

MICHAEL P. GALIME, MAYOR  
CITY OF UTICA



DEPARTMENT OF URBAN & ECONOMIC DEVELOPMENT  
1 KENNEDY PLAZA  
UTICA, NEW YORK 13502  
PHONE: (315) 792-0181  
FAX: (315) 797-6607

**PLANNING BOARD AGENDA**  
**Common Council Chambers**  
**April 18, 2024 – 4:30 PM**

**OLD BUSINESS**

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PB Case No.:	03-24	Zone:	Urban Mixed Use (UMU)
Address:	930 Oriskany Street West	Requested Action:	Site Plan Review & Special Use Permit
Applicant:	Capital Cannabis LLC		
Owner:	Mohawk Valley Partners LLC		

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Pursuant to City of Utica Zoning Code Section 2-29-125(a) and (b), the applicant is seeking approval of a Special Use Permit and Site Plan approval for a proposal to operate a cannabis dispensary at the above-noted property.

The applicant has owned the property for the past several years which has been vacant for over a year. Previous tenants, however, include a tattoo retail store most recently and a piano sales establishment prior to that. The applicant has indicated that the anticipated hours of operation at the outset will be Monday through Saturday from 9 AM to 8 PM, though the hours are subject to change. The applicant is planning to install new signage on the front of the building and in both parking lots. Additionally, it is anticipated that new windows and doors will be installed along with substantially improving the vacant lot immediately east of the building. New exterior lighting and landscaping will also be installed.

As a Special Use Permit is required for this use, a public hearing is required. The Planning Board conducted the required public hearing at its February 2024 meeting; there were no speakers either for or against.

The Planning Board tabled further review of this application at its February 2024 meeting so that the Board would have an opportunity to get a feel for the direction that the City administration was headed relative to the moratorium that the Common Council adopted in January.

Since that time, the applicant has provided renderings of potential improvements to the building.

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PB Case No.:	07-24	Zone:	Various districts
Address:	Various city streets	Requested Action:	SEQRA
Applicant:	City Engineering Department		
Owner:	City of Utica		

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Pursuant to a request by the State of New York, the Planning Board is being asked to act as Lead Agent for the purposes of review of a storm sewer installation project in east Utica, pursuant to the State Environmental Quality Review Act (SEQRA).

The project will add new storm sewers in order to separate stormwater from entering into the sanitary sewers during wet weather to minimize the volume of stormwater generated during rain events to reduce combined sewer overflows. Currently, the city manages combined sewer overflows in accordance with a permit issued by the NYS Dept. of Environmental Conservation. The city is required to eliminate or capture for treatment, or storage and subsequent treatment, at least 85% of the system-wide combined sewage during wet weather events. This project will greatly further the city's compliance with this requirement.

The project area is on Poe Street; Lansing, Blandina, and Mary Streets between Ontario Street and Culver Avenue; and Bleecker Street between Turner Street and Florence Street. Currently, a system of 8-inch to 12-inch combined sewers collect stormwater runoff and sanitary sewer flows from the tributary areas and convey them to Oneida County's Starch Factory Interceptor Sewer.

To remove the stormwater from the Starch Factory Interceptor Sewer and thereby improve downstream water quality, the proposed separation project will construct new storm sewers on Mary Street, Blandina Street, and Lansing Street that will connect to existing storm sewers in Culver Ave; and along Bleecker Street from approximately Turner Street to approximately 800-feet west of the Masonic Home driveway where it will connect to an existing storm sewer that discharges to Starch Factory Creek where it crosses beneath Bleecker Street.

At its meeting on Thursday, March 21<sup>st</sup>, the Planning Board tabled further review of the application until such time as SEQRA had been concluded. Additionally, the Planning Board declared itself Lead Agent for the purposes of SEQRA, determined the action to be an Unlisted action and asked Planning staff to conduct a coordinated review, due to the funding involved in the project. Letters were sent to that effect by Planning staff to NYS DEC and the Environmental Facilities Corporation (EFC) on April 3<sup>rd</sup>. In addition, the applicant submitted a consultation request to the State Historic Preservation Office (SHPO); SHPO has provided a letter determining that the project will not have an impact on historic resources. As yet, no response has been received from NYS DEC or EFC

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PB Case No.:	08-24	Zone:	Various districts
Address:	Various city streets	Requested Action:	SEQRA
Applicant:	City Engineering Department		
Owner:	City of Utica		

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Pursuant to a request by the State of New York, the Planning Board is being asked to act as Lead Agent for the purposes of review of a storm sewer installation project in east Utica, pursuant to the State Environmental Quality Review Act (SEQRA).

The project will add new storm sewers in order to separate stormwater from entering into the sanitary sewers during wet weather to minimize the volume of stormwater generated during rain events to reduce combined sewer overflows. Currently, the city manages combined sewer overflows in accordance with a permit issued by the NYS Dept. of Environmental Conservation. The city is required to eliminate or capture for treatment, or storage and subsequent treatment, at least 85% of the system-wide combined sewage during wet weather events. This project will greatly further the city's compliance with this requirement.

This project involves three separate smaller projects, including:

- A5 – State Street Separation
- A6 – Lincoln Avenue Separation
- A10.2 – Tracy Street and Plant Street Separation

At its meeting on Thursday, March 21<sup>st</sup>, the Planning Board tabled further review of the application until such time as SEQRA had been concluded. Additionally, the Planning Board declared itself Lead Agent for the purposes of SEQRA, determined the action to be an Unlisted action and asked Planning staff to conduct a coordinated review, due to the funding involved in the project. Letters were sent to that effect by Planning staff to NYS DEC and the Environmental Facilities Corporation (EFC) on April 3<sup>rd</sup>. In addition, the applicant submitted a consultation request to the State Historic Preservation Office (SHPO); SHPO has provided a letter determining that the project will not have an impact on historic resources. As yet, no response has been received from NYS DEC or EFC

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PB Case No.: 05-24 Address: 1021 & 1023 Erie Street, 2, 4, 6, 10, 12 & 14 Saratoga Street and 1022, 1024, 1030, 1032, 1036, 1040, 1048, 1100, 1104, 1110 and 1114 Whitesboro Street Applicant: DePaul Group, Inc., Owner: Various Owners	Zone: Residential Mixed (RM) & Neighborhood Mixed Use (NMU) Requested Action: Site Plan Review & Special Use Permit
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Pursuant to City of Utica Zoning Code Section 2-29-125(a) and (b), the applicant is seeking approval of a Special Use Permit and Site Plan approval for a proposal to purchase the above-noted properties, demolish the existing structures and construct two new apartment buildings.

The two new apartment buildings will house a total of sixty-six (66) units. The entire project sits on roughly 1.9 acres of land. A larger building that ranges in height from 2 to 3 stories with 53 units is proposed at the corner of Whitesboro and Saratoga Streets, extending north to the intersection of Erie Street. A smaller 2-story apartment building with 13 units is proposed along Whitesboro Street, extending from the intersection of Dewitt Street east towards the middle of the block. The project also includes two parking lots, sidewalks, landscaping, lighting and site work for each building.

The project in its totality straddles two zoning districts – Residential Mixed (RM) and Neighborhood Mixed Use (NMU). According to the City's zoning ordinance, apartment buildings in an NMU zoning

district requires Site Plan approval. In the RM zoning districts, apartment buildings require approval of a Special Use Permit and Site Plan approval.

At its meeting on Thursday, February 15th, the Planning Board tabled further review of the application until such time as SEQRA had been concluded. Additionally, the Planning Board declared itself Lead Agent for the purposes of SEQRA, determined the action to be an Unlisted action and asked Planning staff to conduct a coordinated review, due to the funding involved in the project. Letters were sent to that effect by Planning staff to NYS HCR, ESDC, UIDA, NYS Office of Temporary & Disabilities Assistance (NYS OTDA) on March 11<sup>th</sup>. NYS OTDA has indicated that they have no response. NYS HCR has indicated that they have no issue with the Planning Board acting as Lead Agent and offered a list of items that the developer would need to provide if State funding for the project was offered.

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PB Case No.:	15-23	Zone:	Neighborhood Mixed Use (NMU)
Address:	313 James Street	Requested Action:	Site Plan Review
Applicant:	People First		
Owner:	City of Utica		

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Pursuant to City of Utica Zoning Code Section 2-29-125(a) and (b), the applicant is seeking approval of a proposal to construct a new mixed-use large building at 313 James Street.

The building will include twenty-four (24) affordable apartment units, community space for those residents along with passive recreational space outside of the building. On the ground floor, space will be provided for a much-needed grocery store. In addition, smaller spaces will be set aside to be occupied by start-up businesses led by entrepreneurs from the Cornhill neighborhood.

At its meeting on Thursday, December 21<sup>st</sup>, the Planning Board tabled further review of the application until such time as SEQRA had been concluded. Additionally, the Planning Board declared itself Lead Agent for the purposes of SEQRA, determined the action to be an Unlisted action and asked Planning staff to conduct a coordinated review, due to the funding involved in the project. Letters were sent to that effect by Planning staff to NYS HCR, ESDC, UIDA, NYS Office of Temporary & Disabilities Assistance (NYS OTDA) on March 8<sup>th</sup>. NYS OTDA has indicated that they have no response. NYS HCR has indicated that they have no issue with the Planning Board acting as Lead Agent and offered a list of items that the developer would need to provide if State funding for the project was offered.

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PB Case No.:	16-23	Zone:	Residential Mixed (RM)
Address:	West Street	Requested Action:	Site Plan Review
Applicant:	People First		
Owner:			

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Pursuant to City of Utica Zoning Code Section 2-29-125(a) and (b), the applicant is seeking approval of a proposal to construct a new mixed-use large building on West Street.

The building will include seventy-eight (78) affordable apartment units, community space for those residents along with passive recreational space outside of the building. On the ground floor, an impact center is planned which will provide community space for recreation, meetings, fitness and gathering areas.

At its meeting on Thursday, December 21<sup>st</sup>, the Planning Board tabled further review of the application until such time as SEQRA had been concluded. Additionally, the Planning Board declared itself Lead Agent for the purposes of SEQRA, determined the action to be an Unlisted action and asked Planning staff to conduct a coordinated review, due to the funding involved in the project. Letters were sent to that effect by Planning staff to NYS HCR, ESDC, UIDA, NYS Office of Temporary & Disabilities Assistance (NYS OTDA) on March 8<sup>th</sup>. NYS OTDA has indicated that they have no response. NYS HCR has indicated that they have no issue with the Planning Board acting as Lead Agent and offered a list of items that the developer would need to provide if State funding for the project was offered.

### NEW BUSINESS

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PB Case No.:	09-24	Zone:	Residential Mixed (RM)
Address:	1010 Mary Street	Requested Action:	Site Plan Review & Special Use Permit
Applicant:	Esmine Jarrett		
Owner:	Norman McDonald		

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Pursuant to City of Utica Zoning Code Section 2-29-125(a) and (b), the applicant is seeking Site Plan approval for a proposal to create a one-bedroom apartment in the attic of this existing two-family home. Per the City's current zoning code, multi-family dwellings are permitted in the RM zoning districts with approval of a site plan by the Planning Board.

The applicant proposes that the apartment will have two means of ingress/egress – one in the front and one in the rear of the structure. According to the applicant, no change in parking will be necessary as the single-wide driveway that runs to the rear of the home is sufficient. Additionally, the applicant has stated that there will be no visible change to the exterior of the home either.

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PB Case No.:	10-24	Zone:	Urban Mixed Use (UMU)
Address:	805 – 807 Court Street	Requested Action:	Site Plan Review & Special Use Permit
Applicant:	Verizon Wireless		
Owner:	The Boilermaker Road Race, Inc.		

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Pursuant to City of Utica Zoning Code Section 2-29-274(a), the applicant is seeking approval of a Special Use Permit and Site Plan approval for a proposal to erect and operate commercial telecommunications antennas and equipment on the roof of the existing building.

The applicant proposes to place three arrays of antennas on the roof, two at the northern end of the building and one at the southern end. They will extend approximately 9' above the roof line. In addition, an area measuring approximately 8' X 18' feet on the southeastern corner of the building will house the necessary ground equipment, including cabinets and bollards on a concrete slab.

As a Special Use Permit is required, a public hearing must be held prior to final approval.

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PB Case No.: 11-24	Zone:	
Address: Citywide	Requested Action:	Common Council Recommendation
Applicant:		
Owner:		

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Pursuant to City of Utica Zoning Code Section 2-29-83(a) and (b), the Commissioner of Urban & Economic Development is proposing an amendment to the City Zoning Map and Zoning Ordinance, addressing the six-month moratorium on permitting new marijuana dispensaries/retail adopted by the Common Council in January 2024.

The current zoning ordinance allows such retail facilities as special permit uses throughout the Central Business District (CBD), Urban Mixed Use (UMU) and Industrial Mixed Use (IMU) zoning districts. The concern raised, and thus the impetus for the moratorium, was that the City was receiving applications for dispensaries in these permitted areas that were proximate to dense residential neighborhoods, despite the fact that the intent behind permitting such facilities in these zoning districts was that those districts theoretically had more a buffer between them and dense residential parcels.

After much consideration and comprehensive review of alternatives utilized in other communities across New York State, the Department of Urban & Economic Development is proposing the creation of a Marijuana Dispensaries/Retail district, a sub-district of sorts which narrows down the areas where such uses are permitted within the CDB, UMU and IMU districts. Additionally, Riverside Center has been added as an area where such uses are permitted.

Additionally, given the sensitive nature of this use as opposed to standard special use permit applications, the Department of Urban and Economic Development is proposing a set of criteria by which the Planning Board shall judge future special use permit applications for marijuana dispensaries/retail.