Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Jennie Skeadas-Sherry AICP

STAFF REPORT

TO: Planning Commission Members
FROM: Planning Housing and Community Development
DATE: July 14, 2014
SUBJECT: 162 Water Street and adjacent 20-foot wide alley; Series A Site Plan Review
TM ID #: 160.40-2-20
CASE: 2014-35

A. REVIEW REQUESTED

This application would provide for the construction of an ancillary parking lot intended to serve an adjacent furniture store. An ancillary parking lot is defined as a parking area which is ancillary to a principal use not situated on the same lot as such parking area, which is not operated as a separate commercial enterprise available to the public at large and which is created to provide part of the required parking for the principal use.

The parking area would be located at 162 Water Street and would occupy the entire 20-foot wide public alley located adjacent to the south of 162 Water Street. 162 Water Street was previously improved with a 5-story building occupied by the Ellis Bros furniture store. The building was recently demolished following a fire. The alleyway currently provides rear access to several buildings that front on Court Street and the Metro Center Plaza.

Ancillary Parking is permitted in the C-2 Downtown Commercial District when:

(1) A site plan is approved in accordance with the applicable provisions of Article IX of Zoning Code.
(2) A landscaped area at least five feet wide shall be provided adjacent to public streets and alongside rear property lines.
(3) Access drives shall be no wider than 30 feet and shall be clearly defined by curbs.
(4) The parking lot shall be accessory to a principal use located on a different lot.
(5) The parking lot shall not be operated as a separate commercial venture.

The submitted site plan indicates that the parking area would contain 15 parking spaces, one of which would be accessible. Landscaping would be provided along the front lot line and partially along the southern boundary of the alley. However, in conflict with above development standards landscaping would not be provided along the north (side), east (rear) and portions of the southern (side) property line (the application has applied for an area variance for relief from this requirement). An existing curb cut which currently serves the alley would be removed and a new 24 foot wide curb cut and driveway would be installed to provide access to the parking lot from Water Street. The parking lot would have controlled access with a 24-foot wide

gate and a 4-foot tall fence along the perimeter of the site. Stormwater would be collected and conveyed to a cistern that would be pumped to the landscaped areas.

B. ADDITIONAL REVIEWS

Representatives of the following departments were provided case materials and an opportunity to offer comments on the proposal: Building, Engineering, Public Works and Fire Departments and the Shade Tree Commission. The deadline for this comment period is July 15, 2014.

The proposed project is located within the Court Street Historic District; review by the Commission on Architecture and Urban Design ('CAUD') is required. The applicant has submitted an application for this review.

The proposed project is located in the Local Waterfront Revitalization Program area; review by the Waterfront Advisory Committee ('WAC') is required.

The Traffic Board will review the proposed curb cut.

The Zoning Board of Appeals will review area variances for landscape buffers and lot coverage.

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.

C. STAFF COMMENTS

The application for the parking lot does not mention use of the alley. Staff has requested that the applicant provide the following information:

1. Ownership information. *It is not clear based upon available City records that the alley is owned by the City. If the alley is jointly owned by adjacent property owners, all owners must sign the planning application.*

2. A narrative as to why the alley has been incorporated into the parking lot project.

3. A narrative of how the adjacent properties and users of the alley will be impacted by loss of the alley and how or if impacts would be mitigated. *The alley serves an important utilitarian function to adjacent buildings and those immediately to the east and south east. These buildings currently enjoy rear access to and from the alley. At least two of the buildings have loading docks, two buildings have fire escapes, and almost all have pedestrian exits onto the alley. Many of the buildings also have mechanical equipment only accessible from the alley. At a minimum the applicant must demonstrate that the proposed changes do not compromise egress requirements as required by code for all every means of egress serviced by the alley. The applicant should also address impacts to changes in vehicular circulation from the subject alley to the north east alley resulting from the introduction of the fence along the eastern boundary of the site. The alley currently provides direct rear access for off-street loading for adjacent buildings. The applicant should address how this proposal would impact off-street loading access.*

4. A description of any required actions (ex. vacation of alleyway, creation of easements, Offer to Purchase) that the applicant will need to be pursue in order to incorporate the alley into the 162 Water Street. (If the project is approved these actions should at a minimum be incorporated as conditions of approval.

The site is located within the Court Street Historic District. The introduction of a parking lot at this site would be a dramatic alteration to the historic streetscape. The proposed site plan does include the minimum 5 foot landscape buffer, planted with a combination of trees and shrubs, along the front property line. In addition to the proposed landscaping, the applicant should consider the inclusion of a low brick wall at least three feet tall, with a cast concrete or stone cap, to tie the streetscape back into the adjacent brick buildings and to further screen the parking area from the side walk. The inclusion of a historically appropriate low wall would be consistent with the City's Historic Design Guidelines. The wall could also include a small amount of wall mounted signage to identify the lot.

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. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

37 Court Street: Starr Child Day Care was given permission to operate a day care center in 1995 through a Series B Site Plan review.
7 Court Street: In October of 2012, the Zoning Board of Appeals granted a variance for Minimum Off-Street Parking, required for new construction in the C-2 District.

31 Court Street: In June of 2012, Planning Staff granted a Series A Site Plan / Special Use Permit Exception for a Nail Salon in the C-2 District.

37 Court Street: Starr Child Day Care was given permission to operate a day care center in 1995 through a Series B Site Plan review.

40 Court Street: In January of 2012, the Planning Commission approved a Series A Site Plan / Special Use Permit for a Multi-Unit Dwelling (More than 4 Bedrooms).

41 Court Street and 153-157 Washington Street: In 2011the Planning Commission granted a Special Use Permit and Series A Site Plan Approval to Galaxy Brewing Company, LLC to establish a brewpub.

47 Court Street: In 2012 2011the Planning Commission granted a Special Use Permit and Series A Site Plan Approval to Evision Properties, LLC, for the creation of one (1) residential unit with five (5) bedrooms, located on the second floor of the existing building.

49 Court Street:

- In August of 2000, the Planning Commission granted a Special Use Permit and Series A Site Plan Review to Metrocenter Associates LLC to construct a 25,180 square foot, third floor addition to the Metrocenter.
- The Zoning Board of Appeals granted an area variance of off-street parking to Metrocenter Associates LLC to construct a 25,180 square foot, third floor addition to the Metrocenter.

227-241 Washington Street: In 1989, the Zoning Board of Appeals granted two area variances regarding off-street parking requirements to Sarbro Realty to permit the construction of an office building.

245 and 249 Washington Street: In 1987, the Planning Commission granted a Special Use Permit to the First Assembly of God to use the building at 249 Washington Street as an accessory to the church and to use 245 Washington Street for parking.

F. 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 plan review.

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, acting as Lead Agency, is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF)– see below.

SEQR EAF Part 2 - Impact Assessment. The Lead Agency 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. 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?"

	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?		
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: A. public / private water supplies? B. public / private wastewater treatment utilities?		
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.

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.

H. ENCLOSURES

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

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