



# Department of Planning, Housing, & Community Development

Mayor, Richard C. David

Director, Jennie Skeadas-Sherry AICP

## Staff Report Series A Site Plan/Special Use Permit

**Planning Commission Meeting Date:** October 20, 2014  
**Address:** 200 Court Street  
**Tax ID#:** 160.42-2-25  
**Case Number:** 2014-52  
**Zoning:** Service Commercial District (C-1)

---

### REVIEW REQUESTED

This application would provide for the conversion of a three story, 136,245 square foot, vacant manufacturing building into a multi-family dwelling containing 49 units with 163 bedrooms. The development would include a variety of amenity spaces located on each floor of the building, as well as, 150 existing parking spaces; 77 spaces are located on site and 73 spaces are located immediately adjacent to the site at 34 Stuyvesant Street (Tax ID 160.42-2-41 and 160.34-2-45). The development would require 91 total parking spaces. The proposed project requires a Series A Site Plan / Special Use Permit review by the Planning Commission.

### STAFF FINDINGS AND RECOMMENDATIONS

Currently the existing building and associated parking areas covers nearly 100 percent of the site's area. There are opportunities within the parking areas to create pervious landscaped areas (note the lined areas on the site plan and area's labeled brick). Add landscaping to the parking lots would improve the aesthetics of the site, help with stormwater management and buffer the parking from adjacent properties and the adjoining street. The applicant should also explore opportunities to provide street trees. Staff recommends that a revised site and landscape, illustrating size, species and location of landscaping and street trees, be provided to the Planning Commission for review and approval.

The parking areas currently do not have lighting. Staff recommends the inclusion of pedestrian scale lighting to parking areas. A lighting plan consistent with the provisions of Zoning Code Section 410-24 should be provided Planning Commission for review and approval.

A trash and recycling management plan indicating the methods for interior garbage collection/detention, the frequency of waste pickup and locations where activities shall occur should be submitted to the Planning Commission for the review and approval.

A revised site plan and/or floor plan indicated the location and method of bicycle parking consistent with Section 410.55G should be submitted to the Planning Commission for review and approval.

The Planning Commission must determine:

1. If the requirements of Section 410-47 for a Series A Site Plan Review have been met.

2. If the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

### STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Section 410.47. 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.

#### OTHER REVIEWS

Project plans have been routed to the Building Department, Fire Department, Public Works and Water Department for review. Comments from these departments are due by October 15, 2014.

The project also requires review by Broome County pursuant to New York Municipal Law 239 L and M. The project plans and application materials have been routed to the County for review and comment.

#### SITE REVIEW

The property known as 200 Court Street is a corner lot with 197 feet of frontage along Court Street and 342 feet of frontage along Stuyvesant Street. A large 3-story, brick building is situated on the northern portion of the lot. The development includes an ancillary parking lot located at 34 Stuyvesant Street which has historically been associated with 200 Court Street.

Land use along Court Street contains a mix of apartments, parking lots, commercial establishments, and two churches.

#### PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

203 Court Street: In 2014, The Planning Commission approved a Series A Site Plan/Special Use Permit to establish a Medical Clinic within an existing building.

174 Court Street: In 1980, the Planning Commission reviewed Doron Industry's Development Plan. Doron Industry had to submit an Environmental Assessment (EA) to the Broome Industrial Development Agency prior to project funding approval.

184 Court Street: The Zoning Board of Appeals granted a use variance to the Akel Realty Corporation in 1974 to allow a pre-existing building to be used for light manufacturing.

185 Court Street: In 1987, the Zoning Board of Appeals granted Wall to Wall Sound and Video a variance to allow three signs to be constructed on said property.

200 Court Street: In 1979, the Zoning Board of Appeals granted an expansion of a non-conforming use to the Sheltered Workshop to allow the construction of a third floor addition to an existing two-story building for manufacturing and office purposes.

202 Court Street: The Sheltered Workshop was granted use and area variances in 1979 to allow manufacturing and office uses.

210 Court Street:

- In 1995, the Special Use Permit that was granted to Robert Pornbeck in 1993 was extended to allow gasoline sales at the existing convenience store. The applicant was required to comply with the original site plan. The original site plan was never complied with, as the canopy was constructed in a different location than was approved and the landscaping was never installed.
- In 1993, a Special Use Permit was granted to Robert Pornbeck to convert a vacant building into a convenience store and filling station. The Special Use Permit was contingent upon the submission of a

landscaping plan to the Planning Department and the installation of plantings upon Planning staff approval. The Planning Commission waived the landscaping requirements along Stuyvesant Street and the driveway intersection setback requirements.

- In 1988, a Series B Site Plan application submitted by Edwin Gent was approved by the Planning Department to allow a muffler shop.

26 Stuyvesant Street: Area variances were granted to Mario Mughetti in 1981 to permit the enlargement of an existing garage.

29 Stuyvesant Street: The Zoning Board of Appeals granted area variances to the Sheltered Workshop in 2002 for an off-street parking lot.

33 Stuyvesant Street: An expansion of a non-conforming use was granted to the Sheltered Workshop in 1979 to enlarge the existing loading docks.

25 Fayette Street:

- In 1985, Ronald Phelps received use and area variances to re-open a laundromat that was closed for several years.
- The Zoning Board of Appeals denied a request by Gordon French in 1984 to re-open a laundromat that had been closed for several years.

30 Fayette Street: A request by David Duzba in 1985 to receive an area variance of off-street parking requirements for a rooming house was denied by the Zoning Board of Appeals.

32 Fayette Street:

- Sheltered Workshop was granted area variances to install two signs in 2002 with conditions.
- A Series A Site Plan was approved allowing the Sheltered Workshop to construct an off-street parking lot.

50 Pine Street: The Sheltered Workshop for the Disabled received approval from the Zoning Board of Appeals in 2001 to expand a non-conforming use by constructing a 2,250 square foot loading dock area.

51 Pine Street: Brothers Realty was granted use and area variances in 1988 to use a vacant lot as an off-street parking area.

### COMPREHENSIVE PLAN CONSISTENCY

The future land use map in the City's 2014 Comprehensive Plan identifies this site as "traditional commercial". While this project is inconsistent with that land use classification, the redevelopment of this vacant manufacturing building is in line with recommendation 1.1 in the housing chapter which discusses the need for a strategic approach to neighborhood stabilization and revitalization. The area in which this project is located is identified as a "renew" area because of average to poor housing conditions, deterioration and vacancy. Redevelopment of this property has the potential to help spur revitalization in the area with new occupants and pedestrian activity.

### 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 improvements.

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 Zoning Board of Appeals is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF)– see below.

**SEQR Short EAF Part 1 – Project and Setting.** Part I has been provide by the project applicant.

**SEQR EAF Part 2 - Impact Assessment.** The Lead Agency (Planning Commission) 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 Planning Commission. 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.

ENCLOSURES

Enclosed are copies of the project plans, site photographs, and the application.