



## PLANNING COMMISSION

### MINUTES

**September 24, 2012**

A regular meeting of the City of Cortland Planning Commission was held on Monday, September 24, 2012, at 5:15 PM in the Mayor's Conference Room at City Hall, 25 Court Street, Cortland, NY.

**PRESENT:** Comm. Gebhardt, McMahon, Schaffer, Beckwith and Spitzer

**Staff Present:** Director of Administration and Finance Mack Cook, Capt. William Knickerbocker, and Zoning Officer Bruce Weber

#### **Public Hearing: 5:15 PM – Sub-Division – 32-34 Hickory Park Road – (Reeners) (R1)**

Chair Felix asked if there was anyone present to speak.

James Reeners was present to speak. He explained he had purchased two lots, built a house spanning the two lots, and would now like to sub-divide one part of the lot into two separate parcels. One will go to a backyard neighbor who has had a garden planted there for twenty years anyway and the other will go to 36 Hickory Park, both to enlarge those two lots. No parcel will be left standing alone.

Comm. Schaffer asked if each lot would be conforming, to which Mr. Reeners answered that they would.

There was no one further to speak and therefore the public hearing was closed.

#### **Regular Meeting**

##### Item No. 1 – Area Variance – Homer Ave. - Set back and buffer zone

Bart Besley from NYSEG was present to speak. He stated the regulator station serving the Cortland area is currently underground and is being moved above ground as a safety precaution against corrosion. The City's Zoning Board unanimously approved the Special Use Permit for the work, however upon a complaint from the next door neighbor, Zoning Officer Bruce Weber stopped by the work site and it became clear that the property was not owned by the Hospital and he issued a stop work order.

Mr. Besley is now submitting the application needed to waive the set back and buffer zone. He stated that they will lose customers if the system is not back on line by the end of October.

Bruce Weber stated that his understanding was that the hospital owned the surrounding property, and once construction started, the neighbor to the east, at 14 Miller Street called with concerns in regards to the close proximity of his property line and safety issues. It was then that I found it was in fact a single family dwelling and not hospital property.

Chair Felix asked if that person was present, to which Mr. Weber answered no. The project needed a recommendation from Planning to go to ZBA.

Comm. Schaffer asked what is being asked for now, that was not on the original site plan.

Mr. Besley stated the set back was listed as five feet but misunderstood to be twenty-five feet. A ten foot set back would be acceptable if the work could be completed.

Comm. Schaffer suggested that if the Board were to approve the variance that, in light of just a ten foot set back, a green buffer be put in place in order to satisfy the neighbor who complained.

On the motion of Comm. Schaffer, seconded by Comm. McMahon, voted and approved to recommend the approval of a set back from twenty-five to ten feet from the property at 14 Miller Street, and that a green buffer equivalent to a six foot fence be installed between the site and the residential property.

Chair Felix noted that Comm. Ryan arrived at 5:18.

#### Item No. 2 – Sub-division – 32-34 Hickory Park Road (Reeners) (R1)

James Reeners was present and reiterated what he had presented at the Public Hearing earlier. He noted that his son wanted a straight property line, so parcel B will be added to the parcel to the West, Mr. Griswold would like to own the parcel where his garden is planted to the North West (Parcel A) and parcel C is the remaining total of the two lots.

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

#### Item No. 3 – 16 Jewett Avenue – Site Plan Review – (Paquin) (R1) – Fence

To speak was Al Paquin. He explained that he wanted to remove an existing fence behind the property and put up a picket fence to completely enclose the back yard for the safety of a young child.

Chair Felix confirmed that the new fence would encroach on a small piece of the next door neighbor's yard, with their permission. If ownership of the property changes, the fence could be removed as it is not attached to the garage.

Comm. Schaffer questioned the legality of the letter of permission from the next door neighbor. She suggested obtaining a signed, notarized statement.

On the motion of Comm. Spitzer, seconded by Comm. Schaffer, voted and approved pending legal permission signed by the neighbor.

#### Item No. 4 – 102 Main Street – Site Plan Review – (Caruso) (CB) – 3<sup>rd</sup> Floor Apartment

Anthony Caruso was present to speak. He needed to submit a site plan in order to renovate the third floor to make an apartment for him to live in.

Chair Felix asked if the plans met all the Code Office requirements.

Capt. Knickerbocker stated that there is a sprinkler system and the larger windows provided the necessary emergency egress.

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

Item No. 5 – 141 Main Street – Site Plan Review – (Scanlon) (CB) – Roof

John Scanlon was present to speak. He explained that in order to eliminate a chronic leak problem, he wanted to alter the roof line to match the pitch and height of the rest of the building and add a window to make the building more symmetrical.

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

Item No. 6 - 3 River Street – Site Plan Review – (AFZ Gourmet) (GB) – Denny’s Restaurant.

To speak was Josh Wolfe representing AFZ. The plan is to convert the old Bob Evans restaurant to Denny’s, building an addition to allow for more seating capacity.

Comm. Schaffer wanted to note first that the addition would be on the East side of the building, not the West side, which Josh confirmed. The plan includes a 12 foot addition, a new sign on the front of the building and a pole light. The parking lot will remain; only 44 of the possible 59 parking spaces will be required. The type of lighting was discussed, which will remain the same and will face down and in, not toward private residences.

On the motion of Comm. Spitzer, seconded by Comm. Beckwith, voted and approved as submitted and with the recommendation to ZBA to approve the variance request for the building mounted sign and the 12 foot addition.

Item No. 7 – 9 Clinton Avenue – Site Plan Review – (First Church) (CB) – Façade

Paul Dennis was present to speak. He explained the plan to remove the 15 metal panels on the front of the building and install new windows and a new front entrance door. The windows will be higher, more similar to the original windows.

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

Item No. 8 – Site Plan Review – (Gandleman) (GI) – Garden and farm stand.

Allan Gandleman was present to speak. His plan is to turn a vacant lot into a garden and sell vegetables on site. The idea is to get things in place, bring in some soil, and be able to start planting in the spring. The farm stand will be a tent in the parking lot, with seasonal use on a couple days a week.

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

Item No. 9 – 35 Main Street – Site Plan Review – (Andrews) (CB) – Commercial Indoor Lodging.

Glen Anderson was present to speak. At the current time, the area is office space and the plan is to convert the second floor to five bedrooms for students, probably a boarding house would be the proper terminology. It will be five one bedroom areas with kitchenettes, shared bathroom and shared common room.

Zoning Officer Weber questioned the intent. It was his understanding that it would be bedrooms with a cooking apparatus in the room. The plans show five kitchens.

Chief Knickerbocker stated that they must be fire separated, have a common kitchen, and common bathroom. No cooking can be done in the bedrooms.

Bruce Weber stated that the rooms will be rented out; having different people at various times but a renter will not be renting the entire space, only a room. There will be a shared kitchen area, shared common area, and a shared means of egress.

Mr. Weber noted for clarification, that it is not being called a rooming house. It is called a commercial indoor lodging, such uses include hotels, motels, and rooming house.

On the motion of Comm. Gebhardt, seconded by Comm. Schaffer, voted and approved to table the proposed plan until the applicant can come back with more definite plans.

#### Minutes

Comm. Spitzer wished to inform the Commission of his intent to resign, and will notify the Mayor's office.

Chair Felix commended Comm. Spitzer for serving on the Commission.

Chair Felix expressed his concern that no one was present during the meeting to take notes after he was informed that a person would be trained to resume the duty of secretary. It was of general consensus that someone should be attending the meetings in order to take notes and prevent errors. It should not be Capt. Knickerbocker's job to take notes.

#### Adjournment

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

**I, RAFAEL FELIX, CHAIRPERSON OF THE PLANNING COMMISSION OF THE CITY OF CORTLAND, NY, DO HEREBY CERTIFY THAT SAID RESOLUTION(S) WERE ADOPTED AT A MEETING OF THE PLANNING COMMISSION OF THE CITY OF CORTLAND, NY, HELD ON THE 24<sup>th</sup> of September 2012.**

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**RAFAEL FELIX, CHAIRPERSON**

