



PLANNING COMMISSION City of Cortland

MINUTES

November 22, 2010

A regular meeting of the City of Cortland Planning Commission was held on Monday, November 22, 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: Capt. William Knickerbocker, Zoning Officer Bruce Weber and Cheryl Massmann, Deputy City Clerk

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

On the motion of Comm. Schaffer, seconded by Comm. Felix, voted and approved to remove this item from the agenda for this meeting and subsequent meetings, pending delivery of response from the City Corporation Counsel.

Item No. 2 – Use Variance – 17 – 19 Argyle Pl. – (Rogers)(R2) – Recommendation to Zoning Board of Appeals – Re-instate property as an eight (8) unit building

Mr. & Mrs. Rogers were present. The Planning Commission had many good comments regarding the site plan application that was presented. It was noted that this building was old and that it had been converted around 1930. It had once been a single family, then it was converted to a two family and lastly and eight unit. Mr. Rogers noted that it had been gutted and built into an eight unit.

Mr. Rogers stated that they bought this property at the tax auction and that the building had been vacant for six (6) or seven (7) years and they had researched it on a number of City sites talking about the property and it was indicated that it was an R3 or R4 and it was an eight (8) family. That was all based on all available information from the City and its still listed as an eight (8) family and is zoned R3 or R4 on the public records. Comm. Smith asked if they owned any other property in the City. Mr. Rogers stated that they owned a property across the street. Comm. Smith noted that they then knew what the zoning was in the area and that it was R2. Mr. Rogers noted that his other property is a three (3) unit. Comm. Smith noted that it still was in an R2 zone.

Mr. Rogers stated that he found out when he went to get the furnace inspections. Comm. Felix asked if they knew about the grandfather situation had stopped after six (6) months. Mr. Rogers said that they had no idea and that when researching the property was listed as an R3 and was an eight (8) family, so they felt that they had done due diligence on researching the property. Mrs. Rogers noted that their focus was on the fact that the tax

bills indicated that this was an eight (8) unit. She noted that they had not made any additions to the building, but had upgraded it. She stated that they are not “flippers”.

Comm. Spitzer noted it has been an eight (8) unit for about seventy (70) years. It was noted that this probably preceded a use variance. Comm. Smith noted that the zoning hasn't changed. Comm. Felix noted that they had lost the grandfathering. Chair Hansen noted that this application for a use variance was before the Commission for a recommendation to the Zoning Board of Appeals to re-instate the property to an eight (8) unit.

Mr. Rogers noted that the building is done and is ready to rent. He stated that currently he has two (2) units rented. Vice Chair Hansen stated that she liked the combination of units from studio and one bedroom. Mr. Rogers stated that they hoped to attract young professionals.

Comm. Schaffer noted that this was a peculiar shaped lot. Mr. Rogers noted that it was on the corner of three streets. He noted that they had refinished the hardwood floors, did marble in the kitchens and baths. Comm. Felix noted that it was a ten fold improvement. Mr. Rogers also explained that they had installed eight (8) individual furnaces and water heaters, re-plumbed, re-wired, re-roofed the building and all new windows.

Comm. Smith asked if there was an exterior exit from each bedroom. Mr. Rogers indicated that there was, noting that there were nine (9) foot windows in each bedroom. Mr. Rogers also noted that they prefer to rent to single tenants. Mrs. Rogers stated that they can't legally restrict that per fair housing. Comm. Smith stated that theoretically they could have three (3) persons per unit. Mr. Rogers noted that they are very good landlords and are tough. They do month to month rentals and they do not do leases because if they have any issues with anyone, they move them out. He noted all rents are paid by mail and they all arrive on time and they rarely have a late payment because they screen their tenants well. They don't want problems. Many tenants are long term renters. Mrs. Rogers stated that college students are definitely not their target tenants.

Comm. Schaffer noted that parking and the alignment of the parking were a problem. She noted that they needed two (2) parking spaces per unit whether they had two (2) people in there or not. Mr. Rogers noted that currently he had ten (10) foot wide parking spots, but noted that around the City, most spaces were only eight (8) foot wide. He noted that if were to stripe the spots at eight (8) feet wide, he would gain an extra spot in one location and an extra one in the back, giving him eleven (11) spots. He noted that if he needed more parking spots, he could go two (2) deep on the back ones, giving him three (3) more. Comm. Schaffer noted that if he were to go with narrower parking spots, he would need a variance from the Zoning Board.

Vice Chair Hansen noted that if they were given permission by the Zoning Board to narrow the width of the parking spaces, they could have eleven (11) spaces. She asked Zoning Officer Weber if that would be okay as it still would not give them two (2) spaces per unit. Comm. Felix noted that they could put some spaces near the electric panels where there was a dumpster. Mr. Rogers noted that there was a driveway and a curb cut there

already. Mr. Rogers asked when he would be allowed to move more tenants in. It was thought that if all approvals were granted, he could move tenants in sometime in January. Mr. Rogers noted that he would also design the parking more to the rear of the property after Capt. Knickerbocker cautioned him with regards to front yard parking which must be approved by the Fire Department.

On a motion by Comm. Schaffer, seconded by Comm. Felix, voted and approved to recommend that the Zoning Board of appeals grant the Use Variance for 17-19 Argyle Place for restoring the property to eight (8) units per the use variance request, that they expand the parking to sixteen (16) parking spaces each being eight (8) foot by eighteen (18) foot parking spaces by requesting an area variance from the Zoning Board of Appeals and to do no new paving and to stay with pervious material and return to the Planning Commission with the parking plan. (Opposed – Comm. Smith)

Item No. 3 – Site Plan Review – 36 Clayton Ave. – (Seales)(R2) – Side Yard Less than Allowed (Receive and File Site Plan, Make Recommendations to ZBA on Area Variance Request).

Gary and Judd Seales were present. Vice Chair Hansen noted that they had taken down some trees on the property. Comm. Schaffer noted that the retaining wall was in poor shape. Gary Seales noted that the trees taken down were in poor shape and one overhung the roof. Vice Chair Hansen asked if they planned to do any replanting.

Judd Seales states that will do landscaping and do something with the retaining wall. He explained that the property was bought for student housing and has two (2) four (4) bedroom units. He indicated that he carefully checked all the CZO's before making the purchase of the property. He explained that they had remodeled the whole thing and wanted to make each bedroom one hundred forty (140) square feet.

Comm. Smith asked what size the bedrooms were currently. Judd Seales noted that they were basically eight (8) feet by ten (10) feet. Judd Seales noted that State Code was seventy (70) square feet. Vice Chair Hansen asked if they could take the fourth bedroom and cut it up and add to each of the other three. Both Seales indicated that it was already fully rented out and that it was grandfathered for two (2) four (4) bedroom units. Comm. Smith noted that two (2) units occupied by three (3) unrelated equaled six (6) tenants, not eight (8). Judd Seales explained that their plan was to take off the enclosed double porch and making that into stacked bedrooms and to come out three (3) extra feet to get the bedroom in the back. Judd Seales noted that it wasn't extra coverage, as there was already pavement there and they would be removing that.

Comm. Felix asked how long ago the property was purchased. Judd Seales thought that they had purchased it about five (5) months ago. Comm. Felix asked how long the building had been vacant before it was purchased by them. Comm. Smith asked if Zoning Officer Weber could confirm the four (4) bedroom units. Zoning Officer Weber stated that they had come in before they purchased the property to verify that they could continue with the two (2) four (4) bedroom units and that he had looked into this and the circumstances were such that allowed them to continue having two (2) four (4) bedroom units.

Comms. Felix and Smith asked Gary Seales to explain which porch was being taken off. Mr. Seales stated that it was the rear porch, which was in real bad shape and did not have a foundation under it. It would also allow them to square up the building and make it easier to side.

Comm. Schaffer asked for legal clarification as to why they can continue to have four (4) unrelated in a unit, grandparented in. Zoning Officer Weber stated that the use had been established and that it was in the timeframe and so they were grandfathered. Comm. Smith asked for clarification on the timeframe. Mr. Weber noted that it was a year within certain parameters.

Gary Seales stated that when they go in to these places they gut them and completely remodel them. They put in new wiring, plumbing, everything. Comm. Spitzer asked when they planned to do the work. Gary Seales stated that they would like to begin right now. Comm. Felix asked if it was a shared driveway. Gary Seales stated that it was. Comm. Felix noted that there were four (4) parking spots required. Gary Seales indicated that they have at least four (4) spots. Comm. Schaffer suggested that they put in their lease agreements that people can't park there unless they live there. Judd Seales noted that they had lots of space for parking.

Vice Chair Hansen asked if they planned to change the main entrance door. Judd Seales noted that he would like to do that and to reduce the door width to thirty-six (36) inches and move it to the left to line up with the front interior stairwell. Judd Seales noted that both apartments have a rear exit. Comm. Spitzer asked if they planned to replace the front porch. Judd Seales noted that they were planning to do that and to move it over and increase coverage by another forty-eight (48) square feet. It would stay the same distance from the road.

Comm. Felix noted that the third floor is an unfinished attic and it must stay that way. Vice Chair Hansen noted that they planned to put a picket fence across the front of the property. Judd Seales thought that the insurance company would make them do some kind of a barrier because of the wall. Comm. Felix asked if they planned to put the fence up all along Pleasant Street, as well. Judd Seales indicated that it would be just in the front where the drop off is. Comm. Schaffer noted that they would have to come back to the Planning Commission with a fence design. Judd Seales noted that it was a composite white picket fence. Comm. Felix suggested that they continue the fencing up Pleasant Street just as far as they could to the end of the retaining wall. Gary Seales noted that they didn't want to go beyond the retaining wall because kids would kick in the pickets. Comm. Schaffer asked if they planned to put in hand railings along the front entrance steps. Judd Seales indicated that this would all be built to code.

Comm. Spitzer asked if the window in No. 3 was going to be flush to the side of the building when they took out the angled bump out. Comm. Felix noted that the only thing he wasn't happy with was the front porch they planned on building, because he already saw too many college kids hanging out on those porches already. Judd Seales noted that they planned to make it smaller to avoid becoming a hangout, but still to be attractive to rent. He went on to explain that was why they also made bedrooms in their units larger and the common living areas smaller. They found that students will gather with friends in a

common area, but won't gather with them in their private bedrooms. This worked for them. Comm. Felix asked if when they gutted the house if they planned to change the footprints of the various rooms. Judd Seales indicated that they planned to change them all.

Gary Seales asked about the front porch. He noted that it was less than the required twenty-five (25) foot setback and if it was torn down and they kept it the same dimension and the same distance from the road and moved it along the parallel line.....there is already a pre-existing setback issue. There was some discussion regarding the porches and the various setbacks. Zoning Officer Weber reviewed the plans and determined that both the front and side yard setbacks should be part of the area variance request.

On the motion by Comm. Spitzer, seconded by Comm. Schaffer, voted and approved to approve the Site Plan Review for 36 Clayton Avenue, contingent upon Zoning Board Approval to remove the existing two (2) story porch as outlined in Items No. 1 and No. 2 in the site plan application.

Minutes – October 25, 2010

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

Adjournment

On the motion by Comm. Schaffer 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 22nd DAY OF NOVEMBER 2010.

NANCY HANSEN, VICE CHAIRPERSON