



PLANNING COMMISSION

MINUTES

June 27, 2011

A regular meeting of the City of Cortland Planning Commission was held on Monday, June 27, 2011 at 5:15 PM in the Council Chambers at City Hall, 25 Court Street, Cortland, NY.

PRESENT: Chair Felix, Comm. Beckwith, Gebhardt, McMahon and Spitzer

5:30 PM Arrival Comm. Couch

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

Item No. 1 – Site Plan Review – 111-113 Pendleton St. – (Truman)(GB) – Tabled from April 25, 2011

No update, no action required.

On the motion of Comm. Spitzer, seconded by Comm. McMahon, voted and approved to table pending response from Zoning Board of Appeals.

Item No. 2 –Revision to Site Plan Review & Recommendation to ZBA on Area Variance & Revision to Special Use Permit - 162 Tompkins St. – (Express Mart)(SD) – Landscaping and Fencing

Patrick Hyde was present. He stated that he met with Mike Dexter and a neighbor Mick Lowery. He noted that as a result there had been a change in some varieties of bushes, best plating practices and Mick Lowery had requested on the second ten (10) foot section on Water Street to go to a five (5) foot high (one foot higher than Code) ten (10) foot section and to have that section be board on board closed fencing. This would prevent headlights from shining lights on to Mr. Lowery's porch. A letter from Mr. Lowery stating this was presented to the Planning Commission. Mr. Hyde is asking for a one (1) foot variance and to allow a closed fence section.

Comm. Gebhardt asked if the vegetation section belonged to the resident and not to ExpressMart. Mr. Hyde stated that Mick Lowery owned the vegetation, but after meeting with him on site the issue had been resolved. Mr. Hyde stated that they had the equipment on site to do the work and they had come to an agreement. Comm. Gebhardt asked if there was a change in the fencing. Mr. Hyde stated that there was not, just in the height of the one section.

Zoning Officer Weber asked that the Planning Commission incorporate these stipulations into their motion.

On a motion by Comm. Spitzer, seconded by Comm. Beckwith, voted and approved the revised Site Plan Review and Revised Special Use Permit pending Zoning Board of Appeals approval of the area variance and recommending approval of that area variance by the Zoning Board of Appeals.

Item No. 3 – Site Plan Review & Recommendation to ZBA on Area Variance – 21
Tompkins St. – (Cortland Habitats)(R4) – Fraternity/Sorority

Atty. Chris Fischer was present. He gave the background on this application. He stated that Cortland Habitats had a number of student housing properties in the City. They had been approached by a group of tenants the potential for buying a property on Tompkins Street for a fraternity house. Cortland Habitats located this property which has been vacant and for sale and now has a pending purchase offer on this property, depending on approval of this application. He noted that this would be a good use of the property, but noted that there was a parking issue because of the odd shape of the lot. He noted that the location is good and the neighborhood lends itself to this type of facility and the house is large enough to accommodate a small fraternity. He explained that the applicant came up with a potential parking plan.

It was noted that County Planning didn't like the site plan. He noted that the plan on paper looked like it could fit six (6) parking spaces in the rear, but it would be very tight. He stated that they took the comments from County Planning and came up with a revised plan to show to the Planning Commission. He asked that they review this revised plan and make no decision at this time, just provide him with input before the plan was formally revised and resubmitted. He explained that the current plan was for only four (4) parking spaces and the buffers have been increased between the neighbors.

Comm. Couch arrived at this time.

Comm. Gebhardt asked why County Planning didn't like the first submission. Atty. Fischer noted that their concern was threefold. He noted that the City Code with regards to parking doesn't specifically reference fraternity/sorority organizations. He noted that there is a reference to fraternal organizations and on a couple of applications in the past the City ZBA had used that criteria for fraternity/sorority and that is one (1) parking space for every four (4) tenants. He explained that County Planning noted that since there was no specific parking requirement for fraternity/sorority that they should look at this more like a multi-family or an indoor commercial facility which is one (1) space for two (2) residents. He explained that with the initial application there were six (6) parking spaces and that would be for twenty-four (24) kids and County noted there was no way, it wouldn't work. He noted that the lot shape made it difficult for tenants who parked there to back out of the parking area and if the required buffering were put in, it would reduce the space even more and there was not enough turn around space. He explained that the buffers were also an issue.

Comm. Spitzer noted that this was a tiny lot and inappropriate for use as a fraternity/sorority. He noted that they could have a commercial use by putting a small business on the first floor and an apartment on the second floor without needing a lot of variances.

Atty. Fischer felt that this parcel was one step away from a commercial area and that it fit the character of the neighborhood. Comm. Spitzer felt that it seemed problematic. Atty. Fischer noted that a fraternity/sorority was a specially permitted use in a R4 as long as everything else works. He noted that they are not asking for a Use Variance from the ZBA.

Comm. Gebhardt asked if the parking proposal would allow for sixteen (16) students and if there was a plan on how that number would fit into the house. Atty. Fischer stated that they had been wrestling with the site and had not gotten that far. A contractor had told them that based upon required square footage per bedroom that it would work.

Zoning Officer Weber gave clarification on the parking. He noted that as the County pointed out, fraternal organization is a separate definition and then there are also fraternity/sorority houses. He explained that in the table of required parking, the fraternal organizations are listed and that is one (1) parking space for every four (4) persons and in the parking, if there is no specification in the table for required parking, it is entirely up to the Planning Commission to determine the required number of parking places. He further explained that conceivably, if there were going to be sixteen (16) tenants, how many parking spaces must be provided. He further stated that if Planning made that determination now and if the applicant is unable to meet that requirement and they applied for a variance, the project couldn't move forward. He explained that even if variances are granted for the number of parking spaces, the Planning Commission still has control and site plan review to deny or approve the application.

Comm. Gebhardt noted that the last fraternity/sorority site plan that was applied for and approved provided one (1) for one (1) parking.

Atty. Fischer noted that they also had approved one that was four (4) to one (1) at 41 Tompkins Street. He further stated that he is just looking for input on this. He further explained that they are proposing to have sixteen (16) kids with four (4) to one (1) parking.

Chair Felix would like to have the house used in the correct way. He also noted that there will be an issue with parking and there is no parking allowed on the street. Comm. Gebhardt asked if there would also be a loss of greenspace. Atty. Fischer stated that there would be a loss of greenspace in the rear, so there would be additional lot coverage.

Chair Felix asked where the snow storage would be located. Atty. Fischer stated that it would be in the rear of the property.

Comm. Gebhardt asked if they had considered purchasing additional property from the neighbor. Atty. Fischer noted that they had thought of that, but they would have to combine the properties and then sub-divide the properties to reshape the lots and Zoning Officer Weber suggested that since the neighbors had indicated a willingness to sell.

Chair Felix would like to see more parking provided. Comm. Gebhardt can make it a single parcel with the addition of the other parcel. Zoning Officer Weber cautioned that

they would not want to create a landlocked parcel. Atty. Fischer noted that ancillary parking would require an easement and that could tie up one (1) property forever.

Comm. Gebhardt noted it would give them more parking space, more turnaround space and more snow storage. Atty. Fischer asked that they please hold this application in limbo temporarily and he would go back to Cortland Habitats conveying the board's views and maybe come up with a revision.

Comm. Spitzer asked if the revision would have to go back to County Planning. Zoning Officer Weber noted that if the changes were substantial that the application would have to go back to the County for review. Atty. Fischer noted that they were in no hurry to get this project done.

Comm. Gebhardt asked that an interior drawing be provided in the site plan. Comm. Couch would like to see more parking spaces added and he would like to see it be one (1) to one (1).

On the motion of Chair Felix, seconded by Comm. Beckwith, voted and approved to table this application until a new plan is submitted incorporating suggestions made.

Item No. 4 - Site Plan Review & Recommendation to ZBA on Area Variance – 27
Lincoln Ave. – (Burhans)(R2) – Driveway

Mr. Burhans was present. He explained that he is trying to put in a paved driveway, wide enough to accommodate his car, his tenant's car and to allow for guest parking when his tenant has company.

Comm. Spitzer asked if he would be removing the gravel from the site. Mr. Burhans stated that he would take out the gravel area and plant grass and flowers there, hoping to compensate for the driveway widening. He stated that he lived on the property. Comm. Spitzer asked if there was a lot coverage issue. Zoning Officer Weber noted that there was, but it was minor. Comm. Gebhardt felt that there was a small difference in the loss of greenspace.

Comm. Couch asked if he planned to remove the curb cut at the gravel driveway and put in new curbing. Mr. Burhans noted that there was a curb cut and he assumed that it would have to be removed and curbing put in place. Zoning Officer Weber noted that the abandonment of a curb cut would be up to DPW to work out with the applicant.

Zoning Officer Weber noted that there was a greater amount of lot coverage with the proposed driveway, even if they took away the gravel and planted grass, perhaps one hundred fifty (150) square feet.

Comm. McMahon noted that the variance was for a reduction of the buffer from four (4) feet to two (2) feet. Comm. Spitzer asked if the applicant had considered making the paved driveway thirteen (13) feet wide instead of fourteen (14) feet wide. Mr. Burhans noted that the contractor has recommended a fourteen (14) foot width.

Comm. Spitzer suggested a twelve (12) foot width and then where the radius started, and then going to a fourteen (14) foot width. Zoning Officer Weber suggested that if Mr. Planning Commission – June 27, 2011
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Burhans did this, he could bring in a revised plan and he would do a recalc to see if a variance was still needed. He suggested that the Planning Commission make their decision and put that in their motion to make a recommendation to the ZBA in case it was necessary.

On the motion of Comm. Gebhardt, seconded by Comm. Spitzer, to approve the Site Plan Review and to recommend approval of the Area Variance to the ZBA.

Item No. 5 – Site Plan Review – 6-10 Riverview Ave. – (Catholic Charities)(R4) – Carport

Mr. Walsh was present. He explained that there was no additional parking for the proposed twenty-four (24) foot by sixty (60) foot structure. Chair Felix asked why the carport was so large. Mr. Walsh stated that they had six (6) cars, but there was no planned storage as the building was going to be open. Chair Felix asked if they planned to pave the area. Mr. Walsh stated that they were going to just add more crusher run to make the area more uniform. Chair Felix asked if he had spoken with the neighbors. Mr. Walsh stated that he had not, but that they were sixteen and a half (16 ½) feet from the property line at the closest point and they planned to plant additional greenery along the property line.

Comm. McMahon asked if one (1) side would be closed. Mr. Walsh stated that two (2) sides would be closed, but the back would be open. He noted it would be a pull in pull out and there would be no concrete poured.

On the motion of Comm. McMahon, seconded by Comm. Beckwith, voted and approved as presented.

Item No. 6 – Site Plan Review Revision– 10-12 Monroe Hgts. – (Calabro)(R4) – Parking

Chris Calabro was present. He stated that he had met with DPW Chris Bistocchi and the dry wells had been eliminated from the site plan which enabled him to have a better site plan overall. He noted that Engineer/Advisor Teter had reviewed the revised plan and made recommendations.

Comm. Spitzer noted that Mr. Teter's only real concern was the steep slope area. He asked how the soil could be held for planting. Chair Felix noted that there was meshing to hold plantings. Zoning Officer Weber felt that the concerns had been addressed.

Mr. Calabro asked how long the time period for doing this. Chief Knickerbocker stated that it was six (6) months to engage the project as approved. Zoning Officer Weber stated that there were then six (6) month extensions that could be granted to finish.

Mr. Calabro asked to request a six (6) month extension for this project at this point.

On the motion by Comm. Spitzer, seconded by Comm. Couch, voted and approved the revised site plan as presented and to grant a six (6) month extension.

Zoning Officer Weber noted that the project was to be completed twelve (12) months from today.

Item No. 7 – Site Plan Review - 13-19 N. Main St. – (Yaman)(CB) – Parking Lot

David Yaman was present. He explained that he wants to add thirty (30) to thirty-one (31) cars to the parking lot. He stated that he was taking out seven (7) spaces to accommodate changes. He stated that he is taking out the old garage and the guard shack. He showed that the parking spaces are nineteen (19) feet by ten (10) feet wide. He will be putting in one way directional drive aisles. He explained that currently the parking spaces are not consistent.

Chair Felix asked him why he needed more parking. Mr. Yaman explained that he provided parking for the USDA and CAPCO and he now has one more retail store as well. Mr. Yaman stated that he only charged CAPCO for parking. Comm. Beckwith noted that this was just restriping.

On the motion of Comm. Gebhardt, seconded by Comm. Spitzer, voted and approved to accept the changes as presented; which amounted to restriping and removal of the garage and guard shack.

Item No. 8 – Site Plan Review – Revision & Recommendation to ZBA on Special Use Permit – 14 Clayton Ave. – (YWCA)(CB) – Parking Lot

Removed from agenda by Zoning & Code Offices as not needed.

Item No. 9 – Minutes – May 23, 2011

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

Old Business

19 W. Court Street – This will be put on the next agenda.

Adjournment

On the motion of Comm. Beckwith, 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 27TH DAY OF JUNE 2011.

RAFAEL FELIX, CHAIRPERSON