



PLANNING COMMISSION City of Cortland

MINUTES

September 27, 2010

A regular meeting of the City of Cortland Planning Commission was held on Monday, September 27, 2010 at 5:15 PM in the Council Chambers at City Hall, 25 Court Street, Cortland, New York.

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

Staff Present: Mayor Feiszli, Capt. William Knickerbocker, Engineer/Advisor Ken Teter and Cheryl Massmann, Deputy City Clerk

Item No. 1 – Site Plan Review – 19 W. Court St. – (DeVecchio)(R4) – Parking Lot Guardrail and Landscaping

Chair Hansen noted that Mr. DeVecchio had not submitted requested information prior to this meeting and she asked if the Commission wanted to review any information that he might have brought with him tonight.

John DeVecchio was present. He addressed the Commission and told them that he did not have any items to submit. He stated that he did not have sample paint colors because galvanized steel cannot be painted. Comm. Spitzer noted that the Commission was in general agreement that the guardrail should be painted brown.

Mr. DeVecchio stated that he is not going to paint the guardrail. He submitted rating information for the record on the guardrail which was distributed. It was a generic Federal Highway Administration document about guardrails with a seventy (70) mile an hour impact, not the engineer's rating statement that was requested by the Planning Commission at their last meeting. Mr. DeVecchio also submitted some photographs. Mr. DeVecchio stated that he has spoken with his private legal counsel and he is refusing to paint the guardrail and that the Planning Commission has no authority to require him to paint that guardrail. He asked if the City Counsel was present. Comm. Schaffer asked him if his counsel was present. Mr. DeVecchio stated that he did not need his counsel.

Comm. Schaffer read him the Planning Commission requests from the last meeting. She stated that Mr. DeVecchio has not done what the Planning Commission required him to do and they will defer further site plan review until the next meeting. Chair Hansen deferred this review until the next meeting

Point of Information

Chair Hansen stated that last month, Mr. Risavi was present for a site plan review for 61 Groton Avenue. Mr. Risavi has since decided not to proceed with his project and he will

put the dirt back exactly the way it was. This will not be on the agenda for further review. Zoning Officer Weber will follow up on this.

Item No. 2 – Site Plan Review – 29 Tompkins St. – (Alumni House)(R4) – Storage Building

Rich Coyne, Engineer and Mike Stohl, property manager, were present. Comm. Schaffer asked them how close the proposed building was to the property line. Mr. Stohl stated five (5) feet from the line. Comm. Schaffer asked them to get a better more updated site plan. Mr. Stohl indicated that it had been submitted and was on the exact same footprint as the old building and that it would be a prefab unit. Mr. Coyne indicated that the construction was being done by Fingerlakes Construction and they hoped to get started soon. He noted that the little garage will stay. Comm. Schaffer asked that they obtain an updated survey of their property indicating all buildings.

Comm. Schaffer referred to the Historic Board minutes on this project, which were distributed to the Planning Commission and a copy will be given to them. Comm. Schaffer read the Historic Board minutes into the record. They indicated that the new building will have a terra cotta colored metal roof to match the Alumni House roof, with building will have hemlock board and batten siding which will be painted after six (6) months after the wood is cured. The building will only be a single story building with a personal entry door in the front as well as four (4) overhead doors and there will be windows in the rear. The footprint of the new building will be exactly the same as the existing building.

Comm. Schaffer noted that there had been some discussion regarding putting up a cupola. Mr. Coyne indicated that was corrected, they planned to add a dormer and a cupola. Comm. Schaffer indicated that the Commission did not have pictures of those planned additions. Mr. Coyne submitted drawings of the planned changes. He noted that cost was not an issue and their Board felt that the building with these changes will better match and give character to the new building.

Mr. Stohl indicated that the metal roof will be terra cotta color and he showed a sample and that the trim and soffits will be painted metal. The color was a light tan. Comm. Spitzer asked if they planned to paint the metal trim and if the metal could be painted. Mr. Stohl indicated that the metal trim could be painted. Mr. Coyne also indicated that they added a second three (3) foot personal entry door to balance the building. Comm. Schaffer asked that they keep the demo site clean. Mr. Stohl noted that they planned to strip some of the siding off the old building themselves and that Mr. Contento will then come to the site and very carefully take the old building down.

Comm. Felix asked if they planned to paint the garage doors. Mr. Stohl noted that they would be painted the light tan. Comm. Felix noted that there were windows on the back of the building. He asked if they would be an old style or would they just be new vinyl windows. He was concerned historic wise. Mr. Stohl noted that they would be vinyl windows and he showed a picture of the planned style. Comm. Schaffer noted that Historic Board Chairman Kline had reviewed the window style and had okayed the proposed style. Mr. Coyne noted that this project would begin this fall and they anticipated a two (2) to three (3) week operation.

On a motion by Comm. Spitzer, seconded by Comm. Felix, voted and approved the site plan as presented with the addition of the dormer and cupola and with the description of the structure as approved by the Historic Review Board.

Item No. 3 – Site Plan Review – 62 Clinton Ave. – (Mavis Tire)(GB) – Façade & Signage

Richard Pierce, engineer of record for this project was present to answer questions. He stated that Mavis Discount Tire purchased the operating rights for Cole Muffler. Cole Muffler retained ownership of the properties. It's a partnership arrangement. They are now in the process of re-branding their stores. They will be building the façade higher and getting rid of the cedar shakes and dress up the buildings. This will give them bigger showrooms and restrooms will be made ADA accessible, which they are not now. They've already added more rack storage for their tires and modern lifts. He showed the proposed new store branding with Mavis Tires in yellow against the teal background and Cole Muffler in white against a reddish background.

Mr. Pierce noted that the store would still have five (5) bays. He noted that the outside configuration of the present store would not be changing. Mr. Pierce noted that the mansard cedar shake façade would be removed and the new façade colors would wrap completely around the building. He also noted that there would be the signage in the front as indicated in the photo, but there would also be a small Mavis Tire sign on the Greenbush Street side. Capt. Knickerbocker asked if there would be a handicapped parking spot. Mr. Pierce was unsure, but Commission members noted that there was one indicated in the front. Comm. Felix asked if the store would be shut down during the remodeling. Mr. Pierce indicated that the crew coming in was very good at this and that the store would remain open.

Mr. Pierce stated that there is no plan to increase the size of the building and that the parking lot would be remaining the same. Mr. Pierce also noted that there was currently no plan to pave the rear parking lot as it is currently gravel. Comm. Schaffer asked if DOT had any problems with the current traffic pattern in the front. Mr. Pierce stated that traffic patterns on the site will not be changing.

On the motion by Comm. Smith, seconded by Comm. Schaffer, voted and approved the site plan as presented.

Item No. 4 – Site Plan Review – 152 Clinton Ave. – (Palmer)(GB) – New Construction

Richard Palmer, owner, Ric Maar and of Dunn & Sgromo Engineering, Joe Donnigan, Rich & Gardner Construction were present to answer questions. Engineer/Advisor Ken Teter was asked to come forward to ask questions as well. Mr. Palmer gave the past history on his project at this location and why he had to make a second site plan application. Comm. Schaffer asked if there had been any changes made on the new application that had not been on the old approved application.

Engineer/Advisor Teter stated that he has gone through the City files to see what was approved with regards to storm water management; DOT & DEC plan submissions to them and their subsequent approvals. He wants to make sure that we all have the same, most

recent submissions and are they consistent with the plan we have before us tonight. He noted it is not clear from the record and even more so that the survey and drawing that he received is not, in fact, what's out there. He felt there was a void of information.

Mr. Palmer stated that MOBIL would not give title to the property and he had to use an old survey. He is now in the process of obtaining a new survey. Mr. Maar noted that since this plan was submitted there had been one (1) change made to this plan. He noted that in the upper right hand corner 9 x 18 it should be 10 x 18. Various Commissioners asked for new copies of the changed plans. Mr. Palmer noted that he is planning to install a retaining wall to the rear of the site with eight (8) inch by eight (8) inch post with two (2) by ten (10) or three (3) by ten (10) boards to prevent cars from going over the bank. He noted that there was also a change in a bump out. He spoke with the trucking delivery company and noted that the bump out made the turning radius too tight and that has been changed. He also explained that in the old plans there used to be an overhang on the drive-thru and that has been done away with because of safety reasons. He didn't want to take a chance that a big truck would hit that. He also noted another bump out that was being eliminated and that would now become a striped area. That would've been a landscaped area, but because of the turning radius it was determined that due to the turning radius they wanted to eliminate the chance of people hitting it. He noted that in the old plans the curbing along the front came straight across and because of turning radius, it has been tapered it in and we made that all landscaping. There will be shrubs, but he will try to keep everything low.

Mr. Maar stated that they have a DOT permit and one of the requirement for that permit is that the east entrance has to be curved and clearly for a "right in only". He noted that on the other entrance they want it clearly marked that this island that separates "in" and "out" needs to be a curbed island. Those were the only two (2) requirements. Comm. Schaffer asked that there be signage for these entrances and exits instead of just painting on the ground. Comm. Schaffer also asked what his stack number was for his drive-thru. Mr. Palmer noted that there was a bypass lane and stacking for about six (6) cars. Mr. Palmer noted that there were currently six (6) pumps with twelve (12) service sites and he was not changing that.

Engineer/Advisor Teter noted that he had spotted monitoring wells that had been sealed over. Mr. Palmer stated that the DEC had signed off on those and there should be a record of that in the file. Mr. Teter and Chair Hansen wanted to have those letters for the record. Mr. Palmer also noted that they wanted the retaining wall in the back area. Mr. Maar noted that the wall would be made of seven (7) foot stone filled gabian baskets. Mr. Teter would like to see a drawing of the grading and contours. He would like to see a separate drawing. He stated that he had seen something regarding storm water from Adirondack Storm Water Environmental Services. Mr. Palmer noted that they had something from Ground Water Environmental Services directly through Exxon Mobil and they did the monitoring wells and stuff. Mr. Teter stated that there was a storm water report in the file because it essentially reflected this plan and it showed a mechanism by which to catch the run off along the rear extent of the boundary and then going down to two (2) water quality basins. He was confused by some of these comments and if it had been reviewed and if it was for this project or not. Mr. Palmer felt it was old. Mr. Teter would like to see the intended storm water management plan for this site, because of the various areas for a potential incident. Mr. Palmer noted that the fill area, the storage tanks,

the pumps are not being touched other than the two (2) pumps that are being moved. Mr. Teter wanted to see the new grading plan to see where the water was going. He reviewed a list of items he would like to see:

1. The base survey drawing used does not reflect the present conditions at the site. A new updated survey will be needed.
2. An update on the status of the monitoring wells is needed.
3. In conjunction with the new survey, accurate existing and proposed contours and grading are required.
4. The DOT approved driveway permits and drawings and any other DOT documentation are needed to insure that all parties are fully coordinated.
5. All proposed sanitary sewer and water service modifications and improvements must be reviewed and approved by the DPW. This should also include all required easements and abandonment plans.
6. Complete information must be provided as to the proposed storm water management plan, erosion control, etc., including spill containment at the pumps and the tank fill areas. DEC review is needed relative to stream bank work.
7. All proposed changes for the installation of the new pumps, canopy, piping, etc., is needed.
8. Being at the primary "gateway intersection" into the City, attention to landscaping, buffering, etc., is essential.
9. For the proposed lighting plan, a full photometric survey and information on the lighting fixtures are needed.
10. There is no information as to the proposed signage at the site. This includes on the building and elsewhere on the site.
11. Concerning SEQR, only Part 1 of the Short EAF should be completed.

Comm. Smith expressed concerns regarding the removal of trees on the site. She expressed a concern about water pooling. Mr. Maar stated that it will be graded level and there will be no pooling. Comm. Schaffer noted that if a tree is removed, they would like to have one planted to replace it. Mr. Palmer noted that there would be landscaping, but no actual trees. Comm. Schaffer would like to see a better developed landscape plan. Engineer/Advisor Teter wants to see a streetscape and noted that there could be signage in the greenspace area. Mr. Maar noted that it's a State DOT right of way and they won't want signage and greenery there. Comm. Schaffer would like to see more green space at eye level.

Comm. Schafer noted that there were two (2) concerns. One was the Tioghnoga River and the other was that we are located on a major fault line. She asked if his storage tanks were earthquake proof. Mr. Maar noted that they met State requirements back in 2006. She would like him to check in to that. Engineer/Advisor Teter gave a bullet list of requests to Mr. Maar.

Mr. Maar noted that they would be submitting an Area Variance for signage to the ZBA the next day with regards to the pylon sign. He noted that the price sign will be the same size, but that six (6) other signs on the property will be eliminated. Engineer/Advisor Teter noted that there will be a County review of this site plan as well as coordinated review. Comm. Felix asked for cleaner drawings. Comms. Schaffer and Felix expressed concerns

about incoming delivery trucks blocking cars that were trying to come in to the site behind them. Mr. Palmer noted that he averaged about two (2) to four (4) deliveries a week and the entrance is per DOT and their approval and they have approved this.

Mr. Palmer touched upon signage. He noted that the existing pylon sign will remain the same size, but Dunkin Donuts will be added beneath it. It will remain the same size. The second sign is the price sign in front on the corner and that will not change. They will be cleaning up the site signage. Flying horses on the side of the existing building will be going. Two (2) temporary signs out back will be going. On the entrance face (east side) there will be a very small thirty-six (36) inch diameter logo sign and on the South side there will also be a small Dunkin Donuts sign. There was some discussion regarding truck maneuverability on the site.

The applicant was asked to return next month with further information per the Engineer/Advisor's list.

Item No. 5 – 10 – 12 Main St. – (Souzas)(CB) – Upstairs Apartments

Attorney Fran Casullo was present to represent the applicant. He explained that when Evan Souzas went to refinance this property, which is the Community Restaurant building, and told about the two (2) apartments upstairs over the restaurant; City Code had no knowledge of the two (2) apartments and an office/storage area when he came to Mr. Weber and Captain Knickerbocker for some paperwork. It's been that way for years and Evan bought it that way. He is trying to do the right thing. Comm. Felix asked when it was changed. Mr. Casullo stated that no one knew, but it was over ten (10) years ago and it was not done by Evan.

This site plan is after the fact, as Evan didn't create this situation. He was also instructed to obtain building permits from the Code Office. He spoke with Zoning Officer Weber and it was recommended that he get site plan approval from the Planning Commission in case Evan wanted to get financing. Comm. Spitzer noted that apartments in the downtown business area were less problematic than ones in a residential area. Comm. Smith asked why there was a need for building permits to be issued if there was no construction taking place. Capt. Knickerbocker stated that he wanted to bring the apartments up to code. Comm. Schaffer stated that she didn't see why he needed site plan review for an interior thing that already exists. Mr. Casullo stated that Mr. Weber had sent Mr. Souza to the Planning Commission with a site plan application to get into compliance with the City. He explained that someone has been living in those apartments for years. Comms. Felix, Schaffer and Smith want to see professional drawings and floor plans. Mr. Casullo noted that many things in the application don't apply and he's was starting to get a bit confused.

There was extensive discussion amongst the Commission members about whether this is an appropriate site plan or not. Since no site plan was provided, Comm. Smith stated that there was nothing to approve.

On a motion by Comm. Spitzer, seconded by Comm. Felix, voted and approved the request for site plan approval on the recommendation of the City Zoning Officer Weber and the City Code Office to insure that these two (2) dwelling units meet all Code requirements

and floor plans must be submitted as soon as practicable. (Nay votes – Schaffer and Smith)

Item No. 6 – Sub-Division – Recommendation for Area Variance – 26 Arthur Ave. – (McGraw/Kelly) – Lot line change

Atty. Victoria Monty was here to answer questions regarding this project. She noted that the lots were both non-conforming. This is just a lot line adjustment. The hedgerow had been assumed was the property line, but it was not. Comm. Schaffer asked if both owners were in agreement on this. Atty. Monty stated that they were. Comm. Chair Hansen noted that Planning simply needed to make a recommendation that the Area Variance be sent to the ZBA and then it will come back before the Planning Commission for a Public Hearing in October and a vote if they approve the Area Variance. Atty. Monty noted that the sliver of land was three point three eight feet (3.38) at its widest point.

On the motion by Comm. Schaffer, seconded by Comm. Smith, voted and approved to recommend to the ZBA that the Area Variance be granted.

Item No. 7 – Site Plan Review – 6 Locust Ave. – (Systems East)(R1) – Front Stair Enclosure

Mr. Buttino was present to present the project and to answer questions. He plans to change the front entrance to the building. The building was built in about 1980. He purchased it in 2003 and has done a number of improvements. The protrusion is four (4) feet out and nine (9) feet four (4) inches in width. He is looking to extend it another nine (9) feet so that the stairs where you see the front door will be the front of the building. The front door will simply be glass and the stairs will be enclosed.

Comm. Smith asked what was on the front. Mr. Buttino noted that the brick will be untouched on the front of the building as well as the brick on the corner. The face where the door is being carried out eighteen (18) feet and the instead of having the stairs drop to the pavement, he plans to put in lawn and a small sidewalk. He noted that the basement window will be eliminated. The stairs, as you face the building, will go right.

Comm. Smith asked if the building would now be handicapped accessible. Mr. Buttino stated that it would not be and it was not required to be. He also plans to put red or golden cedar on a forty-five (45) degree angle in a panel to break up the brick.

On the motion by Comm. Spitzer, seconded by Comm. Felix, voted and approved as presented.

Item No. 8 – Site Plan Review – 75 E. Court St. – (Delta)(GI) – Change to Face

Mr. Muehlbauer was present to describe the project and to answer questions. He plans to change the façade of the building, put up new signage and change the parking lot plan. Comm. Spitzer asked if there were already businesses renting space in the building. Mr. Muehlbauer indicated that there were businesses already and more are coming. Comm. Felix asked if he planned to use paint for the signage. Mr. Muehlbauer stated that he will

be painting the boards green and then using vinyl lettering. He also will identify the building as the Cortland Corset Company Building.

Mr. Muehlbauer noted that his parking lot is existing. It is very large. He will re-stripe the parking spaces to the correct size mandated by Code. Comm. Felix noted that this was a perfect re-use of a building and all of the Commission agreed.

On a motion by Comm. Schaffer, seconded by Comm. Spitzer voted and approved the project as proposed.

Minutes – August 23, 2010

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

New Business

Capt. Knickerbocker noted that 19 W. Court St. is still lacking on a punch list which includes drainage problems, painting is unfinished and there's no historical sign and Zoning, Corporation Counsel and Code are meeting on this.

Comm. Felix asked for an update on the parking situation at the Day Care on Huntington Street. Nothing has been done. Capt. Knickerbocker indicated that he will write tickets on sidewalk parking.

Local Law Review – Vacant Building Registry

Comm. Schaffer would like them to take the fee structure out and establish that by resolution so that fees can be changed as needed. Capt. Knickerbocker noted that he will recommend signage be taken out of the law as it duplicates NYS Fire Code.

Planning Commission Vacancy – Applicant's Resume Review

Chair Hansen stated that she had three (3) resumes to review. She asked for a motion to go in to executive session.

On a motion by Comm. Spitzer, seconded by Comm. Felix, voted and approved to go in to executive session.

On a motion by Comm. Schaffer, seconded by Comm. Hansen, voted and approved to come out of executive session.

Chair Hansen asked Deputy City Clerk Cheryl Massmann to notify the Mayor's Office of the Planning Commission's recommendation for the appointment of Jeff Gebhardt to fill the remainder of the term caused by the resignation of Barb Ryan.

Adjournment

On the motion by Comm. Spitzer and seconded by Comm. Felix, 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 27th DAY OF SEPTEMBER 2010.

NANCY HANSEN, VICE CHAIRPERSON