



December 28, 2022

Mr. Joseph Burke, Chair
City of Utica Planning Board
1 Kennedy Plaza
Utica, New York 13502

Chairman Burke and Members of the Planning Board,

Stewart's last appeared before the City of Utica Planning Board in September for the Board's consideration of a Site Plan and Special Use Permit consideration which is required through the Use Table in §2-29-125.

At that time, Stewart's was directed to the Scenic and Historic Preservation Commission and to seek area variances from the Zoning Board of Appeals (ZBA). At its November 28th meeting, the Scenic and Historic Preservation Commission did not approve the demolition of the house at 2632 Genesee Street in a 3-2 vote and did not consider a resolution preventing the demolition of the house. At the same meeting, the Commission approved the construction elements Stewart's proposed in a 5-0 vote.

Pursuant to §2-29-45(c), Stewart's requests the Planning Board overturn the decision and authorize the demolition of the structure at 2632 Genesee Street, the board did not have an issue with 2634. For the Planning Board's knowledge, in a September 30, 2022 letter the State Historic Preservation Office (SHPO) issued a finding of "No Effect" meaning the project will not have an impact on State or Federally listed or eligible properties for historic preservation, this correspondence is attached for your review. Additionally, the Commission's discussion was focused on the structure's use and not its contribution to the historic district.

The ZBA rendered favorable decisions for the three variances Stewart's was directed to pursue from the City's Zoning Enforcement Officer's letter of November 18, 2022 which were:

1. Maximum length of façade (60' is the maximum),
2. Maximum lot width (100' is the maximum); and,
3. Front yard Setback (Average).

In the cover letter dated August 24, 2022 Stewart's intentionally omitted material regarding the Site Plan, particularly §2-29-313(e) and §2-29-313(k). Included with this submission are a Stormwater Pollution Prevention Plan (SWPPP) which includes a "Grading and Drainage Plan (S-4)" which satisfies both e and k of the Site Plan requirements.

Only outstanding item (f) which pertains to the availability of adequate water/sewer utilities.

According to the NYSDEC 2014 Manual for “Intermediate Sized Wastewater Treatment Systems” an Ordinary Restaurant has a demand of 35 gallons per day (gpd) per seat (Page B-20) and an apartment has a demand 110 gpd per bedroom. The calculated demand for the two existing uses would be:

$$\text{Restaurant demand: } 35\text{gpd} * 50 \text{ seats} = 1,750 \text{ gpd}$$

$$\text{House demand: } 110\text{gpd} * 4 \text{ bedrooms} = 440 \text{ gpd}$$

$$440\text{gpd} + 1,750\text{gpd} = 2,190 \text{ gpd}$$

$$650 \text{ gpd (Stewart's Water Consumption Culver Ave)} - 2,190 \text{ gpd} = -1,540\text{gpd}$$

The proposed Stewart's will generate a net demand decrease of 1,540 gallons per day.

In response to the August 31, 2022 letter from Eugene Croce, Stewart's offers the following:

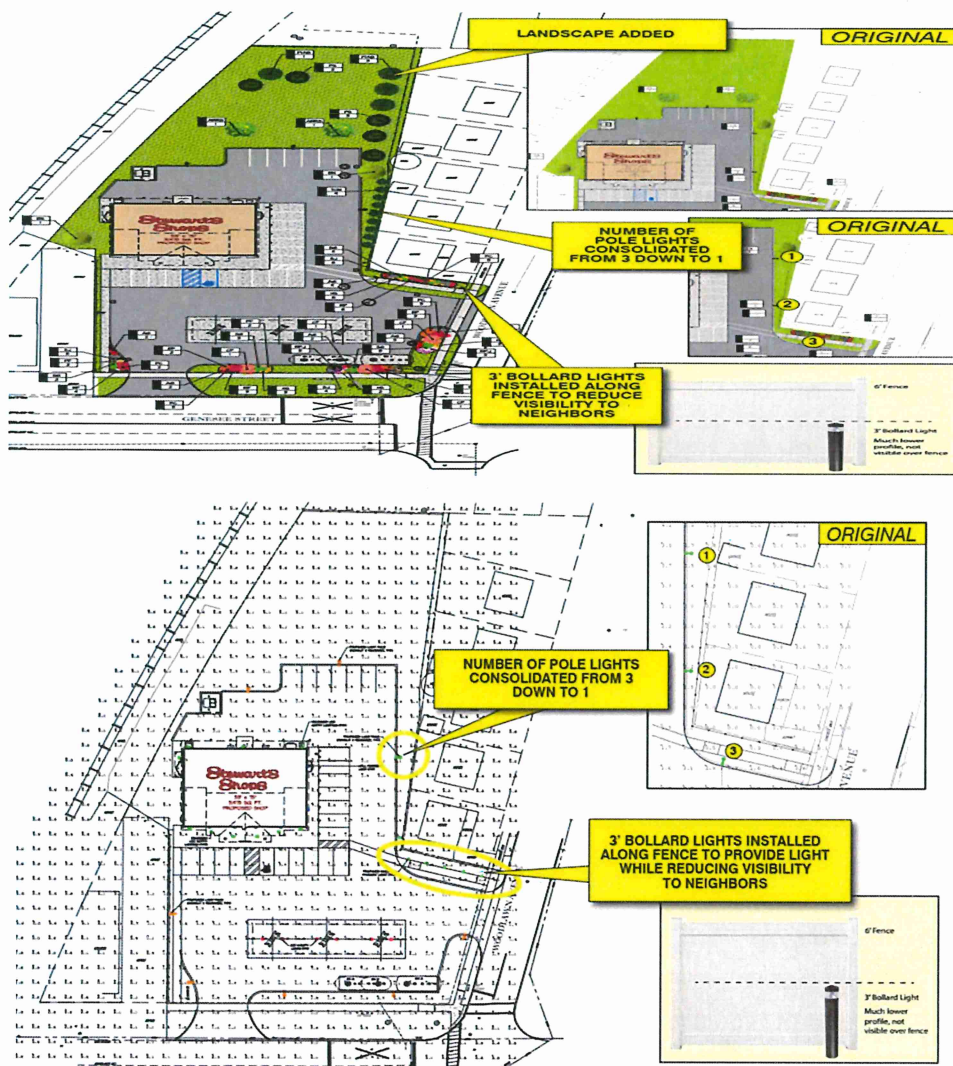
- 1) Will multi axle trucks exiting onto Woodlawn Avenue from the proposed site be able to negotiate the right turn onto Woodlawn to access Genesee Street without blocking northbound traffic on Woodlawn Avenue from Genesee Street?
Stewart's Response: None of the sections regarding restricted access for streets or intersections which are outlined including Sections 2-16-370, 373 or 374 of the City's zoning ordinance prevent trucks from utilizing Woodlawn. That said, Stewart's believes the concern should be incentivizing trucks to use the Genesee Street driveway, which can be done by widening this driveway. Stewart's is willing to place signage discouraging truck usage of the Woodlawn driveway to warn trucks of this use.
- 2) All proposed new entrances will require curb cut permits.
Stewart's Response: Comment acknowledged.
- 3) Existing sidewalk alignment and grades to be maintained.
Stewart's response: Comment acknowledged, please see Grading Plan (S-4).
- 4) Submitted site plan does not show any proposed storm water facilities for the site. All existing drainage structures are shown being removed. How will site control storm water run off?
Stewart's Response: Please see Grading Plan (S-4) and the Erosion Control (SWPPP) Plan (S-5) along with the associated report which is attached to this application.
- 5) Any excavations within City right of ways will require street opening permits.
 - a. Sanitary lateral – comment acknowledged
 - b. Storm Water – comment acknowledged
 - c. Gas – Stewart's does not intend to connect to natural gas
- 6) The 'Short Environmental Assessment Form' submitted for the site lists the existing site as 1.13 acres with 0.73 acres to be disturbed (Part I – Item 3). Proposed site plan, sheet S-2, shows proposed site usage as a total of 49,603 s.f. or 1.1387 acres which seems to include all the asphalt removal and lawn installation at the rear portion of the lot, this increasing the disturbed area of the site over one (1) acre, thus requiring a SWPPP for the site to be addressed.
Stewart's Response: Stewart's concurs that the area of disturbance exceeds one (1) acre and Stewart's has provided the Grading Plan (S-4) and the Erosion and Sediment Control Plan (S-5) along with the stormwater report. At the time of initial submission, Stewart's was uncertain the proposed grading but believed the action is Type II pursuant to §617.5(c)(9) and the EAF submitted for application completion.

The only outstanding item from the Special Use Permit consideration §2-29-333(e) where Stewart's had previously indicated contracting with Conti Appraisal and Consulting for their review of the economic

impact of the proposed project. The report is attached to this application for your review. In developing their report Conti utilized values surrounding the existing Stewart's within the City. And the summary of the consulting report is "the proposed Stewart's Shop will not have a negative impact on marketability or market values of the surrounding property (p.19)."

Since the September meeting, Stewart's has made the following Site Plan modifications which include (below):

- Inclusion of landscaping along the existing six-foot vinyl fence which is to remain,
- Consolidation of the three lights adjoining the residentially zoned parcels into one and the installation of bollard lighting along the sidewalk from Woodlawn to the store. These changes create subsequent modifications to the Proposed Photometric Plan (S-4) which are also included.



Respectfully submitted,

Chuck

Charles "Chuck" Marshall
Stewart's Shops Corp.

