



PLANNING COMMISSION

MINUTES

FEBRUARY 28, 2011

A regular meeting of the City of Cortland Planning Commission was held on Monday, February 28, 2011 at 5:15 PM in the Council Chambers at City Hall, 25 Court Street, Cortland, New York.

PRESENT: Comm. Couch, Gebhardt, McMahon and Spitzer

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

Deputy City Clerk Cheryl Massmann called the meeting to order. The Deputy City Clerk then requested nominations for a Chairperson and a Vice Chairperson, each to serve a one (1) year term of office, from those Commission members present.

Item No. 1 – Election of Chairperson and Vice Chairperson Each to Serve a One (1) Year Term

Comm. Spitzer nominated Comm. Felix for Chairperson to serve a one (1) year term.

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

Comm. Spitzer nominated Comm. Schaffer for Vice Chairperson to serve a one (1) year term.

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

Item No. 2 – Comprehensive Plan – Resolution for approval of draft Comprehensive Plan and to send the draft Comprehensive Plan to County Planning for their review.

Bernie Thoma from Thoma Development was present. He gave a brief overview of the Draft Comprehensive Plan to this point. He asked them to draft a resolution to send the draft Comprehensive Plan to County Planning for their review.

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

Item No. 3 – Comprehensive Plan – Resolution to Set Public Hearing for draft Comprehensive Plan for March 28, 2011 at 5:15 PM and to distribute SEQRA Draft for review.

The final printed version is on file in the City Clerk's Office along with a CD for public viewing. Mr. Thoma explained that they would need to take action on the SEQRA form once the public hearing takes place. Rich Cunningham will guide them through it.

On the motion of Comm. McMahon, seconded by Comm. Couch, voted and approved.

Item No. 4 – Area Variance, Special Use Permit and Site Plan Review – 162 Tompkins St.
– (ExpressMart)(SD) – New Construction

Atty. Matt Neuman, Patrick Hyde, Manager and Chris Sweeney, Marketing were present to answer questions about the ExpressMart project. Matt Neuman indicated that there was no change to the plans since their last submittal. He is working with Mr. Teter. County Planning has reviewed this. They have also been before the Zoning Board of Appeals, who has referred this back to City Planning. He is hoping that City Planning will have some points to refer back to the ZBA for their March meeting.

Comm. Spitzer asked if Engineer/Advisor Ken Teter would speak to this. Engineer/Advisor Teter stated that he had spoken with their engineer and he will continue to work with them on the plan. There is no new design and he is communicating with their engineer.

Comm. Gebhardt noted that traffic flow had been a big concern, especially during delivery time. Matt Neuman noted that they were concerned with the blocking of the drive-thru as well. Comm. Spitzer asked if they could control the scheduling of the deliveries. Mr. Hyde noted that they could control it ninety (90) percent of the time and they had a vested interest in keeping the drive-thru flowing. Comm. McMahan noted that they could put up cones to stop traffic going through the drive-thru during delivery times. Mr. Hyde indicated that the deliver truck would have cones with them and they would also have cones on site.

Comm. McMahan asked if they would be open twenty-four (24) hours per day. Mr. Sweeney indicated that was the case. Comm. McMahan asked if the DOT planned to change the traffic pattern on Tompkins Street at the turn onto Broadway. Matt Neuman noted that the DOT gave them a letter regarding the conceptual plans, but they want a full submittal. Mr. Teter noted that the DOT would probably want some inference of agreement concerning storm water management and discharge of full volume of water to their system in the street because they may ask ExpressMart to retain some of that on site and then they would have to see that indicated on the site plan.

Matt Neuman noted that they will get those applications going and he wanted to be sure that the Planning Commission was giving them the “thumbs up”, at least on the conceptual design and you’re willing to hear more detail. He didn’t want to do all that and then the Commission telling them they didn’t like the plan at all. He also distributed a letter from the DOT, noting that there were no major issues with respect to the basic site plan. He noted that there was also a letter from the County Health Department with respect to tanks and their technology and it was distributed. He noted that they would monitor and oversee the tank removal and installation.

Comm. Spitzer indicated a concern regarding greenspace. Matt Neuman noted that referred to tree replacement on the site, more than greenspace. Engineer/Advisor Teter noted that it was concerning trees on Water Street and a concern regarding a sign. Mr. Neuman stated that he thought that was more about a mill ground and that they have not submitted a revised landscape plan.

Zoning Officer Weber noted that until such time as the Planning Commission felt comfortable with the information being provided to them, that it would not be appropriate to make a recommendation to the Zoning Board of Appeals. They will be acting upon two (2)

issues, a variance and a special use permit. Comm. Spitzer felt that the Planning Commission couldn't be helpful in any formal way this evening. Mr. Neuman asked if the County report was spurring additional questions. Comm. Spitzer didn't indicate that there was anything other than the engineering report. Mr. Neuman indicated that the engineering report will be gotten to this board prior to their next meeting. Zoning Officer Weber noted that the Zoning Board would not set their public hearing until they received the recommendation of the Planning Commission.

Mr. Neuman noted that their construction window was for late April.

Item No. 5 – Site Plan Review – 14 Clayton Ave. – (YWCA)(CB) – Rear Addition

Jeff Taw, Architect and Alex Wisniewski, Civil Engineer were present to explain the project. Mr. Taw indicated that this will be an eighteen thousand (18,000) square foot addition to the rear of the current building. The first floor will house a multi-purpose area and the second floor will have a gymnasium. This will allow the YWCA to expand their services. They've been before the Historic Board and have received a good review from them. They will be going back to them with material colors.

Mr. Wisniewski reviewed the site plan. He noted that this is a one and a half (1 ½) acre site. It fronts on the north side of Clayton Avenue. He noted the existing building and facilities. He noted that there is a steep slope on the west and that is an undeveloped wooded area. He noted that the property abutted a multi-family area, college housing along Clayton Avenue, the post office to the east, the VFW to the north and then some owner occupied single family homes that abut the undeveloped portion of the property. He noted that the addition will be on the north side of the existing structure. He noted that will occur within existing paved areas to the rear of the building. There would be a creation of a new paved parking area is on the west and there will be a transition in grade from this area up to the existing playground. The playground will remain in place and the existing wooded area will remain undisturbed. There will be parking for thirty-seven (37) vehicles and there are no proposed site improvements on the east side of the structure. The existing dumpster location will stay the same. They plan a new curbed sidewalk that will extend along the entire west edge of the structure including the expansion to a new entry area in the rear. They've also made provisions for access around the parking field up to the playground area. This will be a concrete walkway along the paved parking area and transitioning to a gravel pathway up the hill. He noted that there is a considerable grade change once you exit the parking area headed to the left. There is an existing retaining wall that's in a good state of disrepair and they're proposing to demolish that as part of the project and put in its place, a sloped landscaped area with a new fence to separate the playground area from the parking area. He indicated this will also be an area for snow storage and that they are only proposing a ground cover because of that. He noted that they are proposing some infrastructure improvements in the front to establish the new driveway location. There will be some curved planter islands to accentuate the access into the parking area and there will be grading and drainage from west to east to existing drywells. He noted one existing (1) drywell will be eliminated as part of the expansion efforts, stating that it currently does not function. He noted that the drainage from the playground will be directed toward the building necessitating a drainage system along the curbline and that will pick up the drainage from both the parking area as well as the roof drain system.

Comm. Spitzer asked where the run off would go. Mr. Wisniewski indicated that it would be an infiltrative system with an overflow connection at the street. This is a similar plan to the used at the Clock Tower.

Comm. Spitzer asked about the new thirty-seven space (37) parking area. He asked how many parking spaces were there now. Mr. Wisniewski stated that there currently striped, so the estimate was approximately forty-five (45) to fifty (50) spaces and they would be losing perhaps eight (8) to ten (10) spaces. He noted the current layout is poor. Comm. Spitzer expressed a concern that with the addition there would be more building use, but fewer available parking spaces. Mr. Wisniewski noted that City Code has no parking requirement, but they have put in as many spots as they could afford on site.

Comm. Gebhardt asked if the right side driveway was going to change. Mr. Wisniewski noted that there would be no change.

A YWCA rep in the audience indicated that the YWCA had purchased a piece of property across the street on Clayton Avenue and that has added more parking spaces.

Engineer/Advisor Teter indicated that he had no significant issues with the plan. He did have a question with regards to further identification of a twenty-five (25) foot easement in conjunction with other properties being eliminated and who has rights. Mr. Taw indicated that the YWCA Council is exploring this former alley, noting that it is currently blocked off. Mr. Teter noted that it was an odd circumstance. Mr. Teter noted that another concern was that this was an opportunity to make the playground ADA handicapped accessible in the future and he recognized that it was a difficult grade situation and perhaps they should look at that more seriously. Mr. Taw noted that Amy Simrell didn't feel that was an issue currently, but they could look at putting in a ramp and rail system in the future. Mr. Teter noted that the elevations associated with the access with the drains coming in there, it looked like it was very close to the surface. He noted that the sump and the infiltration system and he expressed concern regarding run off coming through. He asked if the sump was below the bottom elevation of the twenty-four (24) inch pipe.

Mr. Wisniewski noted that the sump was below the pipe. Mr. Teter was concerned about run off and treatment noting the sole source aquifer. Mr. Wisniewski noted that there was no plan that was reasonably affordable, but noted that there were filtrative methodologies which can be constructed such as sand. He has spoken with the County and DEC and this project was right on the boundary of the aquifer and there didn't seem to be a concern for this location. He noted that no SPEDS permit was needed for this site. He noted that a trench box will provide some filtering.

Mr. Teter brought up silt fencing and protection of neighboring properties. Mr. Wisniewski also noted that the parking lot grade in the north and the west is at four (4) percent. He noted that general standards typically are between one and five percent, but you would like it to be at about two (2) percent. He noted that it was not an extreme grade transition and he did what he could to minimize that with the plan.

Mr. Taw went on to the lighting scheme and he distributed a photometric plan. He noted that the plan included a pole fixture and wall mounted fixtures and fixtures over all of the exits. There will be down lighting under the canopy. Comm. Gebhardt asked if the rear entrance would be a primary one. Mr. Taw noted that the front is also a main entry. He

noted that the rear will be an electronic entrance and it will be monitored from the front desk with cameras. This has been a big consideration for all.

Comm. Spitzer asked about the next step to formally forward this site plan to County Planning.

Mr. Wisniewski asked for the deadline for resubmission of the site plan, if there were any changes requested. He was told that it was March 17 or if it was very minor, he could also bring it to the meeting if the Planning Commission was comfortable with that. Zoning Officer Weber suggested that Mr. Taw contact County Planning and attend tomorrow's meeting.

On a motion by Comm. McMahon, seconded by Comm. Gebhardt, voted and approved to refer this to County Planning for their review and approval.

Item No. 6 – Special Use Permit and Site Plan Review – 55 Tompkins St. – (Ruggiero)(R4) – Sorority

Comm. Spitzer noted that he some questions. He asked if there was a recognized fraternity there now. Mr. Ruggiero stated that from the City's point of view, it probably was not. They never got the special permit, but there was a fraternity there. It was a SUNY Cortland recognized fraternity called Phi Kappa Phi and a fraternity has been there for the past five (5) years. Comm. Spitzer noted that the college didn't list that fraternity as having an address. Mr. Ruggiero noted that if he were to go on the fraternity website, he would see that they state that they are recognized by Cortland State and that their location address is 55 Tompkins Street. Comm. Spitzer admitted that they were recognized, but the literature didn't list that address as their location.

Comm. Spitzer asked if there were plans for the sorority to put letters on the house. Mr. Ruggiero stated that they did. It will be the Sigma Delta Tau. Comm. Gebhardt asked where the fraternity was planning to go. Mr. Ruggiero noted that to his knowledge they had signed on Calvert on the corner of James and there is also a nationally recognized fraternity that was taking over STD's House and STD was trying to come to 55 Tompkins. Comm. Spitzer noted that he was checking his notes and they were currently at 39 Tompkins Street and Phi Kappa Phi is moving out.

Mr. Ruggiero stated that he let them know that he didn't want them anymore, because they've created too much damage to the house and the week before he purchased the property the sorority had contacted him about living on Tompkins and moving in to 55 Tompkins. He noted that the fraternity has done too much damage and he has called the police and also has workers there repairing the damage all of the time. Comm. Spitzer asked if he had contacted the college about the fraternity. Mr. Ruggiero stated that he called the college about the fraternity leaving and some problems that had occurred.

Zoning Officer Weber explained that Mr. Ruggiero's plan required a special use permit and that requires that the Planning Commission to do a site plan review and to make a recommendation to the Zoning Board of Appeals on the special use permit. He noted that at this time the application has been forwarded to County Planning for their review and recommendation and at the next City Planning Commission meeting, this commission can potentially act on the site plan review and make a recommendation to the ZBA on the

special use permit. Comm. Spitzer asked what the special use permit was for what purpose. Mr. Weber noted that it was for a fraternal organization. Comm. Spitzer asked him to define by City law that this has to be a fraternal organization or a sorority recognized by SUNY Cortland College and that this allows the special use. Mr. Weber agreed.

Comm. Gebhardt asked if the current inside configuration would remain the same. Mr. Ruggiero stated that he has been working with the Code Office. There is currently a master kitchenette downstairs that the sorority used to have and that will remain and he will be removing all of the stoves from the other kitchens, so there will be no cooking areas upstairs.

Comm. Gebhardt asked how many residents there were there currently and how many did he plan to have. Mr. Ruggiero stated that there were approximately twenty-two (22) there now and there was once a CZO issued for sixty (60) when it was once a sorority. He further explained that there were forty (40) parking spots and he is asking for no change to the current parking or greenspace, no change inside and he is only asking for a maximum of forty-five (45) occupants, but he thinks there will be more like forty (40). He noted that the bedrooms have to meet building Code for square footage and the building is huge and there is no problem meeting the Code.

Comm. Couch asked if the parking was okay for the sorority. Mr. Ruggiero noted that the current sorority has forty-five (45) occupants between their two (2) buildings and they have twenty-seven (27) parking spaces. He noted that he has told the sorority if more than forty (40) parking spots are needed for them, he will provide on-campus parking permits for them at his expense to make sure that there are no density issues with either Planning Board. He felt that there would be less density and no police calls and big parties to this location.

Comm. Spitzer noted that he would like to help Mr. Ruggiero to save the house and improve the social environment of the building. Mr. Ruggiero noted that he is planning to restore the interior and exterior of the house. Comm. Spitzer asked when he planned to begin his renovations. Mr. Ruggiero noted that he wanted to start the work between this May and the end of August.

Zoning Officer Weber indicated that the City Planning Commission needed to make a motion to send this to County Planning for their review.

On the motion of Comm. Gebhardt, seconded by Comm. Spitzer, voted and approved to send to County Planning.

Item No. 7 – Site Plan Review – 96 Groton Ave. – (Medsker)(GB) – Porch Removal for Interior Space.

Deputy City Clerk Massmann stated that this application had been tabled until the next meeting per the applicant's request.

Item No. 8 – Site Plan Review – 24-26 Pt. Watson St. – (CRT)(GB) – Final Plans

Mr. Folmer and Jeff Taw were present. Mr. Taw stated that he had a site lighting plan and a photometric drawing to distribute. He reviewed the lighting plan for the Commission. He noted that the lighting will be in the front as shown and on piers facing along the City parking lot and there will be Code mandated lights over all of the entrances and for security purposes there will be a light over the rear window. He indicated that there will be lighting over the signage. He noted that there will be accent lighting in the front. He noted that this slight revision will allow for a little bit better security and will minimize vandalism. He noted that the other addition to the project is the addition of the dumpster enclosure at the rear of the site. It will be a gated wooden fence, of the type similar to what was used at the Clock Tower Building.

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

Item No. 10 – Expression of Profound Gratitude to Nancy Hansen for her many years of service to the City Planning Commission and to request the Common Council do the same.

Deputy City Clerk Massmann stated that she would have Chair Felix write a letter to Mayor Feiszli making this request.

Item No. 9 – Minutes – January 24, 2011

On the motion of Comm. McMahon, seconded by Comm. Spitzer, voted and approved. (Comm. Couch abstained)

Adjournment

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

I, RAFAEL FELIX, 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 28TH DAY OF FEBRUARY 2011.

RAFAEL FELIX, CHAIRPERSON