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October 16, 2020

GML# 86.13-01-58.100
Town of Cortlandville
Bulk Variance, Conditional Permit,
Aquifer Protection District Special Permit
& Subdivision
Route 222 Cortlandville, LLC

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a bulk variance, conditional permit, aquifer protection district special 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 NYS Route 222 and the City of Cortland boundary.

GENERAL INFORMATION

Date Received: September 29, 2020

Applicant: Route 222 Cortlandville, LLC
1777 East Henrietta Rd.
Bldg A, Suite 100
Rochester, NY 14623

Status of Applicant: purchase agreement

Requested Action: bulk variance, conditional permit, aquifer protection district special permit & subdivision

Purpose: to subdivide a 22,546 sq. ft. lot from a 5 acre parcel and construct a 3,531 sq. ft. medical clinic with accessory parking for 29 vehicles

Location: south side of NYS Route 222 immediately east/adjacent to Burger King restaurant

Size: 22,546± sq. ft.

Existing Zoning: B-3 (Planned Commercial Business)

Existing Land Use: Valu Home Center (to the rear of this property)

Surrounding Zoning: B-3 (Planned Commercial Business) and B-2 (Highway

Commercial Business)

Surrounding Land Uses: N – NBT Bank & Hamilton Building Products
S – Valu Home Center
E – Coffeemia & vacant auto repair
W – Burger King

Existing Regulations: Code of the Town of Cortlandville

Chapter 140 Subdivision of Land
Chapter 178 Zoning
Article I – Title, Definition
Section 178.2 Definition and word usage
C. Specific terms
Parking Space
Section 178-2.2 Provisions applicable to B-1, B-2, B-3,
I-1 and I-2 Districts
A. Lot Coverage
(4)
Article VIIIA – Highway Commercial Business B-3 District
Section 178-36.9 Uses Subject to conditional permit
E. Health, medical and care services
(2) Clinics
Article X - Aquifer Protection District
Section 178-46. Special permits
B. Is a development other than residential of real
property exceeding \$150,000 in development cost
Article XIV Conditional Permit
Section 178-75. Structure/Use requirements for permit
approval
Section 178-76. Additional specific requirements
F. Health, medical and care services
Article XVI - Stormwater Management and Erosion and
Sediment Control
Section 178-90. Jurisdiction and applicability
C. Exemptions
(1)
Article XXI Zoning Board of Appeals
Section 178-132 Duties and Powers
B.
Section 178 Attachment 5 – Town on Cortlandville Business
District Bulk Regulations
3. Uses subject to conditional permit
f. Health, medical and care facilities
Article XXIII Design and Development Guidelines

ANALYSIS -

The applicant is requesting a bulk variance, conditional permit, aquifer protection district special permit and subdivision to subdivide a 22,546 sq. ft. lot from a 5 acre parcel and

construct a 3,531 sq. ft. medical clinic with accessory parking for 29 vehicles. The property is located on the south side of NYS Route 222 directly east/adjacent to Burger King restaurant, and is zoned B-3 (Planned Commercial Business).

The Coordinated Review Committee (CRC) reviewed this proposal and addressed the following issues. Medical clinics are permitted in the B-3 District subject to a conditional permit. An aquifer protection district special permit is also required as the development cost of the project would exceed \$150,000. The applicant is proposing to subdivide a 22,546 sq. ft. lot from a 5 acre parcel and construct a 3,531 sq. ft medical clinic with accessory parking for a total of 29 vehicles to the west, south and east of the proposed building. The proposed medical clinic will be an urgent care clinic and will have access to NYS Route 222 via a proposed easement from an existing driveway entrance to the Groton Ave. Shopping Plaza directly in front of Valu Home center to NYS Route 222. The proposed easement would provide access to this property through the Valu Home Center property with entrances to the lot at the northern and southern ends of the site. This project would not include any new driveway entrances to NYS Route 222. It is recommended however that proposed easement through the Valu Home Center property be written into the deeds of both properties to insure continued access to this site through the Valu Home Center property. The proposed building will be 3,531 sq. ft. in size and will be a single story building with a maximum height of 22 feet 8 inches. The applicant has provided a proposed design of building which includes signage on three sides of the building and awnings over all windows. It is recommended that the Town review the design of the proposed building for conformance with the Town's Design and Development Guidelines before positive consideration is given to this proposal. The applicant has not specified hours of operation for the proposed clinic. It is recommended that the applicant submit an updated narrative for the proposed project to the Town to include hours of operation for the proposed urgent care facility. The site plan indicates a total of 29 - 10 ft. by 20 ft. parking spaces on site including three handicap accessible spaces. The proposed parking space size meets the Town's requirement. There are however no established minimum parking space guidelines in the "Zoning Law of the Town of Cortlandville" rather; parking requirements are determined by the Town Planning Board on a case by case basis. However, there appears to be ample parking for the proposed use. It should be noted that the handicapped accessible spaces are located around the corner and to the west of the main entrance. It is recommended that the proposed handicapped spaces are moved closer to the main entrance of the clinic. The site plan also indicated an additional 10 parking spaces to the west of this proposed property and on the Burger King property. It is recommended that if these 10 parking spaces are intended to be used by the urgent care facility that an easement be written into the deeds of this property and the adjoining Burger King property to insure continued access to these parking spaces by the urgent care facility. It should be noted that all proposed driving lanes in the parking area are 24 ft. wide which should provide ample area for two way traffic and for vehicles to maneuver into and out of parking spaces. The site plan includes a dumpster enclosure located on the southeast corner of the site. The site plan indicates that the dimensions of the gates on the dumpster enclosure are 4 feet 3 inches for each door and if they were to swing open they could temporarily impede traffic flow into the southern entrance of the site. Also, the proposed enclosure is located directly to the east of a proposed parking space; it is unclear as to how a vehicle would back out of the parking space as the proposed entrance to the facility and the dumpster enclosure area are to the east and south of the space. It is recommended that the applicant move the dumpster enclosure farther east and add gates to the east side of the enclosure to allow for easier waste hauler

access and to prevent traffic flow issues due to the enclosure's proximity to proposed parking spaces and the southern entrance to the site.

The proposed site is currently 100% impervious surface and after the completion of this project will be reduced to 75% impervious. The 25% greenspace on site would meet the Town's 20% minimum greenspace requirement for lots of less than three acres. A stormwater pollution prevention plan would not be required to be developed, as there would not be an increase of more than 10,000 sq. ft. of impervious surface (building plus paved parking area) on the site from current conditions. However, during construction all standard Erosion and Sediment Control (ESC) practices such as silt fencing around downgradient areas and any topsoil stockpiles, a stabilized construction entrance and prompt landscaping/revegetation of any areas not planned for repaving should be employed to avoid loss of sediment from the site to either the sole source aquifer or local surface waters. It should also be noted that the site is somewhat flood prone and is immediately south of an area designated as a FEMA 100 year flood plain and the entire site is located in a FEMA designated 500 year floodplain. Although it is not a requirement to modify construction to address flooding issues, the applicant should consider the potential risk of flooding in the project design. The site plan indicates 2 two-way driveway access points to the site from the south side of the proposed lot via the plaza parking lot and driveway access directly from NYS Route 222 via an easement to the proposed subdivided lot. The traffic flow may be a concern as this plaza gets very busy during peak hours at the Burger King located next door. It is recommended that the applicant submits a site plan to the Town showing traffic flow from the surrounding plaza into the proposed site including details regarding vehicular movement into and out of the proposed site and how traffic would flow on the eastern and southern sides of the proposed site. It should also be noted that there are no proposed snow storage areas on the site plan. It is recommended that the applicant also submit proposed snow storage areas to the Town before positive consideration is given to this proposal.

The site plan indicates landscaping of a variety of trees and shrubs around the perimeter of the proposed building and parking areas. There is a small grass area with a few trees to the southwest of this site. It is recommended that this existing grass area and trees remain as this serves as a buffer to the adjacent businesses. The landscaping plan should be reviewed and approved by the Town before positive consideration is given this proposal.

There are a total of four signs included in this proposal. These include three building mounted signs and one freestanding sign. The proposed freestanding sign is larger than the maximum square footage allowed within a shopping center in the B-3 district (48 sq. ft. vs. the allowed 40 sq. ft.) and would be 4 ft. from the front lot line vs. the minimum required set back of 15 feet in the B-3 District. This proposed sign would be 6.5 ft. in height which is below the Town's maximum height allowance (8 ft.). Two building mounted signs are also permitted with a total area of two square feet per linear foot of building façade facing NYS Route 222. The applicant is proposing three building signs but has not provided the square footage of these signs. It is recommended that the applicant provide square footage figures for the proposed building mounted signs to the Town. Regardless of the total area of building mounted signage proposed on site, area variances for the freestanding sign size, number of signs and minimum sign setback requirements are required to be obtained. In order for these area variances to be granted the Town must weigh the benefit of exceeding the maximum sign size and number of signs and not meeting the minimum sign setback

requirements to the applicant vs. the health, safety and welfare of the community/neighborhood.

The site plan also indicates lighting around the perimeter of the parking area. This lighting should be directed in a downward manner and away from the surrounding properties so as to not adversely impact these properties.

It should be noted that a bulk variance is also required as the proposed site is .54 acres vs. the minimum lot area requirement of 1 acre for medical clinics in the B-3 District. In order for this bulk variance to be granted the Town must weight the benefit of the reduced lot area to the applicant vs. the health, safety, and welfare of the community/neighborhood.

The proposed facility would be connected to both public water and public sewer. These connections would require construction of a section of water main with easements for town access and maintenance and the installation of an RPZ backflow prevention device which would require approval by both the Town and the County Health Department.

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

RECOMMENDATION -

The staff recommends approval of this application for a bulk variance, conditional permit, aquifer protection district special permit and subdivision contingent upon the following:

1. That proposed easement through the Valu Home Center property be written into the deeds of both properties to insure continued access to this site through the Valu Home Center property.
2. That the Town reviews the design of the proposed building for conformance with the Town's Design and Development Guidelines.
3. That the applicant submits an updated narrative for the proposed project to the Town to include hours of operation for the proposed urgent care facility.
4. That the applicant considers moving the proposed handicapped spaces closer to the main entrance of the clinic.
5. That if the 10 parking spaces on the Burger King property to the west of this site are intended to be used by the urgent care facility that an easement be written into the deeds of this property and the adjoining Burger King property to insure continued access to these parking spaces by the urgent care facility.

6. That the applicant move the dumpster enclosure farther east and add gates to the east side of the enclosure to allow for easier waste hauler access and to prevent traffic flow issues due to the enclosure's proximity to proposed parking spaces and the southern entrance to the site.
7. That during construction the applicant follows all standard Erosion and Sediment Control (ESC) practices such as silt fencing around downgradient areas and any topsoil stockpiles, a stabilized construction entrance and prompt landscaping/revegetation of any areas not planned for repaving should be employed to avoid loss of sediment from the site to either the sole source aquifer or local surface waters.
8. That the applicant considers the potential risk of flooding in the project design as the site is located entirely within a FEMA designated 500 year flood plain and in close proximity to an FEMA designated 100 year flood plain.
9. That the applicant submits a revised site plan to the Town showing traffic flow from the surrounding plaza into the proposed site including details regarding vehicular movement into and out of the proposed site, how traffic would flow on the eastern and southern sides of the proposed site and proposed snow storage areas.
10. That the proposed landscaping plan be reviewed and approved by the Town.
11. That the existing grass area and trees remain to the southwest of this site, as this serves as a buffer to the adjacent businesses.
12. The Town weighing the benefit of exceeding the maximum sign size and number of signs and not meeting the minimum sign setback requirements to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before any bulk variances may be granted.
13. That all site lighting be directed in a downward manner and away from the surrounding properties so as to not adversely impact these properties.
14. The Town weighing the benefit of the reduced lot area to the applicant vs. health, safety, and welfare of the community/ neighborhood as is required before any bulk variance may be granted.
15. The applicant obtaining approval of the connections to the public water and public sewer including the construction of section water main with easements for Town access and the installation of an RPZ backflow prevention device from the County Health Department via application to the Town.
16. Compliance with SEQR requirements.

Prepared by:

Kevin J. Pagini
Planner

Reviewed/revised by:

Daniel S. Dineen
Director of Planning

RECEIVED OCT 26 2020

ON THE MOTION OF Ann Swisher
Paul Slowey

RESOLUTION NO. 20-25

GML# 86.13-01-58.100
Town of Cortlandville
Bulk Variance, Conditional
Permit & Aquifer Protection
District Special Permit &
Subdivision
Route 222 Cortlandville,
LLC

WHEREAS, on September 30, 2020 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M & N submitted an application for a Bulk Variance, Conditional Permit, Aquifer Protection District Special Permit and Subdivision because the property is located within 500 feet of NYS Route 222 and the City of Cortland boundary which has been received by the Cortland County Planning Department, AND

WHEREAS, the Cortland County Planning Department has reviewed this request and submitted a written report dated October 16, 2020, which is on file, AND

WHEREAS, the Cortland County Planning Board on October 21, 2020 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 petitioner, Department comments and all other relevant reports on file, NOW THEREFORE BE IT

RESOLVED, that the Board recommends approval of this application for a bulk variance, conditional permit, aquifer protection district special permit and subdivision contingent upon the following:

1. That proposed easement through the Valu Home Center property be written into the deeds of both properties to insure continued access to this site through the Valu Home Center property.
2. That the Town reviews the design of the proposed building for conformance with the Town's Design and Development Guidelines.
3. That the applicant submits an updated narrative for the proposed project to the Town to include hours of operation for the proposed urgent care facility.
4. That the applicant considers moving the proposed handicapped spaces closer

to the main entrance of the clinic.

5. That if the 10 parking spaces on the Burger King property to the west of this site are intended to be used by the urgent care facility that an easement be written into the deeds of this property and the adjoining Burger King property to insure continued access to these parking spaces by the urgent care facility.
6. That the applicant move the dumpster enclosure farther east and add gates to the east side of the enclosure to allow for easier waste hauler access and to prevent traffic flow issues due to the enclosure's proximity to proposed parking spaces and the southern entrance to the site.
7. That during construction the applicant follows all standard Erosion and Sediment Control (ESC) practices such as silt fencing around downgradient areas and any topsoil stockpiles, a stabilized construction entrance and prompt landscaping/revegetation of any areas not planned for repaving should be employed to avoid loss of sediment from the site to either the sole source aquifer or local surface waters.
8. That the applicant considers the potential risk of flooding in the project design as the site is located entirely within a FEMA designated 500 year flood plain and in close proximity to an FEMA designated 100 year flood plain.
9. That the applicant submits a revised site plan to the Town showing traffic flow from the surrounding plaza into the proposed site including details regarding vehicular movement into and out of the proposed site, how traffic would flow on the eastern and southern sides of the proposed site and proposed snow storage areas.
10. That the proposed landscaping plan be reviewed and approved by the Town.
11. That the existing grass area and trees remain to the southwest of this site, as this serves as a buffer to the adjacent businesses.
12. The Town weighing the benefit of exceeding the maximum sign size and number of signs and not meeting the minimum sign setback requirements to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before any bulk variances may be granted.

13. That all site lighting be directed in a downward manner and away from the surrounding properties so as to not adversely impact these properties.
14. The Town weighing the benefit of the reduced lot area to the applicant vs. health, safety, and welfare of the community/ neighborhood as is required before any bulk variance may be granted.
15. The applicant obtaining approval of the connections to the public water and public sewer including the construction of section water main with easements for Town access and the installation of an RPZ backflow prevention device from the County Health Department via application to the Town.
16. Compliance with SEQR requirements., AND

BE IT FURTHER RESOLVED, that the Board reminds the Town of the requirements of General Municipal Law Section 239 M & N that a supermajority vote is to be attained by the Town 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.

Wendy Miller, Secretary
Cortland County Planning Board
October 21, 2020

Ayes: 8

Nays: 0