



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Director, Tarik Abdelazim

STAFF REPORT

TO: Planning Commission Members
FROM: Planning, Housing and Community Development
DATE: December 23, 2013
SUBJECT: 25 Chenango Street; Series A Site Plan / Special Use Permit Review
TAX ID #: 160.41-1-13.2
CASE: 2013-62

A. REVIEW REQUESTED

25 Chenango Street Associates LLC has submitted an application for Series A Site Plan & Special Use Permit review for a proposed mixed-use project at the property known as 25 Chenango Street. The existing structure at the subject property is known as “The Kelley Building.”

The applicant proposes to convert the existing 5-story structure to a Multi-Unit Dwelling (5 Units, 38 Bedrooms). The proposed floor plan includes a lobby, trash storage room, bicycle storage, a laundry room and a recreation space for tenants.

B. ADDITIONAL REVIEWS

The project is located within the Court Street Historic District; any changes to the exterior require review by the Commission on Architecture and Urban Design (CAUD). The submitted application indicates that exterior modification is currently proposed for repair of decorative cornice, removal of the exterior fire escape, and replacement of doors and windows.

The project is located within the boundaries of the LWRP. The WAC will review the project for consistency with the policies of the City’s Local Waterfront Revitalization Plan.

The project is located within 500 feet of a Broome County-owned facility (Courthouse) and therefore is subject to 239-m review by the Broome County Department of Planning and Economic Development.

The project may be subject to Joint Sewage Treatment Plant Sewage Board approval under the Flow Management Plan made effective January 1, 2013.

C. STANDARDS FOR APPROVAL OF SITE PLANS & SPECIAL USE PERMITS

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 granting a Special Use Permit, as 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.

D. SITE REVIEW

A multi-story structure known as the Kelley Building covers the entire site. The building's only frontage faces Commercial Alley. The second floor of the structure is connected to the State Street Parking Ramp by an elevated walkway. This 2,582 square foot building has been vacant for approximately 15 years.

The predominant land use in the vicinity is commercial, with retail businesses at the ground floor and upper-stories utilized for office use, but, increasingly, these upper-stories are being converted for residential use.

A two-way street known as Commercial Alley abuts the subject property to the west; the street is one city block in length, running south from its northmost boundary (Henry Street) until the subject property, where a pedestrian-only spur, known as the "Commercial Alley Pedway," continues south to Court Street, and multi-modal traffic diverted west to State Street.

E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

25 Chenango Street: In 2008, the Planning Commission approved a Series A Site Plan / Special Use Permit for multi-unit residential (11 units, 23 beds) and lower floor commercial space.

83 Court Street:

- In October of 2008, the Planning Commission approved a Series A Site Plan / Special Use Permit to Stellar 6001, LLC for a 2nd-5th floor multi-unit residential (200 total BRs, mixture of lofts, 1 BR and 2BR units) and Basement/1st Floor retail development in the C-2 District.
- In May and June of 2013, the Planning Commission granted Series A Site Plan & Special Use Permit approval, with a condition, to Stellar 83 Court, LLC for a Mixed-Use Project (Multi-Unit Dwelling: 76 Units/180 Bedrooms within Lower Level & 2nd-5th stories and 1st Floor Commercial Uses TBD) in the C-2, Downtown Business District.

"That a Public Improvement Plan be submitted to Planning Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with Planning Commission requirements for the project as provided for in this Approval. This plan must include detail for:

- Reconstruction of ground surfaces, curb and gutter within property frontages surrounding the structure's northwest corner (western Commercial Alley Pedway frontage and northern Commercial Alley frontage) with appropriate materials and features to promote safe use by both service/delivery vehicle traffic and pedestrian traffic;
- Reconstruction of ground surfaces, curb and gutter within Commercial Alley ROW extending west from the subject property's northern frontage until State Street with appropriate materials

and features to promote safe use by both service/delivery vehicle traffic and pedestrian traffic accessing the site;

- Installation of user amenities and aesthetic improvements within Commercial Alley Pedway frontage;
- A Lighting Plan for the subject property's north and west frontages;
- Bicycle parking facilities near each of 3 access points for the subject structure (Commercial Alley, Chenango Street, Court Street).

21 Chenango Street: In June, 2013, the Planning Commission granted Series A Site Plan & Special Use Permit approval to Stellar 83 Court, LLC for conversion of 2nd & 3rd floors of an existing structure for use as Multi-Unit Dwelling (16 Units, 30 Bedrooms), with the 1st floor reserved for Commercial Use Tenant To Be Determined, in the C-2, Downtown Business District.

19 Chenango Street: In September, 2013, the Planning Commission granted Series A Site Plan & Special Use Permit approval to convert the 2nd – 12th floors of the existing 12-story structure to a Multi-Unit Dwelling (68 Units, 231 Bedrooms), with 4,200 sf of the 1st floor reserved for commercial uses.

15-17 Chenango Street, 1 Commercial Alley, 83-85 & 87 Court Street: The Planning Commission approved a Series A Site Plan Review application submitted by Satra Realty in January of 2001 for the conversion of the second, third, fourth, and fifth floors of an existing building to apartments for students (45 One Bedroom, 2 Two-Bedroom), with 1st floor reserved for commercial uses.

25 Chenango Street: In January, 2009, QJ, LLC was granted Series A Site Plan/SUP approval for a mixed use, multi-unit residential and commercial development in the C-2 District.

42 Chenango Street: In 1989, the First Presbyterian Church was granted a use variance to construct a memorial garden and columbarium in a C-2, Downtown Business district.

60-68 Court Street: Adam Weitsman was given a Special Use Permit by the Planning Commission in March of 2000 to operate a billiard/pool hall.

60-68 Court Street: In June of 2011, the Planning Commission approved a series A Site Plan / Special Use Permit for a Cultural Facility and a Multi-Unit Dwelling (More than 4 Bedrooms) in the C-2 District.

73 Court Street: In April of 2011, the Planning Commission approved a Series A Site Plan / Special Use Permit for the conversion of upper-floor space to a Dormitory, Off-Campus.

73 Court Street: In June of 2012, Planning Staff granted a Series A Site Plan / Special Use Permit Exception for a Tavern in a former Tavern space.

80 Court Street: In March of 2010, the Planning Commission approved a Series A Site Plan / Special Use Permit for the conversion of a commercial space to two dwelling units.

F. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **UNLISTED** Action. 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)?
X	X	X	X	X	X	X

G. 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.

H. SUGGESTED CONDITIONS

1. Prior to the issuance of a building permit, the applicant shall have the public access easement which runs through the building vacated.*

* In 1981 the City and Press Management Corporation executed an agreement to allow the use of CDBG funds to install an elevator. In exchange Press Management provided public access

easements through the subject building connecting it to the State Street parking ramp and the Press Building Annex. This easement has not been used in at least 15 years, since the time the building became vacant. HUD, the agency responsible for CDBG funding, has reviewed this request and has not identified any CDBG program rules that would prevent the vacation of the easement or from changing the use of the building. As of this writing, a search of City records has not identified any other limitations preventing the vacation of the easement.

2. Prior to the issuance of a building permit, a Public Improvement Plan be submitted to the City for review and approval showing all proposed improvements adjacent public rights-of-way (ROW). This plan shall include detail for:
 - The plaza area to the south of the subject property, containing landscaping, benches and decorative ground treatments, but which is currently in disrepair, shall be reconstructed, with aesthetic improvements and user amenities installed to accommodate the increased intensity of use generated by the development;
 - Reconstruction of ground surfaces, curb and gutter within Commercial Alley ROW subject property's western property line with appropriate materials and features as may be necessary to promote safe use by both service/delivery vehicle traffic and pedestrian traffic accessing the site;
 - A Lighting Plan for the subject property's south and west frontages (Note: any proposed lighting will require review and approval by CAUD);

The design of this rehabilitation shall be consistent with and coordinated with the public improvement projects at the 19 Chenango Street and 83 Court Street and City of Binghamton Economic Development Office projects within the Commercial Alley.

I. ENCLOSURES

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