



PLANNING COMMISSION

MINUTES

October 24, 2011

A regular meeting of the City of Cortland Planning Commission was held on Monday, October 24, 2011 at 5:15 PM in the Council Chambers at City Hall, 25 Court Street, Cortland, NY.

PRESENT: Vice Chair Schaffer, Comm. Gebhardt, McMahon and Spitzer

Staff Present: Mayor Feiszli, 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/Snyder)(GI) – Parking

Atty. Patrick Snyder was present representing Mr. Truman. He explained that a new drawing of the quarter acre proposed parking lot had been submitted for review as requested, noting that this area will not be paved. He explained that it will be smoothed off with gravel and then it will be used as a parking area.

Zoning Officer Weber noted that there is a requirement for paving and also site plan review, but the Planning Commission can recommend approval of the Area Variance to the Zoning Board of Appeals and at that point you can conditionally approve the Site Plan application or table it.

On a motion by Comm. Gebhardt, seconded by Comm. McMahon, voted and approved to recommend Site Plan approval pending Zoning Board of Appeals approval of the Area Variance.

Item No. 2 – Sub-division Request – 12 Hickory La. – (Yaman)(R1) – Schedule Public Hearing

Atty. Bill Pomeroy was present representing Jim Yaman. He explained that Mr. Yaman owns three (3) contiguous lots and he would like to divide lot No. 80 in half and add half to lot No. 79 and the other half to lot No. 81. He noted that lot No. 81 and the north end of lot No. 80 has been sold. The other lot has not been sold.

A public hearing needs to be scheduled and noticed.

On a motion by Comm. Schaffer, seconded by Com. McMahon, voted and approved to schedule a Public Hearing prior to the regularly scheduled meeting for November 28, 2011.

Item No. 3 – Site Plan Review – 49 Elm St. – (NE Transformer)(GI) – Parking

Mr. Kozer was not present. Vice Chair Schaffer noted that the Planning Commission had requested a letter from the IDA/BDC and that it had been received. She noted that the Planning Commission – October 24, 2011
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letter had been sent to Zoning Board Chair Hickey indicating that the IDA/BDC had no problem with Mr. Kozer cleaning up and using their property for parking. She also noted that the Area Variance had been approved by the Zoning Board of Appeals at their October 2011 meeting.

On a motion by Comm. McMahon, seconded by Comm. Spitzer, voted to approve the Site Plan to expand parking.

Item No. 4 – Site Plan Review – 60 Miller St. – (Brotherton)(R1) – Roof Replacement

Jason Brotherton was present. He stated that there was a flat roof on the side of the main building and he is adding a pitch to it to resolve leaking problems. He stated that there will be truss construction added to the roof. Comm. Spitzer asked if the footprint of the building would be changing. Mr. Brotherton stated that it would not be changing. Zoning Officer Weber noted that this would only be a change to the façade.

On a motion by Comm. McMahon, seconded by Comm. Gebhardt, voted and approved the Site Plan as presented.

Item No. 5 – Site Plan Review and Recommendation – Area Variance – 51-53 Clinton Ave. – (Pierce/Bombard)(R4) – Driveway – Review and Recommend to Zoning Board of Appeals.

Karen Pierce was present to answer questions. She explained that she owns the property with her grandson. She explained that they want to pave the driveway and increase the width of it. She noted that there is no greenspace there now. Ms. Pierce noted that this is a two (2) family house.

Ms. Pierce noted that she has now rethought her original Site Plan application and would like to request to have four (4) feet of greenspace at the sidewalk, gradually narrowing to two (2) feet of greenspace to the rear of the property and that would look better. She stated that is the request she is now asking the Planning Commission to consider in the Site Plan review.

On a motion by Comm. Spitzer, seconded by Comm. McMahon, voted and approved the Site Plan as modified and as described by the applicant in these minutes pending approval of the Area Variance by the Zoning Board of Appeals and to recommend approval of the Area Variance by the Zoning Board of Appeals.

Item No. 6 – Site Plan Review – 13 Charles St. – (Barbieri)(R4) – Garage Conversion to Dwelling Unit

Al Barbieri and Paul Gallow were present. They explained that they want to get approval for six (6) parking spaces. Mr. Barbieri noted that there are currently six (6) parking spots and he wants to make them legal.

Zoning Officer Weber noted that they should consider the conversion of the garage to a dwelling unit and then address the parking.

Mr. Barbieri and Mr. Gallow explained that the garage conversion to a dwelling unit was already done and they are actually redoing it. Mr. Barbieri noted that this is a three (3) unit property and it was like that when it was purchased and they are trying to make it legal. Mr. Gallow agreed that it was like that when it was purchased it in April 2011.

Zoning Officer Weber explained that they are asking to convert the garage to a single family dwelling which then requires six (6) parking spaces. He noted that the front building is a two (2) family and that any change to the parking configuration requires Site Plan Review. He explained further that a Variance is needed from the Zoning Board of Appeals for the conversion to meet the setback requirements. He explained that the Planning Commission needed to make a recommendation to the Zoning Board on the Area Variance request and then review the parking plan for Site Plan Review.

Vice Chair Schaffer asked if they could separate those and Zoning Officer Weber stated that they could.

Vice Chair Schaffer noted that they would deal with the garage unit. Mr. Barbieri explained that they applied for and received a building permit to redo the dwelling unit in the garage. Mr. Gallow explained that they were later issued a stop work order because it was realized that it had been converted to a dwelling unit without permission and they are now trying to bring it into compliance. Mr. Barbieri explained that when the property was purchased, the garage had a full blown dwelling unit with a kitchen, bath, etc. Vice Chair Schaffer noted that since 1990, this property had been assessed as a three (3) unit property.

Zoning Officer Weber stated that a previous owner had requested a Variance to convert the garage to a dwelling unit and that Area Variance request had been denied, but the work was done anyway sometime in the past by a previous owner without the knowledge of the City. He explained that now they were trying to bring it into compliance. He noted that it had been taxed as a three (3) unit, but not approved as a three (3) unit property.

Vice Chair Schaffer noted that this doesn't meet the setback requirements. Comm. Gebhardt noted that the setbacks were not appropriate. Zoning Officer Weber stated that the garage was a pre-existing, non-conforming and the setbacks were not appropriate as a garage or as a single family dwelling.

On a motion by Comm. McMahon, seconded by Comm. Spitzer, voted and approved to recommend approval of the Area Variance to the Zoning Board of Appeals for the back apartment/garage in the former garage which is now a dwelling unit.

Item No. 7 – Site Plan Review - 13 Charles St. – (Barbieri)(R4) – Parking

Mr. Barbieri explained that six (6) parking spaces were required. Vice Chair Schaffer asked if there was enough turn around space allowed. Mr. Barbieri explained that there was a twenty-four (24) foot backing space for most of the parking spaces and the parking spaces were all ten (10) feet by eighteen (18) feet and the area is already paved.

On a motion by Comm. McMahon, seconded by Comm. Spitzer, voted and approved the Site Plan for six (6) parking spaces as shown on the submitted diagram and that the parking spaces are all to be marked and assigned.

Item No. 8 – Site Plan Review – 1129 Commons Ave. – (Cayuga Medical)(PO) – Addition

Paul Levitt from Holt Architects was present. He explained that currently Cayuga Medical was providing MRI service using a mobile truck that came in two (2) days a week. He noted that they have an opportunity to put in a fixed base permanent MRI in a modular building addition on site. He is unclear whether that is a front yard or a side yard setback. Vice Chair Schaffer thought it might be a rear yard setback.

Zoning Officer Weber noted that the address was 1129 Commons Ave.; therefore the yard to the north would be considered the rear. Mr. Levitt explained that they are currently twenty-one (21) feet from the edge of the pavement and well beyond the setback requirement needed for this proposal.

Vice Chair Schaffer asked if there would be an exit door directly from the MRI. Mr. Levitt stated that there would be one. Vice Chair Schaffer asked if proper building structure was required for the MRI unit. Mr. Levitt noted that hospital representatives were present tonight and that all state requirements would be met.

Zoning Officer Weber noted that this was an unlisted action and did not require a SEQR. Vice Chair Schaffer agreed with Zoning Officer Weber's opinion on the SEQR requirement for this project.

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

Item No. 9 – Site Plan Review – 7 Crawford St. – (Spencer/Yaman)(R2) – Two Story Addition

Jim Bryan, Yaman Construction representative, was present. He explained that this is a two (2) story addition. Vice Chair Schaffer noted that it appeared to be existing. She then asked if Planning Commissioners had the right to enter the backyard of a property to review or familiarize themselves with the property and the project request. Zoning Officer Weber stated that they needed to ask Corporation Counsel.

Mr. Bryan stated that it was going to be a ten (10) foot by fifteen (15) foot addition to the back of the building. He noted that this size would better fit their needs than the twelve (12) foot by twelve (12) foot design. Vice Chair Schaffer asked if they were adding a new living unit. Mr. Bryan stated that they were not adding a new living unit. He explained that the second floor would contain living room space and the first floor would have a handicapped bathroom. They were just adding more space to two (2) existing units. Mr. Bryan explained that they will apply for a building permit and that Code will review the project.

Vice Chair Schaffer noted that there was parking shown on the drawing on the east side and noted that there must be four (4) spaced. Mr. Bryan showed the Planning Commissioners that there were four (4) pre-existing parking spots alongside the building on the east side.

Comm. Gebhardt asked if this addition would create a new roofline. Mr. Bryan stated that it would on a small portion of the building.

On a motion by Comm. McMahon, seconded by Comm. Spitzer, voted and approved the Site Plan for the ten (10) foot by fifteen (15) foot two story addition instead of the twelve (12) foot by twelve (12) foot one.

Item No. 10 – Site Plan Review – 119 ½ Pendleton St. – (Contento)(GI) – Building Repairs

Gerry Contento and Engineer Chuck Feiszli were present. They explained that repairs on this building had been started, but they wound up having to build a pole barn into the center of the building because the weakened middle section of the building had been crushed by the heavy snow. Mr. Contento stated that he was not changing the footprint. Mr. Contento explained that there had been an old smelter in the center of the building and that may have contributed to the weakening of the middle part of the building.

Vice Chair Schaffer determined that no SEQR was required for this project.

On a motion by Comm. Spitzer, seconded by Comm. Gebhardt, voted and approved the Site Plan as presented.

Minutes – September 26, 2011

Comm. Spitzer asked that the minutes reflect the portion of the New York Zoning Law and Practice that he read at that night's meeting and he asked that it be put into those minutes.

Comm. Gebhardt asked that it be noted that the September 26, 2011 meeting had been videotaped by a member of the audience. Comm. Spitzer asked that it be noted that this had occurred in the minutes. Comm. Gebhardt asked that the minutes be more specific as to who shouted or used a loud voice at that meeting. Comm. Spitzer asked that it be changed to say that Atty. Chatfield called Comm. Gebhardt an idiot in a loud voice. Comm. Gebhardt stated that Atty. Chatfield had charged the Commission table and he would like to have that reflected in the minutes. Vice Chair Schaffer and Commissioners asked that it also be noted that Atty. Chatfield was physically restrained by other counselors present. Vice Chair Schaffer wanted it made clear in the minutes that Comm. Couch had asked that Corporation Counsel Perfetti call the Police.

On a motion by Comm. Spitzer, seconded by Comm. McMahon, voted and approved as amended.

Adjournment

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

I, JO SCHAFFER, 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 24TH OF OCTOBER 2011.

JO SCHAFFER, VICE CHAIRPERSON