



PLANNING COMMISSION City of Cortland

MINUTES

October 25, 2010

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

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

Staff Present: Capt. William Knickerbocker, Zoning Officer Bruce Weber, Engineer/Advisor Ken Teter and Cheryl Massmann, Deputy City Clerk

PUBLIC HEARING

26 Arthur Ave. – (McGraw/Kelly)(R1) – Sub-division

There was no one present to speak against the sub-division.

Ms. Monty, Esq. was present to speak in favor of the sub-division. She noted that the Zoning Board of Appeals had approved the variance request at their last meeting.

There was no one else present to speak on this and the public hearing was closed.

On the motion of Comm. Schaffer, seconded by Comm. Spitzer, voted and approved to close the public hearing

REGULAR MEETING

Item No. 1 – 26 Arthur Ave. – (McGraw/Kelly)(R1) – Sub-division

On the motion of Comm. Spitzer, seconded by Comm. Schaffer, voted and approved the sub-division of 26 Arthur Avenue as proposed.

Item No. 2 – 61 Groton Ave. – (Risavi)(R4) – Determination

The applicant will not be doing this project, but a motion is needed to finalize the determination.

On a motion by Comm. Gebhardt, seconded by Comm. Felix, voted and approved to deny the site plan as presented.

Item No. 3 – 19 W. Court St. – (DeVecchio)(R4) – Parking Lot Guardrail and Landscaping

Comm. Schaffer asked that this be referred to Corporation Counsel Walsh to look into possible fees or penalties. There has been no update on this project.

On a motion by Comm. Schaffer, seconded by Comm. Felix, voted and approved to refer this to Corporation Counsel for appropriate action and subsequent penalties.

Item No. 4 – 152 Clinton Ave. – (Palmer)(GB) – New Construction & Signage

Mr. Palmer indicated that his engineer had not yet arrived and he asked that the next application be reviewed.

Item No. 5 – 134 Madison St. – (Withey)(R1) – Garage

Derek Withey was present to answer questions. Comm. Felix asked why he needed a four (4) car garage. Mr. Withey stated that his parents currently owned an apartment complex with storage units. He currently has furniture stored there and they are considering selling those and he needed to use one (1) of the planned bays for his personal storage. Mr. Withey explained that he also planned to give his tenant a storage unit and two (2) units for the other. This building would only be for tenant use.

Comm. Smith asked for the dimensions for the new building. Mr. Withey indicated that the new building will be twenty-eight (28) feet by forty-eight (48) feet. The old building is twenty-four (24) feet by twenty-four (24) feet and it is built very close to the house. The new one will be built farther back. The driveway is on the left hand side of the house.

Mr. Withey indicated that he plans to leave the old building up until the new one is built. There will be parking in the garage and some gravel parking spots next to it for guests and he will not be covering any more greenspace. He also stated that his parents had received a variance to put gravel behind the present garage and that is what's there.

Comm. Gebhardt asked if he planned to retain the gravel space. Mr. Withey indicated that he planned to retain it. Mr. Withey noted that the gravel area is about forty (40) feet deep and there is enough room to park about three (3) to four (4) cars.

Comm. Spitzer noted that this was a new four (4) car garage and there were two (2) units in the house and only four (4) parking spaces were required.

On a motion by Comm. Smith, seconded by Comm. Schaffer, voted and approved the site plan as presented. (Comm. Felix – opposed)

Item No. 3 – 19 W. Court St. – (DelVecchio)(R4) – Parking Lot Guardrail and Landscaping

Mr. DelVecchio was present and he brought the approved plan up to the table for the Commission to see. He noted that the plan was approved by them. He stated that there was a twenty-two (22) foot drop on the east side of the property and he again reminded them that they approved the plan he was showing them and he indicated that they had not provided any safety plan with regards to that drop. He stated that it was overlooked by

both this board and the engineer. Mr. DeVecchio stated that for his own liability and the safety of his tenants, he constructed a guardrail on the east side as an amenity to the approved structure and that is why he did not come before this board before they built it. He asked Capt. Knickerbocker if a certificate of occupancy would've been issued if a guardrail had not been put there.

Capt. Knickerbocker stated that it was a safety issue. He noted that the building code did not address that. Mr. DeVecchio stated that he constructed it and it is made out of galvanized steel, which he thought could be painted. He stated that he now knows that besides being galvanized steel, it is treated with some type of material in it's composition that does not allow paint to adhere to. He noted that he had submitted photos of some guardrails that had been painted and they showed paint deterioration. He indicated that he had spent a ton of money on this property and he wants it to look nice and he wants to maintain that look. In order for him to maintain it and to have it peel off in a year, once painted it is a continual maintenance problem. He doesn't feel that he should have to do something that is going to detract from the appearance of the property.

Comm. Spitzer stated that there were two (2) problems. One was for the general reasons Mr. DeVecchio stated. It's logical to have some type of barrier there, but the problem is that he did not check with anybody beforehand. He could have made a quick phone call to Zoning Officer Weber and ask for his input on material and location and it's now problematic. He also stated that the second problem was that Mr. DeVecchio had stated at the last meeting that he was not going to comply and the information provided don't resolve the question of the paintability of the guardrail that has been installed.

Mr. DeVecchio stated that he did not want to paint it. He stated that if the board wants to deny him because he didn't want to paint it, the board has the right to do what they want to do and then there are courts that will review the board's decision through another Article 78. He's not telling the board what to do, he's just telling them that he has done his research and this is not the type of material that allows paint to adhere.

Comm. Spitzer asked him if he had new information to present aside from this and what he said last month. Mr. DeVecchio stated that he did not and that was why in the State of New York none of the guardrails are painted because it's made out of a material that is not supposed to be painted.

Comm. Schaffer stated that one of the comments made a few meetings ago when the guardrails went up was that he had guardrails already on a piece of property on Groton Avenue and if he looked at those guardrails now, they are bent, dented, off the guard posts and they are not maintained, they're rusted, corroded, ripped and torn.

Mr. DeVecchio stated that those guardrails were not installed professionally. Comm. Schaffer noted that they were installed on that property to protect cars from parking from one side of the property to another and they have not been maintained and that's her issue. They've not been maintained. She stated that the Commission asked him to do something for aesthetic purposes and safety purposes and we do have something here in the minutes and we also asked for that engineering requirements be met. The fact is, we need some guarantee that those guardrails are going to be maintained and kept.

Mr. DeVecchio stated that these guardrails do not get painted or treated. Vice Chair Hansen stated that if they get hit and are dented or bent and come off their posts.....

Mr. DeVecchio stated that these are guardrails that get installed on both sides of the posts and the posts are spaced a lot closer than the other places the Commission is talking about. He noted that the others were not a protection barrier. Those others were installed to be a dividing line so people would not park on his property and his tenants would park on the property they were supposed to park on. This guardrail was installed totally differently.

Comm. Schaffer noted that they had asked for a statement from his engineer regarding the safety of those guardrails. Comm. Spitzer noted that this was all information that the Commission had reviewed before and that there was nothing new being presented for review or discuss. Mr. DeVecchio asked them to make their decision.

Vice Chair Hansen moved on to the next agenda item.

Item No. 3 – 152 Clinton Ave. – (Palmer)(GB) – New Construction & Signage

Mr. Palmer was present along with Greg Sgromo, Project Engineer.

Comm. Felix thanked him for the new, clearer drawings. Mr. Sgromo highlighted the plan changes. He showed the plan approved by the NYS DOT for driveway access noting that the layout is the same. He indicated that there was ten (10) feet of pavement at the driveway. He pointed out that a bio-retention strip had been added although it was not a requirement. This area will capture minor oil and gas run-off from the site. He also noted that some landscaping detail had been added. He pointed out that the dumpster had been moved and a small shed, as well. The small shed would be used to store seasonal small grounds maintenance equipment. He indicated that the willow tree will be removed and will be replaced by some pine trees and that there will be landscaping at the entrances. He noted that the exit will have a red brick paver island.

Comm. Schaffer asked if there would also be stop signs at the exit. Mr. Sgromo indicated that there would be as well as signage indicating “Enter Only” signs, as well.

Comm. Smith asked for a description of the fuel delivery process. Mr. Sgromo and Mr. Palmer indicated that there would be hour notification of a fuel delivery. Cones would be placed to prohibit customers from parking in that area and would still allow a fifteen (15) foot drive by aisle accessing the site beside the delivery tanker. Mr. Palmer noted that they had also taken out the old canopy to prevent interference.

Engineer/Advisor Ken Teter indicated that the new plan was more complete. He asked about the old DEC letter regarding the retaining wall and noted that there was no mention of a stream bank disturbance permit. He noted that regulations dealt with anything disturbing anything within fifty (50) feet of the high water mark and he asked where that stood.

Mr. Sgromo felt that it didn't need to be revisited because there will be a wall for protection. He noted that the location of the wall is the same as before and nothing had changed from the original sign-off letter received from the DEC giving approval for the alignment and the wall. That letter was dated March 30, 2007.

Engineer/Advisor Teter referred to the DOT permit that had expired. In the course of his conversation with DOT with regard to the status, they mentioned that they are in the midst of their review. The discussion came up about the previous permit and he saw the original drawing. He noted that what had been issued referred to a comment that he had made last month regarding a green strip behind the sidewalk to separate pedestrians from vehicular traffic throughout the site along that frontage. He noticed that on the previous permit, the drawing had in fact the entire frontage with a three (3) foot wide green strip. He felt that having worked on the Comprehensive Plan, he is aware of the importance of this intersection as a gateway in to the City and that anything that can be done to increase the greenspace and reduce asphalt, he would recommend to the Board. Based on what DOT has done, it also is a concern for them. He stated that obviously, they weren't looking for trees because of a visibility issue, but segregating vehicles and pedestrians and protecting his various service poles within the site. This area could be encompassed with greenspace.

Vice Chair Hansen asked Mr. Teter how wide a space he was considering. Mr. Teter noted that he thought five (5) or six (6) feet should be considered along the road and it was on the previous permit, so obviously it was not a concern for the DOT.

Mr. Sgromo noted that he was not sure how to treat the signal boxes and how to treat them as far as grass, which was one of the reasons that was taken out. He noted that it was also a pretty tight turn coming out of those islands and they were afraid that if the curb was moved closer to those islands, people coming in with campers or boats would cut in to that. Comm. Schaffer noted that there was nothing between the sidewalk and the site and she agreed with Mr. Teter about the greenspace strip. She wants to protect pedestrians and wants to see more greenspace. She suggested more greenspace between the pole bases even though it might be a narrow greenspace.

Mr. Palmer stated that he would not put in bushes. Comm. Felix suggested just grass. Mr. Sgromo noted that the DOT currently has that area paved. Mr. Palmer outlined all the different post bases in that area.

Comm. Schaffer asked if Mr. Palmer could obtain more current letters of approval from the DEC and the DOT. Mr. Teter explained that the DEC letter stands and his only question was whether there was a need for the permit and pointing out regulations. As far as the DOT, they are getting a new permit as the other permit had expired.

Mr. Teter brought up the question of easements from the City Council for the sewer and water lines. He noted that this type of thing often gets forgotten. Mr. Sgromo noted that once this project is approved and surveyed, they will start the legal process with the City with regards to easements for the sewer pipe. He noted that there is a twenty-seven (27) inch sewer line that goes under the building and that will be moved and they will provide the City with a twenty (20) foot easement.

Engineer/Advisor Teter noted that the parking spaces met Code. His next concern was with regards to storm water. He appreciated what was being done at the top of the bank and as a protection he still had concerns. He noted that this is a difficult situation because it is an existing facility and he has gone round and round with the DEC on this issue. He noted in the tank fill area it was not clear where the water would go or a spill. He noted that if it went toward the river, that actually would be some degree a better scenario because of the interception trench that is being proposed so that there is the opportunity to be captured in the soil and then there's a designated spot to be cleaned up. He noted that if it went to the street, there were two (2) storm inlets that went directly to the river. That raises a concern for him. He did note that the area was very flat, but he wanted to bring the drainage issue to their attention. He noted that this was not an easy circumstance to deal with. He didn't know if any consideration had been given to trying to do something regarding drainage on the property.

Mr. Sgromo stated that was a good point. He noted that they were going to have curbing installed and they could bring up a low area at the entrance and maybe giving it an inch high hump to keep the water pooling on site. Mr. Teter indicated that was what he was looking for. Mr. Sgromo noted that it will either pond or some will be directed to the bio-retention area. Mr. Teter noted that would be a valuable improvement.

Mr. Teter noted that his part B was also concerned about the grading and drainage at the canopy area. It indicates some going north and some going south and he would like them to create a soil opportunity to capture a spill on both sides. He noted that environmentally greenspace on both sides would be to his benefit. The Planning Commissioners agreed with that and all thought a three (3) foot strip was good.

Comm. Schaffer noted that the grassy area was a visual cue to people. Mr. Palmer noted that he would put the grass in that area. There was discussion regarding curbing and there would be no curbing along the greenspace to allow for people towing who might swing in to that area if necessary. Comm. Spitzer asked if there was any designated parking in that area and it was indicated that there was none.

Mr. Teter noted that they now had a photometrics plan and he noted that forty (40) to fifty (50) foot-candles in the under-canopy area were pretty intense. Mr. Sgromo noted that was less than the current light intensity under the canopy. He noted that they'd be using a flush or recessed mount LED lights which have less spillage or pollution, but they would be on twenty-four (24) hours per day. Comm. Felix noted that the light dissipated from the site rather quickly and was better than he had expected. Mr. Teter thought that would be good.

Comm. Schaffer asked about signage. Mr. Palmer stated that he had already gone before the Zoning Board of Appeals and that they had gone down from seven (7) signs to four (4).

A SEQR review was done.

On the motion by Comm. Spitzer, seconded by Comm. Felix, voted and approved to issue a negative declaration.

On the motion by Comm. Spitzer, seconded by Comm. Felix, voted and approved the project as presented contingent upon doing a regrade to make a highpoint between the fill ports and the street and to have a greenspace along the east and southeast with a minimum of three (3) feet in width, obtaining the easement from the City and also pending all other requirements and approvals from the DEC, DPW, DOT and per the updated new landscaping plan including the addition of trees.

Item No. 6 – 23 Tompkins St. – (Youmans)(R4) – Recommendation to ZBA for Change of Use

Mr. & Mrs. Youmans were present. Vice Chair Hansen noted that they are looking for a recommendation to the Zoning Board of Appeals and that the Planning Commission could also approve the change of use contingent upon ZBA approval. Zoning Officer Weber explained that the Commission could decide and approve the number of parking spaces required and the Commission was going to deal with this as if it was an allowed use.

Mr. Youmans handed out some revised information. He had changed the original parking spaces to four (4) spaces as recommended by County Planning. He indicated that they would be open from 11:00 am until 2:00 to 3:00 pm by reservation only from Tuesday through Saturday. They will be serving a full tea and the gift shop would only be open to people attending a tea. Mrs. Youmans stated that this will be an owner occupied property and they would have no employees.

Comm. Schaffer thought that this was an appropriate use for the neighborhood. Comm. Smith noted that it was in line with the Comprehensive Plan which is promoting home businesses.

Comm. Spitzer noted that they should review County Planning's comments. They asked if the square footage of the gift shop was included in the tea room or if it was in addition to the tea room.

Mr. Youmans stated that they planned to use eight hundred seventy-seven (877) square feet which includes three (3) dining areas, the gift area and the kitchen. Comm. Schaffer asked what their total occupancy was for the space. Mrs. Youmans indicated that they would only accommodate a maximum of thirty-six (36) people.

Capt. Knickerbocker noted that he has spoken with the Youmans and the square footage was larger than he had expected and he noted that there are some unanswered questions, but they were not unsolvable. Comm. Schaffer asked if he had been inside the building and if a second exit was required. Capt. Knickerbocker stated that it was not required if the occupancy was less than fifty (50). He noted that being a home based business they will have to answer some fire separation questions. He asked if the Youmans family would be using the space when the business was not open. Mrs. Youmans indicated that they would be using the dining area and the kitchen.

Comm. Felix asked if there were any plans to changing the outside of the building. Mrs. Youmans indicated not at this point.

On the motion by Comm. Schaffer, seconded by Comm. Smith to approve the four (4) parking spaces and to refer the use variance application to the Zoning Board of Appeals and to approve the use variance application contingent upon Zoning Board of Appeals approval.

Item No. 7- Area Variance – 7 Pleasant St. – (Cortland Holdings)(R1) – Recommendation to ZBA for Area Variance

McClain Schonekas with Walk to Campus Properties was present. He stated that they were a student housing operator with an office on Main Street and they've been in business for six (6) years. He stated that they operate in Virginia, South Carolina and New York. Their company policy is to pride themselves on their ability to work with the local community and follow their rules. He noted that when this property was inspected for the rental permit, it was asked if crushed stone had been added to the property. Mr. Schonekas stated that they had put crusher run down in a muddy area where the kids had been parking. The Code Office inspector told him that a permit was needed. When he spoke with Capt. Knickerbocker, he told him to submit the permit application retroactively and go before the board and let them make their determination. He apologized for not knowing the process.

Com. Schaffer asked how many units were in this building. Mr. Schonekas stated that it was a two (2) unit with a total of five bedrooms, three (3) on the downstairs and two (2) on the second floor. Comm. Schaffer asked if they were separate units with separate kitchens. Mr. Schonekas said that was correct and it was student housing. He explained that the property would be upgraded with new siding and windows. He noted that they participated in the City's sidewalk program and he thanked the City. He explained that they fixed the driveway and put new crusher run down. He stated that their goal as an operator is to provide good quality and good service. He stated that all of the properties that they purchase that aren't in good shape now will be in good shape in time. They plan to be in Cortland for the long term.

Comms. Schaffer and Smith asked that the parking spaces be designated so that tenants would know where to park. Mr. Schonekas stated that the issue with that is that three (3) of the spaces will be tandem. They have a long narrow driveway and tenants communicate with each other with regards to moving their cars. Comm. Schaffer noted that the site plan did not indicate where people would be parking. Commissioners agreed they would like to see the parking spaces designated.

Comm. Smith asked if before the parking area became a mud pit, if it had been grass. Mr. Schonekas did not know. Comm. Smith asked if there was any portion of the backyard that had grass. Mr. Schonekas indicated that there was grass in that area. He indicated where to Comm. Smith in the rear and along the side of the house. He also noted that there was no garage, just a foundation and that was used as a parking space. He stated that the garage was not there when they purchased the property.

Comm. Schaffer asked if the spaces would be ten (10) foot by eighteen (18) foot spaces and if they could be indicated. Mr. Schonekas agreed to do that. Comm. Smith asked him

how many students were in the building currently. Mr. Schonekas indicated that he currently has a total of five (5) students in the building.

On the motion of Comm. Spitzer, seconded by Comm. Felix, to refer this area variance application to the Zoning Board of Appeals along with a revised site plan indicating defined parking spaces and indicating approval of the area variance contingent upon Zoning Board of Appeals approval.

Item No. 8 – 43 & 45 Charles St. – (NYSEG)(R4) – Remediation

Tracy Blosespect, NYSEG project manager and Amy Monty, Engineer/Consultant for NYSEG were present.

Vice Chair Hansen noted that NYSEG was doing remediation of the soil, bringing new soil and leveling it, removing trees and then replanting trees. It was noted that NYSEG should contact and refer to the Landscape and Design Commission regarding the plantings at this site. Mr. Blosespect noted that they would be removing four (4) trees between the curb and the sidewalk. Ms. Monty explained that they would be removing two (2) feet of topsoil for the remediation and that is why the trees would have to come down.

Comm. Schaffer asked that the fencing be reviewed by the Code Office. Mr. Blosespect noted that the current fence which is there just for safety would be removed after the remedial work is done. Ms. Monty indicated that it would be open space, but that there was a request to put fencing along the backline so that there wouldn't be cut throughs. An existing picket fence which is in poor condition would be removed and replaced with a chain link fence. Comm. Schaffer indicated that she would like to see a bench put in that area.

Comm. Felix asked what the plans were for the property. He stated that NYSEG will own it in perpetuity, the clean up is such that it will allow a multi-family housing if a developer has an intended use that meets zoning requirements, they would be willing to entertain that in the term of a long term lease. NYSEG as a utility company will obviously not be using that property as part of its business operations.

Comm. Spitzer asked what happened to the two (2) houses on the properties. Ms. Monty stated that they were torn down in December 2009. Mr. Blosespect noted that this is successor liability. He explained that this was once the site of a storage tank for manufactured coal gas prior to natural gas being available. NYSEG is liable for the environmental clean up. When the tank was removed after 1926, two homes were built there and because NYSEG has the liability for the gasworks plant that operated in Homer, they have environmental contamination clean-up liability for all subsequent properties that were owned by them, so NYSEG had to purchase those properties.

Comm. Schaffer asked who would maintain and mow these properties. Mr. Blosespect stated that NYSEG had talked about contracting with the City park's crews to do that. Comm. Felix asked if there were any more properties that NYSEG planned to purchase and clean up in the future. Mr. Blosespect stated that they had done a full environmental

investigation and the DEC is convinced and agrees that the contamination from this operation is limited to those two (2) properties.

Comm. Smith asked if they knew what types of trees were being removed. It was believed that they were silver maples and Ms. Monty believed that they would be replaced with red maples. Commissioners want them to present a landscaping plan and to be sure to contact Mike Dexter of Landscape and Design regarding the tree selection.

Comm. Felix asked how far below the existing building foundations did they plan to take out. Mr. Blosspect stated that they only have to take out two (2) feet of soil across the entire site and because the foundations are there, they will be pulling the foundation material into the existing hole and crush it down to two (2) inch minus and leave that as back fill and then put gravel on top of that and bring it up to the two (2) foot cut and then put new topsoil from there up, bringing it back to the original grade.

Comm. Schaffer asked if there was a topographical map showing drainage. Ms. Monty indicated that there was one and stated that water would just percolate and wouldn't be going on to neighboring properties.

On a motion by Comm. Schaffer, seconded by Comm. Smith, to approve with the following stipulations: that NYSEG consult with the Landscape and Design Committee with regards to the planting of trees, that they install a fence in the back of the property sized according to Code and to enter into a contract agreement with the City park crews to take care of the property.

Item No. 9 – Site Plan Review – 24-26 Pt. Watson St. – (Cort. Rep.)(CB) – Exterior Renovations & Signage – Recommendation to ZBA

Board President John Folmer, Artistic Director Kirby Thompson, Board Vice President Tom Canoble and Architect Jeff Taw were present.

Jeff Taw stated that the Cortland Repertory Theatre was creating a winter home in what was once the old bowling alley as a compliment to their Dwyer Park facility. They plan to use the Pt. Watson Street building for winter theater productions and summer rentals for various functions such as weddings and conferences. They plan to dress up the front of the building facing Pt. Watson Street. They plan to dress up the windows, cleaning up the elevation and taking advantage of the existing brick accent panels for signage. He noted they will be cleaning out the alleyway and removing the canopy.

Mr. Taw noted that it is highly visible from Main Street and it begged to address the entry sequence on the west side of the building that faces the municipal parking lot. He noted that the entry to the parking lot is next to a very large landscaped garden area which does a very nice job of screening the parking. The plans for the façade are to bring in clapboard elements and trim elements, visual cues if you will, from the pavilion to this facility to somewhat tie them visually together. Where we have existing industrial windows that are currently blocked up; we are going to open those up to bring daylight into the space for some of the activities that are not theater functions. He stated that at the back end of the site they are going to bring the hierarchy down to the more utilitarian aspects of the façade.

The front of the building will be the lobby area and the center portion is the performance area. It will be multi-purpose and there will be no stage involved. Kirby has the ultimate flexibility of creating the space. The back portion of the building would be used for set shops, props and costume design. The dressing rooms will be in the upper area of the two story space. There is currently a mezzanine in there and we will be expanding that a little bit to provide more dressing room space.

Mr. Taw noted that because of their limited footprint on the site the plan is to create an entry to the west. This affects the City parking area and it is CRT's desire to improve the corner with their canopy space and a garden. Currently there a triangular striped out space at that corner and what CRT would like to do is to create a garden space outside of the entry and restripe the parking spaces down the west side of the building and redefine the loading area to the set shops toward the rear of the building. He also noted that there would be a secondary egress from the performance space toward the rear. They're trying to create a more attractive entry to the site to compliment the existing garden space.

Mr. Taw noted that in the process of restriping the parking lot area, we would be losing only one parking space. He was able to condense some of the existing loading area. Comm. Schaffer stated that CRT would have to negotiate with the City regarding this, as this was not the Planning Commission's bailiwick. She reminded him that when they restriped the parking spaces they had to be ten (10) foot by eighteen (18) foot spaces and he agreed that was the plan. He explained about the loading area towards the east front side of the building. It will be a loading area for stage equipment and also functions as one of their egresses. There will be three (3) egresses from the performance area.

Comm. Schaffer asked about the height of the performance area. Mr. Taw thought it was about fifteen (15) feet. Mr. Taw also felt that they may not need to obtain a variance for signage. Mr. Folmer noted that he had spoken with Mr. Weber and they will be reducing signage. Mr. Folmer stated that as long as the signs they use conform to the square footage requirements of the Code no variance is required. Comm. Smith asked if the building was handicapped accessible. Mr. Taw stated that there are plenty of ramps inside and that the building was fully accessible inside and out. Comm. Felix asked if the bathrooms were accessible. Mr. Taw stated that they were fully accessible.

Comm. Felix asked how far the brick going down the side of the building. Mr. Taw indicated that the brick itself just turns the corner. He stated that they will be applying composite clapboard material pulling material from the imagery of the pavilion. They are applying decorative concrete block similar to the Clock Tower Building that will match the existing limestone on the building and then they will introduce effice synthetic stucco with inserted panels being clapboard. There will be a variety of materials. This is a freight train of an elevation, so they are trying to break it up and give it some texture and appeal. Once they get to the rear section, they will be cleaning up the concrete and painting.

Comm. Felix asked how far the side entrance would extend out. Mr. Taw indicated that it was approximately six (6) feet from the columns to the building, but the overhang was more than that. He noted that the second side entrance was flush with the building and probably would be strictly an exit door. Comm. Schaffer asked if they would be coming back with lighting. Mr. Taw indicated that they had already indicated a lighting scheme for

the signs and some accent lighting for the space. He noted that they are still working out the lighting for the front window as they plan to have a display for posters in there. Comm. Schaffer reminded him that there is a requirement regarding how much window space can be covered with signage or printed material. Mr. Taw noted that they would come back with a lighting plan.

Zoning Officer Weber noted that this project no longer needed to be referred to the Zoning Board of Appeals as they had reduced their signage and will not need an area variance. He did indicate that the Common Council would have to approve the encroachment into the City parking lot.

Mr. Folmer stated that there was a very old agreement exists between the owners of the bowling lanes, the Ames Linen property and the City through its improvement district. That agreement provides that there is a twelve (12) foot right of way running north and south from Pt. Watson Street to the Ames Linen property and the City was going to encroach on that portion of the property which is their right of way and so the thrust of this agreement is to permit the City to do that. The agreement makes clear that the City makes no claim of any ownership or interest in that property whatsoever and the agreement has been in existence for many years. Once we know where we are after tonight, he will undertake to discuss the effect of that agreement with City Corporation Counsel and it will be resolved. Comm. Schaffer noted that there will be no change in the footprint of the building with the exception of the garden and side entrance.

On the motion of Comm. Gebhardt, seconded by Comm. Spitzer, voted and approved the project as presented pending the legal understanding and resolution between the City and Cortland Repertory Theatre regarding the right of way.

Minutes – September 27, 2010

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

Adjournment

On the motion by Comm. Felix and seconded by Comm. Spitzer, 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 25th DAY OF OCTOBER 2010.

NANCY HANSEN, VICE CHAIRPERSON