

ON THE MOTION OF: Ann Swisher
Craig Umbehauer

RESOLUTION NO. 18-35

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

WHEREAS, on November 15, 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, area variance 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 Department has received this request and submitted a written report dated November 16, 2018, which is on file, AND

WHEREAS, the Cortland County Planning Board on November 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 applicant obtaining a curb cut permit from the NYS Department of Transportation for the proposed driveway access to US Route 11/NYS Route 41.
2. 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.

3. The applicant applying for and obtaining an area variance from the Town to provide less than the required commercial space in the proposed building than is required for multifamily mixed use buildings in the B-2 District.
4. The Town weighing the benefit of providing less than the required commercial space in the building to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before this area variance may be granted.
5. That the required second means of access be provided to the property such as an emergency access only from the Homer Ave. Shopping Plaza to provide a secondary emergency access to the property if needed.
6. The City weighing the benefit of allowing less than the minimum amount of required parking spaces to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before this area variance may be granted.
7. 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.
8. 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.
9. 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.
10. The proposed connection to the public water and sewer lines on US Route 11/NYS Route 41 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.
11. The applicant registering any proposed cooling tower for temperature control of the proposed facility with the NYS Department of Health.
12. 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
November 19, 2018**

Ayes: 7

Nays: 1 (Paul Dries)

November 16, 2018

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

Town of Cortlandville
Conditional Permit, Site Plan Review,
Area Variance & Subdivision
City of Cortland
Area Variance, 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: November 15, 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: conditional permit, site plan review, area variance &
subdivision – Town of Cortlandville
area variance, site plan review & subdivision– City of Cortland

Purpose: to subdivide a 14,859 +/- sq. ft. lot from a 32,237 +/- sq. ft. parcel in the Town of Cortlandville for the purpose of consolidating this 14,859 +/- sq. ft. lot with the adjoining 26,136 +/- sq. ft. parcel to create a 40,995 +/- sq. ft. parcel. The applicant is proposing to construct 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 this 40,995 +/- sq. ft. parcel. The applicant is also proposing to subdivide a 28,316 +/- sq. ft. lot from a 4.84 +/- acre parcel in the City of Cortland for use as the accessory parking area, which would accommodate 25 vehicles.

- Location:** west side of Homer Ave., at the Town of Cortlandville/City of Cortland boundary
- Size:** 1.59± acres (40,995 +/- sq. ft. – Town of Cortlandville and 28,316 +/- sq. ft. – City of Cortland)
- Existing Zoning:** B-2 (Highway Commercial Business) – Town of Cortlandville & GB (General Business) – City of Cortland
- Existing Land Use:** Vacant – Town of Cortlandville & Homer Ave. Shopping Plaza – City of Cortland
- Surrounding Zoning:** B-2 (Highway Commercial Business) & R-1 (Residential) – Town of Cortlandville
GB (General Business) & R-1 (Residential) – City of Cortland
- 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 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

Article XXI – Zoning Board of Appeals

~178 – 132. Duties and powers.

B.

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 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

ANALYSIS -

The applicant is requesting an area variance, site plan review, conditional permit and subdivision to subdivide a 14,859 +/- sq. ft. lot from a 32,237 +/- sq. ft. parcel in the Town of Cortlandville for the purpose of consolidating this 14,859 +/- sq. ft. lot with the adjoining 26,136 +/- sq. ft. parcel to create a 40,995 +/- sq. ft. parcel. The applicant is proposing to construct 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 this 40,995 +/- sq. ft. parcel. The applicant is also proposing to subdivide a 28,316 +/- sq. ft. lot from a 4.84 +/- acre parcel in the City of Cortland 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 B-2 (Highway Commercial Business) in the Town of Cortlandville and GB (General Business) in the City of Cortland.

This is the second time that an application for these properties has been before the County Planning Board for review. In September 2018, the Board reviewed this application with the proposed building located in the City of Cortland and the parking area in the Town of Cortlandville with driveway access from Carroll Street. The Board recommended 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.

The applicant has since discovered that the County of Cortland Agricultural Corp. has an easement over the Carroll Street portion of the property and therefore the applicant can no longer access this site via Carroll Street. The site plan was therefore redrawn to provide road access via US Route 11/NYS Route 41 which resulted in moving the proposed parking area to the City of Cortland portion of the proposal and the proposed building to the Town of Cortlandville portion.

Site plan review is 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. 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 also 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. The applicant is proposing to subdivide a 14,859 +/- sq. ft. lot from a 32,237 +/- sq. ft. parcel in the Town of Cortlandville for the purpose of consolidating this 14,859 +/- sq. ft. lot with the adjoining 26,136 +/- sq. ft. parcel to create a 40,995 +/- sq. ft. parcel. The applicant is proposing to construct 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 this 40,995 +/- sq. ft. parcel. Street access would be from US Route 11/NYS Route 41 via a new driveway accessing 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 City of Cortland. This parking area would be located on a 28,316 +/- sq. ft. lot subdivided from the 4.84 +/- acre Homer Ave. Shopping Plaza property. This new 28,316 +/- sq. ft. lot would have street access to US Route 11/NYS Route 41 via a proposed 26 ft. wide driveway through the adjoining lot in the Town of Cortlandville, which is the lot where the proposed building would be located. Since US Route 11 & NYS Route 41 is a State highway, the applicant would be required to obtain a curb cut permit from the NYS Department of Transportation. It is also 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 have three floors and a building footprint of 8,690 sq. ft. and 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.). Multifamily residential buildings in the B-2 District are only permitted as a mixed use building with commercial space. Multistory residential buildings in the B-2 District are required to have a minimum gross floor area of commercial uses equal to the story with the greatest floor area. The proposed building is therefore required to have a minimum of 8,690 sq. ft. of commercial space while this proposal only provides 1,667 sq. ft. of commercial space (offices, community room/playroom, storage, kitchen, etc.). The applicant would therefore be required to obtain an area variance from the Town. In order for an area variance to be granted, the Town must weigh the benefit of the providing less than the required commercial space in the building to the applicant vs. the health, safety and welfare of the community/neighborhood. The Town also requires two means of egress and ingress to multifamily dwellings with over four dwelling units. One may be for emergency use only. The site plan shows only one means of egress and ingress to the property. It is therefore recommended that a second means of access be provided to the property such as an emergency access only from the Homer Ave. Shopping Plaza to provide a secondary emergency access to the property if needed. 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 five parking spaces in addition to 50 spaces required for 25 dwelling units. The applicant is therefore required to apply for an area variance from the City in order to provide 25 parking spaces instead of the required 55. 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 building would be located in the Town of Cortlandville, the parking is provided in the City of Cortland as ancillary parking and therefore the number of parking spaces provided falls under the purview of the City of Cortland (The Town of Cortlandville has no set number of parking spaces for multifamily dwellings in a Business District, rather the requirement is determined by the Town Planning Board on a case by case basis). The proposed parking space size (10 ft. by 20 ft.) meets the City's and 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.

The proposed building would be set back 146 ft. from the front lot line, 38.5 ft. from the rear lot line and 24.25 ft. from the side lot line. The Town of Cortlandville has no set setback requirements for multifamily dwellings in a Business District; rather the requirement is determined by the Town Planning Board on a case by case basis. The proposed setbacks however appear ample for the proposed use.

The landscaping plan for the site shows a variety of trees and shrubs along the perimeter of the proposed building and site, 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. The applicant has also submitted a lighting plan for the parking area and driveway indicating 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 sidewalks from US Route 11/NYS Route 41 and the adjoining parking lot. There are also sidewalks proposed from the building and parking area to the playground area located on the western side of the property.

The site plan also indicates a dumpster enclosure and storage shed towards the southwestern corner of the property adjacent to the proposed parking area. This dumpster area would be enclosed and would also include shrubbery along the southern property line 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. The site plan shows four stormwater basins around the perimeter of the site and in front of the proposed building. Stormwater from the proposed parking area would be directed to these basins. There would also be a stormwater storage/pre-treatment area under the proposed parking lot.

The applicant is proposing to connect to the existing Town of Cortlandville public water supply and sewer lines along US Route 11/NYS Route 41. 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 SEQRA. 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 applicant obtaining a curb cut permit from the NYS Department of Transportation for the proposed driveway access to US Route 11/NYS Route 41.
2. 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.
3. The applicant applying for and obtaining an area variance from the Town to provide less than the required commercial space in the proposed building than is required for multifamily mixed use buildings in the B-2 District.
4. The Town weighing the benefit of providing less than the required commercial space in the building to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before this area variance may be granted.
5. That the required second means of access be provided to the property such as an emergency access only from the Homer Ave. Shopping Plaza to provide a secondary emergency access to the property if needed.
6. The City weighing the benefit of allowing less than the minimum amount of required parking spaces to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before this area variance may be granted.
7. 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.
8. 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.
9. 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.
10. The proposed connection to the public water and sewer lines on US Route 11/NYS Route 41 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.

11. The applicant registering any proposed cooling tower for temperature control of the proposed facility with the NYS Department of Health.

12. Compliance with SEQR requirements.

Prepared by:

Daniel S. Dineen
Director of Planning