



Department of Planning, Housing, & Community Development

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

STAFF REPORT: UPDATED

TO: Planning Commission Members
FROM: Planning Housing and Community Development
DATE: April 5, 2015
SUBJECT: 1168 Vestal Avenue; Series A Site Plan Review
TAX ID #: 160.72-3-1
CASE: 2015-08

REVIEW REQUESTED

This application is associated with the establishment of a 1,947ft² drive-through restaurant and associated parking in the C-4 Neighborhood Commercial District. As proposed, the restaurant would operate seven days a week between the hours of 5:00am and 10:00pm. The applicant approximates that 3-10 employees would work at the site daily. The projected number of customers per day is approximately 650. The proposed project includes 29 parking spaces, including 10 stacking spaces. Site improvements include the addition of a 170ft² walk-in cooler/freezer and a 220ft² interior landscaped area.

STAFF FINDINGS AND RECOMMENDATIONS

The applicant should submit copies of the easements that allow usage of the three properties directly east of the site for ingress and egress- 1180 Vestal Avenue, 2 Mitchell Avenue and, 4 Mitchell Avenue to the Department of Planning, Housing, and Community Development.

The Planning Commission must determine:

1. If the requirements of Section 410-47 for a Series A Site Plan Review have been met.

STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Section 410.47. 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.

OTHER REVIEWS

The Traffic Board reviewed this project at their March 12, 2015 meeting. There was no action for the Traffic Board to take regarding this project.

The proposed project is located within 500 feet of a State/County owned road and therefore is subject to 239 l and m review. Comments have been received and distributed.

The Zoning Board of Appeals will hold a public hearing for this project at the April 6, 2015 meeting. The applicant is requesting the variances shown in the table below:

Development Standard	Proposed	Required
Landscape buffer	None	5 foot buffer along side and rear lot lines
Lot coverage	86 percent	70 percent maximum
Wall signs	3 signs	2 signs
Minimum setback of ground sign	None	5 foot setback from any property line
Maximum size of ground sign	64.51ft ²	40ft ²
Electronic Message Center (EMC) sign	1 EMC sign	None permitted

SITE REVIEW

1167 Vestal Avenue:

- In 2012, a Series A Site Plan Review Exception application was approved for expansion of off-street parking area in the C-4, Neighborhood Commercial District.
- The Zoning Board of Appeals granted a use variance to Benjamin Medolla in January, 1977 to convert a neighborhood grocery store to a cabinet and furniture making and repair shop.

1179 Vestal Avenue: In 2011, the Planning Commission approved a Special Use Permit and Series A Site Plan Review for a Retail and Wholesale Pharmacy in the C-4, Neighborhood Commercial District.

1150 Vestal Avenue:

- The Planning Commission approved a Series A Site Plan submitted by Ferris Akel in 1996 for an off-street parking lot.
- In 1986, a request by Steven Tenney to construct an awning sign with an area of 36 square feet was denied.
- In 2014, a Series A Site Plan Review Exception application was approved for the establishment of a limited-service restaurant in the C-4 District

1148 Vestal Avenue: In 2013, a Series A Site Plan Review Exception application was approved for the establishment of a General Service/Retail - Psychic Readings

1185 Vestal Avenue: In 2013, a Series A Site Plan Review Exception application was approved for the establishment of a hair salon.

1154 Vestal Avenue: In 2013, the ZBA approved a use variance to convert a salon to a cosmetology school.

1179 Vestal Avenue: In 2011, the ZBA approved area variances for maximum number of wall signs, maximum total number of signs, maximum total sign area.

1152 Vestal Avenue: In 2009, the ZBA approved area variances for maximum lot coverage, maximum width of a one-way driveway, and minimum width of a landscaped side buffer associated with the development of a CVS Pharmacy located in a C-4, Neighborhood Commercial District.

1158 Vestal Avenue: In 2008, the ZBA approved an area variance for signage in the C-4 district.

1159 Vestal Avenue: Marcello Barreiro was granted use and area variances in 1985 to construct a two-story medical office building.

COMPREHENSIVE PLAN CONSISTENCY

The future land use map in the City’s 2014 Comprehensive Plan identifies this site as “general commercial”. The general commercial classification is intended to allow auto-oriented commercial land use patterns. The proposed drive-through restaurant, while accessible to pedestrians and via bus, would be primarily auto-oriented. Further, this proposed use would support the surrounding commercial development.

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 improvements.

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 Short EAF Part 1 – Project and Setting. Part I has been provide by the project applicant.

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 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?	X	
Will the proposed action result in a change in the use or intensity of use of land?	X	
Will the proposed action impair the character or quality of the existing community?	X	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
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?		X
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?	X	
Will the proposed action impact existing: <ol style="list-style-type: none"> A. public / private water supplies? B. public / private wastewater treatment utilities? 	X	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	

Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	X	
Will the proposed action create a hazard to environmental resources or human health?	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.

ENCLOSURES

Enclosed are copies of the project plans, site photographs, application and environmental assessment form.