PLANNING COMMISSION

MINUTES

July 23, 2012

A regular meeting of the City of Cortland Planning Commission was held on Monday, July 23, 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, Ryan and Schaffer

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

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

Gary Stauber explained that he has tried to meet all of the Planning Commission's requests from the last meeting. He will not be asking for a variance towards Excelsior Street. He is now placing the building back twenty (20) feet off of the property line. He is also not planning to place a building against the back, but will be placing one in the middle, and noted that the snow storage will be straight ahead. He noted that the property is all zoned commercial straight across the back. He also plans for snow storage along the parking lot on the east side. He also indicated that he had provided elevation drawings and the application for the Use Variance for the building as well as the storage rental agreement and the variance application for the left side (west side) towards UPS.

Comm. Schaffer inquired about the change of length of the buildings. Mr. Stauber stated that he had made the No. 4 building smaller. He explained that the No. 4 building on the Excelsior Street side had originally been two hundred (200) feet by thirty (30) feet, but he has now cut it in half, but has increased the size of the building in the middle. He noted that he now has the same amount of storage as originally proposed, but he has rearranged everything.

Comm. Gebhardt noted that he now had private entry on both the east and west side. Mr. Stauber indicated that he would be asking for the variance for three (3) feet off the UPS line. Comm. Schaffer asked what the total coverage would now be for the property. Mr. Stauber stated that he now had seventy-three (73) percent coverage and that was within the allowable boundaries.

Comm. Schaffer asked him to explain his building timeline. Mr. Stauber stated that he plans to put in building No. 4 and then see how it goes. Chair Felix asked him about the timeline for Phase 1. Mr. Stauber stated that he would put up the first building (No. 4) this fall and then see how it goes. He noted that if he did not fill that building that it would be stupid to keep on building buildings. He thought he would build building No. 5 the next coming year and No. 6 the year after that. Zoning Officer Weber stated that there is usually a six (6) month timeframe with a six (6) month extension if granted.

Comm. Schaffer expressed concerns regarding lighting. She asked Mr. Stauber to explain his lighting plan. Mr. Stauber stated that there would be four (4) lights on the east side, but they would not face towards the neighboring houses. Comm. Schaffer noted that one (1) light was indicated on the northeast corner and she wanted to know which way the light would be facing. Mr. Stauber stated that the light would be directional and he wanted to have dusk to dawn lights as well as motion sensor lights when people drive through.

Comm. Schaffer asked about the directional lighting noted on the plans. Mr. Stauber stated that those lights already existed and he has had no problems with the neighbors regarding those lights. He noted that those were dusk to dawn lights as well. Chair Felix asked about a light on a pole that was indicated on the drawing. Mr. Stauber stated that was not a pole light and that it would be on the building. Chair Felix noted that he did not see any directional lighting on Phase 1. Mr. Stauber stated that he didn't have it now, but if the Planning Commission wanted it, he would put it there, if it met everyone's approval. Mr. Stauber stated that he would want to have directional lighting facing into the drive area. Mr. Stauber noted that he would have directional lighting on all of the buildings, except for the ones on the side that might shine over to Excelsior (Building No. 5).

Chair Felix asked Mr. Stauber if the agreement presented was the actual self storage rental agreement he would use. Mr. Stauber stated that was what he was going by. Chair Felix noted that at the last meeting the Commission had stated that there would be no boat parking back there, no tractor trailers back there, nothing of that kind. Mr. Stauber stated that once this is all built, nothing will be back there. Comm. Schaffer noted that there was a tractor trailer parked back there right now. Mr. Stauber agreed, but stated that the truck would be moved ASAP.

Comm. Schaffer asked Mr. Stauber if he had spoken with the neighbors regarding their concerns. Mr. Stauber stated that he had not, but he had spoken with one lady and she gave the information to all the neighbors on Excelsior Street. Mr. Stauber noted that he had cleaned up the property and had put in flower beds; he felt he had done a nice improvement already.

Comm. Schaffer asked about the gate on Elm Street and if it would be locked. Mr. Stauber stated that it would not be locked. Chair Felix asked about his proposed rear gate. Mr. Stauber noted that if the Commission was worried about security, he had security right off of Excelsior, but he could put up cameras back there. Chair Felix noted that he could put in a new rear gate and he could lock it at 9:00 PM every night. Mr. Stauber agreed that he could put in a rear gate, but asked if he could put in cameras instead of a gate. Chair Felix noted that a gate would prevent people from going onto the property after 9:00 PM. Mr. Stauber agreed. Comm. Schaffer noted that they were concerned for his protection as well as for the neighbors. She noted that he wouldn't want anyone back there that doesn't belong there and might try to get into one of the locked storage units. Mr. Stauber noted that the property was already completely fenced. Chair Felix noted that he might consider putting a gate from Building No. 1 to the east side fence. Comm. Beckwith noted that the gate would be from the northeast corner. Mr. Stauber stated that he hated to put up a front gate as he would have to keep locking it and unlocking it to go back and forth to his property when he's working there. Comm. Gebhardt noted that he could put up a fence to separate the new buildings from the old.

Comm. Schaffer noted that the next issue had been the compacted gravel. Chair Felix felt that was no longer a problem. Comm. Gebhardt asked if there were any plans to blacktop. Mr. Stauber stated that he would like to do it sometime in the future when he could afford it, but he noted that drainage could be an issue. Comm. Gebhardt noted that there were already some dry wells indicated on the property.

Chair Felix noted that Mr. Stauber had addressed many of the issues that had been expressed at the last meeting. Chair Felix noted that this was not a public hearing, but he allowed an Excelsior Street neighbor to ask if there would be a provision to have someone to lock and unlock the gate every day. Mr. Stauber stated that he was there every day and he would designate someone to do that when he wasn't in town. Chair Felix noted that the storage agreement stated that the area would be locked, staffed, gave hours of operation and would have a property manager's number clearly stated on signage.

Comm. McMahon noted that Mr. Stauber had mentioned having a tree every ten (10) feet, but he thought maybe there should be more. Chair Felix asked what kind of trees he would have. Mr. Stauber stated that there were already a number of evergreens there at approximately every five (5) feet along with some other trees, but he would plant whatever they would want. Zoning Officer Weber had asked him to present a species or type of shrub he intended to plant to the Commission for their approval. Chair Felix asked him if he had any idea what he would be planting. Chair Felix noted that they would like to see a taller species of trees. Neighbors present agreed saying the taller the better. Mr. Stauber noted that the buildings were only going to be eight (8) feet high and ten (10) feet at their peaks.

County Legislator Anthony Pace noted a concern regarding which Phase the fence would be required and he would like to see the roof run off addressed on the Excelsior Street side. Chair Felix noted that the new plans showed roof gutters with downspouts discharging to dry wells.

Comm. Schaffer was concerned regarding proposed lighting for "most" business hours. Mr. Stauber noted that those would be from dusk to dawn. Comm. Beckwith noted that if the property were locked he probably wouldn't need all of the proposed lights. He explained that Mr. Stauber could get by with one (1) light on each building for security and motion detectors on the rest.

Comm. Schaffer assured neighbors that their concerns regarding materials to be stored at the units were addressed in the rental agreement and covered storage within the units and stated that nothing could be stored outside. She read them the section of the rental agreement that covered that. She also noted that there would be no business storage allowed, only personal storage.

It was noted that the height of the buildings will be nine feet (9) six inches (6) inches at the roof line to ten feet (10) eight (8) inches at their peak. Comm. Gebhardt asked what the penalty would be if Mr. Stauber didn't follow these stipulations. Zoning Officer Weber stated that he would be in violation and whoever owns the property is bound by the stipulations set by this Commission.

Comm. Schaffer asked what color buildings would be chosen. Mr. Stauber stated that he would do green buildings with burnished slate doors and roofing. He showed a color chart

and also indicated that the Commission could choose any color from those shown. Comm. Gebhardt noted that he should consult the neighbors as a friendly gesture. Comm. Gebhardt also noted that Mr. Stauber had addressed all of the issues from the last meeting.

On the motion of Comm. Schaffer, seconded by Comm. Gebhardt, voted and approved to recommend approval of the requested variances to the Zoning Board of Appeals for the compacted gravel driveway around self storage units and the requested side yard setback of three (3) feet from the east side.

On the motion of Comm. Schaffer, seconded by Comm. McMahon, voted and approved the revised Site Plan Review presented this evening with the following stipulations:

1. Directional lighting on the building shall be directed into the property and will operate from dusk to dawn with only one (1) light on each building and directed away from the residential area known as Excelsior Street and motion sensors on the rest.

2. That a gate be erected to separate the new construction from the old.

3. That extraneous trucks and garbage be removed from the property as soon as possible.

4. That the landscaping on the west side must reach at least a height of ten (10) feet and fill in and hide any light from light fixtures.

5. That the owner must adhere to the policies of the rental agreement as presented this evening.

and approval of the revised Site Plan presented is contingent upon variance approvals by the Zoning Board of Appeals.

<u>Item No. 2 – 131-141 Homer Ave. – (NYSEG)(PO) – Special Use Permit – Relocation of Regulator Station and Recommendation to Zoning Board of Appeals</u>

Mr. Ralph Hoy, NYSEG rep, and Mr. Jim Emm, NYSEG Engineer, were present. Mr. Hoy explained that the existing regulator station at the corner of W. Main Street and Homer Avenue currently is in a pit. NYSEG wants to get all of their regulator stations above ground. He explained that regulator stations take gas pressure down from a high pressure of forty-two (42) pounds to a low pressure which is a quarter (1/4) of a pound. He noted that the Hospital has asked them to do this many times. Comm. Schaffer asked if this station had been there a long time. Mr. Hoy stated that it had been at that location for over twenty (20) years and is plagued by snow and road salt getting plowed in during the winter months. Mr. Hoy explained that they had to maintain this pit which has a metal top on it which is a safety issue for their people. He noted that this was a NYSEG project and due to other NYSEG projects being done in the area, this is an ideal time to do this. He noted that this is not the only pit regulator station in the City. Comm. Beckwith agreed. Mr. Hoy explained that NYSEG has an easement from the Hospital and the building will be located in the southeast corner of the new Hospital parking lot in the little grassy area. Chair Felix noted it will be in the same area as the pit, but will be above ground. Mr. Hoy explained that due to the piping in the area, it can't be moved to another location in the City. Mr. Hoy

noted that they will fill in the hole and will erect an eight (8) foot by twelve (12) foot building on a concrete pad. Ralph Emm stated that the building color chosen by the Hospital will be desert tan with arctic white trim with a white roof. He further stated that they are going to work with the Hospital on shrubbery to dress it up. He explained that he was also going to try to save the two (2) large trees that are there now. He noted that he is working with Wayne Minikin through the Hospital on this project.

Comm. Schaffer asked if there were any safety issues with these regulator stations because of its close proximity to the daycare center. Mr. Hoy stated that they are very safe and noted that their safety record is excellent. Mr. Emm explained that their equipment is overrated for what is being run in the City.

Comm. Beckwith asked if they would consider a building with vinyl siding with a shingled roof to better fit into the neighborhood, if there wasn't much difference in cost. Mr. Hoy stated that even though there was no electricity running to the building, fire code stated that it must be a fire proof building built with no flammable materials. He noted that construction will be done during the day and will be done very quickly probably within a day or two. He explained that NYSEG will have to have the site ready and then the company installing the building will come in.

On the motion of Comm. Schaffer, seconded by Comm. Beckwith voted and approved the Site Plan as presented and to recommend to the Zoning Board of Appeals approval of the Special Use Permit.

Item No. 3 – 10 Monroe Hgts. – (Calabro)(R4) – Site Plan Review – Front Porch

Atty. Fran Casullo and Architect Jeff Taw were present. Atty. Casullo explained that Mr. Calabro was unable to attend this evening. He explained that one of the major things that have changed with the new porch plan is that the sidewalk to the porch will curve slightly and the sidewalk area will be landscaped.

Architect Taw explained that the primary direction of access has changed. He noted that the previous access to the porch went straight off of the building with concrete stairs down to the sidewalk. Architect Taw noted that current work is being done on the site with an existing permit and no work is being done on the porch until this is approved. Atty. Casullo agreed.

Chair Felix asked for information regarding the slope of the sidewalk. Comm. Gebhardt thought that it was less now than before. Chair Felix asked who will maintain this sidewalk. Architect Taw indicated that the owner is responsible for the maintenance. Atty. Casullo noted that Mr. Calabro will make sure that the sidewalk is maintained.

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

Item No. 4 – 12 Monroe Hgts. – (Calabro)(R4) – Revision to Previously Approved Site Plan

Atty. Casullo and Architect Taw were present to answer questions. Atty. Casullo explained that it was his understanding that in these revised plans, there will be no more need for a stairway near the porch because some elevation issues have been resolved.

City Consulting Engineer Ken Teter was present. He explained that he went to the site and it was noted that there had been a grade error in the original topo which warranted steps. He explained that now that they were on site, those steps were no longer necessary. He noted that there was now a nice gentle walkway.

Comm. Schaffer asked what was removed from the initial application that was approved by the Commission. Atty. Casullo explained that after speaking with Mr. Calabro, the stone retaining wall will be put back. City Consulting Engineer Teter explained that this will increase slope stability as well as increase vegetative growth. He felt that that this request is an improvement to the site condition and is a much better plan. He noted that it makes much more sense. Mr. Teter also noted that the stone retaining wall is already there.

Chair Felix noted that part three of this revision is to install all new sidewalks. Atty. Casullo stated that was being done. City Consulting Engineer Teter explained that he has worked with Mr. Calabro over the past month or so and has dealt with a concern regarding soil erosion and everything is fine.

Chair Felix asked about the change to remove new entrance to 12 Monroe Heights. Atty. Casullo explained that Mr. Calabro plans to delete the stairs. City Consulting Engineer Teter explained that on a previous plan there was a fairly elaborate system of retaining walls and steps to get up to this porch which did not have an entry. He explained that in the grand scheme he has abandoned that and is no longer proposing that walkway.

Atty. Casullo noted that there was one more change requested. He explained that Mr. Calabro was supposed to place a STOP sign at the driveway exit onto Monroe Heights facing the parking. Atty. Casullo stated that Mr. Calabro would like permission to place a "Private Parking Only" sign on the back of that STOP sign. That "Private Parking Only" sign would be visible only from Monroe Heights and was being requested to keep non-tenant owned vehicles from trying to park back there.

On the motion of Comm. Gebhardt, seconded by Comm. Beckwith to approve the revised site plan as presented with the changes as noted.

<u>Item No. 5 – 27 Duane St. – (Duff)(R2) – Site Plan Review - Shed</u>

Daniel Duff was present. He explained that he put a shed on his property and didn't realize that he needed to have site plan review because it was an R2 property. He explained that the shed was purchased at Lowe's and was placed on an existing slab. The noted that the building is a prefab eight (8) foot by ten (10) foot shed, which does not need a permit. He noted that it sits four (4) feet from his neighbor's property and it's located at the end of his driveway. He noted that the doors to the shed open to the driveway.

Comm. Gebhardt asked if this was an existing pad, what had been there previously. Mr. Duff stated that he wasn't sure, but it was probably a small garage or shed. Chair Felix asked how he knew that Site Plan was needed. Mr. Duff stated that he was given a letter indicating that he needed a site plan. Asst. Chief Knickerbocker stated that technically no permit was needed to build this shed as it was under the size threshold where a permit was required and that "no fee permits" were issued for this type of construction so that the

Code Office knew what was being installed. Zoning Officer Weber stated that site plan review was required for construction in an R2 zone.

Chair Felix asked Zoning Officer Weber what the required buffer was on this. Zoning Officer Weber stated that it was four (4) feet.

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

Item No. 6 – Minutes – June 25, 2012

On the motion of Comm. Schaffer, seconded by Comm. McMahon, voted and approved with a spelling correction noted.

New Business

Comm. Schaffer stated that she has the EIS for the SUNY Student Life Center Building. Chair Felix had received a shorter version and he noted that concerns expressed by neighbors were not addressed by the College. Comm. Schaffer agreed.

Adjournment

On a motion of Comm. McMahon, seconded by Comm. Beckwith, 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 JULY 2012.

RAFAEL FELIX, CHAIRPERSON