



PLANNING COMMISSION

MINUTES

March 28, 2011

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

PRESENT: Chair Felix, Comm. Beckwith, Couch, Gebhardt (later arrival), McMahon and Spitzer

Staff Present: Capt. William Knickerbocker, Zoning Officer Bruce Weber and Deputy City Clerk Cheryl Massmann

5:15 PM Public Hearing - Final Draft Comprehensive Plan - Cancelled

Item No. 1 – Comprehensive Plan – SEQRA Review for Type I Action - Cancelled.

Postponed at the request of Corporation Counsel Perfetti.

Item No. 2 – Comprehensive Plan – Resolution to Adopt the Draft Comprehensive Plan and to Recommend Formal Adoption by the City Common Council - Cancelled.

Postponed at the request of Corporation Counsel Perfetti.

Item No. 3 – Site Plan Review & Recommendations to ZBA on Special Use Permit and Area Variance – 162 Tompkins St. – (ExpressMart)(SD) – New Construction

Atty. Matt Neuman and Chris Sweeney, Patrick Hyde and Mark Mayer representing ExpressMart were present. Chair Felix asked about the lack of shrubbery on the Water Street side of the drawing. He noted that there was only one twenty-six (26) inch maple tree noted and the Commission would like to see more shrubs and trees. Mr. Hyde noted that their architects planned to be in touch with Mike Dexter, Chairperson of the City Landscape and Design Commission for input on the types and size of plantings in that area, but there would be nothing planted for the first thirty (30) feet to allow for visibility. Matt Neuman submitted additional drawings.

Comm. Couch asked if the existing tree would be removed. Mr. Hyde indicated that it would not be removed. Comm. Spitzer asked about the one-way traffic pattern around the canopy in terms of signage. He noted that Engineer/Advisor Teter was concerned about directional control signage. Matt Neuman stated that a separate sign plan was submitted, but also noted that their engineers had not seen Mr. Teter's latest memo.

Mr. Hyde had some discussion regarding the sidewalk and ramping. He noted that it must be ADA compliant. Chair Felix was also concerned about the directional traffic flow with regards to the canopy. He asked that directional arrow signage be installed and Mr. Mayer agreed that they would put in drive through signage with arrows. He felt that it would be

less confusing to the customers; noting that too much signage would be more confusing. Matt Neuman noted that the NW Broadway corner sidewalk would be ramped for ADA compliancy for accessibility. He also referred to No. 3 on Engineer/Advisor Teter's comments about the scheduling of fuel delivery trucks. Chair Felix noted that there would be no use of the drive through when fuel is being delivered and that it would be blocked off with cones. Mr. Neuman agreed to that.

Mr. Hyde noted that he had visited with Stan Birgenough and Keith VanGorder last week with the driving accessibility plan. They noted a few concerns with the drainage plan and better markings for the utilities, but gave their blessings otherwise for turning the plan over to the Syracuse DOT Office for approval. Comm. Spitzer also asked about the City DPW approval. Matt Neuman indicated that they should make it a contingency of the Commission's approval. He further explained that the other contingencies would be installing the drive through arrow, making the site ADA compatible and coning off traffic during fuel deliveries. He noted that the applicant is in agreement with those items.

On the motion of Comm. Spitzer, seconded by Comm. McMahon. voted and approved the site plan review contingent upon the landscaping stipulations, the fuel delivery arrangements (coning off of the drive through during deliveries), the planting of shrubbery on Water Street and receiving the approval of the City DPW Superintendent and the NYS DOT with regards to the plans and to recommend approval to the City Zoning Board of Appeals for approval of the Special Use Permit and the Area Variance pending the above stipulations and contacting the Landscape & Design Commission and requesting that the ZBA perform the SEQR review.

Item No. 4 – Site Plan Review – 14 Clayton Ave. – (YWCA)(CB) – Rear Addition

Architects Jeff Taw, Civil Engineer Alex Wisniewski and Director Amy Simrell were present. Mr. Wisniewski gave a history of their site plan and noted that there had been two (2) items that had been unresolved with Architect/Advisor Ken Teter and with County Planning. He further noted that they had worked with Mr. Teter and County Planning and they had satisfied those concerns and Mr. Teter had issued a memo to that effect. He noted that they had also gotten the County Planning Board's resolution recommending approval, but noting the potential need for a variance on the site. This was the waiving of the required ten (10) foot buffer zone that they could not meet and the fact that their parking plan called for nine (9) foot wide parking spaces which did not meet City Code requirements. Zoning Officer Weber agreed that an Area Variance was needed. Mr. Wisniewski stated that Amy Simrell will be submitting that Area Variance application this week and that the Planning Commission would need to make a recommendation to the Zoning Board of Appeals on those variances. Mr. Wisniewski stated that the last item that needed to be addressed was the County Planning Commission's recommendation that they had to gain the approval of the City DPW Superintendent relative to the impacts to Clayton Avenue storm sewer connections. Chris Bistocchi has deferred to Mr. Teter on that and Mr. Teter would issue a memo to the Planning Commission. The Planning Commission referred to a March 25, 2011 memo from Mr. Teter.

Chair Felix asked for further information on the buffer situation. Zoning Officer Weber noted that the buffer requirement was ten (10) feet wide and then there were specific requirements. Chair Felix asked if the YWCA could provide that buffer along the one side. Mr. Wisniewski noted that to put in the required buffer, the YWCA would have to eliminate

thirteen (13) parking spaces which wouldn't work for the project. There was further discussion regarding parking and the neighboring property parking. It was noted that the two (2) parking areas were separated by a chain link fence.

Zoning Officer Weber noted that the Planning Commission could condition their approval contingent upon the approval of the DPW Superintendent's approval of their drainage plan.

Comm. Spitzer expressed concern regarding the loss of parking if the buffer issue was forced. Chair Felix noted that there was a driveway and parking for student housing on the other side. Comms. Spitzer and Couch both noted that buffering is a good idea, but not in this case.

A SEQR review was done.

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

On the motion of Comm. Couch and seconded by Chair Felix, voted to conditionally approve the Site Plan Review for 14 Clayton Avenue contingent upon receipt of the storm water system design and approval by City Engineer/Advisor Teter of that design and as well as DPW Superintendent Bistocchi's approval of that design and contingent upon the ZBA's approval of the Area Variance as well as recommending to the Zoning Board of Appeals that they approve the Area Variance for the reduction of parking space size to nine (9) feet and recommending approval of the elimination of the required buffer zone.

Comm. Gebhardt arrived at 5:50 PM.

Item No. 5 – Site Plan Review & Recommendation to ZBA on Special Use Permit – 55 Tompkins St. – (Ruggiero)(R4) – Sorority

Gerry Ruggiero was present. He explained that he is seeking official designation as a sorority. Comm. Spitzer noted that he has spoken with college people and they had asked that Mr. Ruggiero report any damage or destruction in or to his building to the City Police. Chair Felix asked how many parking spots were on the Site Plan. Mr. Ruggiero stated that he had forty (40) ten (10) foot by eighteen (18) foot spots and that he did not require any variance. Mr. Ruggiero stated that he would also be putting the sorority's letters on the building. Comm. Spitzer stated that Mr. Ruggiero must also receive the Historic and/or Architectural Review Board's approval for sorority letter signage.

On the motion of Comm. Spitzer, seconded by Comm. Gebhardt, voted and approved the Site Plan as presented and to recommend to the Zoning Board of Appeals that they be the lead agency for SEQR review and also to recommend that the Zoning Board of Appeals approve the Special Use Permit.

Item No. 6 – Site Plan Review – 96 Groton Ave. – (Medsker)(GB) – Porch Removal for Replacement Construction to create more Interior Space.

Tom Seaney was present to explain the project. He noted that the plan was to remove the rear porch enclosure and to make the area into dining space. He stated that the footprint

of the building would remain the same and that the roofline would also remain the same and that there would be no additional plumbing.

Comm. McMahon asked if he planned to increase the number of bedrooms in the unit. Mr. Seaney stated that there would be no increase in the number of bedrooms. They only planned to increase the dining space. Comm. Couch asked if the entrance would remain the same. Mr. Seaney indicated that it would and also that the roof would remain the same and they will be adding a roof skylight. He stated that they would be putting on clapboard siding. There was some discussion regarding the number of steps shown in two (2) different drawings.

Chief Knickerbocker brought up the question of whether the porch was or was not part of the principal structure and if it wasn't, there might be a need for a variance for setback. Zoning Officer Weber stated that at the present time, it was four (4) feet on one end and ten (10) feet eight and a half (8 ½) inches on the other. He stated that at the present time they've established the roofline and if they maintain that line, which is already non-conforming and if they didn't encroach any further towards the property line, in his opinion; they did not need a variance if nothing changed. He noted that the footprint is already established.

On the motion of Comm. Spitzer, seconded by Comm. McMahon, voted and approved the Site Plan noting that the work must remain within the existing roof line and contingent upon submission of an updated drawing showing the correct porch steps to the Code Office.

Item No. 7 – Site Plan Review – 111 – 113 Pendleton St. – (Truman)(GI) – Parking and Truck Storage.

Atty. Patrick Snyder was present to represent Mr. Truman who was unable to attend due to a family medical emergency. He stated that Mr. Truman wants to store trucks and trailers in the rear of the property on an area that is about two hundred (200) foot by two hundred (200) foot square and that it was less than an acre. He explained that this was a use which is allowed by right under City Zoning and he is not proposing any physical alterations to the property. He further stated that Mr. Truman would be in compliance by what is allowed presently.

Chair Felix asked if Mr. Truman planned to pave or stone the area or leaving it as is. Atty. Snyder stated that Mr. Truman planned to leave the area as is for now. He further explained that the property was being currently being leased for a year. Chair Felix stated that half of that property was in a flood zone and was Mr. Truman aware of that fact. Atty. Snyder stated that he was aware of that. He further explained that the boundary of the floodplain pretty much split the parcel in half and it could be assumed that water would be rather shallow there and wouldn't come up to the vehicles.

Comm. Spitzer asked how many vehicles Mr. Truman planned to store in the area. Atty. Snyder stated that it would be four (4) to six (6) tractor trailer trucks. He noted that these trucks were used in Mr. Truman's business and in the springtime most of them would be out on the road and not on site.

Comm. Spitzer asked why Mr. Truman wanted to establish a special parking spot out back. Atty. Snyder noted that they felt it would be better received by the neighbors and be less

visible. Comm. Spitzer asked Zoning Officer Weber, what the Planning Commission was to be considering with this application. Zoning Officer Weber stated that with this Site Plan Review, there was a change of use with the property and a potential increase in traffic and there is the requirement that the surface of the proposed area has to be asphalt or concrete and not gravel or crushed stone. Atty. Snyder noted that he was not aware of that requirement. He thought that the City would want less pervious material.

Chair Felix noted that trucks leak oil, antifreeze, hydraulic fluids, gasoline, etc. and he felt it would be a smart idea to put asphalt or concrete there. Comm. Gebhardt asked Zoning Officer Weber if Mr. Truman would consider doing that. Zoning Officer Weber stated that Mr. Truman had indicated that if putting down asphalt or concrete was a requirement he would not be able to locate in that area as it would cost too much. Atty. Snyder agreed with that noting that Mr. Truman's lease was only for another six (6) to nine (9) months and he didn't plan to keep that many vehicles there. He further stated that if this was going to be the case, Mr. Truman would probably submit his application for a much smaller parking area. Comm. Spitzer asked if it was better if the Planning Commission took no action this evening so Mr. Truman could reconsider his options.

Atty. Snyder stated that would make sense and also he might want to apply for a variance if that was necessary.

A resident of 115 Pendleton Street spoke. She noted that there were more than six (6) trucks stored there. Trucks were blocking the area and these were log trucks. She also noted that there were unregistered trucks being stored along the trees and along the building. She noted that Mr. Brown had the logs taken out about two (2) weeks ago. She was concerned for foot traffic in the area as log trucks were going in and out of the property constantly and it was more than six (6) trucks.

Chair Felix asked Atty. Snyder if this was a logging business. Atty. Snyder stated that Mr. Truman did do some logging.

The resident pointed out that Mr. Brown had not paid his taxes in twenty-two years and it upset her that she was renting out his property for trucking.

On the motion of Comm. McMahon, seconded by Comm. Beckwith, voted and approved to table this Site Plan Review until next month in order to receive more information.

Item No. 8 – Site Plan Review - 15 Pleasant St. – (Calabro)(R1) – Third Floor Redesign

Chris Calabro and Atty. Francis Casullo were present to represent Cortland Apt. LLC. Atty. Casullo explained that they were asking to reconfigure the third floor apartment, raise the roof, redesign the stairway, change the siding and to put in more closet space.

Chair Felix asked if he planned to raise roof to a ten (10) twelve (12) pitch. Mr. Calabro indicated that was correct and he was planning to do the whole roof and to take it to a height of thirty-five (35) feet which is the maximum amount allowed. He noted that it is currently thirty-two (32) feet high. He stated that there was not going to be any change to the interior layout. He further stated that the reason for doing this was that the ceiling height in the bedrooms presented a headroom issue for tenants. He also had to redo the

stairwell because of the headroom issue. Comm. Beckwith noted that the work would have to comply with City Code.

Comm. McMahon asked if he planned to change the number of bedrooms. Mr. Calabro stated that the number of bedrooms would remain the same. Chair Felix asked if he planned to match the existing siding. Mr. Calabro stated that he might go with Hardee Board to match the cedar. Hardee Board is a cement product and was much easier to maintain. Comm. Gebhardt noted that the proposed change was more attractive than what was existing.

Chair Felix asked Mr. Calabro if he planned to change the existing footprint of the building. Mr. Calabro stated that he would not change the existing footprint of the building. Chair Felix asked him when he planned to start the project. Mr. Calabro hoped to begin after May 22, 2011. Comm. Spitzer asked Zoning Officer Weber why a Site Plan Review was required for this project. Zoning Officer Weber stated that a change in façade required a Site Plan Review.

Mr. Calabro noted that the apartment was currently sprinklered and that he planned to remove the fire escape. He further stated that he will have an architect stamp the plans and that he would meet all Code requirements. Comm. Couch asked if the height of thirty-five (35) feet was comparable to neighboring houses. Capt. William Knickerbocker stated that it will be tall. Mr. Calabro stated that he was characteristic with other houses on the street.

On the motion of Comm. Gebhardt, seconded by Comm. Beckwith, voted and approved the Site Plan Review for the change of façade as presented.

Item No. 9 – Minutes – February 28, 2011

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

New Business

Capt. William Knickerbocker asked that Zoning Officer Weber be placed up front at or near the Planning Commissioner's table to be able to hear and answer questions and to be able to see revised plans more closely. The Commission felt that would be very helpful.

Adjournment

On the motion by Comm. Spitzer, seconded by Comm. McMahon, 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 MARCH 2011.

RAFAEL FELIX, CHAIRPERSON