



PLANNING COMMISSION

MINUTES

May 29, 2012

A regular meeting of the City of Cortland Planning Commission was held on Tuesday, May 29, 2012, at 5:15 PM in the Mayor's Conference Room at City Hall, 25 Court Street, Cortland, NY.

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

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

Item No. 1 – City of Cortland Comprehensive Plan – Announce end of thirty (30) day comment period re: SEQR. Rich Cunningham, Thoma Development, was present. Comm. Felix announced the end of the thirty (30) day comment period for the SEQR for the City of Cortland Comprehensive Plan.

Item No. 2 – Resolution to approve final negative declaration for SEQR for City of Cortland Comprehensive Plan.

On the motion of Comm. Schaffer, seconded by Comm. McMahon, approved to issue a final Negative Declaration for SEQR for the City of Cortland Comprehensive Plan.

Item No. 3 – 227 Pt. Watson St. – (Carter)(GB) – Site Plan Review – Roof & Side Wall

No one was present to answer questions and the item was moved to later in the agenda.

Item No. 4 – 81-85 Owego St. – (Cutia)(GB) – Site Plan Review – Outdoor Venue & Parking

Mr. Fred Cutia and Atty. Fran Casullo were present. Atty. Casullo stated that he has been working with Zoning Officer Weber and Asst. Chief Knickerbocker from the Code Office on trying to get things established in the parking lot. He explained that Mr. Cutia held his first outdoor band event this weekend and there were no complaints received. He explained that Mr. Cutia plans to hold three (3) to four (4) outdoor events a year. He outlined the process Mr. Cutia went through in getting permission from various official entities to hold these outdoor events. He noted that they were here to answer questions with regards to the parking issue. He explained that on the drawing where it is labeled grass, it is indeed a grassy area on the side of the property. He noted that in a survey dated 1996; the survey shows that most of the parking area which was indicated then is still there. He noted that Mr. Cutia and the Sweeneys now own a piece of property next door to Gators, but as part of an agreement with Asst. Chief Knickerbocker, "no parking" signs were placed along the grassy area for Saturday's event and no one was allowed to park there. He wanted to get the Gator's parking lot squared away first and then get to the grassy area at some later time.

Atty. Casullo noted that the drawing he distributed for the parking probably wasn't really done to scale as well as it should've been. Mr. Cutia noted that parking spaces just outside of the enclosed outdoor pedestrian area, were eighteen (18) feet long and he allowed fifteen (15) feet between that row of parking spaces and the double row of parking spaces and another fifteen (15) feet from the entrance from the roadway. Zoning Officer Weber stated that the recommended drive aisle is twenty-four (24) feet. Atty. Casullo reminded the Commission that the parking lot configuration show is only when special events in the outdoor venue are being held which is three (3) or four (4) times a year.

Comm. Schaffer noted that they were assuming that on a regular day, customers will be parking wherever they see parking. Atty. Casullo noted that customers were following parking directions at Saturday's event. Comm. Schaffer asked if the garage shown on the drawing was a working garage. She asked if the garage did business when these events took place. Mr. Cutia stated that the garage was closed on Saturdays and if he happened to be open, it was only in the morning before Gator's opened at noon. Mr. Cutia stated that there were "no parking" signs in front of the garage doors and the handicapped parking space was to the side of it.

Zoning Officer Weber noted that for commercial outdoor entertainment, which is what is being added, the Planning Commission is to determine the parking. Comm. Schaffer noted that the parking area was not an impervious surface as required. Mr. Cutia stated that he wished he could afford to pave it. Zoning Officer Weber stated that they were not talking about the existing parking area, but based on the two (2) survey maps and driving by the site, it appeared that gravel has been put in an area where it previously wasn't. He noted that was his perception. He noted that while the existing parking was gravel, the requirement that any new parking either be asphalt or concrete. He told Mr. Cutia that he had the ability to apply for a variance to that requirement given the circumstances, but that would be up to the Zoning Board of Appeals to grant him relief from that section of the Code.

Atty. Casullo stated that was why he did not want to involve the new property. Zoning Officer Weber stated that he wasn't talking about the new property. Mr. Cutia stated that every year he filled in the holes in the parking area since he bought it. Zoning Officer Weber stated that he was going by the survey and the new area that appeared to be designated as parking and it appeared to be different from some aerial photos from some years ago. He noted that the parking area may not have expanded, but it appears to him that it has. He stated that he would be happy to meet Mr. Cutia on site and go over the photos, the survey and take some measurements. Mr. Cutia stated that he had not expanded the Gator's parking area; he only had laid new gravel on it to fill in the holes. After some questions from the Commission, Zoning Officer Weber stated that the current parking area was a pre-existing, non-conforming parking lot, but any new area that is created would need to meet the requirement, but not the existing parking area.

Comm. Schaffer asked if Mr. Cutia was going to delineate the parking spaces for the outdoor special events. Asst. Capt. Knickerbocker noted that was part of the requirement and Mr. Cutia should give some thought to marking.

Mr. Cutia stated that he had three (3) people in the lot directing the parking of cars and making sure that people with drinks were confined to where they belonged. Atty. Casullo stated that they could try to mark the lot. Zoning Officer Weber noted that it did appear to

him that there has been an increase in the parking lot and he noted that this is special event parking which is different from normal parking and that is what is being presented here tonight. Mr. Cutia stated that was correct. Comm. Gebhardt noted that there appeared to be nineteen (19) regular parking spaces and one (1) handicapped space with a fifteen (15) foot wide drive aisle. Mr. Cutia noted that last Saturday, many people parked at the park, others walked over and there were no complaints from the Police with regards to on-street parking. Atty. Casullo noted that these events were not beer blasts, in fact, the next event was a benefit and after that there was a golf tournament and there will be no band.

Comm. Schaffer asked if the dumpster was always in the location shown. She noted that it was unappetizing looking and she asked if it could be moved to the back. Mr. Cutia noted that in the back is neighboring property and he was reluctant to move the dumpster there. Comm. Schaffer asked if an enclosure could be built or something could be done to make it look better. Atty. Casullo noted that Mr. Cutia could move it and he'll work with Chief Knickerbocker as to a suitable location.

Comm. Gebhardt asked if this parking plan could be approved with contingencies. Zoning Officer Weber stated that they could approve it contingent upon the parking area being reviewed by the Code Office for compliance and if a variance is needed, that one will need to be applied for.

On the motion of Comm. Gebhardt, seconded by Comm. Beckwith voted and approved the special events parking plan contingent upon compliance and if a variance is needed, that one will be applied for and approved by the Zoning Board and that the dumpster will be moved.

Item No. 3 – 235 Pt. Watson St. (misidentified by applicant as 227 Pt. Watson St.) – (Carter)(GB) – Site Plan Review – Roof & Side Wall Replacement

Mr. Carter was present. He explained that he will be replacing the old hip roof and fixing a side wall. Chair Felix asked if he would be changing the roof line. Mr. Carter stated that there would be somewhat of a change.

Comm. Gebhardt asked if that would increase the height. Mr. Carter stated that if anything, it might be lower. Chair Felix asked if there would be any other changes to the building. Mr. Carter noted that he had reviewed his plans with Code Enforcement and asked if there were any issues. Comm. Schaffer noted frustration with regards by the building numbers. Mr. Carter noted that the building out front is 235 Pt. Watson Street.

Chair Felix asked if he would be using a metal roof on the building. Mr. Carter stated that it would be metal and that it would be grayish in color.

On the motion of Comm. McMahon, seconded by Comm. Beckwith, voted and approved application as presented for 235 Pt. Watson St.

Item No. 5 – 76 Main St. – (VFW)(CB) – Site Plan Review – Fence

Mr. Bushnell was present. He explained that the VFW would like to add on to the fencing where the YWCA fence left off to try to stop through traffic from Court to Clayton. He

explained that the Historic Board had approved the fence. He noted that it would be a six (6) foot high chain link fence and it would go across the back of their property about ninety-two (92) feet. Comm. Schaffer asked if traffic could be controlled coming from Court Street. Mr. Bushnell explained that the City owned the right of way in back of the Market Place Mall parking lot and they couldn't control the traffic coming through. Mr. Bushnell explained that the VFW planned to put snow back in the area of the fence during the winter.

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

Item No. 6 – 126 Elm St. – (Stauber)(GI) – Site Plan Review – Mini Storage & Parking

Mr. Steve Major was present to represent Mr. Stauber's application. He was the draftsman for the plans. He explained that Mr. Stauber wanted to do this project in phases. Chair Felix asked what the timeline was for the project. Mr. Major noted that he thought Mr. Stauber wanted to start immediately on the first stage. Zoning Officer Weber noted that Mr. Stauber did not give him a time frame on this project because he wants to see if the first phase is successful or not. Zoning Officer Weber stated that he told Mr. Stauber that he would need variances for the second and third phases. Mr. Major noted that he thought that the second and third phases abutted industrial properties. Zoning Officer Weber stated that those phases didn't meet the setback requirements and he would need to apply for variances.

Comm. Schaffer noted that it abutted an R2 district. Chair Felix noted that it abutted a residential area on the west side. Chair Felix asked Mr. Major to show where the lights were going to be on the first phase. Mr. Major stated that the final drawing had all the lighting indicated on it. Comm. Schaffer asked if the lights were motion sensed or if they would be on all of the time. Mr. Major stated that they would be daylight sensed and would be on from dusk to dawn. Chair Felix and Comm. Schaffer noted that those lights were going to be a problem next to a residential area. Mr. Major stated that they would be directional lighting in that area. Chair Felix noted that would still be an issue in the residential area on Excelsior Street and would shine into people's homes. Mr. Major asked if motion sensed lights would be better. Chair Felix noted that the proposal had a large number of flood lights indicated. Mr. Major stated that they could plant shrubs. He also noted that they would be open twenty-four (24) hours a day.

Chair Felix noted that the Commission had a number of questions and concerns regarding the proposed lights and they would like the owner to be present to answer questions. He noted that there was a buffer strip issue, a light issue and an issue with the hours of operation and phase timing and rearranging of buildings on the site. Comm. Schaffer would like to see an elevation drawing.

After some discussion regarding the various issues including parking and paving, the Commission asked that this site plan application be postponed until the next meeting so that the applicant can be present to answer specific questions.

Chair Felix noted that this site plan review will be postponed until next month's meeting.

Item No. 7 – 31 Hubbard St. – (Januszka)(R2) – Site Plan Review – Fence

Ms. Januszka was present. She explained that she would like to put a fence from her garage along the side of her driveway as indicated. She noted that Whitmore Fence would be coming in the morning to begin installation if this is approved. She explained that she had chosen a Delaware style which is more secluded and there won't be latticework along the top. Comm. Gebhardt asked how high the fence would be. Ms. Januszka stated that it would be about six (6) feet, whatever code is.

Chair Felix asked if she had spoken with the Code Office regarding property lines. Ms. Januszka stated that there was no recent survey of the property, but she noted that there were steel pin markers out there from the survey done by the people who sold the property next door. Comm. Schaffer noted that there was very little space between the houses.

Ms. Januszka noted that she had given Whitmore Fence a copy of a drawing from the City for the property and the fence company is going to install the fence using the markers. She noted that her driveway is on the side of the house where the fence will be. She expressed that she needed to separate her property from that of the neighbor's. Comm. Schaffer expressed concerns about the width of the property on that side. Ms. Januszka noted that she was unable to obtain an actual survey.

Asst. Chief Knickerbocker stated that he would assist her in obtaining a current survey to establish the property line. Chair Felix noted that a survey should be obtained for her own protection as the Commission didn't want her to have to take the fence down because it was not installed on her property. Ms. Januszka stated that Whitmore Fence was going to make sure that the fence was installed completely on her property. Ms. Januszka stated that the markers should show the property line, but she would get the drawing tomorrow. She stated that she needed to install the fence immediately because of her concerns about the neighbors. She also noted that the fence she chose was finished on both sides.

Comm. Gebhardt provided information regarding the most current survey.

On the motion of Comm. Schaffer, seconded by Comm. McMahon, voted and approved the application pending submission of an appropriate survey map showing the property line to the City Code Office. (Ms. Januszka left the meeting and she returned later that evening with an acceptable survey map.)

Item No. 8 – 134 Groton Ave. – (Barden)(R3) – Site Plan Review – Replace Porches

John Barden noted that this was the green and white house on Groton next to Hamlin Street. He explained that the two (2) porches were unsafe and his plan is to take both of them down and to square off the house like he did with the house across the street. Comm. McMahon asked if he was adding to the footprint. Mr. Barden stated that the footprint would remain the same, but he would be putting up a staircase for another form of egress. He explained that the staircase would be going down the back and would be covered. Chair Felix asked what material he would be using. Mr. Barden stated that he would be using all pressure treated wood with a steel roof on it and there would be two (2) handrails and handrails all the way around the top. Comm. Schaffer asked how many units were in the building. Mr. Barden stated that there were two (2) units in this house with three (3) bedrooms in each unit.

Chair Felix asked if he was adding rooms. Mr. Barden stated that he was not adding any rooms and did not plan to convert this to student housing at this time. He also stated that he planned to redo all of the windows throughout and that the new vinyl windows were two (2) inches wider than the current old windows.

Comm. Schaffer asked about the parking in the rear. Mr. Barden stated that he was not changing anything and he was not asking for any parking. He stated that there was also the garage which could be used. Mr. Barden stated that he planned to totally reside the entire house, just like he did the one across the street. Chair Felix asked when work would begin. Mr. Barden stated that he had started, but needed to have the site plan approved before he could go any farther.

On the motion of Comm. McMahon, seconded by Comm. Schaffer, voted and approved as presented, to replace the porches on the same footprint as the existing and to replace the windows as proposed.

Item No. 9 – 3 Huntington St. – (Cosimo)(GB) – Site Plan Review – Façade Change

Mr. & Mrs. James Cosimo were present. Jim Cosimo explained that he would like to put a window on the front of the building because another daycare room was being put in the building. He stated that the window needed to be put in for natural lighting, ventilation and egress and will match the existing windows. He noted that there was an exit door on the side of the building.

Chair Felix noted that they were shrinking their restaurant and giving more room to CAPCO. Comm. Schaffer noted that they were continuing to be out of compliance with an agreed upon front parking requirement of a few years ago. She explained they were supposed to have installed a car barrier in front of the fencing. Mr. Cosimo stated that they had done everything that was supposed to be done. There was discussion whether everything had been done or not. Mr. & Mrs. Cosimo stated that the barriers had been there, but had been taken out for ease of snow removal and hadn't been put back in place yet. There was discussion regarding diagonal parking and marks to indicate that. Mr. Cosimo noted that putting down marks might create more of a problem and he felt that it was working well right now. He noted that he has employee parking in the rear and he has off street parking through an agreement with the caretaker of the Crescent Corset building.

Comm. Schaffer asked that the bumpers be put back in. Chair Felix noted that he recently observed that cars were parked half out in the street, CAPCO employees were not parked correctly and he felt that the parking continued to be a problem because it was not laid out correctly.

Mr. Cosimo stated that he has tried to get assistance in solving the parking problem from many sources and he's open to all suggestions. Chair Felix noted that there were no signs giving parking directions and he was concerned that there were no buffers. Mr. Cosimo stated that he had tried to put up signage in the past, but it had quickly disappeared. Asst. Chief Knickerbocker stated that he should work with DPW or Public Safety to resolve this issue or to obtain signs. Comm. Schaffer noted that the fencing in front of the playground wouldn't stop a car and that the bumpers should be reinstalled. Mr. Cosimo stated that the fencing was vinyl coated steel and bolted to the ground and was very strong. Comm.

Gebhardt suggested that they refer to the signage that had been used at Cortland Hardware, which was a similar parking situation.

Comm. Schaffer asked if the classrooms were connected. Mr. Cosimo stated that the CAPCO rooms were connected, but not with the pizza shop area. Mrs. Cosimo stated that there were CAPCO offices and a Nutrition office upstairs in the building. He explained that there would be three (3) classrooms downstairs. Mr. Cosimo explained that he now only has eighteen (18) seats down from thirty-seven (37) in his restaurant.

Chair Felix asked if construction had begun. Mr. Cosimo stated that it had not begun, but that he had already closed his dining room off and reduced his restaurant. He had received his building permit to do that work. He thought it was ready to go, but the Code Office told him to come before the Planning Commission because of the proposed installation of the window. Mr. Cosimo stated that CAPCO had brought in their own fire inspector and they approved the proposed window for egress, etc. Chair Felix asked that the Cosimo's work with the Code Office to deal with the parking situation.

On the motion of Comm. Schaffer, seconded by Comm. Beckwith, to approve the application as presented on the condition that the applicant work with the City Code Office and Public Safety for appropriate permanent signage for parking and to replace the parking bumpers in the parking area.

Item No. 10 – 41 Cleveland St. – (Maroney)(GI) – Site Plan Review & Area Variance Recommendation to Zoning Board of Appeals – Driveway/Parking

Mr. Maroney was present. He explained that he owns a side by side duplex with a shared driveway with the adjacent property on one side and an existing driveway on the other side of the property that serves the other duplex. He explained that some years ago a handicapped ramp was installed infringing on the driveway length which now makes it only large enough for one (1) car. He stated that unbeknownst to him, the tenant had a long standing agreement with the property across the street to park excess cars in their lot and there is now a new owner to that property and they no longer allow the tenant's cars to be parked over there and they've been parking their second car on the lawn.

Comm. Schaffer asked if the ramp was still required. Mr. Maroney stated that it was still needed. Chair Felix asked if permission were granted to expand the parking area, what kind of surfacing did he plan to use. Mr. Maroney stated that he planned to put crusher run down to match the rest of the driveway. He described the shared driveway on the other side as a shared driveway that went all the way to the back.

On the motion of Comm. Schaffer, seconded by Comm. McMahon, voted and approved the application pending Zoning Board approval of the Area Variance and to recommend approval of the Area Variance application to widen the driveway on the east side to the Zoning Board of Appeals.

Item No. 10 – Minutes – April 23, 2012 as amended.

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

Adjournment

On a motion of Comm. McMahon, seconded by Comm. Gebhardt, 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 29th OF MAY 2012.

RAFAEL FELIX, CHAIRPERSON