



PLANNING COMMISSION

MINUTES

April 22, 2013

A regular meeting of the City of Cortland Planning Commission was held on Monday, April 22, 2013, at 5:15 PM in the Mayor's Conference Room at City Hall, 25 Court Street, Cortland, NY.

PRESENT: Chair Rafael Felix, Commissioners Chris Ryan, Troy Beckwith, Joseph McMahon, Jeff Gebhardt, D. Jo Schaffer and Denise Bushnell.

ABSENT:

Staff Present: Zoning Officer Bruce Weber, Dep. Chief Bill Knickerbocker, and Director of Administration & Finance Mack Cook

Item #1 – 102 Maple Ave (Batson) – R2 – Conversion to 2 family

Present to speak was Keith Batson who purchased the property in 2011 under the impression that it was in an R2 district and therefore he could convert it to a two family unit, which is not the case, it had been used as a single family since 2008. He would like to convert the dwelling to a two unit to help meet the mortgage payments. There are several two family units on Maple Avenue. At one time it was a three unit, and then changed to a single. A Site Plan Review is required in order to change the status from the property's last use. Mr. Batson's application included three different options for the parking. One concern was the density, however the area is zoned R2 and this would be a use by right, but does not meet the Comprehensive Plan laid out.

The Commission recommends to ZBA that the variance request be granted and the application return to the Planning Commission for Site Plan Review.

Motion by Comm. Gebhardt, seconded by Comm. Schaffer, voted and approved to recommend approval of the variance application to ZBA, and the applicant shall return to the Planning Commission after ZBA approval.

Item #2 – 153 Tompkins Street (Sumner) – Parking lot – SD – Addition of dwelling unit

Present to explain the application was Rusdi Sumner, who stated that at the time she had purchased the property back in 2006 it had been used as a duplex for years, but she had never checked on the legal use. When she tried to sell the property, the buyer's attorney tried to obtain a Certificate of Zoning Occupancy, at which time she discovered that it was approved as an owner occupied third floor apartment unit and does not plan to live there. There are two occupants in the second apartment and three in the first floor apartment. The attic was converted into an apartment, which was non-compliant of the previous owner's variance, and she requested the tenants to move downstairs, where there are four bedrooms. She wants to work with the Code office to install a sprinkler system and bring the property up to code. If the variance were granted, she could have a fifth occupant (being compliant with the three unrelated law).

Dep. Chief Knickerbocker explained that the applicant will be submitting a building permit.

Zoning Officer Bruce Weber noted that this Board must deal with the Zoning issues, parking and use of the property. The building code issue is not a concern of the Board. The only thing of concern is the parking.

On the motion of Comm. Gebhardt, seconded by Comm. McMahon, voted and approved to recommend approval of the application to ZBA, with Comm. Schaffer voting Nay.

Item #3 – 55 Port Watson Street (Invigorations) – Occupancy – Expansion of use and parking

Present to speak for the application was Janet Hannah and Tammy Marshall. Ms. Hannah is the current owner of Invigorations and Ms. Marshall wishes to purchase the property and expand on the services offered. In the process of purchasing the property, it was brought to Ms. Marshall's attention that a variance would be required since she would not be living in the building. The business will continue as a wellness center, with additional services, and the third floor will be used for tenants such as guest speakers making presentations.

Zoning Officer Bruce Weber explained that the original variance that was granted was for owner-occupied and they were using half of the house. Between then and now, parking was expanded without permission. Expansion of the parking area and the expansion of use within the structure both require a variance. The business will be in operation seven days a week instead of six.

Parking requirements for a business vary from the requirements of a dwelling unit. Number of parking spaces is based on square footage, which would be 29 and two additional for occupants of the third floor, and there are currently 16.

Zoning Officer Bruce Weber noted that from the stand point of parking, this Commission is to look at this application as a dwelling unit. The issue of use in the building is a building code issue; this Commission will deal with the land use only.

Offering more services will not likely increase traffic flow, and typically the parking lot is half to two-thirds full at any given time.

On the motion of Comm. Gebhardt, seconded by Comm. McMahon, voted and carried to recommend to ZBA approval of the Use Variance and also a recommendation to approve the allowance of the parking as presented, with Comm. Schaffer voting Nay.

Item #4 – 28 Groton Ave (Penney) – Outer staircase – CB

Kevin Penney was present to explain his intention to extend the staircase from the second floor up to the third floor and install a steel door due to his tenants spending time up there and Mr. Penney would like to create a second means of egress in case of fire, but has no current plan to let tenants occupy that third floor.

Recommendation of the Commission was for the applicant to withdraw his application, on the premise that putting the stairs and door on that third level would only encourage the tenants to be in the attic more.

Motion by Comm. McMahon, seconded by Comm. Ryan, voted and carried, to table the application for one year, to April of 2014, if the applicant wishes to come back with an amended application under the same fee he has already paid.

Item #5 – 14 Reynolds Ave (Penney) – Front porch – R2

Kevin Penney also was the applicant for this item. He wants to remove the face of the front porch, checking the deck and roof structure for stability and then re-facing the porch, keeping the footprint as is.

On the motion of Comm. Beckwith, seconded by Comm. Schaffer, voted and carried to recommend approval of the Site Plan as presented.

Item #6 – 157 Main Street – (TC3 Foundation) – Solar Array – CB

Present to speak was James Turner , TC3 Facilities Manager, to explain how TC3 Foundation would like to install a solar array to generate electricity for use in the building. It would be place on the parking lot side of the roof near the NAPA store, and not visible from Main Street. It would not supply enough energy to run the building by itself, but it would supplement what is there.

On the motion of Comm. Schaffer, seconded by Comm. McMahon, voted and carried, to recommend approval to the ZBA of the Site Plan as presented.

Item #7 – 17-19 Court Street – City purchase (Ames property)

Director of Administration and Finance Mack Cook was present to speak. The City has been considering the acquisition of the “Ames Property” adjacent to the fire station for several years. The City has applied for and tentatively been approved for a \$250,000 grant from the State Dormitory Authority, which has not been funded because the City has no purchase order with the previous owner. The City cannot bring the proposal to Common Council to purchase the property without approval of the Planning Commission. The City Charter is silent on the contents and scope of what the contract will be.

The intended use of the property is for the expansion and renovation of the fire house, which is what the grant is for, but the expansion is years away. With the grant, the cost of purchasing the property would be about \$1,500 and the amount the City pays now to lease the site would make up for taking the property off the tax roles.

On the motion of Comm. Schaffer, seconded by Comm. Bushnell, voted and carried, to report to Common Council that the Planning Commission has no objection with the City proceeding with the purchase of the “Ames Property” at 17-19 Court Street.

Item #8 – 52 Pomeroy Street – (St. Anthony’s Church) – Parking - SD

The garage will be removed to increase the number of handicap parking spots.

Zoning Officer Bruce Weber explained that currently the Church uses half of the adjoining parking lot owned by Dr. Kumar’s office, and the growing needs require more handicap parking closer to the church. There are no lot coverage restrictions in the district. Additionally, removal of the garage would also allow for more seating for St. Anthony’s festival, which is one of the Church’s main fundraisers.

On the motion of Comm. McMahon, seconded by Comm. Beckwith, voted and approved to recommend approval of the application to the ZBA.

Item #9 – Elect Chair and Vice Chair

On the motion of Comm. Schaffer, seconded by Chair Felix, voted and approved, unanimously to appoint Jeff Gebhardt as Chair.

On the motion of Comm. Schaffer, seconded by Comm. McMahon, voted and carried, unanimously to appoint Rafael Felix as Vice Chair.

Item #10 – Set date for the May meeting

The Commission agreed to set the date for the next meeting for May 20, 2013 at 5:15 PM.

Minutes of the March 5th and 25th meetings

On the motion of Comm. Bushnell, seconded by Comm. McMahon, voted and carried to approve the minutes of the March 5th meeting.

On the motion of Comm. Bushnell, seconded by Comm. McMahon, voted and carried to approve the minutes of the March 25th meeting.

Adjournment

On the motion of Comm. Schaffer, seconded by Comm. Bushnell, voted and carried to adjourn.

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 22nd OF APRIL, 2013.

RAFAEL FELIX, CHAIRPERSON