



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Director, Tarik Abdelazim

STAFF REPORT

TO: Planning Commission Members
FROM: Tito L. Martinez, Planner
DATE: November 12, 2013
SUBJECT: 162 Court Street; Series A Site Plan Review / Special Use Permit
TM ID #: 160.42-1-13
CASE: 2013-64
COPIES: T. Abdelazim, B. Seachrist, T. Costello, L. Webb (District 4), File

A. REVIEW REQUESTED

Chianis+Anderson Architects, PLLC. has submitted an application for Series A Site Plan / SUP review for the proposed conversion of commercial space for residential use at 162 Court Street. The proposed project would convert the 2nd - 4th stories of the existing structure into residential dwelling units.

The 2nd through 4th floors have previously been used as office space, and are currently vacant. The submitted materials indicate a proposal to install nine (9) total dwelling units (two 7 BR, one 5 BR on the 4th floor; two 6 BR, one 5 BR on the 3rd floor; 3 Units of an unspecified number of bedrooms on the 2nd floor).

The first floor of the subject building has recently been used for office space as well, and will remain reserved for commercial occupancy.

The proposed use is defined as a Multi-unit dwelling containing dwelling units with More than 4 Bedrooms. The proposed parcel is located within the C-1, Service Commercial District. This use is allowed in the C-1 District with Series A Site Plan / Special Use Permit approval.

The proposed use requires that 2.33 off-street parking spaces be provided per dwelling unit. The submitted materials indicate nine (9) proposed units. Therefore, the proposed project requires twenty-one (21) off-street parking spaces be provided within 800 feet of the subject property.

The applicant's representative, Jeff Smith, has been informed of this requirement and has stated the applicant's intent to meet this requirement through leasing existing parking spaces in the vicinity of the project. Appropriate proof of these leases (as determined by Corporation Counsel) must be provided to Planning Staff to verify that this requirement has been met.

B. ADDITIONAL REVIEWS

239 L&M Review (Broome County Department of Planning & Economic Development, BMTS, NYSDOT)
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.

Waterfront Advisory Committee

The proposed project is located within the boundaries of the Local Waterfront Revitalization Project (LWRP) and therefore requires review by the Waterfront Advisory Committee (WAC).

C. COMPREHENSIVE PLAN & INITIATIVES IDENTIFIED FOR SUBJECT AREA

No specific initiatives are detailed for the proposed project area in the most recent City of Binghamton Comprehensive Plan, adopted in 2003.

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. SITE REVIEW

The subject property is located on the south side of Court Street, one parcel east of the southeast corner of Carroll Street and Court Street. The subject parcel measures 55' in width, with a depth of 108'. A four-story building, and a one-story attached building to the south of it, occupies the entire parcel.

Land use in the immediate vicinity of 162 Court Street is predominately commercial, with an additional mix of multi-unit dwellings, community services, industrial uses and a small number of single unit dwellings. The Broome County Public Library is located to the east of the subject parcel.

Commercial uses in the area include: USA Spas, White Elna Sewing Machine Center and Matthews Auto Collision Center.

F. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

162 Court Street: The Applicant's current proposed site plan was approved by the Planning Commission in

2011.

143 Court Street: George Pash received a Special Use Permit from the Planning Commission in 1996 to construct an addition to a previously-approved technology center to be used for light manufacturing.

151 Court Street:

- In 1994, James Matthews was granted a Special Use Permit from the Planning Commission to convert a former car dealership into a technology center.
- The Zoning Board of Appeals granted a use variance to William Dietzsch in 1984 to enlarge an existing non-conforming use (car dealership).

156-158 Court Street:

- Thomas Aquino was granted an area variance of stall-to-curb dimensions by the Zoning Board of Appeals in 1997 for an off-street parking lot.
- In 1997, the Planning Commission approved a Series A Site Plan Review submitted by Thomas Aquino for an off-street parking lot.

166-168 Court Street: In 1991, the Zoning Board of Appeals granted Antos Kos and Stanislaw Chojnacka an area variance for off-street parking requirements.

169-187 Court Street:

- The Zoning Board of Appeals granted an area variance of off-street parking requirements for a retail business to Akel Realty Corp. in 1988.
- The Zoning Board of Appeals granted an area variance to Akel Realty Corp. and Giant Operating Corp. in 1977 for a reduced number of on-site parking spaces. The variance had one restriction, which was to screen the property from 4 Pine Street and 191 Court Street with evergreen shrubbery.

174 Court Street: In 1980, the Planning Commission reviewed Doron Industry's Development Plan. Doron Industry had to submit an Environmental Assessment (EA) to the Broome Industrial Development Agency prior to project funding approval.

184 Court Street: The Zoning Board of Appeals granted a use variance to the Akel Realty Corporation in 1974 to allow a pre-existing building to be used for light manufacturing.

185 Court Street: In 1987, the Zoning Board of Appeals granted Wall to Wall Sound and Video a variance to allow three signs to be constructed on said property.

200 Court Street: In 1979, the Zoning Board of Appeals granted an expansion of a non-conforming use to the Sheltered Workshop to allow the construction of a third floor addition to an existing two-story building for manufacturing and office purposes.

202 Court Street: The Sheltered Workshop was granted use and area variances in 1979 to allow manufacturing and office uses.

210 Court Street:

- In 1995, the Special Use Permit that was granted to Robert Pornbeck in 1993 was extended to allow

gasoline sales at the existing convenience store. The applicant was required to comply with the original site plan. The original site plan was never complied with, as the canopy was constructed in a different location than was approved and the landscaping was never installed.

- In 1993, a Special Use Permit was granted to Robert Pornbeck to convert a vacant building into a convenience store and filling station. The Special Use Permit was contingent upon the submission of a landscaping plan to the Planning Department and the installation of plantings upon Planning staff approval. The Planning Commission waived the landscaping requirements along Stuyvesant Street and the driveway intersection setback requirements.
- In 1988, a Series B Site Plan application submitted by Edwin Gent was approved by the Planning Department to allow a muffler shop.

G. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission 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	X

H. 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.
- 3) The Planning Commission must determine if the requirements of Section 410.29(G) have been met as follows:
 - a) Minimum unit size. The dwelling unit, after conversion or construction, must meet all applicable specifications of the New York State Uniform Fire Prevention and Building Code, including minimum unit size.
 - b) Minimum building size. No dwelling unit conversion or construction shall be permitted in a dwelling unit with less than 1,500 square feet of gross floor area.
 - c) Minimum lot area requirements. No bedroom may be added to a dwelling unit, if the property does not comply with the lot area requirements of the district in which the property is located.
 - d) Parking regulations. No dwelling unit conversion shall be permitted unless the dwelling shall, following such conversion, comply with all off-street parking required by Article X of the Zoning Ordinance.

G. COMMENTS FROM OTHER DEPARTMENTS

Representatives of the following departments were provided case materials and an opportunity to offer comments on the proposal: Engineering, Public Works, and Fire Departments, the Broome County Department of Planning & Economic Development (239 Review) and the Shade Tree Commission.

H. ENCLOSURES

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

Sincerely,

Tito L. Martinez
Planner

Enclosures