



Department of Planning, Housing, & Community Development

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

STAFF REPORT

TO: Planning Commission Members
FROM: Planning, Housing and Community Development
DATE: September 3, 2014
SUBJECT: 2 Court Street; Series A Site Plan / Special Use Permit Review
TAX ID #: 160.40-2-40
CASE: 2014-43

A. REVIEW REQUESTED

Ridley-Lowell Business and Technical Institute has submitted an application for Series A Site Plan / SUP review for a vocational school. The school and an associated salon would be relocating to the subject site from 1 Hawley Street. The project includes enclosing a 2,567 square foot open deck area of the existing 54,387 square foot commercial office building. The total tenant space for the proposed school would be 8,510 square feet.

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 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 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.

C. SITE REVIEW

The subject property is located at the southwest corner of Court Street and Hawley Street. A four-story structure covers nearly the entire parcel. The Riverwalk abuts the entirety of the western property line of the subject property, with Hawley street to the east and Court Street to the north. A hotel use (“Holiday Inn”) abuts the subject property to the south.

Land use in the vicinity of consists primarily of mixed-use, multi-story structures, with 1st floor commercial retail and upper story residential units. Commercial uses in the area include: River Read Books, Ridley-Lowell Cosmetology School, Boscov’s Department Store, CVS pharmacy, Jake’s Wine & Liquors and the

Old World Deli.

D. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

2 Court Street: PHCD & Building Department Staff, on June 5, 2012, denied an application by Mark Huebner/ReRent Properties for Series A Site Plan / SUP Review Exception for a proposed Business Office.

2 Court Street: The Zoning Board of Appeals, on 3/6/12, granted approval to Matzo Sign Company for two Area Variances for Maximum Sign Area in the C-2 District for two signs ('Merrill Lynch').

7 Court Street: Planning Commission, on 3/18/09, granted Series A Site Plan / SUP approval to Chianis Anderson Architects for a use of Multi-Unit Dwelling in the C-2 District to convert the 3rd floor of an existing structure to 4 four-bedroom units (16 total bedrooms), with a condition:

1. That the applicant shall comply with all conditions of the January 27, 2009 CAUD decision on this case, which include:
 - a.) That the arches on the middle and left hand windows on the second story of the South-most section of the building be restored to match the rest of the windows in that section.
 - b.) The Commission (CAUD) reserves the right to make a determination on color of the window frames once samples are obtained.

E. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission should act as the lead agency to determine any environmental significance related to the Site Plan and Special Use Permit.

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 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 (ZBA) 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 to the ZBA. When answering the questions the ZBA 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.

F. 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.

I. ENCLOSURES

Enclosed is a copy of the application and floor plan.