

ON THE MOTION OF: Craig Umbehauer
Wendy Miller

RESOLUTION NO. 18-30

GML# 76.19-01-30.200 &
76.19-01-31.000 -
Town of Cortlandville
86.25-01-02.000 –
City of Cortland
Area Variance, Site Plan Review
& Subdivision (Town of
Cortlandville)
Conditional Permit, Site Plan
Review & Subdivision
(City of Cortland)
Taw (YWCA)

WHEREAS, on August 31, 2018 the Zoning Officer, Town of Cortlandville and the Zoning Officer, City of Cortland pursuant to General Municipal Law 239 M submitted an application for a conditional permit, site plan review and subdivision for the Town of Cortlandville and for an area variance, site plan review and subdivision for the City of Cortland because the property is located within 500 ft. of the Town of Cortlandville/City of Cortland boundary and Homer Ave. (US Route 11 & NYS Route 41), AND

WHEREAS, the Cortland County Planning Board has received this request and submitted a written report dated September 14, 2018, which is on file, AND

WHEREAS, the Cortland County Planning Board on September 19, 2018 held a regular meeting with a quorum and did consider this request, AND

WHEREAS, the Cortland County Planning Board did thoroughly consider the material submitted by the Town of Cortlandville and the City of Cortland, Department comments and all other relevant reports on file, NOW THEREFORE BE IT

RESOLVED, that the Board recommends approval of this application for an area variance, site plan review, conditional permit and subdivision contingent upon the following:

1. The three properties proposed as part of this development being included in a single deed to insure that the proposed parking area lot and building lot remain jointly owned and used in the future.
2. The City weighing the benefit of allowing less than the minimum amount of required parking spaces and less than the required side yard to the applicant vs. the

health, safety and welfare of the community/neighborhood as is required before the required area variances may be granted.

3. The applicant obtaining approval of the proposed driveway access to Carroll St. from the Town Highway Superintendent.
4. The applicant obtaining approval of the landscaping plan for the site from the City of Cortland and Town of Cortlandville for the portion within their jurisdiction.
5. The applicant's submittal of a lighting plan for the site to the City of Cortland and Town of Cortlandville which indicates that there would be no lighting in excess of 1.0 footcandle beyond the property lines of this site.
6. The applicant filing a Notice of Intent with the NYS Department of Environmental Conservation (DEC) and preparing a stormwater pollution prevention plan for this site per the NYS Phase II stormwater regulations since the project would involve the disturbance of at least one acre of land.
7. The applicant obtaining approval of the stormwater pollution prevention plan for this site from the Town of Cortlandville per the Town's stormwater ordinance as this development would increase the impervious surface of the Town of Cortlandville portion of the site by more than 10,000 sq. ft.
8. The proposed connection to the public water and sewer lines on Carroll St. being reviewed by the County Health Department and approved by the Town including an engineering report for the installation of the required back flow prevention device for the public water supply.
9. The applicant registering any proposed cooling tower for temperature control of the proposed facility with the NYS Department of Health.
10. Compliance with SEQR requirements, AND

BE IT FURTHER RESOLVED, that the Board reminds the Town of Cortlandville and the City of Cortland of the requirements of General Municipal Law Section 239 M that a supermajority vote is to be attained by the Town of Cortlandville and the City of Cortland in order to approve this application unless every contingency documented in this resolution is followed, AND

BE IT FURTHER RESOLVED, that the Planning Department is hereby authorized to convey this action to the Zoning Officer, Town of Cortlandville and the Zoning Officer, City of Cortland.

**Wendy Miller, Secretary
Cortland County Planning Board
September 19, 2018**

**Ayes: 7
Nays: 1 (Danny Ross)
Abstain: 1 (Chuck Feiszli)**

September 14, 2018

GML# 76.19-01-30.200,
76.19-01-31.000 &
86.25-01-02.000

City of Cortland
Area Variance, Site Plan Review &
Subdivision
Town of Cortlandville
Conditional Permit, Site Plan Review &
Subdivision
Taw (YWCA)

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for an area variance, site plan review, conditional permit and subdivision is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239-M & N because the property is located within 500 ft. of Homer Ave. (US Route 11 & NYS Route 41) and the City of Cortland/Town of Cortlandville boundary.

GENERAL INFORMATION

Date Received: August 31, 2018

Applicant: C. Jeffrey Taw
Holmes, King, Kallquist & Associates, LLP
On behalf of Cortland County YWCA and Christopher
Community
575 N. Salina St.
Syracuse, NY 13208

Status of Applicant: architect

Requested Action: area variance, site plan review & subdivision– City of Cortland
conditional permit, site plan review & subdivision – Town of
Cortlandville

Purpose: to subdivide a 20,659 +/- sq. ft. lot from a 4.84 +/- acre parcel in
the City of Cortland for the purpose of constructing a three
story, 25 unit apartment building with offices on the first floor
which would support programs for tenants and a tenant-only
childcare playroom. The applicant is also requesting to
subdivide a 1,935 +/- sq. ft. lot from a 26,214 +/- sq. ft. parcel

in the Town of Cortlandville for the purpose of consolidating this 1,935 +/- sq. ft. lot with the adjoining 32,237 +/- sq. ft. parcel for use as the accessory parking area, which would accommodate 25 vehicles.

Location: west side of Homer Ave., south of Carroll St.

Size: 1.26± acres (20,659 +/- sq. ft. – City of Cortland and 34,172 +/- sq. ft. – Town of Cortlandville)

Existing Zoning: GB (General Business) – City of Cortland & B-2 (Highway Commercial Business) – Town of Cortlandville

Existing Land Use: Homer Ave. Shopping Plaza – City of Cortland & Vacant – Town of Cortlandville

Surrounding Zoning: GB (General Business) & R-1 (Residential) – City of Cortland B-2 (Highway Commercial Business) & R-1 (Residential) – Town of Cortlandville

Surrounding Land Uses: N – JM McDonald Center
S – Homer Ave. Shopping Plaza
E – small commercial buildings
W – Cortland County Fairgrounds & Smith Elementary School fields

Existing Regulations: Code of the City of Cortland
Chapter 250 Subdivision of Land
Chapter 300 Zoning
Article IV – Business Districts
~300-25. GB General Business District
B. Allowed uses by right
13. Mixed use building
14. Multifamily dwellings
Article VIII – Parking spaces, driving aisles and driveways
~300-73. Required parking spaces
~300-74. Table of required parking
Mixed use building-As shall be calculated based upon actual uses
Multifamily dwelling-Two (2) spaces per dwelling unit
~300-77. Required improvements.
Article X – Buffer strips
~300-92. Required buffer strips
B.
~300-94. Buffer strip landscaping
Article XIII – Site Plan Review

- ~300-131. Planning Commission
- ~300.132. Actions requiring Site Plan Review
 - A. When a building or structure is to be erected
 - C. When vehicular movement, vehicular parking or a pedestrian walkway is altered
 - D. When surface water drainage is altered
 - E. When exterior lighting is installed or altered
 - F. When designed landscaping is installed or altered

~300-135. Decisions

Article XV – Variances

~300-145. Area variances

Code of the Town of Cortlandville

Chapter 140 Subdivision of Land

Chapter 178 Zoning

Article IA – Wellhead Protection Areas

~178-2.2. Provisions applicable to B-1, B-2, B-3, I-1 and I-2 Districts

- A. Lot coverage

(5)

Article VIII – Highway Commercial Business B-2 District

~178-36.1. Permitted uses subject to site plan approval.

- A. Permitted structures and uses subject to site plan approval shall be as follows:

(1)

~178-36.2. Uses subject to conditional permit.

- A. Residential:

(1) Multiple-family dwellings with over four dwelling units

Article XIII – Site Plan Approval

~178-72. Planning Board review of site plan.

- A. General considerations.

Article XIV – Conditional Permit

~178-75. Structure/use requirements for permit approval

~178-76. Additional specific requirements.

- A. Residential.

Article XVI – Stormwater Management and Erosion and Sediment Control

~178-90. Jurisdiction and applicability.

- C. Exemptions.

~178-92. Contents of stormwater pollution prevention plan

ANALYSIS -

The applicant is requesting an area variance, site plan review, conditional permit and subdivision to subdivide a 20,659 +/- sq. ft. lot from a 4.84 +/- acre parcel for the

purpose of constructing a three story, 25 unit apartment building with offices on the first floor which would support programs for tenants and a tenant-only childcare playroom. The applicant is also requesting to subdivide a 1,935 +/- sq. ft. lot from a 26,214 +/- sq. ft. parcel in the Town of Cortlandville for the purpose of consolidating this 1,935 +/- sq. ft. lot with the adjoining 32,237 +/- sq. ft. parcel for use as the accessory parking area, which would accommodate 25 vehicles. The properties are located on the west side of Homer Ave., at the boundary of the City of Cortland and Town of Cortlandville, south of Carroll St. The property is zoned GB (General Business) in the City of Cortland and B-2 (Highway Commercial Business) in the Town of Cortlandville.

Mixed use buildings and multi-family dwellings are allowed uses by right in the City of Cortland GB (General Business) District. Site plan review however, is required for all uses except single family dwellings whenever a building or structure is to be erected, when vehicular movement, vehicular parking or a pedestrian walkway is altered, when surface water drainage is altered, when exterior lighting is installed or altered or when designed landscaping is installed or altered. Site plan review is also required in the Town of Cortlandville B-2 (Highway Commercial Business) District for professional offices and a conditional permit for multiple-family dwellings with over four dwelling units. The applicant is proposing to subdivide a 20,659 +/- sq. ft. lot from the 4.84 +/- acre Homer Ave. Shopping Plaza parcel for the purpose of constructing a three story, 25 unit apartment building with offices on the first floor which would support programs for tenants and a tenant-only childcare playroom on the 20,659 +/- acre lot. It should be noted that the proposed subdivision would leave the 20,659 +/- sq. ft. property without direct street frontage. Street access would be provided via the proposed parking area on an adjoining lot under the same ownership. This accessory parking lot, with 25 – 10 ft. by 20 ft. parking spaces including two accessible spaces, would be located on an adjoining lot in the Town of Cortlandville. A 1,935 +/- sq. ft. lot is proposed to be subdivided from an adjoining 26,136 +/- acre parcel and consolidated with the 32,237 +/- acre parcel proposed as the parking area to provide additional area for emergency vehicle access to the driving lane in the parking area. It is recommended that the three properties proposed as part of this development are included in a single deed to insure that the proposed parking area lot and building lot remain jointly owned and used in the future.

The proposed new building would contain 25 one or two bedroom units, approximately 731 sq. ft. of office space and approximately 936 sq. ft. of accessory use space (community room/playroom, storage, kitchen, etc.). The proposed 25 space parking lot does not adhere to the “City of Cortland Zoning Law” requirement of providing two parking spaces for every apartment unit in the building and one space for every 150 sq. ft. for personal and professional services. The 731 sq. ft. of office space would require 5 parking spaces in addition to 50 spaces required for 25 dwelling units. The applicant is therefore required to apply for an area variance in order to provide 25 parking spaces instead of the required 57. In order for an area variance to be granted, the City must weigh the benefit of the reduced number of parking spaces to the applicant vs. the health, safety, and welfare of the community/neighborhood. It should also be noted that while the parking area would be located in the Town of Cortlandville, the City of Cortland requires 57 parking spaces for this use whether located on site or provided on a separate lot as

ancillary parking. Therefore, the number of parking spaces provided falls under the purview of the City of Cortland and since the proposed parking lot would be located in the Town of Cortlandville, the parking space size and parking lot layout fall under the purview of the Town. The proposed parking space size (10 ft. by 20 ft.) meets the Town's dimensional requirements and the parking lot layout appears to provide ample area for vehicles to access and maneuver into and out of parking spaces. Street access to the site would be provided via a curb cut onto Carroll St. which leads to a 24 ft. wide driveway. Since Carroll St. is a Town road, the applicant would be required to obtain approval of the proposed driveway access to Carroll St. from the Town Highway Superintendent.

The proposed building would be set back 20 ft. from the rear lot line with setbacks of 15 and 41 ft. 1 in. from the side lot lines. The proposed rear yard meets the minimum requirement of 20 ft. in the GB District. The minimum side yard requirement in the GB District for multifamily dwellings is 7 ft., plus 1 foot for each foot of height over 35 ft. up to a maximum of 25 ft. Since the proposed building would be 48.5 ft. in height, the minimum side yard requirement for this proposal would be 21 ft. The applicant is therefore required to apply for and obtain an area variance for the proposed 15 ft. side yard. In order for an area variance to be granted, the City must weigh the benefit of the reduced side yard to the applicant vs. the health, safety, and welfare of the community/neighborhood. It should also be noted that a 10 ft. wide buffer strip planted with at least two trees and/or shrubs every ten linear feet is required along the side lot line of the portion of this proposal in the City which adjoins the Smith Elementary School fields as is required for all non-residentially zoned lots which abut a residentially zoned lot at the side or rear lot line. The landscaping plan for the site indicates some plantings along this property line. The proposed landscaping plan also shows a variety of shrubs along the front of the proposed building, shrubs and trees along the perimeter of the parking area and landscaped islands within the parking area with lawn areas filling in the remaining portions of the perimeter of the lots. The landscaping plan for the site requires approval from the City of Cortland and Town of Cortlandville for the portion within their jurisdiction. There was no lighting plan for the site. The applicant should submit a lighting plan for the site to the City of Cortland and Town of Cortlandville which indicates that there would be no lighting in excess of 1.0 footcandle beyond the property lines of this site.

Pedestrian access to the building would be provided by a sidewalk along the front of the proposed building and along the western edge of the proposed parking area. The sidewalk on the western side of the property would also provide access to the playground area located on the western side of the property.

The site plan also indicates a dumpster enclosure on the eastern side of the property adjacent to the proposed parking area. This dumpster area would be enclosed and would also include shrubbery around three sides with a privacy gate to access the dumpster area. It appears that this dumpster area would be adequately screened from surrounding properties.

This project would result in the disturbance of more than one acre of land and therefore requires a SPDES General Permit from the NYS Department of Environmental Conservation (DEC) for Stormwater Discharges from Construction Activity per the NYS Phase II stormwater regulations. The applicant is required to file a Notice of Intent with the NYS DEC and prepare a stormwater pollution prevention plan for this site. The applicant is also required to obtain approval of the stormwater pollution prevention plan for this site from the Town of Cortlandville per the Town's stormwater ordinance as this development would increase the impervious surface of the Town of Cortlandville portion of the site by more than 10,000 sq. ft. It is required that the stormwater management plan for the site provide pre-treatment of stormwater before being released into the ground.

The applicant is proposing to connect to the existing Town of Cortlandville public water supply and sewer lines along Carroll St. This connection requires review by the County Health Department and approval from the Town and shall include an engineering report for the installation of the required back flow prevention device for the public water supply.

It is unclear from the application as to if this facility would include a cooling tower for temperature control. If the site includes a cooling tower for temperature control, it is required to be registered with the NYS Department of Health.

Finally, this proposal is considered an Unlisted Action under SEQR. The applicant has completed Part I of a Short Environmental Assessment Form. Parts II & III should be completed by the City and/or Town to determine if there may be any significant adverse environmental impacts as a result of the proposed use.

RECOMMENDATION -

The staff recommends approval of this application for an area variance, site plan review, conditional permit and subdivision contingent upon the following:

1. The three properties proposed as part of this development being included in a single deed to insure that the proposed parking area lot and building lot remain jointly owned and used in the future.
2. The City weighing the benefit of allowing less than the minimum amount of required parking spaces and less than the required side yard to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before the required area variances may be granted.
3. The applicant obtaining approval of the proposed driveway access to Carroll St. from the Town Highway Superintendent.
4. The applicant obtaining approval of the landscaping plan for the site from the City of Cortland and Town of Cortlandville for the portion within their jurisdiction.

5. The applicant's submittal of a lighting plan for the site to the City of Cortland and Town of Cortlandville which indicates that there would be no lighting in excess of 1.0 footcandle beyond the property lines of this site.
6. The applicant filing a Notice of Intent with the NYS Department of Environmental Conservation (DEC) and preparing a stormwater pollution prevention plan for this site per the NYS Phase II stormwater regulations since the project would involve the disturbance of at least one acre of land.
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8. The proposed connection to the public water and sewer lines on Carroll St. being reviewed by the County Health Department and approved by the Town including an engineering report for the installation of the required back flow prevention device for the public water supply.
9. The applicant registering any proposed cooling tower for temperature control of the proposed facility with the NYS Department of Health.
10. Compliance with SEQR requirements.

Prepared by:

Daniel S. Dineen
Director of Planning



Homes and Community Renewal

ANDREW M. CUOMO
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

September 11, 2018

VIA ELECTRONIC MAIL

Bruce Weber
Planning & Zoning Officer
Town of Cortlandville
bweber@cortlandville.org

Re: Request for Lead Agency Status
Name of Action: YWCA Housing, 1318 Carroll Street, Town of Cortlandville & City of Cortland

Dear Mr. Weber:

With this letter, New York State Homes & Community Renewal (HCR), through the Housing Trust Fund Corporation (HTFC) and the Housing Finance Agency (HFA), consents to the Town of Cortlandville's assumption of Lead Agency status in conducting a coordinated State Environmental Quality Review for the proposed project.

The following is a list of submissions that the HCR would require from the sponsor, if the project were to receive an award for funding from HCR:

- The project sponsor would be required to submit a copy of a final impact determination letter from the NYS Office of Parks, Recreation and Historic Preservation.
- The project sponsor would be required to submit copies of a SPDES General Stormwater Permit if the project would disturb one or more acres.
- The project sponsor would be required to submit a copy of a Phase I Environmental Assessment report which must meet, at a minimum, the American Society for Testing and Materials standard for site assessment.
- The project sponsor would be required to submit a copy of all floodplain and wetland permits.
- The project sponsor would be required to submit evidence to support compliance with the NYS Smart Growth Public Infrastructure Policy Act.

If you have any questions, please contact me at (518) 486-3379 or heather.spitzberg@nyshcr.org.

Sincerely,

Heather Spitzberg, Esq.
HTFC & HFA SEQR Officer

cc: Leonard Skrill, Regional HTFC Staff
Sean Fitzgerald, Assistant Commissioner for Capital Development

TO THE TOWN PLANNING BOARD
TOWN OF CORTLANDVILLE
CORTLAND COUNTY, NEW YORK

Planning Board File No. _____

APPLICATION FOR APPROVAL OF SUBDIVISION OF LAND

Date 8/21/10

The undersigned owner(s) desire(s) to subdivide a parcel of land described as follows:

- 1.) Name of owner(s): The Young Men's Christian Association of Cortland , NY
Address: 22 Tompkins Street, Cortland , New York
- 2.) Name of Subdivider: Same
Address: _____
- 3.) Property address of Subdivided land: 1381 Carroll Street
Tax Map Parcel # 76.19-01-30.200/76.19-01-31.000
- 4.) Mortgage, liens, and encumbrances: None
- 5.) A Final Plat layout is hereby attached for approval, showing proposed public streets and other information as required on, and with the Final Plat.
- 6.) Is this subdivision subject to General Municipal Law approval? _____

The undersigned hereby applies for approval of said subdivision and covenants and agrees with the Town of Cortlandville upon approval of said Final Plat and subsequent Subdivision Plat to install such utilities as are required and to complete the streets as finally approved or in lieu of this to post a performance bond as set forth and provided in the "Requirements for Approval of Subdivision Plans in the Town of Cortlandville".

Signature [Handwritten Signature]

