



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Dr. Juliet Berling

STAFF REPORT

Date: July 27, 2015
Subject: 55 Main St; Use Variance
Applicant: Riverbing LLC/ Alon Eckhaus
Tax ID #: 160.39-3-32.1
Case: 2015-15

A. SUMMARY:

- The applicant seeks a Use Variance to allow residential use on the ground floor of an existing building in the C-1, Service Commercial District.
- The subject parcel is located on Main Street, bound by Murray and Oak Streets. It is approximately 9,400 sq ft and is occupied by a three-story residential structure. Land use in the vicinity is predominantly commercial with some residential properties.
- This project is currently under review by the Commission on Architecture and Urban Design.

B. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

88 Main Street: The Zoning Board of Appeals granted four area variances to Rosanne Sall Pinker in 1990 for the relief of off-street parking, buffer strip, and landscaping requirements.

100 Main Street: The Zoning Board of Appeals granted an area variance request by PAC Sign Company in 1995 to install three signs, but the Board denied the height variance request.

101 Main Street:

- Use and area variances were granted to Hal Slilaty in 1984 to use the property as a business office.
- In 1983, a use variance request by Richard Froiseth to operate a tavern was denied.

106-108½ Main Street: The Zoning Board of Appeals granted three area variances to Richard and Margaret Phelps in 1988 to allow the construction of a 20 by 27-foot first floor addition.

112-116 Main Street: In 1988, five area variances were granted to A. Roy Auchinachie and Son Inc. to permit the expansion of a non-conforming use (a 12 by 14-foot addition to a metal warehouse).

118-120 Main Street: The U.S. Federal Employees Credit Union was granted an area variance of maximum lot coverage requirements in 1989 to construct a drive-up teller lane and parking area.

133 Main Street: An area variance of off-street parking requirements was granted to Dr. Desai in 1991 to allow an expansion of a medical office.

C. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **UNLISTED** Action. The Planning Commission may be the lead agency to determine any environmental significance.

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. (See EAS Part 2 & Part 3)

	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?	X	
Will the proposed action result in a change in the use or intensity of use of land?	X	
Will the proposed action impair the character or quality of the existing community?	X	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
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?	X	
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?	X	
Will the proposed action impact existing: <ul style="list-style-type: none"> A. public / private water supplies? B. public / private wastewater treatment utilities? 	X	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	

Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	X	
Will the proposed action create a hazard to environmental resources or human health?	X	

F. STAFF FINDINGS

Planning Staff has the following findings:

- (1) It is in staff’s opinion that, if granted, this variance will not produce an undesirable change in the character of the neighborhood.
- (2) The circumstances are unique in that a three-story residential building is zoned within the C-1, Service Commercial District. The original purpose of the structure is residential, which is reflected in the layout and floor plan of the building.

H. ENCLOSURES

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