



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Director, Tarik Abdelazim

STAFF REPORT

TO: Planning Commission
FROM: Planning, Housing and Community Development
DATE: February 21, 2012
SUBJECT: 151 Laurel Ave & 28 Mendelssohn Street; SUP/ Series A Site Plan Modification
Tax ID: 160.29-3-2, 160.29-3-9-1
CASE: 2013-05
COPIES: T. Abdelazim, T. Costello, T. Rennia, S. Campbell

A. REVIEW REQUESTED

Bates Troy, Inc., a health care linen and dry cleaning company, received a Special Use Permit/Series A Site Plan approval from the Planning Commission in 2007. The hours of operation sited in the 2007 approved application were from 6:00am to 6:00pm. Bates Troy would now like to expand the hours of operation to 24 hours a day. The modification of hours requires review by the Planning Commission to determine if the expansion of hours would be in compliance with criteria required for approval of a special use permit/Series A site plan.

According to the applicant the need to expand the existing hours is two-fold. First, the increase in demand for health care related linen services is prompting the need to add a second work shift at the facility. Second, there has been a history of noise complaints and, more recently, complaints derived from work being performed outside of the permitted hours of operation. Bates Troy has worked to address the noise issues, including adding noise attenuation measures to the building. To staff's knowledge, no recent noise complaints have been made to the Office of Code Enforcement. The applicant has indicated that documentation demonstrating that the facility complies with the City's Noise Ordinance has been prepared. Although requested by staff this documentation has not been submitted as of this writing. Recent complaints related to work performed outside of permitted hours indicate that work does not typically occur more than 10 minutes before 6:00am.

The applicant has indicated that they will be providing a more detailed work plan for the proposed second shift, thereby reducing the number of proposed operating hours. The applicant has further indicated that more details on truck traffic hours will be provided and that likely the existing truck hours will not be altered. However, more details have not been submitted as of this writing.

B. 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 for a special use permit/series A site plan 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.

C. ADDITIONAL REVIEWS

Bates Troy received a use variance in 2007 which also included a limitation on the hours of operation from 6:00am to 6:00pm. Therefore, a modification to the hours associated with the use variance will be required from the Zoning Board of Appeals.

D. SITE REVIEW

Land uses in the vicinity of the subject site consist of a mixture of residential and commercial. The site is situated immediately adjacent to residential buildings to the north, a fast-food restaurant and parking lots serving Bates Troy to the east, a bowling alley and residential buildings to the south, and a dry-cleaner and residential buildings to the west.

E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

24, 28, & 30 Mendelssohn Street and 151 Laurel Avenue: In 2007 the Planning Commission granted a SUP/Series A Site Plan to permit Bates Troy to expand onto parcels fronting Mendelssohn Street.

24, 28, & 30 Mendelssohn Street and 151 Laurel Avenue: In 2007 the Zoning Board of Appeals granted Use and Area Variances Bates Troy permitting the construct a 2,700 square foot addition on parcels fronting Mendelssohn Street which are zoned residentially.

161 Laurel Avenue: In October 2012 a Series A Site Plan Exception was granted to permit the establish a general retail activity in the C-1, Service Commercial District.

F. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Zoning Board of Appeals may be the lead agency to determine any environmental significance.

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. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
X	X		X	X	X	X

G. STAFF FINDINGS

The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review and the general requirements for a special use permit/series A site plan described in Section 410-40 have been met. In determining compliance with the criteria the Commission should consider the following potential impacts resulting from expanded hours of operation and whether or not these impacts would negatively impact the characteristics of the neighbor and the use and enjoyment of nearby residential properties:

1. Noise from the facility, which is generated from dryers, would no longer be limited to 6:00am to 6:00pm but, as proposed, could emanate from the facility constantly.
2. Employee traffic would no longer be limited between the hours of 6:00am to 6:00pm.
3. Truck traffic may no longer be limited between the hours of 6:00am to 6:00pm.

H. ENCLOSURES

Enclosed are copies of the site plan and site photos.

Prepared by:

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