



Department of Planning, Housing, & Community Development

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

STAFF REPORT

TO: Planning Commission Members
FROM: Planning Housing and Community Development
DATE: July 11, 2014
SUBJECT: 197-203 Court Street and 40-46 Pine Street; Special Use Permit / Series A Site Plan Review
TAX ID #: 160.34-2-34, 160.34-2-35, 160.34-2-36, 160.34-2-37, 160.34-2-13, 160.34-2-14, 160.34-2-15, 160.34-2-16
CASE: 2014-31

A. REVIEW REQUESTED

The project applicant has submitted a proposal to the Veteran's Affairs Administration (VA) for the reuse of the Sheltered Workshop building (203 State Street) for use as a Medical Treatment Center (classified in the City of Binghamton Zoning Code as "Clinic, Medical, Diagnostic or Treatment Center). The subject building is two-stories and 18,393 square feet. The renovated building would contain 15 treatment rooms, office space, a conference room and waiting areas.

As part of the proposal to the VA, the site must accommodate parking for at least 100 vehicles. The proposal therefore includes the demolition of 42 Pine Street and 197 and 199 Court Street with the intent of demolishing the existing structures and merging these parcels into 203 Court Street for the purposes of providing parking.

The subject parcels are located in the C-1 Service Commercial District and the R-2 One and Two Family Dwelling District. Medical Clinics located in the C-1 Zone require a Special Use Permit and Series A Site Plan Review from the Planning Commission.

B. ADDITIONAL REVIEWS

The Zoning Board of Appeals reviewed the proposal on July 8th, 2014 and granted the following variances:

- Use variance to permit the parking area associated with a proposed medical clinic to be located in the R-2 One and Two-Unit Dwelling District
- Area variance for approximately 90% lot coverage where 70% is permitted in the C-1 and 50% is permitted in the R-2
- Area variance for a zero-foot setback along the western interior side lot line
- Area variance for 1,831 square feet of interior landscaping where 1,916 square feet or 5% of the area of the parking lot is required
- Area variance for 6 interior tree plantings where 15 is required
- Area variance for 0% tree canopy coverage where 50% of the area of the parking lot is required
- Area variance to provide 100 parking spaces where a parking maximum of 42 spaces or 110% of required number of parking spaces is permitted.

The Shade Tree Commission has reviewed the proposal and submitted comments. See the attached memo.

C. STAFF COMMENTS

During the June 16th Special Meeting of the Planning Commission, members of the Commission made the following comments:

1. That the applicant revise the site plan to show the installation of a bus shelter on the site plan
2. That the applicant revise the site plan to show a pedestrian walkway and traffic calming measures, namely speed bumps and signage
3. That the applicant should explore angled parking in order to maximize space and allow for a reduction in lot coverage
4. That the drop-off area not be located in front of the main pedestrian entrance, as it could lead to congestion

On July 2, the applicant submitted revised plans showing two striped pedestrian walkways running north to south, as well as “Yield to Pedestrians” signs at the main parking lot entrance and exit and at the crosswalk to the main building entrance. The remaining Planning Commission comments were not addressed in the revised plan. See attached plan.

The submitted application materials do not include a trash management plan or lighting plan. The Planning Commission may require this information prior to the issuance of a final decision on the Site Plan or may require these plans as conditions of approval for final review by Planning Staff.

D. SITE REVIEW

The subject site is composed of 8 contiguous parcels, to be merged, encompassing a total site area 65,838ft². The site is bounded by Pine Street to the north, Court Street to the south, Fayette Street to the West and two multifamily-residential parcels to the east. The structure that will house the proposed clinic is an existing 2-story building at the southeast of the site. All other existing structures will be demolished.

Land use in the immediate vicinity of the site is primarily commercial mixed with several multifamily residential properties. Red Barn Computers, DiRienzo Bakery, Tranquil Bistro and other small businesses lie to the northeast and northwest along Pine Street, in addition to multifamily residences. The Phelps Mansion Museum lies to the west, the Sheltered Workshop industrial facility lies to the south, and residential properties lie to the east.

E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

37 Pine Street – In January of 2014 a Use Variance was granted to establish a Business Office and Human Service Agency in the R-2 District

200 Court Street- In October of 2005, an area variance for minimum off-street parking requirement was granted for the establishment of a technical training center in an existing commercial space

211 Court Street- In September of 2003, Use and Area Variances to convert an office building to a fraternity/sorority house in a C-1, Service Commercial zoning district were denied.

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 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 related to the site plan review.

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, acting as Lead Agency, 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 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. When answering the questions the Planning Commission 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: <ol style="list-style-type: none"> 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.

H. STAFF FINDINGS

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

I. SUGGESTED CONDITIONS

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

1. The site plan shall be revised to show the installation street trees along the site street frontages pursuant to Binghamton Code of Ordinances Chapter 391. The trees required by this condition of approval shall be planted by, and at the expense of the applicant, prior to the issuance of certificate of occupancy for this project; or a bond, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such bond shall equal the estimated cost of the required landscaping, based on a licensed contractor’s bid.
2. The applicant shall submit a trash management plan for review and approval by the Planning Department. The plan shall include provisions for the storage of trash and recycling and a pick up schedule by a private trash management company.
3. A final lighting plan shall be submitted for review and approval by the Planning Department. The lighting plan shall meet the provisions of Section 410.24J.

J. ENCLOSURES

Enclosed is a copy of the site plan, site photographs, comments from the Shade Tree Commission and the application.