



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Director, Tarik Abdelazim

STAFF REPORT

TO: Planning Commission Members
FROM: H. Peter L'Orange, Historic Preservation and Neighborhood Planner
DATE: 15 November 2012
SUBJECT: 47 Court Street
TM ID #: 160.40-2-13
CASE: 2012-55
COPIES: A. Sosa, T. Costello, L. Webb (District 4), W. Chen, File

A. REVIEW REQUESTED

Winson Chen, representing the property owners, Evison Properties, LLC, has submitted an application for Series A Site Plan / SUP review for the creation of one (1) residential unit with five (5) bedrooms, located on the second floor of the existing building. The purpose of this project is to make use of the second floor of the building, which is currently vacant. As part of the project, the Applicant proposes to rehab the exterior of the building, based on historic images of its original design

B. ADDITIONAL REVIEWS

This project involves proposed exterior modifications to a building located within the Court Street Local and National Register Historic District. These exterior modifications require Design Review and approval from the Commission on Architect and Urban Design (CAUD). The Applicant is aware of this requirement, and anticipates presenting their plans to CAUD at the 18 December 2012 meeting.

This project is located within the boundaries of the Local Waterfront Revitalization Program (LWRP) and requires review by the Waterfront Advisory Committee to determine consistency with the goals and policies of the LWRP.

C. COMPREHENSIVE PLAN & INITIATIVES IDENTIFIED FOR SUBJECT AREA

The subject site is located within the Downtown/In-Town District. The Comprehensive Plan, adopted in 2003, indicates that the City of Binghamton should pursue residential units on the upper-floors of buildings in the downtown area.

D. 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 Series A Site Plan application, the 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

E. SITE REVIEW

The subject property is located on the north side of Court Street, at the MetroCenter Plaza. The first story of the property is a cell phone store; the second story is currently vacant. The building was originally four (4) stories with an adjacent five (5) story building; the upper floors were demolished in 1978. The existing facade design dates to the mid-1940s. The property has its primary façade on Court Street and secondary, east facing façade on the Plaza. The area around the subject property is primarily mixed-use, with Commercial and Residential uses predominating the area. Commercial uses in the vicinity include a number of retail businesses, restaurants, and a couple of financial institutions.

F. 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.

7 Court Street: In September of 2012, Planning Commission granted a Series A Site Plan / Special Use Permit for a Mixed-Used development, Multi-Unit Dwellings (More than 4 Bedrooms) and Commercial uses (TBD).

7 Court Street: In October of 2012, the Zoning Board of Appeals granted a variance for Minimum Off-Street Parking, required for new construction in the C-2 District.

31 Court Street: In June of 2012, Planning Staff granted a Series A Site Plan / Special Use Permit Exception for a Nail Salon in the C-2 District.

37 Court Street: Starr Child Day Care was given permission to operate a day care center in 1995 through a Series B Site Plan review.

40 Court Street: In January of 2012, the Planning Commission approved a Series A Site Plan / Special Use Permit for a Multi-Unit Dwelling (More than 4 Bedrooms).

41-43 Court Street and 153-157 Washington Street: In September of 2011, the Planning Commission granted a Series A Site Plan / Special Use Permit for a Brewpub in the C-2 District.

49 Court Street:

- In August of 2000, the Planning Commission granted a Special Use Permit and Series A Site Plan Review to Metrocenter Associates LLC to construct a 25,180 square foot, third floor addition to the Metrocenter.
- The Zoning Board of Appeals granted an area variance of off-street parking to Metrocenter Associates LLC to construct a 25,180 square foot, third floor addition to the Metrocenter.

56-58 Court Street: An area variance of off-street parking requirements was granted to Hirsh and Mowry Realty in 1979.

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.

83 Court Street: In October of 2008, the Planning Commission approved a Series A Site Plan / Special Use Permit for a multi-unit residential and retail development in the C-2 District for Stellar 6001, LLC.

128 Washington Street: The Planning Commission, on December 21, 2005, granted Series A Site Plan / SUP approval to Maggie Martin of the Art Mission Theatre for a indoor theatre in the C-2 District.

128 Washington Street: Richard David was granted a Series A Site Plan / SUP Review Exception on June 22, 2010 to operate a Restaurant, Sit Down in the C-2 District.

128 Washington Street: Binghamton Hots, Inc., was granted an area variance for maximum number of signs in the C-2 District by the Zoning Board of Appeals in July, 2011.

134 Washington Street: In April of 2008, the Zoning Board of Appeals granted variances for maximum number of signs and maximum size of an awning.

135 Washington Street: In March of 2011, the Planning Commission approved a Series A Site Plan / Special Use Permit for the expansion of a Mixed-use property in the C-2 District.

G. 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

H. STAFF FINDINGS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for Standards for

Approval of Site Plans have been met.

The proposed project would result in the reoccupation of currently vacant upper-floor space for a residential use. The project also involves a major redesign of the exterior of the building; based on initial conversations with the Applicant, this redesign will restore the façade to a more appropriate design for the character of the historic district.

I. ENCLOSURES

Enclosed are copies of the site plan, floor plan, application and site photos.

Sincerely,

H. Peter L'Orange
Historic Preservation and Neighborhood Planner

Enclosures