



# Department of Planning, Housing, & Community Development

**Mayor, Richard C. David**  
Acting Director, Jennifer M. Taylor

## ***STAFF REPORT***

TO: Planning Commission Members  
FROM: Planning, Housing & Community Development  
DATE: April 21, 2014  
SUBJECT: 140 Court Street; Series A Site Plan Review / Special Use Permit  
TM ID #: 160.41-3-19  
CASE: 2014-14  
COPIES: B. Seachrist, T. Costello, L. Webb (District 4), File

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### **A. REVIEW REQUESTED**

The applicant has submitted an application for a Series A Site Plan / Special Use Permit review for a multi-family residential project at the property known as 140 Court Street. The applicant is the owner of the subject property. A four-story structure, facing Court Street, occupies the majority of the parcel.

The submitted application indicates that the applicant intends to convert the 4th floor of an existing mixed-use building into one 4-bedroom residential unit and one 5-bedroom residential unit. The conversion will result in a residential unit with more than four bedrooms, which is subject to Special Use Permit and Series A Site Plan approval.

### **B. ADDITIONAL REVIEWS**

The proposed project is located within 500 feet of a County owned facility. It is therefore subject to 239-m review by the Broome County Department of Planning and Economic Development. An application for review was submitted on April 7, 2014.

### **C. 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.

**D. SITE REVIEW**

The property known as 140 Court Street is located on Court Street between Centenary Street and Carrol Street. A four-story structure, facing Court Street, occupies the majority of the 7,210ft<sup>2</sup> parcel. The ground floor of the property is occupied by three commercial tenants. The second and third floors of the building are occupied by residential units, with a floor plan similar to that of the current proposal.

Land use in the vicinity of the subject property consists primarily of multi-story, mixed-use properties as well as some 1-2 story office buildings and institutional facilities such as the County Library and the Landmark Church.

**E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY**

56-140 Court Street: An area variance of off-street parking requirements was granted to Hirsh and Mowry Realty in 1979.

151 Court Street: A use variance to allow an automobile body shop in a C-2, Downtown Business, district was approved in 2005.

**F. ENVIRONMENTAL IMPACT**

The applicant's proposal is a SEQR **UNLISTED** Action. The Planning Commission may be the lead agency to determine any environmental significance. Motion to determine what type of action:

- a. Type I
  - b. Type II
  - c. Unlisted**
2. Determine Lead Agency and other involved agencies.
  3. Motion to schedule a public hearing.
  4. After the Public Hearing, Determination of Significance. (See EAS Part 2 & Part 3)

	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?	<b>X</b>	
Will the proposed action result in a change in the use or intensity of use of land?	<b>X</b>	
Will the proposed action impair the character or quality of the existing community?	<b>X</b>	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<b>X</b>	

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?	<b>X</b>	
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?	<b>X</b>	
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?	<b>X</b>	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<b>X</b>	
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<b>X</b>	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	<b>X</b>	
Will the proposed action create a hazard to environmental resources or human health?	<b>X</b>	

## 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.
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.

## H. ENCLOSURES

Enclosed are copies of the floor plans and site photos.

Enclosures