

Historic and/or Architectural Advisory Board  
City of Cortland  
May 14, 2012

A regular meeting of the Historic District Commission was held on May 14, 2012 at 8:00 a.m. in the Mayor's Conference Room at City Hall.

Present: Chair Kline, Comm. Abbott, Dineen, Delaney, Kane, Smith and Wineburg

Staff Present: Zoning Officer Bruce Weber, Deputy Chief Knickerbocker and Cheryl Massmann, Deputy City Clerk

Item No. 5 - Minutes - April 23, 2012 as amended.

Motion: Comm. Dineen  
Seconded: Comm. Wineburg  
Comm. Smith (Abstained)

Motion passed.

Item No. 1 - 19 Central Ave. - (Spollen)(CB) - Outdoor Seating Area

Mike Spollen and Atty. Casullo were present. Chair Kline explained that the applicant plans to extend the decking in the back for additional seating. The area will be cleaned. The proposed seating area is below the fire escape stairs in the rear and she further explained that the barrier will be a retractable band, the same as what he is using in the front outdoor seating area. She explained that some of the area is walled off and the barrier will only go across the open area as indicated on the footprint drawing. She noted that there is existing lighting and a photo was shown. She further explained that Mr. Spollen will dress the area up with plants. She noted that the decking exists now and there will be seating and tables back there. Mr. Spollen stated that the seating and tables that will be used are the same as those on the existing back deck. He noted that they're lower tables and chairs than what he had originally put in his proposal.

Mr. Spollen stated that no one will be entering from the alley; the only entrance will be through the restaurant. Comm. Wineburg asked if there was an exit from that area other than through the restaurant. Mr. Spollen noted that customers could easily exit through the gates in an emergency.

Comm. Smith asked if the back was handicapped accessible. Mr. Spollen stated that it was accessible through the bar because the decking was even to the bar. Chair Kline noted that this proposal had been before the Planning Commission. Atty. Casullo informed the  
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Board that even after applying to this board, the final approval would have to be given by the New York State Liquor Authority.

A motion was made to approve the plan as proposed.

By: Comm. Wineburg  
Seconded: Comm. Dineen

Motion passed.

Item No. 2 - 76 Main St. - (VFW)(CB) - Fencing

Art Bushnell was present. Chair Kline explained that the plan is to extend the existing chain link fence in the rear of their property. She explained that the YWCA put on their new addition and there is now an exposed, open area where fencing used to be and vehicular traffic is using that area to cross from W. Court to Clayton. Mr. Bushnell stated that when the YWCA put up their section of fence, they didn't go far enough with it and people are driving right through there and that is a safety concern for pedestrians. He stated that Butler Fence will install the chain link fence if this Board approves. Comm. Smith asked if this fence would be meeting the YWCA fence. Mr. Bushnell explained that it would go down and across, but there will be an open space for pedestrian traffic only and the concrete barriers will be removed as they don't look very nice.

A motion was made to approve the project as proposed.

By: Comm. Dineen  
Seconded: Comm. Abbott

Motion passed.

Item No. 3 - 120 Clayton Ave. - (YWCA)(CB) - Signage

Amy Becker-George was present. Chair Kline explained that Amy Simrell had submitted the full size drawing of the proposed sign. The proposed letter color will be bronze and there are two (2) proposed locations for the sign; one under the second floor window or to the right of the second floor window. The letters will be plastic/acrylic and they will be bronze in color. Comm. Dineen felt that the proposed sign location looked best to the right of the window and the Board agreed. Ms. Becker-George stated that was the preferred location by the YWCA as well.

A motion was made to approve the proposal as presented.

By: Comm. Smith  
Seconded: Comm. Dineen

Motion passed.

Item No. 4 - 103 Main St. - (Wood)(CB) - Café Tables

Bill Wood was present. Chair Kline explained that this application is for outdoor café tables and seating for three (3) tables. Mr. Wood stated that he will only be putting out two (2) tables to start and one (1) more to be added when his new exit is approved, but he explained that he included all three (3) in the application pending that approval. He plans to put out high gentlemen's tables with two (2) chairs at each table. Mr. Wood stated that the chairs would be black with dark burgundy cushions to match the barstool cushions inside his bar or any choice of color the Board chose. Comm. Delaney asked what other colors they could come in. Mr. Wood stated that they came in many colors, but black would be easier.

Chair Kline explained that he would have to have a barrier around the proposed seating and his proposal is to put out a retractable strap enclosure with black poles to enclose the area's space. Zoning Officer Weber asked how much sidewalk space is left between the barrier and the street. Mr. Wood stated he would be using one (1) sidewalk block and leaving one (1) sidewalk block, similar to 77 Main Street's seating plan.

Comm. Wineburg asked if one (1) table would be in front of the side gate. Mr. Wood explained that he would not be putting a table in that area to start with, but once he received approval for the second means of egress, he would be placing a table there because the gate would be open. Mr. Wood explained that there was a side door that customers could exit from. Comm. Smith asked him if that was the area where patrons would come out of the bar and enter the enclosed area. Mr. Wood stated that either from there or from the front door. He explained that the barrier would be up, but he couldn't put the barrier across the front door. Comm. Smith expressed concern that the area should be blocked off so that people couldn't just walk into that space from the street, but had to go through the bar to get to the enclosed space. Comm. Smith asked how he would keep people from wandering from the back through the alley and coming into the front space. Mr. Wood stated that the barrier would prevent that.

Comm. Abbott asked how the cushions would be attached to the chairs. Mr. Wood stated that they would be screwed on so that they couldn't be removed. Comm. Abbott noted that she thought green cushions would look better with the building façade colors rather than the burgundy. Other Board members agreed. Comm. Delaney suggested that they could go with black cushions on black chairs and then he would not have to return to this Board with a color sample. Mr. Wood agreed.

Comm. Delaney asked if Zoning Officer Weber was comfortable with this proposal technically with the amount of space for the pedestrian use of the sidewalk and the use of the alley after the egress has been approved. Zoning Officer Weber stated that was

something that Asst. Chief Knickerbocker would have to approve from the building code standpoint. He stated that as long as there was three and a half (3 ½) feet in front for access, it was better than some current situations. Asst. Chief Knickerbocker asked if the posts were movable. Mr. Wood stated that they were movable posts. Asst. Chief Knickerbocker stated that he looked for five (5) feet to allow for passing. Mr. Wood stated that he was using the same space as was allowed 77 Main Street for their café table seating. Comm. Abbot asked if the seating and posts would be taken in at night. Mr. Wood stated that they would be taken in to avoid theft. Comm. Abbot noted that BRIX had a locking system and was leaving theirs out at night.

Asst. Chief Knickerbocker asked where the closest handicapped ramp was to his establishment. Mr. Wood stated that it was down by Bernard's on the corner and there was none in front of his establishment. Mr. Wood stated that there was plenty of room left to walk. Asst. Knickerbocker asked if the sidewalk in front was in good shape. Mr. Wood stated that it was.

Comm. Smith asked where the five (5) foot proposed opening was shown on the drawing, could people access that area from the upstairs access door. Mr. Wood stated that he had cut the seating area off before the entrance to the upstairs of the building and the barrier was only open on the way to the front entrance. Comm. Smith was concerned if people could access the area from the front entrance or only from the bar. She was concerned that people who hadn't been ID'd might come into the seating area. Mr. Wood stated that was his responsibility and that he wanted it to be open like it was at 77 Main Street or at the Dark Horse. Comm. Smith felt that the Dark Horse had their area completely enclosed and you couldn't walk in it from the street and customers had to go around and access it from the bar. Mr. Wood stated that his proposal was no different from anyone else's on Main Street. Comm. Smith wanted to verify that, but felt that was the case with the Dark Horse and entrance was gained by customers going through the bar. Comm. Smith felt that the seating area should be closed off so that there weren't people hanging out there where there's alcohol. Mr. Wood stated that would be his responsibility. Comm. Smith felt that she was putting this forth as she was concerned and unsure of what the regulation was. She asked if Zoning could answer that question as she didn't want to see sidewalk parties because people can congregate where there's alcohol on the street. Chair Kline asked if that was an issue the Code Office could address as this Board dealt with aesthetics. Zoning Officer Weber stated that was something the State Liquor Authority governed. Asst. Chief Knickerbocker agreed. Mr. Wood stated that the Liquor Authority would have to approve this before he did anything. Comm. Smith stated that as long as this was governed by someone, as she was unsure of the scope that this Board was supposed to cover. She explained that her concern was that there would be a crowd there because there would be unrestricted access to a place where there is alcohol. Asst. Chief Knickerbocker explained that Mr. Wood would be submitting this plan to the Liquor Authority and they would be approving that plan and addressing that concern. Chair Kline explained that the Historic Board's concern deals with the aesthetics. Comm. Smith stated that aesthetically, this could be a mess having people all over the place and she

noted a safety concern as well. Comm. Smith stated that if it was this Board's responsibility, she would speak up.

Comm. Kane had proposed a motion and asked if Comm. Smith wished to amend it. Comm. Smith stated that she wouldn't be making any amendment unless the proposal wasn't in compliance with the regulations, but she was assuming that they would make sure that was done and she didn't see any purpose to making an amendment.

A motion was made to accept the proposed seating plan with the color of the chairs and cushions to be black.

By: Comm. Kane  
Seconded: Comm. Wineburg

Motion passed.

Old Business:

Chair Kline gave Comm. Smith copies of updated informational pages to put in her Historic Board binder.

There was ongoing discussion regarding the outdoor seating and the serving of food and liquor.

Chair Kline noted that Pawn King has opened and that the owner's choice had been to go with the neon sign rather than the vinyl lettering and that their neon sign is back twelve (12) inches. Chair Kline showed a picture of the storefront. Comm. Smith noted that the façade material was not something she had approved and she had favored the stone look.

Comm. Wineburg asked when work was going to begin on 55 Main Street. Asst. Chief Knickerbocker stated that the owner had been in last week and a contractor has been hired. He was not sure when work would begin. Comm. Wineburg noted that she thought substantial work needed to be accomplished by the beginning of June.

Comm. Wineburg asked for an update regarding the drain trough on the rear of Woodman's Pub. Asst. Chief Knickerbocker noted that this was an ongoing part of the issue with his addition and the Code Office was not going to approve the trough unless it's approved by the Historic Board. He noted that Mr. Wood has received a violation notice and now must come back before this Board.

Comm. Delaney asked how long the Code Office had to wait from the initial citation before they could take another step. Asst. Chief Knickerbocker stated that Mr. Wood had not been issued a Certificate of Occupancy on the addition and Mr. Wood had not asked for that. He explained that was the exit that Mr. Wood was talking about in his café table request. He noted that if Mr. Wood couldn't use his exit then that might be an incentive

for him to come back because he would want to use his room. Zoning Officer Weber explained that what Asst. Chief Knickerbocker was saying was that he "had a card to play". Chair Kline asked if this Board should direct the Code Office not to issue a Certificate of Occupancy until Mr. Wood returns in regards to that drain trough.

Asst. Chief Knickerbocker didn't feel that the Historic Board had to say that, but they could if they liked. Zoning Officer Weber felt that it might be nice to have a resolution from the Historic Board that would cover the Code Office. He explained that there had been a resolution that Mr. Wood had to return to this Board, but a resolution from this Board indicating that the Certificate of Occupancy should not be issued until such time as he returns wouldn't hurt. Chair Kline agreed. Asst. Chief Knickerbocker felt that this would probably go on until the end of August. Comm. Delaney asked what would happen then. Asst. Chief Knickerbocker stated that he would have to go before Judge Meldrim or not be able to use his addition. Comm. Delaney noted that if the use of the back entrance was not allowed, then he wouldn't have a second egress. Asst. Chief Knickerbocker noted that he does have the gate, but that was an issue and it needs to be addressed. Asst. Chief Knickerbocker noted that there were also others involved. He explained that the State Liquor Authority had to approve everything and that they required a CO from the Code Office first.

Asst. Chief Knickerbocker stated that it was not his job to design a roof drainage system and have instructed Mr. Wood to go back to his designer. Comm. Delaney asked if he didn't have that roof drainage system, did that mean he couldn't use the back egress. Asst. Chief Knickerbocker stated that it was part of the building, so there are building code issues there as well. Chair Kline asked if Mr. Wood had told the Code Office that the drain system had actually been designed by a designer or was it just cobbled up. Chair Kline asked if the Code Office had observed what happens to storm water runoff from that trough during a heavy rain storm and how it affected neighboring buildings. Asst. Chief Knickerbocker stated that had not been observed. Chair Kline noted that it the alley was very dirty. Asst. Chief Knickerbocker stated that was a problem. Chair Kline noted that the system should be redesigned by someone in the business.

Comm. Delaney stated that she was still puzzled. She noted that the visual aspect was a small part, a miniscule part, of the problem. She felt that there more important issues such as drainage or whether it was even legal to have that kind of set up manufactured without having anyone who knows what they're doing making it. She asked why those steps weren't being taken first. She noted that was an obvious legal reason for saying that this isn't designed properly and that you're creating problems that going to affect adjoining buildings and businesses and the trough has to come down and he has to do something different. She felt that it had nothing to do with how it looks. Chair Kline noted that was what she and Comm. Smith had stated.

Assist. Chief Knickerbocker stated that was what the Board had to understand was that Mr. Wood had made a change back there and this Board did not approve it. He noted that

if this Board didn't feel strongly enough that they had to review it then that was okay, but he still had the CO and Mr. Wood was not going to get it until it was right. Comm. Delaney noted that she felt that there were other avenues that are more important to be taken to make Mr. Wood change what he has done and for much better reasons. Comm. Delaney asked what would happen to the drainage thing if Mr. Wood did not receive his CO, would it still sit there. Comm. Smith noted that it would, until someone filed a lawsuit; most likely the person whose property is being impacted. Asst. Chief Knickerbocker noted that Mr. Wood would need the CO document sooner or later, but that there some other issues besides the drainage that would need to be addressed.

Comm. Wineburg noted that the new owner of Mark's Pizzeria is cleaning up the back area. Asst. Chief Knickerbocker noted that Mr. Wood was asked during site plan review to maintain the alley back there. Comm. Wineburg noted that the only alley access was from behind her building and that she had to grant him access. Asst. Chief Knickerbocker stated that there was a right of way back there.

A motion was made to support the Code Office to withhold a Certificate of Occupancy for the addition at 103 Main Street until William Wood returns to the Historic Board with a plan for a rear roof drainage system.

By: Comm. Wineburg  
Seconded: Comm. Abbott

Motion passed.

### Updates

Chair Kline noted that Danny Ross will be coming in for the property at 2 Main Street. He will be selling Italian Ice. Asst. Chief Knickerbocker stated that Mr. Ross has been told a month ago that he would need to come before this Board.

Comm. Smith asked about the signage on the Kinney Drugs building. Chair Kline noted that Mr. Yaman didn't need to come before this Board, but had come and done a presentation out of courtesy.

