



CITY OF WATERTOWN, NEW YORK

CITY PLANNING BOARD

ROOM 304, WATERTOWN CITY HALL
245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601-3380
(315) 785-7740

MEETING: September 1, 2020

PRESENT:

Michelle Capone, Acting Chair
T.J. Babcock
Linda Fields
Kerry Johnson
Neil Katzman

ALSO:

Michael A. Lumbis, Planning and Community
Development Director
Jennifer Voss, Senior Planner
Michael DeMarco, Planner
Geoffrey Urda, Planner
Michael Delaney, City Engineer
Leta Harp, Secretary

ABSENT:

Larry Coburn, Planning Board Chair

Acting Planning Board Chair, Michelle Capone, called the September 1, 2020 Planning Board meeting to order at 3:00 p.m.

Ms. Fields then asked for a motion regarding the Minutes from the August 4, 2020 Planning Board Meeting. Mr. Katzman seconded the motion and all voted in favor.

SUBDIVISION FINAL PLAT APPROVAL VL-ROUNDHOUSE DRIVE, PARCEL NUMBER 9-43-101.210

The Planning Board then considered a request submitted by Howard P. Lyndaker III, PLS, on behalf of the Watertown Local Development Corporation, for a two-lot subdivision of **VL-Roundhouse Drive**, Parcel Number 9-43-101.210.

Mr. Lyndaker, as well as Donald Rutherford, Chief Executive Officer of the Watertown Local Development Corporation (WLDC) attended to represent the application.

Mr. Rutherford began by saying that he had appeared before the Planning Board a few months earlier for a different subdivision associated with the rail spur into the City Center Industrial Park. He explained that at that time, they were looking to move the rail spur and have the Planning Board approve a necessary land conveyance.

Mr. Rutherford then said that since that time, Renzi Foodservice, Inc. has informed the WLDC that they wished to expand in the next year or two and needed additional land. Mr. Rutherford explained that the WLDC had exercised an option on some land in the Industrial Park and those were the parcels he was here to discuss today, as they were not included in the previous request. Mr. Rutherford said that moving the rail spur would enable Renzi to use additional land.

Mr. Rutherford then said that Renzi ran into difficulties closing because their bank needed to know what Renzi was adding to their mortgage. He explained that prior to closing, the entire property to be conveyed to Renzi would need to be surveyed and subdivided, a process for which Mr. Lyndaker had prepared the documentation. Mr. Rutherford concluded by saying that Renzi hoped the property under discussion would become their headquarters and admin offices.

Ms. Capone then said that Staff had indicated to her that the applicant had satisfied the first summary item in Staff's memorandum to the Planning Board, which required the applicant to address all issues identified in the "Required Drawing Edits" section of the memo, as well as the second summary item, which required the applicant to correct his answer to Question 2 on the State Environmental Quality Review (SEQR) Short Environmental Assessment Form (EAF).

Ms. Capone then said that the third summary item, which required the applicant to assemble the subdivided parcel of land with 800 Rear Massey Street, Parcel Number 9-26-102.001, by way of new metes and bounds description filed with the County Clerk, would need to remain.

Ms. Capone then noted that it was almost time for the required Public Hearing. After waiting for a few moments, Ms. Capone called the public hearing to order at 3:05 p.m., read the legal notice that had been published in the *Watertown Daily Times* and asked for public comment on the request. Hearing no comments, Ms. Capone closed the public hearing at 3:06 p.m.

The Planning Board then considered each question on Part 2 of the Short EAF one-by-one, answering no to all of them. Ms. Fields then made a motion to issue a Negative Declaration for the proposed subdivision pursuant to the requirements of SEQRA. Mr. Katzman seconded the motion and all voted in favor.

Ms. Capone then asked if there was any further discussion on the matter. Hearing none, Mr. Babcock then moved to approve the request submitted by Howard P. Lyndaker III, PLS, of GYMO, DPC on behalf of the Watertown Local Development Corporation, for a two-lot subdivision of VL-Roundhouse Drive, Parcel Number 9-43-101.210, contingent upon the following:

1. The applicant must assemble the subdivided parcel of land with 800 Rear Massey Street, Parcel Number 9-26-102.001, by way of new metes and bounds description filed with the County Clerk.

Ms. Fields seconded the motion and all voted in favor.

**WAIVER OF SITE PLAN APPROVAL
1015 ARSENAL STREET, PARCEL NUMBER 9-12-113.000**

The Planning Board then considered a request for a Waiver of Site Plan Approval submitted by John M. Bellanger for the construction of a 2,475 square-foot gravel parking area at 1015 Arsenal Street, Parcel Number 9-12-113.000.

Mr. Bellanger attended to represent the request.

Mr. Bellanger said that he proposed to install a 2,475 square-foot gravel parking lot at the subject property that would contain eight parking spaces. He said that the gravel parking would run parallel to the adjacent driveway/parking at Valvoline Instant Oil. He then said that he planned to use the property for temporary/seasonal retail uses such as Christmas trees, produce, crafts etc. He said that these endeavors would provide him with some extra income to help pay the property taxes until he could undertake a more significant project on the site.

Ms. Capone then asked about the first summary item in Staff's memorandum, which required the applicant to provide signage for at least one ADA-accessible parking space. Mr. Bellanger replied that that was not a problem.

Ms. Capone then asked about the second through fourth summary items, which required the applicant to provide Staff with information about erosion and sediment controls, soil excavation and re-grading, as well as to obtain a Zoning Compliance Certificate. Mr. Bellanger replied that he had no problems with supplying any of the above.

Ms. Fields then asked if this would provide additional space for Marzano Real Estate. Mr. Bellanger replied that the subject property was not adjacent to Marzano Real Estate; rather it was next to Valvoline Oil Change. Ms. Fields then asked about the neighbors behind the property. Mr. Bellanger replied that he owned 468 feet deep and this construction would only affect the front of his property, probably 90 feet deep.

Mr. Johnson asked if access to and from Arsenal Street would remain a shared driveway with 1019 Arsenal Street. Mr. Bellanger replied in the affirmative. Mr. Johnson asked what would happen if neighboring property was sold. Mr. Bellanger replied that the two properties had shared that driveway for 60 years.

Mr. Katzman then asked if this proposal would create any traffic problems on Arsenal Street. Mr. Bellanger replied that Arsenal St is busy like we all know, and that the layout on his property would be like a U-shape, and it would not be highly trafficked.

Mr. Katzman said that the site would require an ADA-accessible parking space, which would need to be paved instead of remaining gravel. Ms. Capone then asked City Engineer, Mike Delaney, to respond. Mr. Delaney said that if it were a gravel lot, he would recommend paving a small portion to meet ADA requirements for an accessible space.

Discussion ensued regarding whether the site required an ADA-accessible parking space or not, as the applicant proposed non-permanent vendors and no building. Mr. Urda recommended re-wording the summary item to read, "The applicant must meet all requirements of the Americans with Disabilities Act (ADA), and shall adhere to all applicable Federal and New York State ADA standards, including the provision of any required ADA accessible parking spaces." Mr. Urda said that would be binding and would protect the City in any eventuality. Mr. Delaney agreed.

Ms. Fields then asked if Mr. Bellanger planned to provide in and out signs. Mr. Bellanger replied in the affirmative. Mr. Katzman then asked how many vendors would be onsite. Mr. Bellanger replied only one.

Ms. Fields then moved to waive the requirements of Site Plan Approval for the request submitted by John M. Bellanger for the construction of a 2,475 square-foot gravel parking area at 1015 Arsenal Street, Parcel Number 9-12-113.000, contingent upon the following:

1. The applicant must meet all requirements of the Americans with Disabilities Act (ADA), and shall adhere to all applicable Federal and New York State ADA standards, including the provision of any required ADA accessible parking spaces.
2. The applicant shall provide a sketch detailing erosion and sediment controls that must be installed prior to and for the duration of construction.
3. The applicant shall provide a schedule detailing the removal and placement of excavated soil as well as the re-grading/seeding of the site.

Mr. Babcock seconded the motion and all voted in Favor

**SITE PLAN APPROVAL – 1348, 1352 and 1356 WASHINGTON STREET
PARCEL NUMBERS 14-21-106.000, 14-21-107.000, and 14-21-108.000**

The Planning Board then considered a tabled request submitted by Michael Altieri, P.E. of BCA Architects & Engineers on behalf of Sundus and Sarah, LLC to construct an 11,532 SF mixed-use building, a 29-space parking lot and associated site improvements at 1348, 1352 and 1356 Washington Street, Parcel Numbers 14-21-106.000, 14-21-107.000, and 14-21-108.000.

Mr. Altieri and Dr. Sarah Latif attended to represent the project.

Ms. Capone noted that the Planning Board tabled this request at its last meeting due to the potential for the site plan to change significantly because of one of the summary items in Staff's July 30, 2020 memorandum to the Planning Board. Specifically, Summary Item No. 2, which required the applicant to widen the southern drive aisle to 24 feet in width as well as remove the compact car parking spaces and replace them with standard spaces.

Ms. Fields moved to remove the application from the table. Mr. Katzman seconded the motion and all voted in favor.

Mr. Altieri began with telling the Planning Board that his team had made substantial changes to the site plans since the last meeting. He then said they listened to the Planning Board's concerns as well as the concerns from neighbors, and said he would start by summarizing those changes.

Mr. Altieri then said that the first major change was to the site layout. He said that they considered the feedback from Staff and the Planning Board about urban design principles as well as inconsistency with the Comprehensive Plan. He continued that they had accordingly revised the site layout to move the building closer to Washington Street, preserving the uniform building face plane on the block and adhering to the Comprehensive Plan's vision for parking to be in the rear in that part of the City.

Mr. Altieri then said the next change related to parking and vehicle circulation. He explained that now that the parking lot was in the rear, they were able to connect to the neighboring property, which his clients also owned, to create a common plan of development and give the feel of a singular campus. He said that a significant improvement over the previous design would be the ability for vehicles to exit the site via Brook Drive and have the protection of a traffic signal when turning on to Washington Street. He added that pedestrian circulation was improved as well, with a wide alleyway/sidewalk between the two properties connecting the main sidewalk to the parking lot.

Mr. Altieri then said that the third big change was relocating the stormwater retention system to the back of the property, a change that he then pointed out on the drawing for the Planning Board members. He then said that they increased the capacity of the stormwater retention tank since the impervious surface had increased with the new parking layout. He elaborated that impervious surface area had increased by 7 percent, but they had increased the storage volume of the retention tank by 16 percent. Mr. Altieri then asked if there were any questions thus far.

Hearing none, Mr. Altieri then moved on to address the summary items in Staff's memorandum to the Planning Board. He said that they had satisfied many of the summary items in Staff's original July 30, 2020 memorandum, which Staff noted in the August 27, 2020 memorandum that reported on the resubmission. Specifically, Staff's new memorandum reported that summary items 2, 5, 8, 10, 11, 12 and 15 were satisfied and the Planning Board could eliminate them. He said he would address the remaining summary items one-by-one.

Mr. Altieri then addressed the first summary item, which required the applicant to clarify the envisioned future use for the second floor and the potential effects on future parking calculations. Mr. Altieri said that he wanted to reiterate that the building had not changed in size or scope other than an added entrance in the front. He then said that his clients would use the second floor for storage only.

Ms. Fields then expressed concern that even though they envisioned the second floor for storage now, that they might use it for something else in the future. Mr. Urda then called Ms. Fields' attention to the applicant's written response to this summary item in his cover letter. Ms. Fields replied that she was aware of what Mr. Altieri wrote in his cover letter. The Planning Board then agreed to remove this summary item.

Mr. Altieri then addressed to the third summary item, which required the applicant to confirm the intent of the shared driveway to remain at the southeast corner of the site and the benefit of the proposed easement to the neighboring property owner. Mr. Altieri said that the proposed seven-foot landscaped buffer was wider than the required five-foot minimum width, and that his understanding was that the neighboring property owner preferred an extra two feet of driveway with rather than the wider landscaped area.

Mr. Urda stated that George Ashcraft, the neighboring property owner at 1358 Washington Street, was in attendance. Mr. Urda then read a section of Staff's memorandum aloud, which stated,

“The recording of the May 5, 2020 Planning Board meeting confirms that original request was to maintain the entire shared driveway. While this is likely not possible, the applicant could reduce the width of the landscaped buffer from seven feet to five feet, thus preserving an extra two feet of driveway, and expand the scope of the easement to include two feet north of the property line a distance of 70 feet west from Washington Street. This would allow the neighboring property owner to retain the benefit of as much of the existing shared driveway as is feasible.”

Mr. Ashcraft then confirmed that was accurate, and said that when he purchased his property, it was a shared driveway with 1356 Washington Street, and when his neighbors parked in the driveway, he only had 10 feet to maneuver in. He then said he was happy with Mr. Altieri’s solution, as he would now have 12 feet to himself on his side of the fence.

Mr. Johnson then asked for confirmation that the current driveway width was 20 feet. Mr. Ashcraft replied in the affirmative, but then added that if he was getting a couple extra feet on his side, that was great, and if the site plan was what he envisioned it to be, he did not have a problem with it.

Ms. Fields then advised Mr. Ashcraft to keep in mind the resale value of his house. Mr. Ashcraft replied that he believed he would remain in his house for the rest of his life.

Ms. Capone then asked Mr. Lumbis if he wished to comment. Mr. Lumbis then said that Staff researched the deeds of the two properties and there was nothing in either deed that required shared access for the driveway. He explained that often times, it is written into the deeds, but not in this case. Mr. Lumbis then said that technically, the applicant could cut the driveway off at the property line, but instead they were trying to accommodate the neighbor by providing additional space. He then added that Staff’s primary concern with the summary item was that the applicant formally records all of that additional space in the proposed easement.

Mr. Katzman then said that he thought that Mr. Ashcraft might have a claim to adverse possession based on years of use. Mr. Katzman then asked Mr. Ashcraft if there were any financial gains that he was getting in exchange for going along with the project. Mr. Ashcraft replied that if he was getting an extra two feet of driveway, he was glad to take the two feet.

Ms. Fields once again expressed concern for Mr. Ashcraft’s property value, and said that she thought this had the potential to lower the resale price.

Mr. Altieri then addressed the fourth summary item, which required the Planning Board to determine whether the proposed lawn area and stockade fence adequately buffer the southern property line. Mr. Altieri added that this was directly related to the previous summary item, and that the five-foot buffer was sufficient. Ms. Capone then said that the Planning Board could remove this summary item.

Mr. Altieri then addressed the sixth summary item, which required the applicant to have all utility and lighting easements in place prior to the issuance of any permits. He then said that they proposed to remove light fixtures illuminating the North Country Neurology area, and replace them with padded fixtures that would illuminate both properties, and explained that they did not like having light on the middle of the driveway. Mr. Altieri then said that with the new

shared sidewalks, they would add way-finding lighting to the path, which would not be photometrically significant. He said that they would add proper lighting easements to both deeds.

Mr. Altieri then addressed the seventh summary item, which required the applicant to comply with all requirements of Section 301-18 of the City Code. Mr. Altieri explained that this summary item was in reference to separate water and fire service. He then stated the code did not apply to the proposed building because the building would not need a sprinkler system, which he said his architect could supply in writing.

Mr. Altieri then stated that per Chapter 3 of the New York State Building Code, the Code would classify the first floor as “Group B, Business” and the second floor as “Group S-1 – Moderate Hazard.” Mr. Altieri then read aloud from Chapter 9, Section 903.2 of New York State Building Code, which governs automatic sprinkler systems, and states,

“Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12.”

He said that Section 903.2 did not require automatic sprinklers for Group B. Then regarding Group S-1, he read aloud,

“An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

A Group S-1 fire area exceeds 12,000 square feet (1115 m²).

A Group S-1 fire area is located more than three stories above grade plane.

The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet (464 m²).

A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).”

He then stated that the second floor did not meet any of the thresholds for requiring a sprinkler system. Mr. Delaney then said that Staff had reviewed that, and he agreed based on the cited Code that Mr. Altieri’s assertion was accurate and said the Planning Board could remove the summary item.

Mr. Altieri then addressed the ninth summary item, which required the applicant to discuss the design thought process/rationale and assure the Planning Board that the underground storage will adequately retain drainage and remove stormwater from the site without compromising the ability of the City’s storm sewer to perform its function and without affecting adjacent properties.

Mr. Altieri had discussed this in detail at the August 4, 2020 Planning Board meeting. As such, Staff's August 27, 2020 memorandum read,

The applicant proven to Staff's satisfaction that the underground storage system will accommodate the runoff the site will generate. However, the Planning Board must decide if it has any further questions prior to eliminating this summary item."

Mr. Altieri then said that the revised proposal would not affect stormwater flow, as the increased storage capacity of the underground retention tank would accommodate it.

Ms. Capone asked if anyone had questions.

Mr. Delaney then said that he agreed that the new layout had better drainage functionality. He explained that although there was increase in impervious area from the previous site design, they applicant was increasing the retention volume by 16 percent, so the new layout of the building is actually much better in terms of reducing drainage to adjacent properties to the rear. He said that the adjacent properties with frontage on Sherman Street were physically in a low point, but as he mentioned before, the development would, with stormwater management practices, decrease flooding in the area. He added that there was no way to prevent flooding entirely, but the development would not increase the flooding potential.

Ms. Fields asks if this was the same underground system being used on Gaffney Drive. Mr. Delaney replied that he would need to review the one on Gaffney, but the proposed development would decrease the flooding in the area. He then discussed the need to utilize available square footage. He explained that you lose parking if you keep the stormwater retention above ground. He reiterated that this would not resolve all the existing drainage issues, but it also would not exacerbate the conditions.

Paula Trainham, a neighbor living at 1355 Sherman Street, then said she spoke with two other neighbors, although she was the only one that could attend the meeting. She said that they still had concerns about water and drainage issues and asked what would happen if drainage problems occurred. Mr. Altieri replied that they were trying to solve issues localized to a small area. He said that he wished they could solve all the issues, but they could not.

Ms. Trainham then said that she knew that in the back yard of the Marra house (referring to her next-door neighbors at 1351 Sherman Street); they took 40 bags of water and leaves out of their property. She said that she was still concerned about water and asked what their recourse was. She then said that she also had concerns about property values.

Mr. Altieri replied that he could not speak to property values, but his team did hear the neighbors' drainage concerns and increased the stormwater retention capacity. Ms. Trainham asked if she could have a copy of the site plan drawing. Mr. Urda said that it was publically available online. Ms. Fields then handed Ms. Trainham her copy of the drawing.

Mr. Johnson then asked Mr. Altieri if he could assure the Planning Board that the project would not have water problems. Mr. Altieri replied that the proposed development would reduce flows coming off his clients' property. He said that they could not stop stormwater, but they would be catching it, holding it and directing it to the City sewer.

Mr. Delaney then said that the proposed development would not direct additional water to adjacent properties, and that depending on elevation and the severity of the rain event, the development would probably decrease flows onto adjacent properties.

Ms. Capone then said that the Planning Board's objective was to review site plans. She said that Staff had done that and this summary item could go away. She added that she thought the applicant had exceeded expectations regarding this summary item and the Planning Board should remove it.

Mr. Altieri then said that summary items 13 through 16 all identified requirements that his team needed to fulfill prior to permitting and that he had no problems with any of them. Ms. Capone then went through them one-by-one. She stated that Summary Item 13 required a photometric shielding plan and that Summary Item 14 required asbestos abatement plans. She said that Summary item 15 required the applicant to relocate or the proposed refuse storage area, which they had done (they had removed it from the plan). She then said that Summary Item 16 required the applicant to combine the three subject parcels by way of a new metes and bounds description that is filed with the County Clerk and Summary Item 17 identified all the permits the applicant would need to obtain.

Ms. Capone then stated that the Planning Board would keep Summary Items 3, 6, 13, 14, 16 and 17, with Summary Item 3 reworded to reflect the full area for which the proposed easement would grant Mr. Ashcraft benefit. Ms. Capone then asked if there were any questions.

Mr. Katzman then asked, now that the applicant proposed connecting the parking lots, if the City Fire Department had been notified, and if their trucks could enter the new lot. Mr. Altieri replied that from his view, a City Fire truck should be able to address any fire or fire-related issues from the street.

Mr. Urda then said that Code Enforcement reviews site plans on behalf of the fire department, and that they had not notified him of any fire-related issues. Mr. Delaney said that the new site design with the building in the front would make it easier to fight any potential fires.

Ms. Fields then said she would not be supporting this. She said that despite the fact of (consistency with) the Comprehensive Plan, her concerns were for neighbors on Washington and Sherman Streets. She said she had concerns about the proposed retail use, and wanted to know what kind of retail it would be. She said she also had concerns about the second floor and the potential for expansion. She then said that for those reasons and others, she would not support this project.

Mr. Babcock then moved to recommend that City Council approve the request for Site Plan Approval submitted by Michael Altieri, P.E. of BCA Architects & Engineers on behalf of Sundus and Sarah, LLC to construct an 11,532 SF mixed-use building, a 29-space parking lot and associated site improvements at 1348, 1352 and 1356 Washington Street, Parcel Numbers 14-21-106.000, 14-21-107.000, and 14-21-108.000, as shown on the site plans submitted to the City on August 21, 2020, contingent upon the following:

1. The applicant must expand the scope of the proposed easement with the neighboring property owner at 1358 Washington Street to include two feet north of the property line a

distance of 70 feet west from Washington Street and preserve the described area as driveway for the benefit of the neighboring property owner.

2. The applicant must have all utility and lighting easements in place prior to the issuance of any permits.
3. The applicant must submit a photometric shielding plan for the entire site prior to the issuance of any permits.
4. The applicant must fulfill all requirements related to asbestos surveying and abatement prior to the issuance of a Demolition Permit for the existing structures at 1352 and 1356 Washington Street.
5. The applicant must combine the three subject parcels by way of a new metes and bounds description that is filed with the County Clerk.
6. The applicant must obtain the following permits, minimally, prior to demolition and construction: Demolition Permit, Building Permit, General City Permit, Sanitary Sewer Connection Permit, Water Supply Permit and a Zoning Compliance Certificate.

Ms. Capone seconded the motion and said that she would conduct a roll call vote. The Planning Board then defeated the motion 3-2, with Ms. Fields, Mr. Johnson and Mr. Katzman voting no, and Ms. Capone and Mr. Babcock voting yes. (*Editor's note: While the Planning Board is a seven-member board, one member was absent and the board had one vacancy at the time of this meeting.*)

Mr. Lumbis then said that Staff would forward the Planning Board's recommendation to City Council for its September 21, 2020 meeting, at which City Council would have the final decision.

Mr. Delaney then asked the Planning Board, as the City's Engineer, if there was any additional information or research he could provide to give them a better perspective on the scope of the site plan presented here today. He stated he had no personal investment or stake in the project, and he simply wanted to make sure that he did his job satisfactorily to the board, and that he included any information that they needed to make their final decision.

Ms. Capone then said that the applicant went above and beyond for her. She said the proposed site plan was consistent with other uses in that area, particularly the neighboring parcel (North Country Neurology). She said that if the proposal would have been a two-story house, she did not know what the difference was.

Ms. Fields then said that on behalf of my vote, everything was in place for the site plan, but she felt that the neighbors had not had ample opportunity to express to the architect and engineer what was going on. She then said she felt certain things were not taken into account for the neighborhood, such as property values, satisfaction of neighbors, and a lack of certainty over what type of retail use would go in.

Mr. Delaney said he just wanted to be sure from a technically objective standpoint that he provided all the information for the Planning Board to make an accurate decision.

Mr. Lumbis said that prior to adjournment; he would like to introduce Leta Harp, the new secretary to the Planning and Engineering Departments. He said that she would be attending Planning Board meetings and taking minutes moving into the future.

Ms. Fields then moved to adjourn the meeting. Mr. Johnson seconded the motion and all voted in favor. The meeting was adjourned at 3:51 p.m.