



## PLANNING COMMISSION

### MINUTES

April 23, 2012

#### **Public Hearing: 5:15 PM – Draft Comprehensive Plan**

Chair Felix opened the Public Hearing for the Draft Comprehensive Plan and read the rules of the Public Hearing.

Rich Cunningham of Thoma Development made some brief comments. He outlined some minor changes that had been made that might not be in all copies of the Draft to make sure that everyone had the most current draft. He noted that on Pg. 42, goal #7 had been amended as previously approved. He also noted a minor change from the Cortland County Planning regarding preparing and adopting storm water regulations that are stricter than DEC regulations and he noted that comments had been received at the first public hearing that the plan did not address natural gas extraction and information on that was subsequently added to the current draft.

Mary Beilby, 7 Broadway, Cortland was present. She commented on what has been added to the Plan. She felt that the section on natural gas is too general and too neutral. She submitted written comments on this. (Attached) She noted that other towns had successfully adopted moratoriums or bans and those have been defended by the existence of a strong comprehensive plan and strong governing rules. She wants the City to take a stronger position.

There was no one further to speak; therefore the public hearing was closed at 5:18 PM.

#### **Regular Meeting:**

A regular meeting of the City of Cortland Planning Commission was held on Monday, April 23, 2012, at 5:18 PM in the Mayor's Conference Room at City Hall, 25 Court Street, Cortland, NY.

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

Staff Present: Mayor Tobin, Dir. of Admin. & Finance Cook, Corporation Counsel Kelly Colasurdo, Capt. William Knickerbocker, Zoning Officer Bruce Weber, and Deputy City Clerk Cheryl A. Massmann

#### Item No. 1 – Draft Comprehensive Plan – Full SEQR Review

Rich Cunningham explained that the adoption of a comprehensive plan requires a SEQR process and that adoption of a Comprehensive Plan is a type 1 action. He explained that the City Planning Commission had declared themselves the lead agency and County Planning and the Common Council did not comment back on wanting to be a lead or

involved agency. He noted that the long form SEQR has been completed and many questions are not applicable since they are project specific. He further explained that after a negative declaration was made, there was a thirty (30) day waiting period for public comment then a final declaration can be made at the May 29, 2012 meeting. He noted that the resolution will state that it is the Planning Commission's intention to make a negative declaration and that the adoption of this plan will not have any substantial adverse impacts from it.

Comm. Schaffer asked if the statement just received from Mary Beilby would affect the environmental proposals. Rich Cunningham noted that he didn't think that it would as the plan is written. He felt that there was cautionary language in the plan regarding natural gas. Comm. Schaffer asked if he would take Mary Beilby's comments given in this public forum and edit the section on sustainability. Mr. Cunningham indicated that the Planning Commission could do that. Mr. Cunningham stated that they should probably deal with the SEQR review and see if there is an adverse impact or problem and if there is some language changes, the next thing would be in the next resolution, would be to adopt the plan and forward it to the Common Council for their review and approval and that could be done without impacting the SEQR. Comm. Schaffer asked if the Planning Commission changed some of the language in the plan, did they then have to redo the SEQR. Mr. Cunningham stated that they did not have to redo it.

Zoning Officer Weber stated that they only would have to redo the SEQR if it was something significant, but just changing the language in one (1) section like this, is probably minor. He stated that they should do the SEQR and then make the recommendation to the Common Council with whatever changes the Planning Commission would like to see.

Chair Felix stated that upon SEQR review that a determination of no significant impact is recommended and that a negative declaration be issued.

On the motion of Comm. Gebhardt, seconded by Comm. Schaffer, voted and approved to issue a Negative Declaration.

Item No. 2 – Draft Comprehensive Plan – Announce SEQR determination of significance and establish thirty (30) day comment period.

Chair Felix announced the SEQR determination of a negative declaration and establishment of a thirty (30) day comment period.

Item No. 3 –Item No. 3 - Adoption of the Comprehensive Plan and Recommendation to Common Council

Comm. Schaffer asked that they adopt the Comprehensive Plan and recommend it to the Common Council with the addition of the written comments presented this evening by Dr. Beilby. Mr. Cunningham stated that he needed more direction from the Planning Commission as to how and what needed to be revised. Zoning Officer Weber noted that the Commission did have thirty (30) days between now and their next meeting to formulate something based on Dr. Beilby's comments. Mr. Cunningham noted that in that case they would not be able to adopt the plan this evening.

Comm. Schaffer felt that it could be worked through. Mr. Cunningham stated that in order to be adopted, the Comprehensive Plan had to be in its final format. Chair Felix noted that there would be a delay of another month as this would have to come back before the Planning Commission at their May meeting.

Comm. Schaffer has been reading and following this and she noted that without something more definitive in their comprehensive plans, other townships have not been able to hold off the wholesale intrusion of something that all of us would be a little cautious about and she felt it was important to get this into the Comprehensive Plan.

Rich Cunningham gave the Planning Commission some background from the steering committee when they were working on this part of the Plan. He noted that there was nothing there with regards to natural gas in the first draft and that information was subsequently added following the first public hearing. Although the Steering Committee felt that drilling within the City limits probably would not happen, there could be secondary impact resulting from such development. The Steering committee felt that a balanced, but cautionary approach was warranted.

Comm. Spitzer proposed one (1) sentence that could be inserted in the Comprehensive Plan; "We recognize that any type of hydrofracking operations, water withdrawal, waste disposal or other activities are considered by many to be antithetical to the vision that the City of Cortland has for itself." He noted that it was a bit of a stronger statement. He stated that the Planning Commission recognized that this was an issue of great concern to people, but it is not saying that thou shalt not.

Mr. Cunningham recommended that this statement go into the Comprehensive Plan on Page #38 in the paragraph that starts "Extraction of natural gas...." and into the beginning of that paragraph. Comm. Gebhardt asked that he also change the word "other" to "all" in the sentence with "sole source aquifer the City must be aware of ... all potential negative impacts". Comm. Spitzer felt that changing that says we are specifically concerned about the consequences of hydrofracking. Dr. Beilby stated that she has sat through hearings in Middlefield and Dryden where gas company attorneys were objecting to the laws that those communities have passed and she doesn't think that this statement strong enough to be defended by the City. She felt that there were other ways to do it, such as passing laws regarding water treatment as well as aquifer protection. She knows that the DEC has approved hydrofracking at some State university campuses, so we might have the same fight that we're having with the Student Life Building with the State University on this issue.

Comm. Gebhardt stated that he felt that the stronger language was appropriate, but we all need to understand that this isn't the vehicle that's going to outlaw hydrofracking in the City of Cortland. This is an overall plan, a plan for the future, one that will last a hundred years and although we as a group should and will show stronger language, a separate law will eventually need to be written, hopefully, to ban it in the City. Comm. Schaffer noted that a comprehensive plan lays the groundwork to enable the City Council to really produce functioning laws; it gives them direction.

On the motion of Comm. Spitzer, seconded by Comm. Schaffer to amend the City of Cortland Comprehensive Plan with the sentence "We recognize that any type of hydrofracking operations, water withdrawal, waste disposal or other activities are

considered by many to be antithetical to the vision that the City of Cortland has for itself” and replacing the word “other” with the word “all” as noted.

Chair Felix noted that they were now back to the main resolution; to adopt the Comprehensive Plan as amended on Page 38 on April 23, 2012 and forward it to the City of Cortland Common Council and to recommend adoption.

Chair Felix read the full formal resolution.

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

#### Item No. 4 – Establish May 2012 Meeting Date

A poll of availability was done and the May meeting date of Tuesday, May 29, 2012 was agreed upon.

#### Item No. 5 – Schedule Public Hearing – 9 Summit St. – (Vona)(R1) – Sub-division

Ms. Kathryn Vona was present. Zoning Officer Weber explained to the Commission that they needed to make a recommendation to the Zoning Board of Appeals on the area variance request and then if the area variance is granted by the ZBA, the Planning Commission would proceed with the public hearing. He explained that this is the time to discuss the proposal. He explained that the proposal was to take what is now a single lot and to divide it into two (2) parcels; each which would now have an area less than what is required in an R1 district. He noted that Ms. Vona was present to answer questions. He explained that a variance was needed to create two (2) lots. He noted that the Planning Commission could not create two (2) lots without the variance, so the ZBA will first have to act to grant the variance and if they do so, then the Planning Commission will hold the Public Hearing. He then explained if the ZBA denied the variance, the Public Hearing would be cancelled as the issue would be dead.

Zoning Officer Weber explained that there are two (2) lots there. The house is on what would have been a double lot at the time that this area was created and settled. He explained that the intent is to basically recreate that second lot. Comm. Spitzer asked for further explanation. Zoning Officer Weber noted that Ms. Vona had purchased the second lot and combined the two (2) properties into one (1) parcel and now would like to separate them.

Comm. Schaffer asked what the minimum size for a lot in an R1 district was. Zoning Officer Weber stated that in an R1 the minimum lot is ten thousand (10,000) square feet with a minimum width of seventy-five (75) feet. He believes that the lot that is being asked to be created is fifty (50) feet by one hundred five (105) for about five thousand (5,000) square feet. Comm. Schaffer asked if there was a structure on the lot. Zoning Officer Weber stated that there is no structure on the proposed second lot at this time. He noted that Ms. Vona has stated that her intention is to deed the parcel to the neighbor across the street. Ms. Vona agreed that was true.

Chair Felix asked if the neighbor planned to build on the lot. Zoning Officer Weber explained that once the lot is sub-divided out, it becomes a conforming lot and someone

could build a house on it. Comm. Beckwith stated that they would still have to meet all of the setbacks and other requirements. Zoning Officer Weber agreed.

Comm. Schaffer expressed concern regarding the creation of a small lot. Ms. Vona noted that no one could build without coming before this Board. Zoning Officer Weber explained that if the variance was granted and if the Planning Commission approved the sub-division, that lot becomes a buildable lot.

Comm. Gebhardt noted that there were two (2) lots there when Ms. Vona bought her house, then she purchased the second lot and combined them. Comm. Schaffer noted that putting together was one thing, but re-dividing it was making it less than current lot requirements. Ms. Vona gave a brief history of her purchase of the two (2) properties and the numbering of the properties. Comm. Gebhardt noted that this will not change the character of the neighborhood, houses and lots are all about the same. Comm. Spitzer noted that this lot would be roughly five thousand (5,000) square feet and that is less than what was needed if you wanted to build a house and therefore permission would be needed.

Zoning Officer Weber explained that a conforming lot is ten thousand (10,000) square feet and this would be non-conforming. Comm. Schaffer noted that if someone wanted to build a house they would have to meet all setback requirements resulting in a small house. Comm. Beckwith stated that they would have to have a variance to build the house.

On the motion of Comm. Gebhardt, seconded by Comm. Beckwith, voted and approved to recommend to the Zoning Board of Appeals to approve an area variance as proposed to make 9 and 11 Summit Street separate lots and to schedule a public hearing.

Chair Felix announced the Planning Commission has set the Public Hearing for the sub-division of 9 Summit Street to be at 5:15 PM on May 29, 2012.

Chair Felix made an agenda change.

Item No. 7 – Site Plan Review & Recommendation to ZBA for Area Variance – 49 Clinton Ave. – (Jackson)(R4) – Conversion to Three Unit & Parking

Mr. Jackson was present. He explained that the house has already been converted to three (3) units. He explained that he had spoken with Amy Bertini seven (7) years ago and she told him the green space requirements had changed the size of the property. He explained that parking had been a problem to start with, so he just changed it so that when people pull in they park at a forty-five (45) degree angle, so that way everybody can get out without having to shuffle cars.

Chair Felix asked if the Commission had to make a recommendation to the ZBA for both conversion and parking. Zoning Officer Weber noted that there was parking, a reduction in the amount of vegetative space in the front yard and there is a loss of the four (4) foot vegetative strip along the side property with the property next door which is a two (2) family.

Chair Felix asked how many parking spot Mr. Jackson had. Mr. Jackson noted that he had six (6) spots in his proposal. Zoning Officer Weber stated that there's a ten (10) foot buffer

requirement for the side property line. Comm. Schaffer asked how deep the parking spaces were. Mr. Jackson stated that they were eighteen (18) to nineteen (19). Zoning Officer Weber also noted that the driving aisle is something that the Planning Commission has jurisdiction over. He noted that typically the drive aisle was twenty-four (24) feet so that it allows ingress and egress and this does not and everyone would have to back out with this configuration. Chair Felix asked if Mr. Jackson did meet the parking space requirement. Zoning Officer Weber stated that he did. Chair Felix noted that it was the layout that was the issue. Zoning Officer Weber stated that everyone would have to back out onto Clinton. Comm. Schaffer asked Mr. Jackson if the back area was all grassed in. Mr. Jackson stated that it was. Zoning Officer Weber explained that lot coverage was also an issue, because loss of vegetative space in the front yard plus space along the side property line with no buffer. He noted that it was a thirty-five (35) percent maximum for lot coverage in front and so with the addition of the parking area and the loss of area to the side property line, the percentage of lot coverage is over that. He noted that the buffer is not there and that is one of the issues why the variance is requested.

Comm. Schaffer asked if there was a turn around in front of the garage. Mr. Jackson stated that there wasn't any room. Comm. Schaffer asked what the garage was used for. Mr. Jackson stated that the garage was used for storage. Comm. McMahon noted that a "U" driveway would be better from a safety perspective, but there also would be less greenspace. Zoning Officer Weber explained that two (2) side yards cannot be used for a driveway. Comm. Beckwith asked if Mr. Jackson had considered the removal of his garage. Chair Felix suggested the possibility of putting the parking in the rear. Comm. Schaffer noted that from an aesthetic point of view it was less desirable to have parking visible than it was to have it in the back.

Zoning Officer Weber asked Mr. Jackson what material he was proposing to use for the surface of the parking. Mr. Jackson noted that he was told that he would probably have to use asphalt. Zoning Officer Weber wanted to clarify that now. Mr. Jackson noted that on the proposed parking spaces he planned to use asphalt, but if he had to do the back yard he couldn't afford to do it.

Comm. Schaffer noted that he had six (6) parking spaces, but asked if everyone owned two (2) cars. Mr. Jackson stated that not all of his tenants owned cars. Chair Felix asked if he would consider putting the parking in the rear of the building if it was gravel. Mr. Jackson stated that he would, if he was allowed to use gravel.

Zoning Officer Weber suggested that the Planning Commission ask Mr. Jackson for a revised plan and to proceed from there. Comm. Schaffer asked Mr. Jackson to consider a different parking configuration. Comm. Spitzer asked if Mr. Jackson could work with Zoning Officer Weber to come up with a revised plan. Comm. Schaffer suggested that Mr. Jackson consider a different parking configuration.

Comm. Schaffer asked Mr. Jackson to come back next month with a proposal to meet our requirements and to put some or all of the parking in the rear. Comm. Spitzer urged Mr. Jackson to work with Zoning Officer Weber.

Item No. 6 – Site Plan Review - 32 Church St. – (Cortland Free Library)(CB) Front Façade & Entrance

Jon Carnes, Crawford & Stearns architect, was present. Mr. Carnes explained that the plan was to take away the existing ramp and steps off of the building and to reconstruct the historic steps in that location. He explained that the project would include some foundation waterproofing, re-landscaping and additional lights. He indicated some cut sheets with the proposed lighting. Comm. Gebhardt noted that now that the building had an elevator, it no longer needed the ramp/step configuration and are going back to the original entrance. Mr. Carnes stated that was correct. Comm. Schaffer asked if this plan had been approved by the Historic Board. Mr. Carnes stated that the plan had been approved. Chair Felix asked if the proposed lights were LED. Mr. Carnes stated that they all were.

Comm. Schaffer noted that from the plans it appeared that there would be a center handrail going down the stairs. Mr. Carnes stated that was correct. Comm. Schaffer asked that a sign be posted near the steps to indicate ADA accessibility via the new elevator around the corner. Mr. Carnes stated that would be done. Comm. Schaffer asked if they planned to redo the sidewalks and plantings. Mr. Carnes noted that they would do that and that there would be increased plantings, as well.

On the motion of Comm. Gebhardt, seconded by Comm. Spitzer to approve as presented with the addition of ADA signage as noted.

Item No. 8 – Site Plan Review – 1 South Ave. – (Bennedy)(R2) – Conversion to Seven Unit & Parking - **DENIED**

Comm. Schaffer asked that Mr. Bennedy be asked to return with a plan that could really be reviewed. Mr. Bennedy noted that what else could he do, he was proposing seven (7) apartments. Chair Felix asked if the proposed apartments would have a bathroom in each or would they be sharing a bathroom. Mr. Bennedy stated that each would have a bathroom and a kitchen.

Comm. Schaffer noted that there were no dimensions. Comm. Spitzer asked if there would be seven (7) one (1) bedroom apartments.

Zoning Officer Weber noted that the size of the parking spaces is a typical dimension. Chair Felix noted that it didn't indicate the dimensions. Comm. Schaffer asked if he was using an architect or an engineer working with him. Mr. Bennedy replied that it was too expensive. Comm. Schaffer noted that the building was not in good condition.

Mr. Bennedy stated that it was very solid, but it was a big open space on the inside. He stated that his plan was to go in and start the work. He noted that it was not a normal space. Chair Felix asked if Mr. Bennedy was doing the engineering and architectural plans himself. Mr. Bennedy stated that he was. He planned to build the walls, install the plumbing, do the electric work and install a sprinkler system. He stated that the work would be done by him and his brother.

Comm. Schaffer noted that she didn't see any windows or egress noted on the plan submitted and she was concerned regarding safety issues. Zoning Officer Weber stated that would be addressed by the Code Office and asked Asst. Chief Knickerbocker to address the requirement for stamped plans. Asst. Chief Knickerbocker stated that the extensiveness of the renovation or conversion will definitely drive the involvement of a

professional. Asst. Chief Knickerbocker cited that just the sprinkler system itself would involve hydraulics. Mr. Bennedy noted that he wasn't sure about the sizes yet. Comm. Beckwith stated that whatever was going to be done had to be up to code. Comm. Spitzer was curious about the seven (7) one (1) bedroom apartments as opposed to two (2) or three (3) bedroom units. Mr. Bennedy stated that these were for low income people and that there was a real shortage of one (1) bedroom units in the City.

Comm. Gebhardt noted that with the dimensions he had, he asked if these would be efficiencies. Mr. Bennedy stated that there would be one (1) efficiency and the rest of the units would have a living room, kitchen, bath and one (1) bedroom. Asst. Chief Knickerbocker noted that four hundred fifty (450) square feet were required for a unit in the central business district. Zoning Officer Weber stated that Mr. Bennedy could propose on his plan what he may think that he can do, but it doesn't mean that it meets the building code or be approved, so that is an issue that will need to be taken up by the building department. He reminded the Planning Commission that their review at this time was to determine if there was sufficient parking, parking in such a manner that is safe and provides egress and are there provisions for pedestrian movement on the property and is it compatible with the neighborhood. He explained that as to the size of the windows, location of the sprinkler heads or the size of the bedrooms; that is really not something for this Commission. Comm. Schaffer noted that the façade is their concern and they have not seen a picture of it.

Zoning Officer Weber asked Mr. Bennedy if he planned to change the façade of the building. Mr. Bennedy stated that he did not plan to change the façade, only the windows. Zoning Officer Weber stated that if he planned to change windows, then would kick in the façade and if the Planning Commission wanted to see elevations that that would be something they could do. Mr. Bennedy explained that the windows were already in place. Zoning Officer Weber stated that the point being was that if he needed to change the size of those windows then that could kick in a review from the Planning Commission for a change to the façade. Mr. Bennedy stated that they planned to keep the same size windows. Zoning Officer Weber stated that if they were the same size, then he was fine, but if he changed the size, he'd have to come back.

Comm. Schaffer stated that another concern of the Commission was the number of people in the space. She expressed concerns that parking spaces No. 1 and No. 8 were not going to work because they were at specific angles where they would be backing out onto South Avenue. Mr. Bennedy stated that he only needed to have fourteen (14) parking spaces. Chair Felix asked what size the parking spaces were. Mr. Bennedy stated ten (10) feet by twenty (20) feet. Mr. Bennedy agreed. Mr. Bennedy then explained that the unit which was seven (7) feet by thirty-five (35) feet had an old two (2) foot concrete wall with steel beams coming up and some of that could be used for storage space. Comm. Schaffer suggested that he consider adding that space to Units No. 3 and No. 5.

Comm. Spitzer noted that the parking space seemed to be ideal and he didn't feel that it was a real busy area. Mr. Bennedy stated that in that area, it was much needed housing.

Chair Felix asked if he planned to only create seven (7) apartments and what did he plan to do with the apartment upstairs. Mr. Bennedy stated that there would be eight (8) apartments. Zoning Officer Weber stated that Mr. Bennedy had indicated to him that there would be only seven (7) apartments. He stated that the application stated seven (7)

apartments. Comm. Spitzer asked if he should indicate the total number on the application. Zoning Officer Weber stated that the number of total units is different from what the application states that the total use of the building was going to be.

On the motion of Comm. Beckwith, seconded by Comm. Schaffer voted and not approved because the applicant must provide elevations, many of the units do not meet the square footage required and he needs to redo the application to reflect the correct number of apartments and to meet Code.

Mr. Bennedy stated that he was going to just leave it as he was not going to spend another one hundred fifty dollars (\$150). Comm. Spitzer noted that he was going to want to do a better plan. Comm. Schaffer noted that he wouldn't have to pay the extra one hundred fifty (\$150) dollars to return, it would just be a revision. Mr. Bennedy stated that it was a work in progress. He was not going in and measure, he was going to go in and do what needed to be done.

Asst. Chief Knickerbocker stated to Mr. Bennedy that his plans needed to be thorough. Mr. Bennedy stated that was what Asst. Chief Knickerbocker was there for. Chair Felix stated that it wasn't Asst. Chief Knickerbocker's job to do your plans or architectural engineering that is done by whoever you hire to do that work. Comm. Beckwith noted that Mr. Bennedy was over the square footage and he would need a set of stamped drawings. Asst. Chief Knickerbocker agreed. Mr. Bennedy asked what the square footage limit was. Zoning Officer Weber stated that any alterations costing more than twenty-seven thousand (\$27,000) dollars and involving public safety and this is a public safety issue, requires plans stamped by a New York State licensed architect. Mr. Bennedy stated that he wasn't going to do it.

Item No. 9 – Site Plan Review & Recommendation to ZBA for Area Variance – 64 N. Main St. – (Family Video)(SD) – Façade Change & Signage

Cavan Miller from Family Video and Rob O'Neil from Zoom Tanning were present. Mr. Miller explained that they are carving out a quarter of the store for Zoom Tan to build a location there. Chair Felix asked if they planned to expand the building anywhere. Mr. Miller stated that there was no plan for expansion, the only thing changing would be a new wall would be put up to separate the two (2) businesses.

Comm. Schaffer noted that there were no parking plans provided. Comm. Gebhardt noted that the parking is shown and not going to change and they were not changing square footage of the building. Mr. Miller stated that was right.

Chair Felix noted that it looked like they were going to give Zoom Tan twelve hundred (1,200) square feet of the building. Mr. Miller stated that was right. Comm. Schaffer asked if they were changing the door. Mr. Miller stated that there was no change to the existing doors or windows in the building; they were just going to add one (1) door.

Comm. Gebhardt asked if the entrance was in the front. Mr. Miller stated that it was. Chair Felix inquired as to the location of the bathroom. Robert O'Neil stated that it would be in the back.

Comm. Schaffer asked how many customers Zoom Tan expected a day. Mr. O'Neil stated that they average a little over one hundred (100) people per day. Comm. Schaffer expressed concerns for increased traffic near St. Mary's School especially when parents are picking up their children. Mr. O'Neil stated that customers only stayed a very short time, perhaps six (6) to fifteen (15) minutes. Mr. Miller stated that traffic was not a big issue from 3:30 PM to 4:00 PM and they work with the school and noted that the video store wasn't open in the morning when school started so it was not an issue.

Comm. Schaffer noted that this was in a service district. She stated that she had not seen the signage proposal and asked if they planned a pole sign. Mr. O'Neil stated that it was a building mounted sign.

Zoning Officer Weber asked the Planning Commission to make a recommendation regarding signage. He explained that the Planning Commission could approve the site plan review and make a recommendation to the ZBA on the sign.

On the motion of Comm. Schaffer, seconded by Comm. Spitzer to approve Site Plan Review and make a recommendation for approval to the Zoning Board of Appeals of the Area Variance for signage.

#### Item No. 10 – Site Plan Review – 17-19 Central Ave. – (Spollen)(CB) – Outdoor Deck

Mike Spollen and Atty. Fran Casullo were present. Atty. Casullo explained that 17 – 19 Central Avenue was owned M D Central, Inc. He explained that Edward Martin doing business as Central City Bar and Grill leases from M D Central, Inc., but Mr. Spollen is a principal in both corporations. He went on to explain that Mr. Spollen and his partner at M D Central would like to do is involve the Central City Bar and Grill. He explained that they have a licensed premises for a bar and restaurant and a deck. He noted that Mr. Spollen and Mr. Basile would like to go beyond the deck in more seasonable months to have a temporary seating with a temporary barricade to allow additional space. He noted that from a legal standing after speaking with Asst. Chief Knickerbocker and Zoning Officer Weber that we need three (3) approvals.

Atty. Casullo stated that they needed Site Plan approval and they need Historic Board approval and then they have to make application to the NYS Liquor Authority asking for approval to go out there and extend their liquor license to that approved area beyond the deck. He hoped to get approval here first.

Mike Spollen explained that they have a back deck currently in back of the restaurant that holds about thirty (30) people. He would like to go just past the gate out to a patio platform and to put four (4) or five (5) more tables out there when the weather is nice. He explained that he did not plan to take the fencing down; he would just open the gate.

Comm. Schaffer stated that he needed to provide egress into the alley. Chair Felix asked if there was any pedestrian traffic between the buildings. Mr. Spollen stated that it was all enclosed back there and was dead end space and he had rights to that property. Mr. Spollen stated that he would just use the large space indicated for tables and in the narrower space he could possibly put a band there.

Comm. Schaffer stated a concern that there is the beer brewing company door which is locked. She noted that he had said that they would help him paint the back wall. Mr. Spollen stated that they would gussy up the alley as best as they could with their help. Comm. Schaffer wanted assurance that the beer brewing company door would not be open. Mr. Spollen stated that the beer company did not want their door open.

Comm. Spitzer asked if there were any issues regarding emergency escape from that rear space even if it is an open space. Asst. Chief Knickerbocker asked if a barrier was going to be placed there. Mr. Spollen stated that he was going to rope off the area with soft ropes similar to those used for a bank teller line.

Comm. Schaffer noted that he also didn't want people entering from that way. Mr. Spollen agreed. Atty. Casullo stated that would not happen. Mr. Spollen stated that there was a wall that existed there. Atty. Casullo stated that his clients wanted to do this the right way and had already gone to the Zoning and Code Offices to find out about and to follow the procedure and get the Planning and Historic Board approvals. He stated that they will work with Bruce and Bill regarding the barricades.

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

Item No. 11 – Minutes – March 26, 2012 as amended.

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

New Business

Comm. Schaffer stated that there is an issue regarding the fact that SUNY Cortland has purchased a house on Broadway in an R1 district and converted it into offices without zoning approval or for that use in an R1 district. She asked that our Corporation Counsel re-examine this issue and report back to the Planning Commission. Comm. Beckwith noted that Corporation Counsel was present. The Planning Commission asked for a work session to follow this meeting.

Chair Felix noted that the State Construction Fund sent him something in the mail and a notice of completion of draft and notice of SEQR hearing. He explained that a CD was also sent and he gave the copy to the Deputy City Clerk directing commissioners to request copies from the Clerk's Office if they needed one.

Adjournment

On the motion of Comm. Schaffer, 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 23rd OF APRIL 2012.**

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**RAFAEL FELIX, CHAIRPERSON**