



## PLANNING COMMISSION City of Cortland

### MINUTES

**July 26, 2010**

A regular meeting of the City of Cortland Planning Commission was held on Monday, July 26, 2010 at 5:15 PM in the Council Chambers at City Hall, 25 Court Street, Cortland, New York.

**PRESENT:** Vice Chair Hansen, Comm. Felix, McMahon, Schaffer, Smith and Spitzer

**Staff Present:** Mayor Feiszli, Alderman Quail, Zoning Officer Bruce Weber and Cheryl Massmann, Deputy City Clerk

Item No. 1 – Site Plan Review – 53 Lincoln Ave. – (Doerler)(R2) – Area Variance – Single Family to Two Family – Recommendation to ZBA

Mr. Doerler was present. He explained that this was a proposal to convert this residence to a two family. He has a certificate of occupancy for three (3). He noted that he could not obtain a mortgage from the lender until he made the property into a single family. It's a single family but it has six (6) bedrooms. Mr. Doerler stated that it wasn't cost effective with three (3) tenants. He would like to put in two (2) units. Comm. Schaffer stated that this is a single family house in a single family neighborhood. She noted that the Planning Commission had denied requests for conversion previously based upon the conditions they had laid out which were traffic, density and creating a change in the neighborhood. She felt it inappropriate to change for one house to another asking for the same thing, if the Commission didn't hold true to the same principals. Comm. Spitzer agreed, noting that historically this has been a one family and it's not a huge property. Mr. Doerler noted that this was an R2 district and not an R1.

Comm. Felix asked if this would be student housing. Mr. Doerler stated not necessarily. He is trying for convert to a two (2) family for financial reasons. He can rent to two (2) families. Comm. Smith noted that the bank wanted this to be a single family. Mr. Doerler stated that at the time he purchased it he was doing student rentals and could rent it to six (6) students. Comm. Schaffer wondered why the bank looked at it and recommended it be a single family. Comm. Felix noted that 51 and 53 Lincoln Avenue shared a driveway. Mr. Doerler stated that he owns both houses and rents to students in 51 Lincoln. He rents to four (4) students in two units.

Comm. Spitzer asked if Mr. Doerler had spoken with Capt. Knickerbocker. Mr. Doerler stated that he had not had the opportunity. Comm. Schaffer asked Mr. Doerler if he had a local manager. Mr. Doerler stated that he did not, but he has a local person to contact, but will hire a property manager if he has to.

On a motion by Comm. Schaffer, seconded by Comm. Spitzer, voted and approved to recommend to the Zoning Board of Appeals that they deny this area variance application because the bank wanted this to be a one family house and the Planning Commission has been trying to maintain the one family house nature of the neighborhood for the reasons that were just outlined and that they recommend to the ZBA that they deny this variance because of lot coverage.

Item No. 2 - Site Plan Review – 243 Pt. Watson St. – (Wilkinson)(GB) – Conversion of Commercial Building to Two Units

Mr. Wilkinson was present. It was noted that the Zoning Board of Appeals had recommended that this be approved and that the garage be allowed with the current buffer. Zoning Officer Weber noted that since the property is zoned commercial, the ZBA felt that with the fencing and the size of the proposed garage that the buffer was sufficient. Comm. Schaffer asked if security lights were planned. Mr. Wilkinson will not have security lights. Mr. Wilkinson noted that he would have a five (5) foot buffer. He noted that he was planning a two (2) car garage with two (2) garage doors and a personal access door. Comm. Felix noted he would like to see a much larger buffer zone in the rear of the garage by the fence. Mr. Wilkinson noted that he would like to allow more in site yard for his tenants to use. It was noted that the SEQR was done by the ZBA.

On a motion by Comm. Spitzer, seconded by Comm. Smith, voted and approved as presented.

Item No. 3 – Site Plan Review – 128 Tompkins St. – (Seales)(R1) – Exceeding Lot Coverage

Gary and Judd Seales were present. It was noted that the ZBA had approved the area variance. Vice Chair Hansen noted that they would have to come back for the garage.

On a motion by Comm. McMahon, seconded by Comm. Felix, voted and approved as presented. (Comm. Schaffer opposed)

Item No. 4 – Site Plan Review – 9 Owego St. – (Seales)(R2) – Reduction of Parking Space Width and Creating a Parking Area

Gary and Judd Seales were present. They noted that this was in regards to creating a rear parking area at 9 Owego and that they shared a driveway with Mr. Brown. It was noted that the ZBA approved the lot coverage and smaller parking spaces. Comm. Felix asked if the parking area was gravel. Gary Seales noted that paving was not required and he will not pave now. He will return to the board if they plan to do that. He is using crusher run right now. He noted that was why they had to clean up the greenspace, because of the crusher run. They will remove the gravel from Mr. Brown's greenspace and will be more careful when plowing snow. Vice Chair Hansen asked about snow storage. Gary Seales stated that it was in the greenspace, but it did not encroach upon the neighbor's property. Comm. Spitzer asked how many parking spaces were being sought. Judd Seales noted that they were seeking six (6) for the added space plus another two (2) in front of the garage and

another two (2) for a total of ten (10) spaces. Comm. Schaffer would like to see a handicapped parking spot. Gary Seales noted that one was not required.

On a motion by Comm. Felix, seconded by Com. Spitzer, voted and approved as presented and to use crusher run for the parking area and to return to the Planning Commission if they plan to pave the parking area and to comply with the Zoning Board of Appeals stipulation that the front house continue to be two (2) units and that the rear house remains a single family for a total of three (3).

Gary Seales respectfully requested that the Planning Commission take a look at the process that applicants are now required to go through because it is very long. Vice Chair Hansen stated that the Zoning Office is making a change in that process to streamline it.

#### Item No. 5 – 73 N. Main St. – (Smith)(SD) –Tent Placement

No one was present. Comm. Schaffer would like to see a permit for temporary things like this where there would be a specific time for things to come down or be removed. She noted that there have been concerns with this applicant prior to this with PODS. She thinks that ninety (90) days would be sufficient and felt that the end of August would be a good deadline.

On a motion by Comm. Spitzer, seconded by Comm. Felix, voted and approved to have the tent come down by August 31, 2010.

#### Item No. 6 – 41-61 Scammell St. – (Beaudry Park)(R1) – New Building Construction

John McNerney, Youth Bureau Director was present. He noted that the existing park building was antiquated and that the roof was bad and the building itself was in bad shape. Vice Chair Hansen asked about the planned location of the new building. Mr. McNerney noted that it will be closer to the parking lot. Comm. Smith asked if all of the trees would be staying. Mr. McNerney noted that they planned to remove only two (2) trees and noted that the new building will be closer to the pavilion, the parking lot and the playground. It would also provide a better view for the winter park attendant to watch kids on the sliding hill. Comm. Schaffer would like to see landscaping and lighting plans submitted for the files.

Mr. McNerney noted that they only had a small landscaping budget of about three thousand (\$3,000) dollars. He noted that they would be putting shrubs around the foundation and that there would be small sconce lights on motion sensors on the building. He noted that the park closed at 10:30 PM. Comm. Felix noted that the present building was quite old. Mr. McNerney stated that the current building would be demolished by Contentos and that there was no foundation under that building. There will be a foundation under the new building and the plans indicated an expansion of the green space.

Comm. Smith asked if the new building would be more handicapped accessible. Mr. McNerney stated that the building was at ground level and would have double doors and it met all ADA access standards. Comm. Schaffer asked that one of the exit door also be ADA compliant. Comm. Smith asked if the storage area was heated. Mr. McNerney noted

that the storage area was heated because athletic equipment was stored in there and that there also would be an overhead door there for loading and unloading of athletic equipment.

On a motion by Comm. Spitzer, seconded by Comm. McMahon, voted and approved.

Item No. 7 – 50 Tompkins St. – (Reeners)(R4) – Signage and Fence Construction

Jim Reeners noted that the signage part of the application was a non-issue now and Zoning Officer Weber agreed. The sign had been approved by the Historic Board. Mr. Reeners was there for the fencing only. He noted that the proposed fencing was along the property line behind his building along property owned by the Seales. He noted that this area was a major thoroughfare for foot traffic to get from Prospect Terrace to Tompkins Street. He wants to put in a wooden fence for strength. He noted that the Seales had paved right up to the property line and had marked the area for parking spaces and that many of those spaces faced the side windows of his building where he had sleeping area. He planned to build the fencing six (6) feet high to provide a screening from the headlights of the cars pulling in to that parking area. He plans to paint the fencing with pigmented stain that will closely match the trim color on his buildings.

Comm. Spitzer commented about the retaining wall in the rear. Mr. Reeners noted that it was about fifteen (15) feet high in some spots with fencing on top of a shorter retaining wall in other areas across the back of the property. He noted that the proposed wooden fence will connect to that. He noted that he has security/surveillance cameras in that area and he will continue to monitor foot traffic in that area to see how the fence works as a deterrent.

On a motion by Comm. Schaffer, seconded by Comm. McMahon, voted and approved as presented.

Vice Chair Hansen then asked to change the order of the agenda to allow review of Mr. Reeners second site plan. There were no objections.

Item No. 10 – Site Plan Review - 112 Groton Ave./5 Woodruff – (Reeners)(R2) – Ancillary Parking

Mr. Reeners noted that when he purchases the four (4) properties on Groton Avenue and Woodruff Street, he combined them in to one parcel known as 112 Groton Avenue. He went on to explain that 5 Woodruff Street had an occupied two (2) family house at the time. That house needed a new roof and his plan was to have one (1) unit for a caretaker and (1) unit for student house for three (3) students. Once he got into the remodeling project, he realized that about seventy (70) years ago, two (2) major load bearing walls had been removed and that he would have to replace the entire inside of the house.

Mr. Reeners noted that his plan is not to add any more students to this site, he would just like to add more parking spots so that he would have one (1) parking spot per student tenant for a total of twenty-nine (29) spots. He noted that 5 Woodruff is in an R2 district and is now non-conforming. He noted that one of the things the City Code allowed in an R2 is ancillary parking with permission. He will have to go to the Zoning Board of Appeals to ask for reduced size parking spaces. He noted that sixty-six by sixty-six feet is not a conforming

lot and will need lot coverage approval. He plans to provide screening to the R2 vacant lot. He is proposing single flow access and exit on to and off of this property entering on Groton and exiting on Woodruff using an existing curb cut that was there for the driveway to the house. He noted that this will be a two (2) phase project. He noted that once the house is taken down and the foundation hole filled it will need to settle for a year and after that he will finish the project and do the landscaping next year. He will keep the area neat. Comm. Schaffer noted that if this is approved, she would like to have it approved for the two stages. Mr. Reeners noted that he will provide shrubs for screening.

Zoning Officer Weber noted that one of the requirements for ancillary parking is landscaping with three (3) foot high with trees or shrubs with placement of two (2) or three (3) placed every ten (10) feet.

Mr. Reeners noted that he preferred not to use solid shrubbery. He would like to use shrubbery similar to that which he had placed in the front of the building. He would like to plant two (2) trees, some shrubbery and grass. He noted that he has three hundred (300) square feet over the allowed lot coverage requirement. He also noted that he has made the parking spaces smaller than what is required pending ZBA approval. Mr. Reeners noted that forty-five (45) is allowable on a non-conforming lot which is higher than a regular R2, so we have three hundred (300) square feet too much coverage.

Mr. Reeners is asking for approval on concept and then he will go to the Zoning Board of Appeals to ask approval for a reduction in parking space size. He asked them to make a decision with conditions, so he wouldn't have to back and forth, back and forth between the boards. He also noted that with all of the surveillance cameras in place, there was no need to have a caretaker on site and the planned apartment for the caretaker was too far back to provide as good coverage as the cameras. He noted that he is hoping to take the house down soon. Comm. Schaffer asked him if he needed the extra parking spaces. Mr. Reeners noted that he has consistently needed twenty-eight (28) spaces and thirty (30) spaces would be perfect. He noted that he is continually monitoring his parking lot for unauthorized cars and has had unauthorized cars towed away. Comm. Schaffer noted that he will need to install a stop sign at the exit from this lot, just before the sidewalk.

Zoning Officer Weber noted that Mr. Reeners plan was not to complete this project within the Planning Commission's duration of approval which is six (6) months, but they have the ability to grant him an additional six (6) months extension. Mr. Weber noted that the taking down of the building would be considered the start of the project. Mr. Weber noted that they would have three (3) things to consider: a recommendation to the ZBA on the area variance for lot coverage, for the parking space sizes being less than allowed and a recommendation for a special use permit for the ancillary parking and approval of the site plan pending ZBA approval.

On a motion by Comm. Schaffer, seconded by Comm. McMahon, voted and approved the site plan review as presented with a one (1) year project duration, conditional upon Zoning Board of Appeals approval of the lot coverage, ZBA approval of the parking space sizes being less than allowed and ZBA approval of the special use permit for ancillary parking.

Item No. 8 – Site Plan Review – 28 Pine St. – (Crapo)(R2) – Business out of a Home

Mr. Crapo was present. He is running a taxi business from this location. Comm. Schaffer noted that this address was in a R2 district. Zoning Officer Weber stated that a recommendation to the Zoning Board of Appeals would be on a Use Variance, not a home occupation. Mr. Crapo has a dispatcher and drivers coming in and once you employ someone else, it is a business, not a home occupation.

Comm. Spitzer asked Mr. Weber why this was not going to the Zoning Board directly. Zoning Officer Weber stated that it will come back to the Planning Commission for Site Plan Review for parking and traffic. He explained that the Planning Commission's role is to make a recommendation to the Zoning Board for a Use Variance and if it's approved by them, it comes back to Planning for Site Plan Review for parking and traffic.

Mr. Crapo stated that he had submitted a letter with his application from the owner of the property, Mr. Cavanaugh, giving Mr. Crapo permission to represent him. Vice Chair Hansen noted that she would like Mr. Crapo to obtain a survey map from the Real Property Tax Office to more clearly define the property and the adjoining properties.

Zoning Officer Weber noted that he had received complaints from the neighbors regarding this taxi business.

Neighbors, Amanda Funk and Mary Lou Guido were present and were asked to speak. Amanda Funk stated that this business caused a lot of traffic on Pine Street, the taxis blocked the fire hydrant and there was noise from their horns honking and their dispatch radios. Mary Lou Guido stated that she had alerted Alderman Quail about this situation two (2) years ago.

Mr. Crapo stated that he was licensed by the City to operate out of 36 Hubbard Street. He explained that his dispatcher "sits" on 28 Pine Street and cars are parked on 30 Pine Street. Comm. Schaffer asked how many taxi cars he had. Mr. Crapo stated that he had four (4) cars. Comm. Schaffer asked him if the cars were left running while waiting to be dispatched. Mr. Crapo stated that they were not.

Amanda Funk stated that she has seen cars running and that their radios are left on. Comm. Spitzer noted that this business would cause double traffic because this is a dead end street. Mary Lou Guido stated that she has lived on Pine Street for twenty-one (21) years. She stated that over the winter, that plows had trouble getting through because of the parked taxis. She also noted that they sometimes blocked neighbor's cars in their driveways and the drivers also left their private vehicles as well as taxis parked on the street. Amanda Funk stated that she has also spoken to various drivers regarding speeding on the street.

Comm. Schaffer noted that there were no sidewalks here and children walked and played in the street. Comm. Spitzer asked Mr. Crapo if he had looked for another business location. Mr. Crapo stated that he has been searching, but many landowners wanted to sell and not rent. Comm. Smith asked him if he had looked for another place to rent. He stated that he was not making enough income to buy and only could afford to rent. Comm. Spitzer noted that he was sympathetic, but noted that this is a non-conforming activity in an R2 area.

On a motion by Comm. Spitzer, seconded by Comm. Felix, voted and approved to deny recommendation of approval to the Zoning Board of Appeals and to forward neighbors' pictures and letters to the Zoning Board of Appeals.

Commissioner Rafael Felix left at 6:00 PM.

Item No. 9 - Site Plan Review – 114 Elm St. – (Coaches)(SD) – Bar and Restaurant Remodeling

Mr. Brian Finucane was present to describe his project. He has purchased the business and plans to renovate the building on Elm Street. Vice Chair Hansen noted that the drawings were great. Mr. Finucane stated that he had been working on the building since June 30, 2010. Comm. Schaffer asked what the planned hours were going to be. Mr. Finucane stated that this was going to be a sports bar and he anticipated the hours of operation would be from 10:00 am until 10:00 pm or possibly midnight.

Comm. Smith inquired if he had handicapped accessible access. Mr. Finucane stated that he had a sixteen (16) foot ramp accessible from the front door. He had to change the forty-five (45) degree angled front door shown on the plans because of the inability of wheelchairs to maneuver to get to that doorway. He noted that he had a single bedroom apartment upstairs which had been occupied by the same tenant for some time and he would continue to rent to that tenant. He noted that all of his parking would continue to be on the street. He did state that he was interested in purchasing another piece of property, the gas station across the street, for parking as he had noted that some patrons of Trinks had regularly parked over there even though they weren't supposed to. At this time, that property is available for sale, but the owner wants to sell it along with two (2) other adjoining parcels and he does not want that much property.

On a motion by Comm. Spitzer, seconded by Comm. McMahon, voted and approved as presented.

Item No. 11 – Site Plan Review – 51-53 Greenbush St. – (Edwards)(R4) – Rebuild of Storage/Garage

No new information has been received – no action taken.

Item No. 5 – Site Plan Review – 73 N. Main St. – (Smith)(SD) – Tent Placement

Mr. Smith had arrived and inquired as to the status of his site plan. Vice Chair Hansen told him that a decision had been made and that he was to take the tents down no later than August 31, 2010.

New Business

Vice Chair Hansen noted that she had received a letter from Mayor Feiszli asking for a volunteer from the Planning Commission to sit on an ad hoc committee regarding ground

water. This would not be a standing committee. Comm. Smith volunteered to sit on that committee.

Vice Chair Hansen stated that she had received an email from Rich Cunningham of Thoma Development stating that the draft Comprehensive Plan is ready. She noted that she had asked that each of the Planning Commissioners review their draft copies and to submit their comments directly to Thoma. Comm. Schaffer asked that a work session be scheduled so that the Planning Commission could go over the draft together. A work session was scheduled for 5:30 pm on August 2, 2010 in the Mayors Conference Room at City Hall.

Comm. Schaffer also noted that she had been down to the daycare on Huntington Street and nothing had been done regarding the parking there. She also expressed concerns that applicants who had been approved for landscaping on their projects and had been advised to consult with the Landscape and Design Commission regarding plant, shrub and tree choices had never contacted that Commission. She asked that the Planning Commission be more forceful about having applicants go to that Commission for recommendations. She asked that Zoning Officer Weber speak with Landscape and Design Chairperson Mike Dexter about this issue.

Comm. Schaffer asked if John DelVecchio had filed another suit with regards to the Zoning Board of Appeals decision. Zoning Officer Weber stated that Mr. DelVecchio had filed an Article 78 regarding the Zoning Board of Appeals decision to uphold the Zoning Officer's decision regarding 19 W. Court Street. He noted that Mr. DelVecchio is currently on hold regarding doing anything beyond what has been approved by the Planning Commission.

Comm. Schaffer noted that it was her understanding that the rear building was supposed to look like the front building. He stated that Mr. DelVecchio has been denied a CZO, but a CO would be the ultimate document to put people in that building and that will not be issued until Mr. DelVecchio meets the two (2) pages of Planning Commission approval criteria.

#### Item No. 12 – Minutes – June 28, 2010

On a motion by Comm. Spitzer, seconded by Comm. Smith, voted and approved.

Comm. Schaffer and Zoning Officer Weber discussed grandfathering.

#### Adjournment

On a motion of Comm. Spitzer, seconded by Comm. Schaffer, voted and approved.

**I, NANCY HANSEN, VICE CHAIRPERSON OF THE PLANNING COMMISSION OF THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT SAID RESOLUTION(S) WERE ADOPTED AT A MEETING OF THE PLANNING COMMISSION OF THE CITY OF CORTLAND, NEW YORK, HELD ON THE 26TH DAY OF JULY 2010.**

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**NANCY HANSEN, VICE CHAIRPERSON**