



## PLANNING COMMISSION

### MINUTES

**January 23, 2012**

A regular meeting of the City of Cortland Planning Commission was held on Monday, January 23, 2012 at 5:15 PM in the Council Chambers at City Hall, 25 Court Street, Cortland, NY.

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

**Staff Present:** Corporation Counsel Kelly Colasurdo, Capt. William Knickerbocker, Zoning Officer Bruce Weber, and Deputy City Clerk Cheryl A. Massmann

#### Item No. 3 – Minutes – December 27, 2011

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

#### Item No. 1 - Set Public Hearing – 44 Main St. – (Karam)(CB) – Appeal of Historic and/or Architectural Advisory Board Decision

The Public Hearing was scheduled for February 27, 2012 at 5:15 PM in the Council Chambers to be followed by the regularly scheduled Planning Commission meeting.

Mr. Karam was present and he was informed that he could bring anyone to speak on behalf of this appeal and to present any documents to the Commission in support of his appeal.

#### Item No. 2 – Site Plan Review and Use Variance Recommendation to Zoning Board of Appeals – 166 Madison St. – (Carter)(R1) – Beauty Salon

Rick Carter, Erica Prindle and Jason Hage were present.

Comm. Gebhardt asked them to explain what they planned to do. Erica Prindle stated that they were planning to turn the building into a hair salon. Comm. Gebhardt asked if this would fill the entire first floor. Erica Prindle indicated that it would be the entire first floor.

Comm. Couch asked if there was a garage in the rear of the building. Erica Prindle explained that there was an overhead door in the back and that area had been used as cold storage and that will stay as storage and the actual salon will be in the front of the building. A new drawing was submitted and they indicated the salon and the storage area.

Chair Felix asked if they had spoken with the Code Office and filed for permits. Erica Prindle indicated that they had not done that yet.

Comm. Spitzer asked why the Cortland Regional Medical Center appointing Rick Carter to be the applicant for this Use Variance. Zoning Officer Weber explained that it was a requirement as Cortland Regional owned the property and they were authorizing Mr. Carter to make application, which was a requirement. He noted that Mr. Carter was a potential buyer for this property. Mr. Carter stated that they needed permission to make this property into a beauty salon and then they would purchase the property.

Comm. Couch asked if Jason Hage was representing them as a realtor. Mr. Hage stated that he was.

Comm. Spitzer asked if the building was currently vacant. Mr. Hage replied that the building had been vacant for about six (6) years and was owned by the hospital and it is currently off the tax roll. He explained that if this variance is approved and the property purchased, this will put the property back on the City tax roll. Mr. Hage also noted they had been door to door in the neighborhood and they had included a petition with their application signed by all of the neighbors indicating support for this. He noted that there was only one (1) neighbor who said maybe.

Comm. McMahon asked if they planned to use the entrance off Summit Street. Erica Prindle stated that the employees might use it, but not the customers.

Zoning Officer Weber explained to the Planning Commission that they were here to make a recommendation to the Zoning Board of Appeals for the Use Variance and the parking and the Planning Commission is looking at the parking and at the drive aisle width, which is currently nineteen (19) feet and the requirement is twenty-four (24) feet and there is also the question as to what the required parking would be for the additional area that is described as storage or a break room. That parking, if any, needs to be determined by the Planning Commission.

Comm. Spitzer noted that this was in an R1 area and he wanted to know if a beauty salon was an allowed use. Zoning Officer Weber stated that it was not, but noted that it was not the Planning Commission's concern. Comm. Spitzer asked about the number of parking spaces that were required and he asked how that number was determined. Zoning Officer Weber explained that it was determined by the square footage, noting it was one hundred fifty (150) square feet of parking for the sixteen hundred (1,600) square feet of area which is being used. Zoning Officer Weber stated that would require eleven (11) or twelve (12) parking spaces. Comm. Gebhardt asked if that included the cold storage area. Zoning Officer Weber stated that it did not, it was only determined by the area being used for the beauty salon and the Planning Commission would have to determine if any further parking is required for the cold storage square footage.

Comm. Gebhardt asked if the employees would park in the Summit Street area and what surface was out there. Mr. Hage stated that it was a stone driveway and wouldn't be considered a parking lot because it was not asphalt or concrete and the public wouldn't be parking back there. Mr. Hage noted that the parking area is eighty (80) feet by fifty-five (55) feet and that was big and the entrance from Summit Street was just a driveway with no parking in the rear.

Chair Felix noted that the plan showed thirteen (13) parking spaces and they need twelve (12) spaces.

Comm. Gebhardt suggested that they could run eight (8) parking spaces up the side, put two (2) in another area and they could then have one (1) handicapped space and that would allow more turn around room. Zoning Officer Weber noted that eleven (11) spaces would suffice.

Comm. Couch asked for the hours of operation. Erica Prindle stated that they would be open from 8:00 am to 5:00 pm and on Thursday they would be open until 7:00 pm. She also plans to be open on Saturday until 3:00 pm and will be closed on Sunday.

Comm. Gebhardt noted that he supported this use of the property. Other Commissioners agreed; noting support for putting the property back on the tax rolls, being a good addition to the neighborhood and being a good use of the property.

On the motion of Comm. Spitzer, seconded by Comm. Beckwith, voted and approved the Site Plan contingent upon the Zoning Board of Appeals granting the Use Variance with the revised parking plan and further recommend approval of the Use Variance by the Zoning Board of Appeals.

### New Business

Chair Felix circulated correspondence he received from the State University Construction Fund for yet another project concerning who should be lead agency for SEQR review on these projects. He felt that the City should be and he would speak with Mayor Tobin.

Zoning Officer Weber noted that they need to be an involved agency in order to be considered for lead agency status and the Common Council needs to decide whether they want to pursue the ability for the City to be an involved agency and that is a question that he believes is unanswered at this time because this is a State agency. He noted that Corporation Counsel Kelly Colasurdo was present this evening and she and the Common Council will have to make a decision as to how they want to proceed.

Corporation Counsel Colasurdo stated that she had also just received that letter and is in the process of reviewing it.

Chair Felix asked if Corporation Counsel was aware of the situation with 19 W. Court Street and what the status is. Corporation Counsel Colasurdo stated that it was her understanding that the City entered into settlement negotiations on that. Comm. Spitzer noted that it was the previous Corporation Counsel who entered into those settlement negotiations and that occurred without any consultation or information from the Planning Commission and noted that he was the attorney for the Planning Commission as well as the City and he did not function in that capacity. Corporation Counsel Colasurdo stated that she would review the file and the settlement that was in front of the judge and noted that nothing had come back yet.

Comm. Spitzer asked if there was a way to request that the information regarding that settlement. He asked if the Commission could see the proposal from the City's side before the judge makes a determination. He noted that they were the client. Corporation Counsel Colasurdo stated that she would look into it. Chair Felix stated that the Planning Commission did not know what the settlement proposal was. Comm. Spitzer noted that

was not good. Comm. Gebhardt stated that Atty. Perfetti had informed the Planning Commission at the last meeting that the judge would make a determination after January 13, 2012 and it could already be done. Corporation Counsel Colasurdo stated that she would look into it and give the Commission an update.

Chair Felix requested that the settlement information could be emailed. Corporation Counsel Colasurdo suggested that they come in to City Hall to review that information. Comm. Couch asked if a memo could be placed in the City Clerk's Office explaining the settlement status.

Comm. Gebhardt noted that a five (5) story building was going in between Hayes and Hendricks, so they were not taking down a building, they were adding one.

### Elections

Chair Felix noted that he had spoken with Commissioner Schaffer who would like to step down as Vice Chair because she will not be present until April.

Comm. Spitzer nominated Rafael Felix to serve as Chair, Comm. Schaffer to serve as Vice Chair; noting that someone could serve as a temporary Vice Chair in her absence, and he further nominated Commissioner Gebhardt as Temporary Vice Chair.

On the motion of Comm. Spitzer, seconded by Comm. McMahon, voted and approved Rafael Felix as Chairman, Jo Schaffer as Vice Chair and Jeff Gebhardt as Temporary Vice Chair.

Capt. William Knickerbocker reported that he has developed a Site Plan Review checklist for the Commission to look over, which he distributed to them. He also reported that SUNY Cortland is communicating with his office regarding fire safety and access to their dorm buildings, noting that it is a good thing.

### Adjournment

On a motion of Comm. McMahon, seconded by Comm. Couch, 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 23rd OF JANUARY 2012.**

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**RAFAEL FELIX, CHAIRPERSON**