The Planning Commission is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF)– see below.

SEQR EAF Part 2 - Impact Assessment. The Lead Agency (Planning Commission) is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the Planning Commission. When answering the questions the Planning Commission should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action involve construction on, or physical alteration of, the land surface of the proposed site?	X	
Will the proposed action result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves)?	X	
Will the proposed action affect one or more wetlands or other surface waterbodies (e.g., streams, rivers, ponds or lakes)?	X	

Will the proposed action result in new or additional use of ground water, or have the potential to introduce contaminants to ground water or an aquifer?	X	
Will the proposed action result in development on lands subject to flooding?	X	
Will the proposed action include a state regulated air emission source?	X	
Will the proposed action result in a loss of flora or fauna?	X	
Will the proposed action impact agricultural resources?	X	
Will the proposed action be obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource?	X	
Will the proposed action occur in or adjacent to a historic or archaeological resource?		X
Will the proposed action result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan?	X	
Will the proposed action result in a change to existing transportation systems?	X	
Will the proposed action cause an increase in the use of any form of energy?	X	
Will the proposed action result in an increase in noise, odors, or outdoor lighting	X	
Will the proposed action have an impact on human health from exposure to new or existing sources of contaminants?	X	
Is the proposed action consistent with adopted land use plans?	X	
Is the proposed action consistent with existing neighborhood character?		X

EAF Part 3 - Determination of significance. For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the Planning Commission determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.
- The Planning Commission may issue a Negative Declaration if it is determined that the proposed action will not result in any significant adverse environmental impacts.