



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Director, Tarik Abdelazim

STAFF REPORT

TO: Planning Commission Members
FROM: Planning Staff (PHCD)
DATE: June 28, 2013
SUBJECT: 19 Chenango Street; Series A Site Plan / Special Use Permit Review
TAX ID #: 160.41-1-13
CASE: 2013-33
COPIES: B. Seachrist, T. Costello, L. Day, P. Krey, D. Thomas, D. Eggleston, J. Zikuski, J. Yannuzzi, L. Webb (District 4), S. Campbell, File

A. REVIEW REQUESTED

19 Chenango Street Associates LLC has submitted an application for Series A Site Plan & Special Use Permit review for a proposed mixed-use project at the property known as 19 Chenango Street. The existing structure at the subject property is known as “The Press Building.”

The applicant proposes to convert the 2nd – 12th floors of the existing 12-story structure to a Multi-Unit Dwelling (68 Units, 231 Bedrooms), with 4,200 sf of the 1st floor reserved for commercial tenant (Use To Be Determined). The submitted floor plan indicates a 6,254 sf ‘gym/recreation area’ and a 424 sf ‘laundry’.

The submitted materials indicate a nearly identical floor plan for each converted floor, with a unit-type breakdown of 13 studio & one-bedroom, 11 two-bedroom, 2 three-bedroom, 31 four-bedroom and 11 six-bedroom units.

Per Section 410-53 (A), off-street parking requirements shall not apply to any existing buildings located in the Downtown Business (C-2) District where no parking presently exists and there is no opportunity to provide it.

B. PLANNING STAFF COMMENTS

- A garbage management plan should be submitted indicating the methods for interior garbage collection/ detention, the frequency of waste pickup and locations where activities shall occur.
- A description of post-construction loading activities for indicating anticipated types of deliveries / pickups that will occur with regularity for the operation and maintenance of the development and locations where activities shall occur.

- The submitted plans do not include sufficient detail on the proposed improvement of the western portion of the subject property, currently in disrepair. A detailed plan for this area (including planting plan and specifications for any proposed installations) should be submitted.
- A description of all active easements and access agreements through the subject property should be submitted for review to more clearly understand the proposed use and maintenance of the property.

C. ADDITIONAL REVIEWS

The project is located within the Court Street Historic District; any changes to the exterior will require review by the Commission on Architecture and Urban Design (CAUD). The submitted application indicates that exterior modification is currently proposed only for “repair of decorative cornice.”

The project is located within the boundaries of the LWRP; the applicant has submitted an application for review by the Waterfront Advisory Committee (WAC). The WAC will review the project for consistency with the policies of the City’s Local Waterfront Revitalization Plan.

The project is located within 500 feet of a Broome County-owned facility (Courthouse) and therefore is subject to 239-m review by the Broome County Department of Planning and Economic Development.

The project may be subject to Joint Sewage Treatment Plant Sewage Board approval under the Flow Management Plan made effective January 1, 2013.

D. STANDARDS FOR APPROVAL OF SITE PLANS & SPECIAL USE PERMITS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. 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 granting a Special Use Permit, as 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.

E. SITE REVIEW

The subject property is improved by a 12-story structure, a covered pedestrian walkway known as “Press Alley” abutting the structure to the north, and a pedestrian plaza area to the west of the structure. The existing structure at the subject property was originally constructed in 1960, and is known as “the Press Building.”

The subject structure was most recently occupied by professional offices, but has been vacant since suffering damage resulting from a 2010 fire at an abutting property (83 Court Street).

The existing structure maintains primary point of ingress/egress is located at Chenango Street, with 2

additional access points along the northern boundary of the structure (within “Press Alley”) and a ground floor service access at the western wall of the structure. An elevated pedestrian walkway is attached to the 2nd story of the subject structure on its northern wall, extending to the abutting property/structure known as 21 Chenango Street.

The predominant land use in the vicinity is commercial, with retail businesses at the ground floor and upper-stories utilized for office use, but, increasingly, these upper-stories have been converted for residential use.

A two-way street known as Commercial Alley abuts the subject property to the west; the street is one city block in length, running south from its northmost boundary (Henry Street) until the subject property, where a pedestrian-only spur, known as the “Commercial Alley Pedway,” continues south to Court Street, and multi-modal traffic diverted west to State Street.

A pedestrian-only path is located on the subject property which runs east-west along the length of the existing structure between Chenango Street and Commercial Alley. The path is frequently utilized by parkers in the State Street Parking ramp, which has direct, ground-floor pedestrian access at Commercial Alley.

F. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

83 Court Street:

- In October of 2008, the Planning Commission approved a Series A Site Plan / Special Use Permit to Stellar 6001, LLC for a 2nd-5th floor multi-unit residential (200 total BRs, mixture of lofts, 1 BR and 2BR units) and Basement/1st Floor retail development in the C-2 District.
- In May and June of 2013, the Planning Commission granted Series A Site Plan & Special Use Permit approval, with a condition, to Stellar 83 Court, LLC for a Mixed-Use Project (Multi-Unit Dwelling: 76 Units/180 Bedrooms within Lower Level & 2nd-5th stories and 1st Floor Commercial Uses TBD) in the C-2, Downtown Business District.

“That a Public Improvement Plan be submitted to Planning Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with Planning Commission requirements for the project as provided for in this Approval. This plan must include detail for:

- Reconstruction of ground surfaces, curb and gutter within property frontages surrounding the structure’s northwest corner (western Commercial Alley Pedway frontage and northern Commercial Alley frontage) with appropriate materials and features to promote safe use by both service/delivery vehicle traffic and pedestrian traffic;
- Reconstruction of ground surfaces, curb and gutter within Commercial Alley ROW extending west from the subject property’s northern frontage until State Street with appropriate materials and features to promote safe use by both service/delivery vehicle traffic and pedestrian traffic accessing the site;
- Installation of user amenities and aesthetic improvements within Commercial Alley Pedway frontage;

- A Lighting Plan for the subject property's north and west frontages;
- Bicycle parking facilities near each of 3 access points for the subject structure (Commercial Alley, Chenango Street, Court Street).

The Planning Division will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.”

21 Chenango Street: In June, 2013, the Planning Commission granted Series A Site Plan & Special Use Permit approval to Stellar 83 Court, LLC for conversion of 2nd & 3rd floors of an existing structure for use as Multi-Unit Dwelling (16 Units, 30 Bedrooms), with the 1st floor reserved for Commercial Use Tenant To Be Determined, in the C-2, Downtown Business District.

15-17 Chenango Street, 1 Commercial Alley, 83-85 & 87 Court Street: The Planning Commission approved a Series A Site Plan Review application submitted by Satra Realty in January of 2001 for the conversion of the second, third, fourth, and fifth floors of an existing building to apartments for students (45 One Bedroom, 2 Two-Bedroom), with 1st floor reserved for commercial uses.

25 Chenango Street: In January, 2009, QJ, LLC was granted Series A Site Plan/SUP approval for a mixed use, multi-unit residential and commercial development in the C-2 District.

42 Chenango Street: In 1989, the First Presbyterian Church was granted a use variance to construct a memorial garden and columbarium in a C-2, Downtown Business district.

60-68 Court Street: Adam Weitsman was given a Special Use Permit by the Planning Commission in March of 2000 to operate a billiard/pool hall.

60-68 Court Street: In June of 2011, the Planning Commission approved a series A Site Plan / Special Use Permit for a Cultural Facility and a Multi-Unit Dwelling (More than 4 Bedrooms) in the C-2 District.

73 Court Street: In April of 2011, the Planning Commission approved a Series A Site Plan / Special Use Permit for the conversion of upper-floor space to a Dormitory, Off-Campus.

73 Court Street: In June of 2012, Planning Staff granted a Series A Site Plan / Special Use Permit Exception for a Tavern in a former Tavern space.

80 Court Street: In March of 2010, the Planning Commission approved a Series A Site Plan / Special Use Permit for the conversion of a commercial space to two dwelling units.

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.

Mixed-use development featuring 1st-floor commercial uses and upper-story residential use is appropriate in the C-2 Downtown Business District. The proposed project would restore a vacant structure to create a positive impact on the vitality & stability of the Downtown Business District.

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.

The proposed project, with the incorporation of the suggested conditions of approval below, will be compatible with the surrounding neighborhood.

I. SUGGESTED CONDITIONS

1. That the plaza area located at the western portion of the subject property (Commercial Alley frontage), containing landscaping, benches and decorative ground treatments, but which is currently in disrepair, shall be reconstructed, with aesthetic improvements and user amenities installed to accommodate the increased intensity of use generated by the development. The design of this rehabilitation should be consistent with the aesthetic of reconstruction projects at the abutting 83 Court Street within the Commercial Alley ROW and City of Binghamton Economic Development Office projects within the Commercial Alley Pedway.
2. That all plastic canopy panels existing above “Press Alley”, shall be replaced. If the applicant can demonstrate ability to clean and repair existing panels to substantially improve their existing condition (murky, distressed aesthetic, with some panels in severe disrepair), that could be considered sufficient.
3. That the applicant present to Planning Commission clear information detailing whom is responsible for on-going maintenance of “Press Alley” (including regular cleaning and repair of canopy, maintenance of lighting fixtures within the walkway and regular debris clearance from the walkway) and present a schedule for when these maintenance activities.
4. That sufficient site lighting be installed/maintained along Commercial Alley and Chenango Street frontages and throughout the “Press Alley” pedestrian walkway, to ensure personal safety and visibility of/for tenants utilizing the subject area. Demonstration of compliance should be evidenced in the form of a lighting plan for review by Planning Commission.
5. That the applicant shall install bicycle parking bollards adjacent to the Chenango Street entrance.
6. That a bicycle storage room, containing no less than 22 spaces, be installed in an easily accessible area in the basement or on the ground floor of the subject structure;
7. That the existing brick & concrete kiosk be removed from the Chenango Street frontage to improve accessibility for Chenango Street & “Press Alley” pedestrians;
8. That landscaped planters be installed at the base of the two window bays at the Chenango Street frontage, at that the carpet material existing at the base of the southern-most bay be removed.

J. ENCLOSURES

Enclosed is a copy of the site plan, floor plans, application, Short Environmental Assessment Form (EAF) and site photographs.

Sincerely,

Patrick C. Day
Planner

Enclosures