



# Department of Planning, Housing, & Community Development

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

## ***STAFF REPORT***

TO: Planning Commission Members  
FROM: Planning Housing and Community Development  
DATE: March 5, 2015  
SUBJECT: 120 Hawley Street; Series A Site Plan Modification Review  
TAX ID #: 160.50-1-2  
CASE: 2015-07

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### REVIEW REQUESTED

This application would permit the construction of an 11,500ft<sup>2</sup> addition to a previously approved ~25,000ft<sup>2</sup> two-story mixed-use industrial and professional office facility. The modified site plan shows a slight increase in the square footage and reconfiguration of the plan layout in the two-story portion west of the main entrance to the building. The modified site plan also shows the addition of one story east of the main entrance to the building. The proposed new floor includes office and prototype space.

The subject site is located in both the C-2 Downtown Business District and the R-3 Residential Multi Unit Dwelling District. Per § 410-45, all new construction is subject to site plan approval from the Planning Commission.

### STAFF FINDINGS AND RECOMMENDATIONS

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 proposed project is located within 500 feet of a County owned facility. It is therefore subject to New York State Municipal Law 239 l and m which requires review by Broome County Department of Planning and Economic Development. The project was forwarded to the County on February 26, 2015.

## SITE REVIEW

The applicant is proposing to construct a four-story building (approximately 38,500 SF gross) for use as a business incubator on an approximately two acre site. Former on-site buildings have been demolished per approval by the City of Binghamton. The three main stories will include labs, offices, and meeting spaces. The fourth story is entirely a mechanical penthouse.

The site is ~2.28 acres and is bounded by Hawley Street on the north, Carroll Street on the east and Lisle

Avenue on the south. The western boundary of the site runs south of the southeastern corner of Myrtle Avenue and Hawley Street.

Uses in the vicinity are primarily office to the north and west, residential and recreational space to the east, and multi-family residential to the south.

PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

120 Hawley Street: In 2014 the Planning Commission approved a Series A Site Plan/Special Use Permit for the construction of the Southern Tier High Technology Incubator, a two-story, 25,000ft<sup>2</sup> mixed-use facility for light industrial, research and development industrial, medium industrial and office use.

120 Hawley: In 2014 the ZBA granted a Use Variance to allow the parking area associated with the Southern Tier High Technology Incubator, a two-story research and development and light industrial facility, to be located in the R-3 Multi-Unit Dwelling District.

117 Hawley Street – In 2006, Planned Parenthood was granted a Special Use Permit and Series A Site Plan Review approval to establish a medical clinic.

43-45 Carroll Street – In 2007, a Use Variance to establish a school in the R-3 Residential Multi-Unit Dwelling District was denied.

COMPREHENSIVE PLAN CONSISTENCY

The Comprehensive Plan identifies the creation of a mixed-use downtown as a key goal for economic development. Since this project would provide for a mixture of uses, it would be consistent with the Plan.

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.

**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 Planning Commission should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”

	<b>NO, OR SMALL IMPACT</b>	<b>MODERATE TO LARGE IMPACT</b>
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	MAY OCCUR	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: <ul style="list-style-type: none"> <li>A. public / private water supplies?</li> <li>B. public / private wastewater treatment utilities?</li> </ul>		
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.

ENCLOSURES

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