



Department of Planning, Housing, & Community Development

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

STAFF REPORT

TO: Planning Commission Members
FROM: Planning Housing and Community Development
DATE: May 23, 2014
SUBJECT: 198 Robinson Street and 98 Moeller Street; Special Use Permit and Series A Site Plan Review
TAX ID #: 145.77-3-16 and 145.77-3-17
CASE: 2014-22

A. REVIEW REQUESTED

This request would provide for a new gasoline/convenience market. 198 Robinson Street is located in C-4 Neighborhood Commercial District and 38 Moeller is zoned R-2 One and Two Family Residential. A Special Use Permit and Series A Site Plan Approval is required for the proposed project.

B. ADDITIONAL REVIEWS

A Use Variance to allow the gasoline/convenience market in the R-2 Zone and as currently designed Area Variances will be required from the Zoning Board of Appeals.

The Engineering Department has reviewed and provided comments on the Preliminary Urban Runoff Reduction Plan (URRP). Final URRP approval by the Engineering Department will be required prior to the issuance of a building permit.

Since the project would require alterations to existing curb opens, the plans have been routed to the Traffic Board.

C. SITE PLAN COMMENTS

On May 15, 2014 Staff provided a letter to the applicant (see attached) outlining items missing from the plans and a number of Zoning requirements that the project was not in compliance with. Staff recommends that the Planning Commission discuss these issues with the applicant.

D. SITE REVIEW

The subject property is located on the south side of Robinson Street at the south east corner of Moeller Street. 198 Robinson Street is improved with a gasoline/convenience market. 38 Moeller Street is improved with a single-family dwelling which has recently been demolished. It is adjoined by residential structures to

the south and east and commercial buildings to the north and west.

E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

206 Robinson Street – On August 29, 2014 a Determination of No Historical Significance from the Commission on Architecture and Urban Design (CAUD) was issued to allow the demolition of a residential building located on the site.

278 Robinson Street – On March 19, 2008 the Planning Commission approved a Special Use Permit, Series A Site Plan Review, to build a 1260 square foot addition to the existing Lourdes Primary Care and Walk-In in a C-4, Neighborhood Commercial District

F. 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 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 a Special Use Permit 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.

G. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission should 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. (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?		
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?		

H. STAFF FINDINGS

The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review and Section 410-40 for a Special Use Permit have been met.

I. SUGGESTED CONDITIONS

If the Planning Commission approves this project, Staff recommends that the following condition of approval be included:

1. Prior to the issuance of a demolition permit, 198 Robinson Street (Tax ID 145.77-3-16) shall be merged into 38 Moeller Street ((Tax 145.77-3-17).
2. A Final Urban Runoff Reduction Plan shall be submitted with the building permit application for this project. The Final URRP shall be review and approved by the Stormwater Officer prior to the issuance of the building permit.

J. ENCLOSURES

Enclosed is a copy of the site plan, site photographs and application.