



Department of Planning, Housing, & Community Development

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

Staff Report Site Plan & Special Use Permit

Planning Commission Date:	September 8, 2014
Project Address	20 Hawley Street
Applicant	Alfred Weissman Real Estate, LLC
Tax ID Number	160.49-1-22
Case Number:	2013-60
Acreage:	1.72 acres
Zoning:	Downtown Business District (C-2)

REVIEW REQUESTED

This application is for the construction of two 5-story additions, containing a total of 40 residential units, at the property known as 20 Hawley Street. The proposed addition would add 90,000 square feet of floor area to the existing building and would accommodate 40 new units and 180 bedrooms.

The site is located in the C-2 Downtown Business District. The proposed project requires Series A Site Plan and Special Use Permit approval for new construction of an addition with Dwelling Units Containing More Than 4 Bedrooms.

Staff Comments

The proposed project is in general compliance with Section 410-47 for a Series A Site Plan Review and Section 410-40 for a Special Use Permit; although SEQR and legal issues still exists (see below). The existing character of the neighborhood is a dense downtown district with many multi-story, mixed-use, zero-lot-line structures. The Planning Commission should determine is if the proposed project is consistent with character of the neighborhood. As noted in the July 28, 2014, Broome County Supreme Court's decision, § 410-51(H) provides "To determine the total number of off-street parking spaces available in a public parking area or structure, the number of physical spaces actually existing shall be multiplied by a factor of five to account for daily vehicle turnover unless the Planning Department has determined that the capacity of said public parking facility, including the turnover factor, has already been reached." It is unclear how the Planning Department is to determine if capacity has been reached. In particular, how are monthly parking permits, special events, and demands for daily parking considered in determining capacity? Does the Planning Commission under SEQR still have to review the parking demands created by the proposed project if there are no on-site parking requirements? Further, the recently adopted Comprehensive Plan, the Local Waterfront Revitalization Plan and the BC PLAN all indicate a need for revised parking requirements; are these recommendations part of the SEQR review? The Broome County 239 L & M review, dated November 6, 2013, recommended denial of the site plan and special use permit based on inadequate parking and in addition questioned if the proposed project is a Type I action under SEQR. This should be reviewed again by the Planning Commission.

ADDITIONAL REVIEWS

- The proposed project is within 500 feet of a state road and 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).

SITE REVIEW

The property known as 20 Hawley Street is a rectangular-shaped parcel containing approximately 1.72 acres of land. It is bound by Hawley Street to the north, State Street to the east, Stuart Street to the south, and Washington Street to the west. The site is currently improved with a mixed-use development, consisting of residential units occupying the 2nd-9th floors (80 units/253 bedrooms) and portions of the 1st floor (11 units/39 bedrooms) with the remainder of the ground floor, approximately 9253 sf. reserved for commercial occupancy; a 2 one-story “annex buildings,” with 8750 square feet each; and a landscaped plaza in the center of the property. Prior to the existing mixed-use occupation, the existing structures had been utilized for a variety of uses, including a bank.

The subject site offers 174 parking spaces in a sub-surface garage for tenant use, is located in close proximity to on-street metered parking spaces. A total of 295 parking spaces would be required for the existing uses if the building was not pre-existing. The subject site is within less than 150 feet of two public parking facilities. Bicycle racks accommodating 54 bicycle parking spaces are located outside 3 access points to the primary structure, and 18 bicycle parking spaces are offered with the sub-surface garage. Public transportation serves the site in the form of 2 bus services, Broome County Transit and Off Campus College Transport, Inc. OCC Transport is a free shuttle for Binghamton University students to its Vestal campus that operates during the academic year (2 stops an hour, Monday thru Friday (7:00am-1:00am) and hourly service on weekends) from the University Downtown Center located ~150 feet from the subject property. A new B.C. Transit bus stop will be added at the northwest corner of the site, including new a new bus shelter and benches to be installed by the application. Additionally, 6 BC Transit bus route stops are located within close proximity of the site.

Land use in the vicinity of 20 Hawley Street is primarily mixed-use, multi-story structures and public buildings. The Broome County Veterans Memorial Arena is located to the south of the site, a commercial plaza containing a Holiday Inn hotel is located to the west, and Government Plaza to the east. The Collier Street Public Parking Garage occupies the northeast corner of State Street and Hawley Street, the Bache Building (professional offices) occupies the northwest corner. The Binghamton University Downtown Center (UDC) is located southwest of the subject property on Washington Street.

PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

August 2, 2010, the Planning Commission granted SUP/Series-A Site Plan approval for a mixed-use project involving the conversion of existing primary structure’s (former Marine Midland Bank) 2nd-9th floors to residential units (55 units/210 bedrooms) to multi-unit dwelling, with the 1st floor and two on-site annex buildings reserved for commercial use.

May 2, 2011, the Planning Commission granted SUP/Series A Site Plan Modification approval for

modifications to a previously approved (August 2, 2010) mixed-use project in the C-2 District, to convert the 2nd-9th floors of the primary structure to 80 units/253 bedrooms, and convert portions of the 1st floor and annex buildings to residential units (11 units/39 bedrooms).

June 1, 2012, Series A Site Plan Review Exception approval was granted for a use of Restaurant, Take-Out/Carry-Out for Brewed Awakenings Café within a ~2,000 SF 1st floor tenant space.

September 26, 2013, the applicant withdrew an application to for Series A Site Plan/SUP to construct an addition containing 40 residential units to the existing building.

September 26, 2013, the applicant withdrew an application for an area variance for parking.

October 4, 2013, the applicant submitted a revised Series A Site Plan/SUP to construct an addition containing 40 residential units to the existing building, including a request to apply Sections 410.51(E)(1) and (H), such that the applicant did not have to provide onsite parking.

October 28, 2013, the Superintendent of Building and Construction issues a determination that based on Sections 410.51(E)(1) and (H) the applicant did not have to provide onsite parking.

November 13, 2013, the Planning Commission provides notice of intent to be lead agency under SEQR and determines the proposed project to be an Unlisted action.

November 21, 2013, Washington Street Associates, appeals the Superintendent's decision to the ZBA.

March 4, 2014, the ZBA overturned the Superintendent's decision. The applicant appealed the ZBA's determination to the Broome County Supreme Court.

July 28, 2014, the Supreme Court overturned the ZBA's decision and affirmed the Superintendent's decision. In addition, Planning Department is delegated to determine if the capacity of said public parking facility, including the turnover factor, has already been reached.

COMPREHENSIVE PLAN & INITIATIVES IDENTIFIED FOR SUBJECT AREA

The proposed expansion of this mixed-use project is consistent with the City's 2014 Comprehensive Plan. Specifically, the Comprehensive Plan identifies the creation of a mixed-use downtown as a key goal for economic development. This project will activate the remaining two corners of the block it occupies with pedestrian-generating activities at the ground level, increasing the options for downtown consumers. This project also has the potential to work in tandem with pedestrian traffic generated from events held at the Broome County Arena and surrounding public buildings.

The Local Waterfront Revitalization Plan states that the "zoning code should be updated to allow for mixed-use, increased density, and reduced parking requirements".

The BC PLAN states: "...downtown revitalization should be careful not to fall victim to redevelopment plans that seek to suburbanize downtowns with excess parking or buildings that do not fit into the urban fabric..." and recommends revising "parking codes that reduce required parking and enable shared parking with mixed uses and incentives for covered, structure parking that reduced overall paved surfaces".

ENVIRONMENTAL IMPACT

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)?
<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>

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 for approval of a Special Use Permit 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.

SUGGESTED CONDITIONS

The Planning Department suggests that conditions of approval remain to be determined, and includes pending SEQR questions.