



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Director, Tarik Abdelazim

STAFF REPORT

TO: Zoning Board of Appeals Members
FROM: Planning, Housing and Community Development
DATE: August 20, 2013
SUBJECT: 7 and 15 Walter Avenue; Series A Site Plan Review / Special Use Permit
TM ID #: 144.75-4-5, 144.75-4-6
CASE: 2013-40
COPIES: B. Seachrist, T. Costello, L. Webb (District 4), File

A. REVIEW REQUESTED

This project would provide for the construction a 19,259 square foot addition to an existing warehouse building connecting it to a former bowling alley. The bowling alley would be converted to a small parts warehouse, hose fabrication facility, line drive facility, and customer sales and pickup area. Area variances for a 10.8' side yard setback along the east property line and an 18.93' side yard setback along the west property line are required for the proposed addition. The subject site is located in the I-3, Light and Medium Industrial Zone.

In granting an area variance, the Zoning Board of Appeals must weigh the benefit to the applicant if the variance is granted against the detriment to the health, safety, and welfare of the neighborhood or community by such a grant. The following must also be considered:

- (a). **Undesirable change**: Whether an undesirable change will be produced in the character of the neighborhood, or whether a detriment to nearby properties will be created;
- (b). **Reasonable alternative**: Whether the Applicant can achieve his goals via a reasonable alternative that does not involve the necessity of an area variance;
- (c). **Substantial request**: Whether the variance requested is substantial;
- (d). **Physical and Environmental Conditions**: Whether the requested variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district;
- (e). **Self-created hardship**: Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the

granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

B. ADDITIONAL REVIEWS

Series A Site Plan Review and a Special Use Permit is required from the Planning Commission. A public hearing has been scheduled for September 9, 2013.

239 L&M Review is required for this project due to its proximity to NYS Route 363. The County reviewed the requested variances and did not identify any county wide impacts.

The project is not located within any designated Historic Districts, and does not involve any designated Landmark Properties; review by the Commission on Architecture and Urban Design is not required.

The project is not located within the Local Waterfront Revitalization Project boundaries; review by the Waterfront Advisory Committee is not required.

C. COMPREHENSIVE PLAN & INITIATIVES IDENTIFIED FOR SUBJECT AREA

No specific initiatives are detailed for the proposed project area in the most recent City of Binghamton Comprehensive Plan, adopted in 2003.

The subject properties are located within the boundaries of the Brandywine Brownfield Opportunity Area (BOA). Broome County has received a BOA Nomination award to study the Brandywine Corridor area. The BOA Program is designed to assist communities in fostering redevelopment and returning underutilized land into productive and catalytic areas while restoring environmental quality. The program is currently holding steering committee meetings to establish the strategies to implement this vision.

D. SITE REVIEW

7 and 15 Walter Avenue are located at the corner of Walter Avenue where it transitions from an avenue traveling north/south, to one traveling east/west. 15 Walter Avenue is the site of the former Brandywine Bowl. The Brandywine Highway (Route 363) abuts the sites to the west.

The parcels are located within the I-3, Heavy Industrial District. Land use in the vicinity of the subject properties is primary commercial and industrial. Residential uses (primarily 1 & 2 family dwellings) are located on the east side of Whitney Avenue. Commercial uses occupy all parcels on the west side of Whitney Avenue to the north of the subject properties and along Walter Avenue.

E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

49 Whitney Avenue and 7 Walter Avenue: On January 7, 2013, the Planning Commission granted Series A Site Plan / Special Use Permit approval to H. E. Consultants, LLC on behalf on Cook Bros., Inc. for an addition to an existing warehouse, subject to the following conditions:

1. That the applicant shall submit a revised site plan that accurately indicates the 5' sidewalk indicated for installation along the entirety of the eastern property line (along Whitney Avenue) as concrete, the location of all designated handicapped accessible parking spaces and 8' accessibility aisles;
2. That the applicant shall submit a revised planting plan (that meets the approval of Planning Department).

6 & 7 Walter Avenue: The Planning Commission, on May 20, 2009, granted Series A Site Plan / Special Use Permit approval to Triple Cities Holdings, LLC for a tractor-trailer sales and repair business and warehouse facility in the I-3 District, on the following conditions:

1. That the applicant shall replace or repair the existing chain-link fencing on the property. That the applicant shall place a visual screen of a permanent nature in the links of the chain-link fence.
2. That no outdoor storage of tires shall be permitted at any time.
3. That no outside storage of materials is permitted in the required front and side setback areas.
4. That there shall be no outdoor storage of vehicle parts, waste products, or other materials permitted unless appropriately screened from view by a means deemed appropriate by the Planning Department.
5. That no junk vehicles be permitted in the open except for those awaiting pick-up by owner, and then only for a period of time not to exceed several hours. Any other junk vehicles must be relocated to a completely enclosed garage or removed from the property.
6. That the applicant shall provide to Planning Staff (within 30 days of the filing of this decision) a revised site plan which includes a note addressing the above mentioned conditions 1, 2, 3, 4, 5 and 6.

17 Whitney Avenue: A Special Use Permit was granted to John Liberati in 1995 for the operation of an automobile repair shop.

67-71 Robinson Street: In 1975, an area variance of rear yard setback requirements was granted to Harris Enterprises Inc. to allow the construction of a commercial building.

73-75 Robinson Street:

- The Planning Commission granted a Special Use Permit to Cliff Thomas in 1997 to operate a car wash.
- M.J.M. Associates was granted an area variance in 1985 to permit an illuminated business sign on the property.

76 Robinson Street:

- Area variances for buffering and off-street parking requirements were requested by Ms. Carol Broderick in 1988. The variance of buffering requirements was granted by the Zoning Board of Appeals, but the

off-street parking variance was denied.

- In 1991, the Planning Commission granted a Special Use Permit to operate an auto and truck repair facility.

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 Zoning Board of Appeals must determine if the requested variance will produce an undesirable change in the character of the neighborhood.

The subject site is surrounded by property primarily owned by the Cook Bros. The proposed addition would connect two existing buildings which do not meet required side setbacks.

2. The Zoning Board of Appeals must determine if there are any reasonable alternatives to the proposed variances.

Denial of the variance would result in the need to significantly reduce the size of the addition likely resulting in the inability to expand the business at this location.

3. The Zoning Board of Appeals must determine if the proposed area variances are substantial.

The proposed addition would have setbacks consistent with the adjacent buildings.

4. The Zoning Board of Appeals must determine whether the alleged difficulty was self created.

The approval of the variance would simply allow the addition to be setback in a manner consistent with existing buildings on site.

Staff recommends the following conditions of approval:

1. Prior to filing a building permit application, 7 and 15 Walter Avenue shall be merged into one parcel.
2. Prior to Planning Commission approval of the Series A Site Plan, the site plan shall be revised to extend the curb line and existing landscaped area, currently located in front of the bowling alley along Walter Avenue, along the frontage of the proposed addition and that the entire area between the curb line and the bowling alley and proposed addition be fully landscaped. Staff recommends that the Planning Commission require a landscape plan illustrating the size, species and location of all plant materials, including street trees, to be planted with this area. Staff further recommends that the Planning Commission require the planting of minimum 2.5 inch caliper street trees within the existing utility strips located in front of the bowling alley parking lot.

J. ENCLOSURES

Enclosed are copies of the site plan, application, short form EAF and site photos.