



PLANNING COMMISSION

MINUTES

June 25, 2012

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

PRESENT: Chair Felix, Comm. McMahon, Ryan, Schaffer and Spitzer

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

Item No. 1 – 126 Elm St. – (Stauber)(GI) – Site Plan Review – Mini Storage & Parking

Gary Stauber was present. He explained his project as a basic mini-storage facility. He noted that there has been concerns raised about his plan of a double sided building, but he changed it from a single sided building after Zoning Officer Weber raised issues with its placement on the property relative to buffer zones and as a result he then thought the double sided plan was the best way to utilize the property.

Zoning Officer Weber explained that the twenty (20) feet mentioned was from the property line and not the buffer zone. He noted that the building needs to be twenty (20) feet from the property line and the buffer needs to be ten (10) feet. Mr. Stauber noted that he didn't want to have lights on that side of the building shining into houses. He noted that was his original plan.

Comm. Schaffer noted that elevation drawings had not been submitted. Mr. Stauber noted that he would change the layout, but he had just arrived back in town and had not had the chance to revise the plans. Comm. Schaffer stated that she would like to make some suggested changes to the plans. Mr. Stauber noted that he would need a variance for the back fence, but he could go up to the fence on the UPS property side. Zoning Officer Weber noted that variances would be needed for the additional phases for the buildings to be as close to the property lines as they are being proposed to be. Chair Felix asked him to explain the phases. Mr. Stauber noted that they would be a year or two apart due to finances.

Chair Felix asked what his plans were regarding vehicular storage on the property, such as campers and boats. Mr. Stauber stated that this was just going to be a mini storage facility and that he would be putting his personal items in the big building as he owns all of the property.

Chair Felix noted that there was a question as to whether the site plan was for Phase I or all of the Phases and that lighting was an issue. Zoning Officer Weber stated that when Mr. Stauber came in, his original intent was to just get approval for the first phase and that was what was discussed and applied for. Comm. Schaffer noted that it was said at the last

meeting that this would be open twenty-four (24) hours a day. Mr. Stauber noted that his plan was to have it open from 9:00 AM to 5:00 PM with dawn to dusk lights. Comm. Schaffer noted that the light spillage from these lights could not cross the property lines into the residential areas. Chair Felix asked how he planned to restrict access to the site. Mr. Stauber noted that the area was all gated and there was a six (6) foot high fence and then some barbed wire on top of that in some portions. Comm. Schaffer questioned whether barbed wire was allowed to be used in the City. Chair Felix asked if the gate was left open could anyone have access to the property. Mr. Stauber stated that he gets deliveries and that a hauler also has access to the property, but that the storage unit customers would be told that their access would be restricted to 9:00 AM to 5:00 PM, but the area would not be restricted. Comm. Schaffer asked how he planned to control illegal access. Mr. Stauber stated that he could put in a separate gate across the back side where the mini storage would be. Comm. Schaffer noted that the plan also showed that the parking areas would be all gravel, but that they should be paved unless he applied for and was granted a variance.

Chair Felix asked what he planned for snow removal and storage. Mr. Stauber stated that he would place it in the center section. Comm. Schaffer noted that he would have to plan for drainage. Mr. Stauber noted that there was a storm drain on the property. Zoning Officer Weber noted that no storm water drainage plan had been submitted. Mr. Stauber stated that he also planned to put up gutters on the buildings and that these would drain toward the storm drain.

Chair Felix asked if he had spoken with the neighbors. Mr. Stauber stated that he had spoken with one lady. Chair Felix noted that this was not a public hearing, but there were many neighbors of this project in the audience and he would allow a representative of the neighbors to speak regarding their concerns.

County Legislator Anthony Pace had been asked to represent the neighbor's concerns and he presented the Planning Commission with a petition and a list of area resident concerns. He noted that the neighbors want to speak with Mr. Stauber about the development of his property. He explained that they expressed concerns regarding a double sided building with twenty-four (24) hour access, idling of trucks using the facility and lighting spillage on residences on Excelsior Street. Concerns were also voiced about what will be stored in the buildings. The residents would like to see a storage unit lease designed to outline what can and cannot be stored in the units. He also explained that there were concerns regarding vehicles being stored on the property and items being stored in vehicles such as tractor trailers. Residents also would like to have someone available to contact ASAP if a concern arises. Neighbors expressed concerns regarding building run off and drainage, they want to know if run off will be guttered to prevent their basements from flooding. Resident also expressed concerns regarding snow storage. He stated that the neighbors wanted to work with Mr. Stauber and his designer so that the plans can be modified so that he can carry out his business and that all issues can be addressed. He also noted that concerns had been expressed regarding emergency vehicle access to the property.

Comm. Spitzer asked if there were any changes to the site plan that had been submitted. Mr. Stauber noted that he would want a one-sided building with no lights on the backside and he would apply for a variance. There was some discussion regarding the size of his proposed building. Mr. Stauber noted that each individual storage unit in the building

would be ten (10) feet wide and the building would be thirty (30) feet by one hundred (100) foot and the building would be brown or green.

Chair Felix asked that changes to the drawing should be made and that they be resubmitted to the Planning Commission. The Planning Commission asked that he work with Zoning Officer Weber and submit revised plans for the July 23, 2012 meeting. The issues he will need to address are gravel coverage, buffer zone, elevation drawings and a revised site plan, lighting, light spillage, snow removal, storm water run off, roof gutters and drainage, what's in units, on site supervision, hours of operation, restricted access plans and security, parking and paving and a copy of the proposed storage unit lease.

On the motion of Comm. Schaffer, seconded by Comm. Spitzer, voted and approved to postpone the Site Plan Review for 126 Elm Street until a revised plan is submitted for the July 23, 2012 Planning Commission meeting.

Item No. 2 – 17 Broadway Ave. – (Ithaca Pregnancy Center)(R1) – Site Plan Review and recommendations for Use and Area Variances to Zoning Board of Appeals & Wellhead Protection Permit

Rhonda Mapes and Leah Cobb were present. Ms. Mapes explained that they are proposing to open a not-for profit, educational/counseling center, not a clinic, and will provide pregnancy testing education geared toward college students. They also will provide access to ultra-sounds under the supervision of a licensed physician to verify pregnancy. They typically serve four hundred (400) clients a year with about one thousand (1,000) client visits a year. This is based on their Ithaca location. Comm. Schaffer asked how many clients were typically seen on a daily basis. Ms. Mapes stated that it could be anywhere from two (2) to ten (10) as it is hard to anticipate. Comm. Spitzer felt that perhaps this Center would receive greater use by non-students. Ms. Cobb stated that this would be the same as SUNY Health Services, but more convenient to students. Ms. Mapes explained that there would be no doctor on site.

Comm. Spitzer asked why this was coming before the Planning Commission. Zoning Officer Weber explained that this was considered Personal and Professional Services and this was an R1 District. Comm. Schaffer noted that the campus provides an off campus facility; the Jacobus Center. Ms. Cobb stated that her poll indicted that students either don't know where it is or they can't afford its sliding fee scale.

Chair Felix addressed the Site Plan. He inquired about the proposal to remove a portion of fencing. Ms. Mapes stated they planned to widen the drive area to the parking area and make it more accessible. Comm. Schaffer noted that this building is in an R1 District and service is not permitted and the Planning Commission will have to make a recommendation to the Zoning Board for a variance.

Chair Felix noted that the planned access is off of Warren Street. Comm. Schaffer noted that they would require a new curb cut from the Dept. of Public Works. She also noted serious concerns because Broadway is a very busy street and stopping to make a right turn into a driveway was a problem as well as the loss of greenspace to parking. She expressed concerns for pedestrian safety, as well.

Ms. Mapes noted that they planned to put in pavers instead of paving the parking and do some landscaping so it will be attractive. Comm. Spitzer noted that this still went to the question of lot coverage and he noted that he was unsure if hardship was being shown for a Use Variance. Zoning Officer Weber stated that the hardship is with the property owner. Comm. Spitzer noted that if the Center looked they probably could find another building that wasn't in an R1 district, but was still near the college. Ms. Mapes stated that they had looked at many buildings and most were in poor shape. Ms. Mapes noted that this was a non-denominational Christian ministry.

Chair Felix noted that this was not a public hearing, but would take a statement regarding this project. Alderman Bennett was present. Alderman Bennett stated that he applauded their services, but noted that this is in an R1 zone. He explained that many property owners could state a hardship these days. He explained that vehicular traffic to the Center from those who don't live in dorms would increase. He expressed concern for the loss of neighborhood parking and noted that Broadway is extremely busy and speeding is common in the area. He's concerned that the Center will be successful and will create more traffic in an R1. He noted that there was no more sidewalk after one house, so students walk in the street until they get to Broadway.

Comm. Schaffer noted that she was concerned with traffic patterning, parking, the number of proposed parking spaces, backing out into traffic and the loss of greenspace, exceeding lot coverage, inadequate lot size and storm water run off.

Chair Felix asked how many staff members would be working there. Ms. Mapes stated that there would be two (2) at a time and they would park in the garage. Comm. Schaffer noted that although they claimed that most of the area was student housing it actually was mostly single family homes. Ms. Mapes stated that they had first decided to come to Cortland in February 2010 and began looking for a site. She explained that they were a Christian ministry and were funded by donations and staffed by volunteers. It was noted that they provided a free services and that their Board of Directors would own the property. Comm. Spitzer noted that he doesn't see the hardship demonstrated and the requested variances would cause a lot of change in the area, that it's a traditional single family house and he felt that there were a lot of other places that were available within the area for commercial use. Comm. Spitzer also noted that County Planning had recommended denial of this project for this area.

On the motion by Comm. Spitzer, seconded by Comm. McMahon, voted to **DENY** Site Plan Review and R1 Use and Area Variances recommendations to Zoning Board of Appeals for 17 Broadway Ave. – Ithaca Pregnancy Center.

On the motion by Comm. Spitzer, seconded by Comm. McMahon, voted to **DENY** the Wellhead Protection Permit for 17 Broadway Ave. – Ithaca Pregnancy Center.

Item No. 3 – 51 Pt. Watson St. – (CHA)(R1) – Site Plan Review – Concrete Pad & Sidewalk

Nick Giamei was present. He explained that tenants had requested they add a sidewalk to the bus shelter and also to install a three (3) foot by six (6) foot concrete slab.

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

Item No. 4 – 131 Pt. Watson St. – (Withey)(GI) – Site Plan Review – Pavilion

Doug Withey was present. He handed out more information and explained that he wanted to build a pavilion. He noted that he runs the mini conference center for training and the facility is also used to host weddings and showers, but in the rear of the property is about an acre and a half which he has to keep mowed. He wants to build a thirty (30) foot by fifty (50) foot pavilion on a concrete slab and add landscaping. The landscaping will be done with some low bushes, existing saplings and noted the dimensions off of the property lines.

Chair Felix asked if he had spoken with the neighbors regarding this plan. Mr. Withey stated that he had not talked with anyone as he was still looking to get his financing arranged. Mr. Withey also explained that he would like to move already growing saplings and then fill in and this would provide a twenty (20) foot buffer and clean up the area. He explained that drainage would stay on the property be to a ten (10) foot gutter area.

Chair Felix asked him about lighting. Mr. Withey stated that he plans to have motion sensed lighting floodlights underneath the roof and his events would be mostly daytime events. Chair Felix asked if he planned to put fencing in the back. Mr. Withey stated that he would just be planting the shrubs and he is putting in surveillance cameras for security.

Zoning Officer Weber asked that the motion state what was going to be in the buffer zone and that the buffer zone will be maintained. Mr. Withey stated that his project would start this fall, August or September, but he wouldn't be finished with the plantings until next spring. Mr. Withey explained the drainage on the property noting that it all would stay on the property. He also stated that he was planning to build four (4) foot extensions over two (2) doorways on the conference building to shed water to either side. He explained that the pitch of these would go toward the rear collection area with a gutter and will stay on his property. Mr. Withey also noted that he has eighty-nine (89) parking spots in back and thirty-two (32) spots in the front as well as handicapped spaces which provided more than the required amount of parking.

On the motion of Comm. McMahon, seconded by Comm. Ryan, voted and approved the Site Plan as presented, allowing saplings as part of the buffer and that the landscaping of the buffer will be well maintained.

Item No. 5 – 240 Pt. Watson St. – (Cohen)(GB) – Site Plan Review – Food Truck

Jodi Cohen was present. She has purchased a food truck and would like to park it at the OCM BOCES parking lot. She explained that she will not be parking there overnight. She plans to arrive in the morning around 8:00 AM to 2:00 PM as she essentially serves crepes and breakfast items. She explained that she also holds a caterer's license, so the truck will be moving. She has submitted a letter from the property owner, Joseph Armideo, giving her permission to park the truck at this location. She stated that she would not be at this location at night, but she would like to get permission to be there at night. She also explained that she does not need to hook the truck up for electricity as it has a self-contained generator. She explained that at night the truck would be parked at her home in Virgil.

Comm. Spitzer asked why this was coming before the Planning Commission. Zoning Officer Weber stated that site plan review is required when Vehicular Traffic or Pedestrian Movement is being altered.

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

Item No. 6 – 128 S. Main St. – (StoneLounge/Griswold)(CB) – Site Plan Review – Fence

Peter Griswold, a local contractor, was present. He explained that there is grass and concrete area in the rear of this property and the owners want to control access to it. Comm. McMahon asked how tall the fence would be. Mr. Griswold stated it would be six (6) feet tall and would be finished natural neutral brown wood on both sides. Mr. Griswold stated that the owners currently have surveillance cameras installed back there and have also placed a person back there to prevent entrance. They feel that the installation of a fence will stop people from cutting through, accessing or hanging out back there. He explained that there will be a non-access, safety bar exit gate installed. He noted that the owners also plan to put in more grass and remove some of the old concrete.

Asst. Chief Knickerbocker asked if the patio area would join this fenced in area. Mr. Griswold stated that to his knowledge, it would not.

On the motion of Comm. McMahon, seconded by Comm. Spitzer, voted and approved the project as presented with six (6) foot sections and four (4) foot sections.

Item No. 7 – 111 N. Main St. – (Souzas/Griswold)(R4) – Site Plan Review & Area Variance Recommendation to Zoning Board of Appeals – One Story Addition & Deck

Peter Griswold explained that Jimmy Souzas and his brother lived here. Mr. Griswold stated that he drew the plans that are being presented this evening. Chair Felix stated that it was difficult to read the plans. Mr. Griswold explained that there is currently a concrete pad with steps going into the back of the house. The owners want to put a roof addition up over one half and make the other half a first floor room of twelve (12) feet by thirty (30) feet with a covered patio on the other side. Mr. Griswold also explained that there may be lot coverage issues and they would need an Area Variance.

Zoning Officer Weber requested more information as three (3) variances may be necessary and he needs better measurements to make a correct determination as he was noting two (2) definite variances and one (1) potential.

(Alderman Ferguson arrived)

Chair Felix felt that this review should be postponed until the July 23, 2012 meeting to allow for more accurate drawings to be provided by the applicants.

New Business

Comm. Schaffer asked for an update regarding 29 Broadway. Asst. Chief Knickerbocker came forward. Zoning Officer Weber explained that they had met with Joe Westbrook to try to get compliance with the City regulations and to obtain a site plan. He explained that

they are meeting with them again, soon and that they have been very cooperative. He noted that this property would soon become part of the College. He explained that our role is to try to get voluntary compliance, which they have done, noting that the City has no jurisdiction or approval authority over State University property. He stated that rather than put resources into a futile attempt to get whatever we may be able to get, the decision was made between he, Asst. Chief Knickerbocker and Legal Counsel that this was the best way to go since they were cooperating with the City. Comm. Schaffer expressed concerns regarding SUNY's encroachment into a residential area and it offends her. Chair Felix noted concern that this property would be going off the tax rolls. Zoning Officer Weber stated that the Planning Commission has no control over State or County development within the City. Comm. Spitzer noted it was useful to know the process. Comm. Spitzer asked if the Center that was before them earlier would also have been a tax exempt property if the site plan had been approved. Comm. Schaffer noted that they stated that they were a Christian ministry and could claim that they were a church.

Comm. Schaffer announced that she had received notification from the EDR Company that the final Environmental Impact Statement had been finished for the SUNY Student Life Center and paper copies could be viewed on campus. She has looked and copies are not there and she wants the City to be aware of that and she would like the City Common Council to also be aware of that. She feels that there are still some very serious issues. Zoning Officer Weber stated that if she had concerns that SEQR process is not being followed, then she should bring those concerns to the Common Council's attention.

Item No. 8 – Minutes – May 29, 2012 as amended.

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

Adjournment

On a motion of Comm. McMahon, seconded by Comm. Schaffer, 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 25th OF JUNE 2012.

RAFAEL FELIX, CHAIRPERSON