Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Jennie Skeadas-Sherry AICP

STAFF REPORT

TO:	Planning Commission Members
FROM:	Planning Housing and Community Development
DATE:	August 1, 2014
SUBJECT:	1 Hawley Street; Series A Site Plan Review
TM ID #:	160.40-2-36
CASE:	2014-35

UPDATED STAFF REPORT

On July 16, 2014 the Traffic Board reviewed the proposed site plan and found no material conflict between the proposed use and traffic or pedestrian safety. The Board found that it was not necessary to recommend the inclusion of conditions related to utilization of the public right of way for loading and unloading of delivery vehicles. Therefore, this has been removed as a suggested condition.

On July 21, 2014 the Shade Tree Commission reviewed the proposal and recommended the following:

1. Ginkgo trees should be planted along Hawley Street.
2. The substrate where the trees are to be planted should be amended with structural soil to support the health and growth of the trees.

The conditions of approval have been amended to reflect The Shade Tree Commissions recommendations (Section H).

On July 30, 2014 the Commission on Architecture and Urban Design (CAUD) reviewed the proposed exterior medications to the façade. After due deliberation, the Commission voted to approve the façade design subject to the following conditions:

1. That the Applicant obtain the necessary site plan approval from the Planning Commission prior to any work beginning;
2. That the Applicant use an alternate, more durable material for the first floor façade in place of the proposed EFIS, which is to match proposed EFIS as closely as possible; and
3. That the alternate material be reviewed and approved by the Commission via email.

Give this approve planning staff has revised the proposed conditions of approval to reflect the conditions imposed by CAUD. Please see Section H of this report.

A. REVIEW REQUESTED

This application would establish a retail furniture store within an existing three-story, 32,352 square foot, commercial building. As proposed the furniture store would operate 6 days a week between the hours of

9:00am -5:00pm Monday through Saturday and 9:00am -8:00pm on Thursdays. Deliveries would occur daily, between the hours of 8:30am and 4:30pm. The applicant approximates that 25 customers would visit the site daily. Twenty employees are proposed.

The Zoning Code does not require provisions for parking for the reuse of existing buildings located in the Downtown District. No on-site parking is proposed, nor could the site accommodate parking. The applicant has submitted a companion application for an ancillary parking lot, containing 15 spaces, at 162 Water Street. This proposed lot is intended to serve the applicant's existing store on Washington Street and this proposed store.

Alterations to the building include new storefront windows, aluminum sunshades installed over the first and second floor windows and a new EIFS façade to replace the existing brick façade.

The subject site is within the C-2 Downtown Commercial District and the Court Street Historic District. A retail furniture store is a permitted use in the C-2 District with Site Plan approval.

B. ADDITIONAL REVIEWS

The proposed project is located within the Court Street Historic District; review by the Commission on Architecture and Urban Design ('CAUD') is required. The applicant has submitted an application for this review.

The proposed project is located in the Local Waterfront Revitalization Program area; review by the Waterfront Advisory Committee ('WAC') is required.

The site plan has been forwarded to the Traffic Board for their comments.

The Shade Tree will review this project in order to provide a recommendation for appropriate street tree species.

The proposed project is within 500 feet of a Broome County-owned facility, and is therefore subject to 239 distribution and comment by Broome County Department of Economic Development & Planning.

C. STAFF COMMENTS

The primary impact of a large scale furniture store would be loading and unloading. The site currently has a 9.5-foot wide driveway to the rear of the building which would provide access to a rear delivery door. The applicant should demonstrate that this 9.5-foot driveway is wide enough to accommodate delivery vehicles. Delivery vehicles would either have to back into the driveway or back out onto Hawley Street. This could result in conflicts with vehicles traveling along Hawley Street and pedestrians traveling down the sidewalk.

At the applicant's former store on Water Street, delivery vehicles would often utilize Water Street and the public sidewalk for loading and parking. Staff recommends, as a condition of approval, that delivery vehicles shall not park on the street, except within legal parking spaces, and shall not park on the sidewalk and that loading and unloading of delivery vehicles shall not occur within the public right-of-way.

The proposed site plan and submitted application materials do not include provisions for trash management. A trash management plan should be provide to the Planning Commission in advance of the public hearing.

The subject site has approximately 125 feet of frontage along Hawley Street. Currently there is no street trees planted along this frontage. Staff recommends that the Planning Commission require as a condition of approval the installation of street trees pursuant to Binghamton Code of Ordinances Chapter 391.

The existing building currently has a brick masonry façade. The applicant proposes to either cover or replace the brick with an exterior insulation and finish system (EIFS). The City's Historic Design Guidelines states that the removal masonry walls should be avoided and that exterior insulation and finish systems should not be installed over masonry. The Guidelines further states that exposed masonry should remain exposed. The installation of the proposed storefront window systems within the existing brick façade (power washed) would be in keeping with the established character and appearance of the neighborhood and therefore would be a superior design solution.

D. 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 Series A Site Plan application, the 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 410-41, and egress and ingress to parking and loading areas are so designed as to minimize the number of curb cuts 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 410-24 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 410-41. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

37 Court Street: Starr Child Day Care was given permission to operate a day care center in 1995 through a Series B Site Plan review.

7 Court Street: In October of 2012, the Zoning Board of Appeals granted a variance for Minimum Off-Street Parking, required for new construction in the C-2 District.

31 Court Street: In June of 2012, Planning Staff granted a Series A Site Plan / Special Use Permit Exception for a Nail Salon in the C-2 District.

37 Court Street: Starr Child Day Care was given permission to operate a day care center in 1995 through a Series B Site Plan review.

40 Court Street: In January of 2012, the Planning Commission approved a Series A Site Plan / Special Use Permit for a Multi-Unit Dwelling (More than 4 Bedrooms).

41 Court Street and 153-157 Washington Street: In 2011the Planning Commission granted a Special Use Permit and Series A Site Plan Approval to Galaxy Brewing Company, LLC to establish a brewpub.

47 Court Street: In 2012 2011the Planning Commission granted a Special Use Permit and Series A Site Plan Approval to Evision Properties, LLC, for the creation of one (1) residential unit with five (5) bedrooms, located on the second floor of the existing building.

49 Court Street:

- In August of 2000, the Planning Commission granted a Special Use Permit and Series A Site Plan Review to Metrocenter Associates LLC to construct a 25,180 square foot, third floor addition to the Metrocenter.
- The Zoning Board of Appeals granted an area variance of off-street parking to Metrocenter Associates LLC to construct a 25,180 square foot, third floor addition to the Metrocenter.

227-241 Washington Street: In 1989, the Zoning Board of Appeals granted two area variances regarding off-street parking requirements to Sarbro Realty to permit the construction of an office building.

245 and 249 Washington Street: In 1987, the Planning Commission granted a Special Use Permit to the First Assembly of God to use the building at 249 Washington Street as an accessory to the church and to use 245 Washington Street for parking.

F. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission should be the lead agency to determine any environmental significance related to the site plan review.

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, acting as Lead Agency, 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 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. 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 create a material conflict with an adopted land use plan or zoning regulations?		
Will the proposed action result in a change in the use or intensity of use of land?		
Will the proposed action impair the character or quality of the existing community?		
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		

Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?		
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?		
Will the proposed action create a hazard to environmental resources or human health?		

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.

G. STAFF FINDINGS

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.

H. SUGGESTED CONDITIONS

1. An alternate, more durable material shall be utilized for the first floor façade in place of the proposed EIFS, which is to match the color of the proposed EIFS as closely as possible. The alternative material shall be subject to review and approval by the Commission on Architecture and Urban Design.

2. The site plan shall be revised to show the installation street trees along Hawley Street pursuant to Binghamton Code of Ordinances Chapter 391. The applicant shall use Gingko biloba – Gingko (plant males only) trees. The substrate where the trees are to be planted shall be amended with structural soils to support the health and growth of the trees. The trees required by this condition of approval shall be planted by, and at the expense of the applicant, prior to the issuance of certificate of occupancy for this project; or a bond, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such bond shall equal the estimated cost of the required landscaping, based on a licensed contractor's bid.

I. ENCLOSURES

Enclosed are copies of the site plan, the application and site photos.

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