



PLANNING COMMISSION

MINUTES

JULY 25, 2011

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

PRESENT: Chair Felix, Comm. Beckwith, Couch, McMahon, Schaffer and Spitzer

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

Vice Chair Schaffer opened the meeting.

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

Zoning Officer Weber explained that there was no update as it had been before Zoning Board of Appeals for an interpretation and due to scheduling no action was taken, therefore, no action required tonight.

Chair Felix arrived.

Item No. 2 – Site Plan Review – 61 N. Main St. – (St. Mary's)(R4) – Handicap Ramp

Steve Cute was present. Comm. McMahon asked if this ramp met ADA requirements. Mr. Cut indicated that it did. Comm. Schaffer asked if there was a side barrier. Mr. Cute stated that there was a railing and pointed it out on the plans. Comm. Schaffer expressed concerns regarding the door opening width and that the door opened outwards. Zoning Officer Weber stated that the Code Office will have the responsibility for determining clearances.

Comm. Couch asked if there could be a larger landing. Mr. Cute stated that couldn't be done as it would encroach on the walkway. Comms. Schaffer and Couch expressed concerns about a wheelchair going down the stairs unless a fence is installed. Capt. Knickerbocker stated that the plans will be reviewed to make sure that they meet ASCI standards. Zoning Officer Weber noted that the landing could be two (2) to three (3) feet wider. Everyone expressed concerns for safety. Comm. Schaffer was concerned that someone could accidentally go down the stairs in a wheelchair.

On the motion of Comm. Schaffer, seconded by Comm. Couch, voted and approved contingent upon the stairs being moved to the north side of the entrance, removing the steps on the west side and installing a barrier on the west side and putting signage for the door opening.

Item No. 3 – Site Plan Review - 105 Main St. – (Wood)(CB) – Addition to Egress

William Wood was present. Mr. Wood explained that he owns both 103 and 105 Main St. He plans to move a wall back to the property line to and make a second egress to 105 Main Street. He stated that the Code Office has requested this as well as the State Liquor Authority.

Comm. Schaffer asked if he had a right of way in the alley. Mr. Wood stated that he had an agreement with Mr. Morton and that it was in Mr. Morton's deed. He explained that the right of way extends between Frank & Mary's Diner, in back of Wineburg's and continues behind his buildings and runs parallel to Main Street.

Comm. Schaffer asked if this will meet Fire Code. Capt. Knickerbocker asked Mr. Wood if that was a "party" wall. Mr. Wood declared that it was and it was so noted in the deed with that term. Capt. Knickerbocker stated that the Code restricted openings in "party" walls. He will look into it to be sure that its two (2) exterior walls.

Comm. Schaffer asked if Mr. Wood was being asked to make this second egress. Mr. Wood stated that he was not in compliance with the State Liquor Authority. They want the front gate of the side alley locked, but Code wants it unlocked or a second egress built. He is trying to make both the Liquor Authority and the City Code Office happy.

Comm. Spitzer wanted to know how far the addition extension came out. Mr. Wood stated it was about seven (7) feet.

Comm. Schaffer noted her concerns about one hundred thirty (130) plus people going through a small door. Mr. Wood stated that he would meet all Code requirements. She also noted concerns about a new small party room in the rear. Mr. Wood noted that it would hold about twenty (20) people. Comm. Schaffer stated concerns that people in a panic situation couldn't find the exit through a party room and out a back exit.

Comm. Spitzer asked for the square footage of the proposed addition. Mr. Wood stated that it would be three hundred seventy-two (372) square feet. Comm. Schaffer asked for the width of the alley. Mr. Wood stated that it was about seven and a half (7 ½) feet. Comm. Schaffer noted that the dumpster blocks a good portion of that width. Comm. Schaffer stated that she would like to have a better solution created for a second exit that doesn't create more problems as not having one to begin with. Comm. Spitzer noted that the door could be bigger than the minimum thirty-six (36) inches.

Capt. Knickerbocker noted that it depends upon the occupant load. He felt it would be okay with a three (3) foot door with a panic bar.

Chair Felix asked if the door could be moved to where the cooler was. Mr. Wood noted that was John Morton's property and that there was a fence there. Comm. Schaffer asked if he could get an easement for that. Mr. Wood stated that he had spoken with Mr. Morton over the years and that he wouldn't budge on the use of his property. Mr. Wood noted that he is trying to make a better and safer situation and has been trying to find a solution to this problem for a many years. He stated that he's been in compliance with City Code, but isn't in compliance with the State Liquor Authority and he's trying to

make it a better situation that what exists now. Comms. Couch and Spitzer were concerned about people trying to get back in if either the gate was unlocked or if this door would be put in. Mr. Wood indicated that the panic bar on the door would allow people to exit quickly, but not allow them back in as the door would be secured.

Capt. Knickerbocker asked if he could provide more lighting in the alley. Mr. Wood stated that he would do that. Comm. Schaffer asked if exit lights were required. Capt. Knickerbocker stated that there would have to be.

Comm. Schaffer noted that she would like to see no door on the party room as she would like to see constant access to the exit. Comm. Spitzer agreed with that idea. Mr. Wood stated that he would do whatever they wanted. Comm. Beckwith noted that Mr. Wood would have to comply with Code on anything he did. Capt. Knickerbocker stated that there had to be a door between the pizzeria and the party room because it was between two (2) areas. Chair Felix asked about the door between Mark's Pizzeria and the party room. Mr. Wood stated that there would be a door there with a panic bar.

On the motion of Comm. Spitzer, seconded by Comm. Beckwith, voted and approved the site plan. Comm. Schaffer noted that he could move another door.

On the motion of Comm. Spitzer, seconded by Comm. Beckwith, voted and approved the site plan with the stipulation of adequate lighting in the alley with an "on at dark and off at dawn" switch, and that the kitchen door at Mark's Pizza can be moved so that the opening and closing does not interfere with the exit door and meets all Fire Code.

Item No. 4 – Site Plan Revision - 152 Clinton Ave. – (Palmer/Mobil)(GB) – Signage, Dumpster & Flagpole

Rich Palmer was present. He explained that he want to put a flagpole on the north side in the landscape area. The pole will be fifteen (15) to eighteen (18) feet high and will fly both the State and U.S. flag. Chair Felix noted that he'd be proud to see the flagpole in the front. Zoning Officer Weber stated that the proposed location of the flagpole meets setback requirements.

Mr. Palmer further explained that he had been approved for one (1) dumpster and a shed, but he forgot that he needed a dumpster for cardboard. He had to install the second dumpster where the proposed shed was to go. He explained that he still needs to build a shed. He noted that on the left side of the dumpster area is a ten (10) foot by ten (10) foot area that he would like to install a ten (foot) by eight (8) foot shed. It will sit back from the dumpster and the area is already surfaced.

Comm. Schaffer would like the color of the shed to match that of the blue mesh that is screening the dumpsters. Comm. Schaffer asked if the DOT was okay with this. Mr. Palmer noted that DOT had nothing to do with it, further noting that the location of the shed was in back because he didn't want anyone clipping the shed as they drove by.

Mr. Palmer noted that the biggest item was the sign. He noted that the Planning Commission required him to put the grass in the front of the building and he had to do it in the DOT right of way. He noted that the DOT had wanted him to remove his price sign for years, so now he has no ID and price sign out front. Now Mobil is giving him a

hard time about it. He would like to have a Mobil, Dunkin Donuts and pricing sign approximately seventeen (17) or eighteen (18) feet tall. Zoning Officer Weber explained that it would not be a high rise pole sign. Mr. Palmer noted that it was less than his previous sign. He explained that he has goalposts to allow for driver sightlines.

Zoning Officer Weber explained that the proposed sign is under the height and square footage requirements. He further explained that the original sign was on the property when the Planning Commission did their review. The sign then was relocated on the property based on the DOT request to move it. The proposed size is staying the same and the location meets the five (5) foot setback requirement and it has to be a minimum of nine (9) feet to the bottom to allow for visibility. He noted that it was a relocation of the existing sign on the property and the size of the sign is grandfathered in and the location meets the requirements of the setback and height requirements.

On the motion of Comm. McMahon, seconded by Comm. Schaffer, voted and approved the site plan as presented with the Dunkin Donuts sign and remaining the same size sign.

Item No. 5 – Site Plan Review - 4 Locust Ave. – (ReadyMix)(GB) – Surface Water Alteration

Jason Kappel & Paul Sharlow were present. Atty. Sharlow explained that he represents Saunders ReadyMix and that Jason Kappel was from Spectra Engineering. He noted that under New York State law industrial plants are required to control their storm water. He explained that the DEC now wants all concrete plants to discontinue using a single pond to dump their processed and storm water into and to now line those storage ponds with concrete. At the Locust Avenue facility, this has now been done. Mr. Sharlow explained that they have also improved their berm and swales to make sure that they don't run afoul of New York State Law. He explained that both the berms and swales have been raised. He noted that they have entered into a consent order with the DEC to do that.

Comm. Spitzer asked what happened to the water that was put in those ponds. Mr. Sharlow explained that it gets reused. Mr. Kappel explained how this was done. He noted that it was an approved practice across the State for concrete plants. Comm. Schaffer asked if the DEC inspected the ponds periodically. Mr. Sharlow noted that they inspect as they can, but the most important thing was to have no mingling of the storm water and the process water. Comm. Schaffer asked him if they could improve the looks of their property now that there has been some further development by hotels in that area. Mr. Sharlow noted that they felt that what had been done was greatly improving the property.

A SEQR review was done.

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

On the motion of Comm. McMahon, seconded by Comm. Schaffer, voted and approved the site plan as presented.

Item No. 6 – Site Plan Revision - 15 Pleasant St. – (Calabro/Casullo)(R1) – Change to façade

Comm. Beckwith recused himself.

Chris Calabro and Atty. Francis Casullo were present. Mr. Calabro explained that the site plan had been approved once before, but Zoning Officer Weber told him that the bump out on the third floor would have to be removed or a variance for setback would have to be obtained. He further explained that he has now eliminated the bump out and he has relocated some of the windows. He had eliminated the windows on the side, but he would be installing a small bathroom window on the north side. He explained that on the rear of the building, he could not salvage a section and he will rebuild it exactly the way the original was.

Comm. Schaffer noted that the stairs are gone. Mr. Calabro explained that the stairs were not required because there is a sprinkler system in the building. He further noted that the interior layout had changed somewhat. He explained that the building required a use variance on the change of the third floor dimensions. He disagrees, but will return it to its original design and dimensions. He stated that he lowered the height by a foot so that the mean height will be thirty-three feet and the pitch of the roof will remain the same as what was already approved by Planning.

Comm. Schaffer asked if the big square piece indicated on the plan will disappear. Mr. Calabro stated that would go away and will be more in character with the neighborhood. Mr. Calabro also stated that there were two (2) students that lived up there and a total of nine (9) people in four (4) units lived in the house. He also was not going to change any of the dimensions.

Chair Felix asked if there were any other issues. Zoning Officer Weber stated that there were no other issues that he was aware of at this stage. Comm. Schaffer asked if everything was in compliance with legal decision as well.. Zoning Office Weber stated that this had already gone to County Planning for other issues and was returned for local determination.

On the motion of Comm. Spitzer, seconded by Comm. Couch, voted and approved as presented. (Comm. Beckwith did not vote)

New Business

Comm. Schaffer expressed concern that SUNY College had purchased a house at 29 Broadway which is in an R1 district and has installed an office there. She stated that no one is living in the house and that it's not in compliance with an R1 use. She asked if the College came to the City before purchase regarding the conversion.

Capt. Knickerbocker stated that a SUNY person had come in and a SUNY employee is supposed to live there. Comm. Schaffer stated that bedrooms were being used for costume storage. She asked what can be done at this point.

Zoning Officer Weber noted that the Legal Department will make a determination on this.

Item No. 7 - Minutes – June 27, 2011.

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

Old Business

Comm. Schaffer noted that Mr. DeVecchio was still not in compliance with everything he was supposed to have done at 19 W. Court Street. Zoning Officer Weber explained that he has been working with Legal from an occupancy standpoint with regards to compliance and updates will be given to the Planning Commission as information becomes available.

Adjournment

On a motion of Comm. Schaffer, seconded by Comm. Spitzer, voted and approved.

I, REFAEL 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 25TH OF JULY 2011.

RAFAEL FELIX, CHAIRPERSON