



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: October 6, 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
Geoffrey Urda, Planner
Michael Delaney, City Engineer
Leta Harp, Secretary

ABSENT:

Larry Coburn, Planning Board Chair

Acting Planning Board Chair, Michelle Capone, called the October 6, 2020
Planning Board meeting to order at 3:00 p.m.

Ms. Capone then asked for a motion regarding the Minutes from the September 1,
2020 Planning Board Meeting. Ms. Fields made a motion to approve the minutes as written. Mr.
Babcock seconded the motion and all voted in favor.

SPECIAL USE PERMIT – 1170 WATER STREET, PARCEL NUMBER 4-27-202.101

The Planning Board then considered a request for a Special Use Permit, submitted
by David E. Reed, President of WER Yellow Cab of Watertown, Inc., to allow an automobile
sales lot in a Neighborhood Business District at 1170 Water Street, Parcel Number 4-27-202.101.

Mr. Reed was present to represent the Permit request. Board member Neil
Katzman commented that Mr. Reed was a customer of his business for purpose of disclosure on
the record.

Mr. Urda advised Mr. Katzman that he did not have to vote.

Mr. Reed opened his request by asking permission to allow a used car dealership
at his 1170 Water Street, property, moving his Yellow Cab storage lot to 597 Eastern Boulevard,
which he also owns.

Ms. Capone advised Mr. Reed that he would still be required to submit a site
drawing that included all applicable information such as:

- Existing and proposed building locations, including all property line setbacks
- Vehicular and pedestrian circulation, parking and loading spaces
- Landscaping plans, including site grading (if applicable)

Mr. Urda stated that the applicant had provided an updated drawing of the site. Mr. Urda then passed around copies to each of the members.

Ms. Fields asked the applicant if there were previous auto sales at that location and Mr. Reed responded that yes, there had been two other car dealers previously, one was *Palomino Motors*. Mr. Katzman commented that Councilwoman Sarah Compo's grandfather previously owned a car sales lot there.

Ms. Capone asked if the applicant had provided sufficient information regarding vehicular access control, and internal vehicular circulation or if additional information was still needed to make a recommendation to City Council. Ms. Capone then asked Mr. Urda if the applicant's information was sufficient, or did Staff still need more detailed information.

Mr. Urda replied that it was at the discretion of the Planning Board members to decide if the drawing and information the applicant had presented were adequate for the board to understand the ingress and egress of customers. He then continued, that it appeared from the drawing, that the cars for sale bisected the property making no through way from Water St. to Eastern Boulevard, and vice versa. He asked Mr. Reed if the ingress/egress was only from the Eastern Boulevard side. Mr. Reed answered in the affirmative.

Ms. Capone then said the Planning Board should consider if it was appropriate to limit the number of vehicles for sale that the applicant could display on site at any given time. She addressed Mr. Reed and asked how many vehicles the site would allow him to display. Mr. Reed responded that the site accommodated ten vehicles to his knowledge.

Ms. Fields asked the applicant how many vehicles did he intend to display. Mr. Reed responded that his initial intent was to start with five vehicles, and get permission to have a maximum of ten.

Ms. Capone then said the applicant would have to obtain a Zoning Compliance Certificate from the City Planning and Community Development Department.

Mr. Urda told Mr. Reed he would have to fill out the Zoning Compliance form, and return it to the Planning Department, as well as display the Proposed Zoning Action Notice on his property for two weeks before returning it with an affidavit that he complied with the display.

Ms. Capone then asked if the Board was satisfied with all the information that had been provided by the applicant.

Mr. Katzman asked if there would be any nighttime lighting on the used car lot. Mr. Reed responded that he had video camera security, and street lighting. Mr. Katzman then

asked if the applicant was going to put up major car dealership lighting on the lot. Mr. Reed responded in the negative. Mr. Katzman was satisfied with his answer.

Ms. Capone asked if a State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) was required. Mr. Urda replied in the affirmative, and said that the City Council would be the lead agency pursuant to SEQR.

Ms. Capone asked for a motion and a neighborhood resident asked for the floor.

Gene L. Mooney residing at 585 Eastern Boulevard, Watertown, addressed the board. (**notation that notification letters were mailed to seven neighbors within 100 feet of the subject property, and Mr. Mooney was the only neighbor that attended the meeting)

Mr. Mooney stated that he lived next door to the Yellow Cab location, and had many discussions with Mr. Reed regarding excessive water run-off from the Yellow Cab property into his driveway creating extra work and maintenance for himself.¹

Mr. Mooney stated he had been living at this residence for 45 years and previously there was a gas station at this location before Route 3 was realigned. When the gas station closed and the gas pumps/tanks were removed, grass was added where there was pavement before, which was an improvement because it created natural drainage. He continued that when the Yellow Cab started business there, they removed the grass and put asphalt down, creating excessive runoff into his driveway. Mr. Mooney asked the Board if Mr. Reed is responsible for improvements to the location that would alleviate the runoff into his driveway that was creating a wet, muddy mess. Mr. Mooney requested that the City of Watertown or the applicant fix the problem.

Ms. Capone stated that the Board was not meeting for the property owner to make improvements, or correct drainage issues, but for a Special Use Permit for a used car dealership.

Mr. Lumbis replied that they were only discussing the Special Use Permit, but some of the criteria on the application stated that the site needed to remain in harmony with the neighborhood. Ms. Capone stated that past use was for car sales so it would not change the harmony of the neighborhood. Mr. Lumbis then said the board could consider layout of the site, adequate parking, and adequate noise and sight buffering, adding drainage could also be a consideration.

Ms. Capone then asked if all those factors were added, wouldn't that then be considered a site plan.

Mr. Lumbis answered that possibly some conditions could be added, but that he had no previous knowledge of the water runoff issue, and without having all the information it would be difficult to advise. Mr. Lumbis then said from the drawing, there appeared to be green space and a tree line between the paved portion of the lot and the south neighboring property. Theoretically, any run off from the 1170 Water Street property would stop as it went thru that

¹ **Editors Note:** Mr. Mooney's property is adjacent to the Yellow Cab property at 597 Eastern Blvd, which is across the street from the subject property.

green space, and the majority of the runoff that Mr. Mooney was experiencing was coming from the road and that could be more of a City issue.

Ms. Capone asked if the Permit application should be tabled until Staff had more time to review it. Mr. Urda said that the Staff report mentioned that much of the road was uncurbed except a small triangular island on the corner of Water Street and Eastern Boulevard. The City's Code Enforcement Department had taken photos two weeks ago, on a rainy day. Mr. Urda offered the photos to Mr. Mooney who replied he had his own photos of the water run-off.

Mr. Urda then said the decision is ultimately up to the Planning Board whether to recommend that City Council approve the application or to table it. Mr. Urda then reiterated the Mr. Lumbis's comments that the water issue could very well be from the street and not the applicant's property. He said that the Planning Board is empowered to impose reasonable conditions on a Special Use Permit. Mr. Urda then asked the City's Engineer, Mr. Delaney if the cost of curbing would exceed what a reasonable condition would be.

Mr. Delaney responded in the affirmative, and added that no impervious area was being added in this Special Use Permit and agreed with Mr. Lumbis that the water issues were most likely in the roadway which was also evidential from the photos.

Ms. Fields then asked Mr. Delaney how the addition of vehicles on the property would change the water issue Mr. Mooney is having.

Mr. Delaney said that both the vehicles and the asphalt are impervious and it would not affect the current water drainage or flow rate of runoff. Adding vehicles would have zero influence on the current state of the drainage on the site.

Mr. Mooney stated that this was his opportunity to bring to the attention of the Board and the City the water issue he has been facing.

Mr. Katzman asked Mr. Reed if there was gravel or black top at the location. Mr. Reed replied that he has blacktop where the vehicles would be for display and for sale.

Hearing no further discussion, Ms. Fields then made a motion to recommend that City Council approve the Special Use Permit request submitted by David E. Reed, President of WER Yellow Cab of Watertown, Inc., to allow an automobile sales lot in a Neighborhood Business District at 1170 Water St., Parcel Number 4-27-202.101, contingent upon the following:

1. The applicant may display a maximum of ten (10) vehicles for sale on the site at any time.
2. The applicant must obtain a Zoning Compliance Certificate from the City of Watertown Planning and Community Development Department.

Mr. Babcock seconded the motion and all voted in favor, none opposed.

Mr. Lumbis then told Mr. Mooney that the Planning and Community Development Department would follow up with the City Engineering Department and Department of Public Works to verify if the water issue is related to the street. Mr. Delaney added in agreement it was the best recourse to be taken, to investigate the drainage of the street.

**WAIVER OF SITE PLAN APPROVAL – 741 LERAY STREET
PARCEL NUMBER 1-04-125.000**

The Planning Board then considered a request for a Waiver of Site Plan Approval submitted by Edward G. Olley, Jr., RA, AIA of GYMO, DPC, on behalf of Timothy Lobdell of Ray's Service Center for the construction of a 962 SF concrete parking slab at 741 Leray Street, Parcel number 1-04-125.000. Property owner is Raymond E. Luttmann.

Mark Crandall of GYMO Architecture Engineering & Land Surveying DPC was present to represent the applicant.

Mr. Crandall said he had not worked extensively on the plan, other than a few things he had in his notes. He said knew that it was a proposal for a small, 962 SF concrete slab.

Ms. Capone verified with Mr. Crandall that per the description of uses, it would be used to store and access an Emergency Service vehicle, and then said the only summary item in the Staff report was that the applicant needed to obtain the required Zoning Compliance Certificate and a Building Permit prior to construction. She said there were no other Staff comments associated with the project, and that the application appears straightforward, with a note that it was the increase in impervious surface that triggered Planning Board involvement.

Mr. Katzman disclosed that Timothy Lobdell was a previous employee of his business, and still does work for him.

Ms. Fields made a motion for a Waiver of Site Plan Approval for the request submitted by Timothy Lobdell of Ray's Service Center for the construction of a 962 SF concrete parking slab at 741 Leray Street, Parcel Number 1-04-125.000, contingent upon the following:

1. The applicant must obtain a Zoning Compliance Certificate and a Building Permit prior to construction.

Mr. Babcock seconded the motion and all voted in favor, none opposed.

**WAIVER OF SITE PLAN APPROVAL – 275 BELLEW AVENUE SOUTH
PARCEL NUMBER 9-43-101.240**

The Planning Board then considered a request for a Waiver of Site Plan Approval submitted by Edward G. Olley, Jr., RA, AIA of GYMO, DPC, on behalf of Current Applications, for the construction of a one-story 920 square-foot addition and 1,080 square-foot of asphalt pavement at 275 Bellew Avenue South, Parcel Number 9-43-101.240.

Ms. Capone began by stating that there were some additional summary items on the Staff memo that she would like addressed, with a little more information about the project.

Scott Soules of GYMO Architecture Engineering & Land Surveying DPC was present to represent Current Applications.

Mr. Soules said they proposed to construct a 920 SF addition to the existing Current Applications facility, as well as to pave 1080 SF of new asphalt. He said that this addition included four new parking spaces, resulting in a new aggregate total of 67, and acknowledged the summary item in Staff's memorandum requiring an additional accessible parking space, per the standards of the Americans with Disabilities Act (ADA). He said they would add the additional space to the plans, to satisfy that summary item.

Mr. Soules then said the addition would encompass four new office spaces, and said it would be a simple, straightforward project. Mr. Soules then said the three contingencies were the ADA parking space, the Zoning Compliance Certificate, and the Sewer Permit, which will be no problem at all. The Planning Board had no additional questions, or comments.

Ms. Fields made a motion for a Waiver of Site Plan Approval for the request submitted by GYMO, DPC on behalf of Current Applications Inc., for the construction of a one-story 920 square-foot addition and 1,080 SQ of asphalt pavement at 275 Bellew Avenue South, Parcel Number 09-43-101.240, contingent upon the following.

1. The applicant must provide one additional ADA parking space to bring the site into compliance with ADA parking standards.
2. The applicant must obtain a Zoning Compliance Certificate prior to obtaining permits.
3. The applicant must obtain a Sewer Permit and Building Permit prior to construction.

Mr. Johnson seconded the motion, all voted in favor, none opposed.

**SITE PLAN APPROVAL – 981 WATERMAN DRIVE
PARCEL NUMBER 9-43-101.005**

The Planning Board then considered a request submitted by Edward G. Olley, Jr., RA, AIA of GYMO, DPC, on behalf of SHBP Realty Holdings, LLC for the construction of 624 and 960 square foot building additions, a 1,632 square foot loading dock canopy, and a 26,450 square foot parking lot expansion at 981 Waterman Drive, Parcel Number 9-43-101.005.

Mark Crandall of GYMO, DPC attended to represent the request.

Mr. Crandall began by saying that the Sackets Harbor Brewing Company was looking to relocate their brewing system from Sackets Harbor to this facility, and noted that it was a Light Industrial use, which was consistent with the zoning district. He elaborated that the

proposed work involved adding coolers, boilers and some other equipment, as well as constructing a canopy over the parking area for truck loading. He then added that their curb cut was existing, and that it provided access via the southeast corner of the site.

Mr. Crandall continued, saying that much of the site essentially existed already, as it also contained existing lights and a drainage system. He added that they would likely perform some grading and drainage changes, but they had not completed a full Stormwater Pollution Prevention Plan (SWPPP) yet, but were prepared to do so as a contingency of approval. Mr. Crandall then said that they did not plan to add any lighting, only to replace existing bulbs. He said they planned to perform a nighttime safety assessment to verify adequate illumination.

Mr. Crandall then pledged that GYMO, DPC would supply any stamped drawings that the City might require, and said that he could answer any questions that the Planning Board might have.

Ms. Capone asked if the Planning Board had sufficient information to act on the application. She said that she knew they could recommend approval with contingencies, but noted that the Planning Board had not seen any of the technical studies or reports Mr. Crandall previously referred to. Mr. Lumbis asked Ms. Capone if there was any item of particular concern. Ms. Capone replied that storm water was a concern. Mr. Lumbis then said that typically, the applicant would provide a SWPPP after site plan approval but prior to the City issuing any building permits.

Ms. Capone then said that she was more concerned with Summary Item 3, which required the applicant to provide a complete, Final Engineering Report that provides sufficient information for an accurate evaluation of the storm water changes that the increased impervious area will create, information regarding the proposed water consumption, flows and pressure, and information regarding the proposed sanitary flows. Ms. Capone asked for clarity regarding if the numbers were not satisfactory, the City would not issue any permits.

Ms. Fields then asked about what would happen with the leftover waste following the brewing process. Mr. Crandall said that the owner had arrangements for a farmer to pick it up. Ms. Fields then asked about potential noise from the cooler. She said that although there were no nearby residences, she wanted to know if it would bother guests using the outdoor seating. Mr. Crandall replied that the seating was in the front of the site and the coolers were in the rear. He added that customers that patronize a brewery are accustomed to those smells and sounds and they add to the ambiance. Joe Piraino, of In-Architects, the architect for the project, said that it would be quieter than the existing freezers and coolers.

Ms. Fields then asked about lighting for the proposed outdoor seating, noting that patrons would visit during evening hours. She then suggested the need for a photometric plan. Mr. Crandall replied that the building had mounted wall packs that his team felt provided sufficient lighting. He said they would verify that there was no light spillage across property lines.

Ms. Fields then said that she was also concerned about congestion. She acknowledged that the applicant had sufficient parking on site, but wondered if they had made any accommodations for additional roadway demand and maintaining the ability of emergency

vehicles to access the area. Mr. Piraino replied that the peak hours for this business would be during the evening, opposite of the peak traffic volume times during the day for the rest of the area. Mr. Crandall then said that it was a Light Industrial area, with large turning radii and wider roads, etc.

Ms. Fields then asked for confirmation that the proposed outdoor seating would be ADA accessible. Mr. Piraino replied in the affirmative.

Ms. Fields then moved to recommend that City Council approve the request for Site Plan Approval submitted by Edward G. Olley, Jr., RA, AIA of GYMO, DPC, on behalf of SHBP Realty Holdings, LLC the construction of 624 and 960 square foot building additions, a 1,632 square foot loading dock canopy, and a 26,450 square foot parking lot expansion at 981 Waterman Drive, Parcel Number 9-43-101.005, contingent upon the following:

1. The applicant must ensure that outdoor tables do not interfere with ingress and egress of the building or parking lot.
2. The applicant must provide a complete, Final Engineering Report that provides sufficient information for an accurate evaluation of the storm water changes that the increased impervious area will create, information regarding the proposed water consumption, flows and pressure, and information regarding the proposed sanitary flows.
3. The applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP).
4. The applicant must obtain a State Pollutant Discharge Elimination System (SPDES) permit from the New York State Department of Environmental Conservation (DEC).
5. The architectural drawings (A201 and A301) will require a professional stamp at the time of the building permit application.
6. Certification from a design professional is required to ensure that the existing concrete pad is structurally sound to support the proposed 26'x24' cooler.
7. The applicant must submit a photometric plan to ensure that the project site is adequately lit without any light spillage onto neighboring properties.
8. The applicant must obtain a Zoning Compliance Certificate and a Building Permit prior to construction of the project.

Mr. Johnson seconded the motion and all voted in favor.

**WAIVER OF SITE PLAN APPROVAL – 1511 WASHINGTON STREET
PARCEL NUMBER 12-34-101.002**

The Planning Board then considered a request for a Waiver of Site Plan Approval submitted by Robert Ferris of Ferris Holdings, LLC for the construction of a 2,234 square-foot parking lot and new retaining wall at 1511 Washington Street, Parcel Number 13-23-104.002

Mr. Ferris was present to represent his application for a Site Plan Waiver.

Mr. Ferris addressed the Board by asking if there were any questions, or would the Board wish for him to give a brief description of the project.

Ms. Capone verified with the applicant that he had already begun work on the proposed site. She then asked if he could catch the Board up to speed on what work has already been done.

Mr. Ferris answered that, according to the site plans he pointed to, a retaining wall had been constructed, for which he did obtain a Building Permit from the City. He then stated that he back-filled where the retaining wall was, and pulled out the rest of the parking lot because it was atrocious, with many drainage problems, which he said he subsequently addressed. He said that last year, when he pulled apart the parking lot, he pulled all the old foundations that were in the back-parking lot; he estimated there were four that were buried under the pavement. He said that was what caused the pavement to heave, and added that the drainage basins and catch basins were not experiencing use unless the building was flooded, so he addressed all those issues.

Mr. Ferris continued that he submitted a topographical drawing for the Board's review before he started work and said that Moncrief & McLean Land Surveyors, PC was working on determining the rim elevation of the catch basins at Staff's request. He said that this study was almost done. He stated that this was his third time coming before the Planning Board for this property but he has now signed deal with the Veterans Administration to move forward with the build outs, etc. Mr. Ferris then said he was not building out yet, and was still in the planning stage. He said he was trying to address the concerns such as the steep grade of the parking lot and the odd triangular shape. He said he built the retaining wall ten feet past the parking lot and put down crushed stone to help with the drainage. Mr. Ferris said he also changed the slope of the parking lot to lessen the angle toward Washington Street.

Ms. Capone said there was much more information to be provided and the Planning Board needed to decide if they should require Mr. Ferris to submit a full Site Plan application. Mr. Babcock said with all the work that had been done, and is ongoing, the Board should require a full Site Plan application.

Mr. Ferris said he was aware that was the direction the Planning Board would likely go, but he wanted to apply for a Waiver first. He then said that he had submitted a photometric plan and will submit the rim elevation information and drainage plans as soon as they are complete.

Ms. Fields said she was unsettled about the water and that the drainage control would not be adequate. She said her concern was that water, during rain events, would run down the driveway to the bottom of the property and onto Washington Street. She asked why the Planning Board should not consider a retention pond, as the Board has required of other applicants.

Mr. Ferris answered that there was no place on site for a retention pond. He said that there were four unused storm drains and the only water that would not make the four drains was at the bottom of the parking lot between the road and the first drain coming up the hill.

Ms. Fields then, noting that the Board is requiring another applicant to put in an underground retention system, asked Mr. Delaney whether he felt comfortable enough that there would be no water or drainage problems in this case? Mr. Delaney replied, citing Staff's memorandum, that the applicant had not submitted enough information to evaluate and answer that question.

Ms. Capone said the Board wanted to recommend the applicant submit a full Site Plan application, and that would help answer many questions. Mr. Delaney said that a Site Plan would verify that the current drainage and proposed drainage is either equal or would require a plan for mitigation through stormwater retention. Mr. Ferris said he understood, and reiterated that the location was a parking lot before, and he was trying to address those problems, and his plans are to make it better than before and address those issues.

Mr. Delaney explained to Mr. Ferris, that he was redirecting the water flow which sometimes has the same effect as adding impervious area. Mr. Delaney said he would need the information and or study to make an informed decision. Mr. Ferris agreed, and said he is working on the information, but has a time crunch to be able to get the paving done this year, and said the Board will have that information before the City Council meeting.

Ms. Capone said the Site Plan would come back before the Planning Board at the November 3, 2020 meeting before a recommendation went to City Council for its November 16, 2020 meeting.

Ms. Fields then asked the correct procedure for motioning. Ms. Fields moved to table the request for a Waiver of Site Plan submitted by Robert Ferris of Ferris Holdings, LLC for the construction of a 2,234 square foot parking lot and new retaining wall at 1511 Washington Street, Parcel Number 13-23-104.002, citing the following summary items in Staff's memorandum:

1. The applicant must provide a parking calculation for the site based on the size of the building and must realign or remove the three parking spaces located along the south face of the building near catch basin #2 to provide safer traffic circulation within the parking lot.
2. The applicant must add at least two large maturing deciduous trees spaced 40' on center in the required landscaped area located between the retaining wall and the sidewalk.
3. The applicant must provide an Engineering Report.

4. Drawing L-2 must be updated to show the proposed topography for the additional parking area west of the building and the area below the wall that drains toward Washington Street.
5. The basin elevation (Catch Basin #1) will need to be established and the proposed grading will need to be shown on drawing L-2 and reviewed by the City Engineering Department prior to the paving work commencing to ensure proper drainage.
6. All existing or proposed catch basin rim elevations should be surveyed and shown on the grading plan.
7. The applicant must obtain a Certificate of Zoning Compliance prior to finishing the construction and paving of the lot.
8. If the Planning Board recommends that site plan approval is needed, the applicant will need to pay the balance of the fee required for a full site plan.

Mr. Babcock seconded the motion.

Mr. Katzman then asked if Mr. Ferris is still planning to put in an automated teller machine (ATM), a project for which Mr. Ferris had previously obtained a Waiver of Site Plan Approval. Mr. Ferris replied that that was no longer his plan for the site.

Mr. Katzman asked what about the hospital parking next door and heavy rain.

Ms. Fields then stated there was a motion to table on the floor, and that it had been seconded. All then voted in favor.

ZONE CHANGE

1348, 1352 and 1356 WASHINGTON STREET PARCEL NUMBERS 14-21-106.000, 14-21-107.000, and 14-21-108.000 RESIDENCE B TO RESIDENCE C (CHANGED TO LIMITED BUSINESS)

The Planning Board then considered a request submitted by the City Council of the City of Watertown to change the approved zoning classification of 1348, 1352 and 1356 Washington Street, Parcel Numbers 14-21-106.000, 14-21-107.000, and 14-21-108.000 from Residence B to Residence C (Later changed to Limited Business).

Ms. Capone stated that the property was owned by Sundus and Sarah, LLC. She said that Planning Staff had taken the lead and has been working with City Council. Ms. Capone reiterated for Planning Board members and the public that the only discussion today would be on the Zone Change request.

Mr. Lumbis then gave some background on the timeline of this request. He began by saying that in May, the Planning Board first considered a request to rezone the property from Residence B to Neighborhood Business and voted to recommend approval. The recommendation went to City Council at their first June meeting, but because of concerns related to SEQR and the fact that they needed to consider the “whole action” to avoid segmenting the environmental review, Council tabled the request until they received a Site Plan application.

Mr. Lumbis then said that the applicants subsequently submitted a Site Plan application, for which the Planning Board gave a negative recommendation to City Council. He said that at its September 21, 2020 meeting, the City Council discussed the proposed Zone Change and Site Plan with the applicants and several neighboring property owners in attendance. Following the discussion, the Council tried to come up with a way to ease concerns of the neighbors while allowing the project to move forward.

Mr. Lumbis continued, and said that the City Council withdrew the Zone Change Ordinance and never introduced the Site Plan Resolution. He said the Council then suggested a change to Residence C zoning instead of Neighborhood Business since it has fewer allowed uses than the Neighborhood Business district, with the thought that with fewer allowed uses, it would prevent uses like a restaurant, auto sales lot, and more intense uses that a Neighborhood Business district would allow. He said the reasoning was to scale back to a zoning district with fewer allowed uses, protecting the neighborhood, but allowing the requested project to go through.

Mr. Lumbis then said that Planning Staff met following the City Council meeting, and discussed the potential effects not only for this site, but other areas in the City. He said that Residence C zoning does allow physicians and dental offices, but with strict restrictions on operational capacity, and the number of assistants, staff, etc. Staff concluded that this would probably not work for the current applicants given the composition of their office and staff. Accompanying the Zone Change, the City Council also suggested amending the list of allowed uses within Residence C to allow “physicians and dentist offices” outright.

Mr. Lumbis stated that Staff had a few concerns, which he presented to City Council at the October 5, 2020 Council meeting. The first concern was inconsistency with City’s recently adopted Comprehensive Plan and Future Land Use Map, which recommends that area of the City as a land use called Urban Mixed Use. This land use acts as a transition from residential to more commercial uses; not entirely residential or commercial, but mixed. He explained that the Comprehensive Plan recommends land uses in certain areas, and whenever you make a change the zoning somewhere, you have to make sure it is in accordance with the Comprehensive Plan.

Mr. Lumbis then explained that the change to Residence C is not in accordance with the Comprehensive Plan, because Residence C is not a mixed-use district, rather is primarily a residential district for one, two and three-family homes, with a few other allowed uses that include a fraternity, sorority, dormitory, which are residential in nature. Other allowed uses include a clubhouse, funeral homes and a few others. He then said that because it is not in accordance with the Comprehensive Plan, it was spot zoning, and therefore vulnerable to a legal challenge.

Mr. Lumbis then said that because of this, Staff recommended to City Council they zone the area Limited Business instead. He said that the Limited Business district allows a few more business uses but is very limited, and that the only additional allowed uses from Residence C are banks, insurance companies and business/professional offices. He said that this would be consistent with the Comprehensive Plan.

Mr. Lumbis then said that Staff's second major concern was that the text amendment to Residence C to allow any size dental office would affect other areas of the City. He said that the change to the Residence C text would apply to all areas in the City zoned Residence C, which could potentially impact other neighborhoods. He referred the Planning Board to a map that showed all of the Residence C zoned areas of the City.

Mr. Lumbis reported that City Council agreed with Staff's recommendation that Limited Business would be a better zoning designation that would allow the applicant's project to move forward and protect the adjacent neighborhood. He then said that if the Planning Board considered rezoning the subject properties as Limited Business rather than Residence C, then removing the text amendment from the agenda would be appropriate, as it would no longer be necessary.

Mr. Urda added that when the applicants originally approached Staff with this development proposal back in March, they sought to include a retail component, and Limited Business does not allow retail, but Neighborhood Business does. Mr. Urda then said that at the September 21, 2020 City Council meeting, the applicant informed that Council that they no longer proposed to include a retail use in their development, only dentists offices. Mr. Urda said that was why the original Zone Change request was to Neighborhood Business, and it was no longer necessary.

Ms. Fields said she had several concerns. Regarding what Mr. Lumbis said about spot zoning, she stated that if the City changed the zoning for this applicant only, and all the parcels on the adjacent street are impacted, this could only benefit one property owner. She said she spoke to an attorney in Rochester who specializes in spot zoning. Ms. Fields said that the Planning Board should table the issue until the City's Zoning Ordinance re-write is complete. Ms. Fields last question was if the applicant was no longer proposing retail, would the second floor of the proposed building remain as storage.

Mr. Lumbis said in response to the first question about the Zone Change, the Planning Board would have to look at all the allowed uses. He explained that Neighborhood Business zoning is very extensive, and gave the example that upon rezoning an area to Neighborhood Business, a property owner could establish a restaurant use.

Mr. Lumbis then said that the Zoning Ordinance re-write would establish new zoning districts and a new zoning map, and the future land use map in the Comprehensive Plan would be the basis for that new map. He then said that would be at least a year or more before new zoning was in place, and that this application was before the City now, and the Council should expect to vote on it soon.

Ms. Capone said she was concerned with the fact that the Planning Board has looked at zone changes for many businesses during her time on the board. She added that this was not a unique request or situation. Ms. Capone continued that she thought if the Council took

the approach of putting a moratorium on zone changes until after it formally adopted the New Zoning Ordinance, that it would be a detriment to economic and business development within the City of Watertown. She applauded the City for reviewing the zoning and changing it, because it is very outdated for the 21st century.

Ms. Fields asked Ms. Capone if she believed that new zoning should be addressed for the City as a whole first, and then the applicant. Ms. Capone replied in the negative, and cited what Mr. Lumbis had said about the Zoning Ordinance rewrite taking from 12-to-18 months, and said that if the City put a moratorium on zone changes for the duration, it would be detrimental to economic and business development within the City. She said the Planning Board should address the application that was before them.

Mr. Lumbis said the City Council's original plan, which it discussed at its September 21, 2020 meeting was to rezone the area to Residence C, which would also require amending the text of the Zoning Ordinance, specifically a small change to allow physicians and dental offices outright in Residence C without any restrictions, in order to make this project work for the applicants. The problem was that would have implications throughout the City. He said that at the City Council meeting last night, Staff asked them to consider a zone change to Limited Business rather than Residence C, which would eliminate the need to amend the text governing the Residence C District.

Ms. Fields then said that her last concern was that she wanted to know the neighbors' opinions. Ms. Capone then announced that the public was free to speak, but the Planning Board was limiting the discussion to the proposed zone change only.

Scott Connell, 1357 Sherman St, said in his opinion, nothing has changed. He said that if this project moves forward, it has the same effect on the neighborhood. He expressed that he still disagreed on the water issue, and he felt it was still a problem. He also expressed concern with property values etc., positing that when something other than a house was built in the neighborhood, those values would decline. He then said changing the zoning does not change anything if the project includes business buildings in a residential neighborhood.

Kim Dyke, 1352 Sherman St, said she has lived there for 57 years and purchased her home because she loved the neighborhood. She said that if businesses are allowed to be built in close proximity, it will be a shame because the neighborhood is beautiful as residential. Ms. Dyke said she does not see why the doctor needs twelve thousand square feet, and no one has addressed traffic issues. She thinks the neighborhood should remain how it is, residential, with no zoning changes.

Paula Trainham, 1355 Sherman St, said she went around the whole neighborhood again, and the strong impression she got from residents was both sides of the street are against the zone change and against the project as well. Ms. Trainham said she had worked hard to get this resolved, and she was speaking for the 28 neighbors she had previously spoken to.

Christopher Dandrow, 1361 Cosgrove St, said he was Scott Connell's son-in-law. He said the neighborhood did not ask for this, they have lived in a quiet residential neighborhood for decades, for him personally seven years. His children play at his in-law's house all the time. He continued that he likes his neighborhood the way it is now, and regardless of the zone change

if the project is to bring in business buildings that would change the residential feeling. He said none of us want this business coming in except maybe George Ashcraft who will be the next to sell his home. He then said has already drafted a new petition regarding the change of zoning to Limited Business to circulate if need be.

Hearing no further comments, Mr. Babcock made the motion to recommend that the City Council of the City of Watertown change the approved zoning classification of 1348, 1352 and 1356 Washington Street, Parcel Numbers 14-21-106.000, 14-21-107.000, and 14-21-108.000 from Residence B to Limited Business.

Mr. Katzman seconded the motion. An individual roll call vote was then taken.

Ms. Fields voted No.

Mr. Babcock voted Yes.

Ms. Capone voted Yes.

Mr. Johnson voted Yes.

Mr. Katzman voted No.

Mr. Urda read the votes aloud and it was a 3-2 in favor of the motion. However, Mr. Urda then explained that the motion required four votes to carry, since the Planning Board is a seven-member board. He noted that there was one absent member, and there was presently one vacant seat on the board. He reiterated that even though the vote was 3-2 in favor, officially the motion still failed for the record. This meant that the proposed zone change would go to the City Council with a negative recommendation from the Planning Board.

ZONING ORDINANCE TEXT AMENDMENT – SECTION 310-6

The Planning Board did not consider this item because of the modification to the preceding Zone Change, whereas the Planning Board considered a potential rezoning to Limited Business rather than the originally proposed rezoning to Residence C.

PLANNING BOARD TRAINING

The Board then discussed training. Mr. Lumbis began by saying that Staff emailed the Planning Board members to remind them they are required to complete four hours of training every year as a condition of their appointment to the Board. He advised that the Tug Hill Local Government Conference which is held at Jefferson Community College had been cancelled this year as well as in 2021, but there were plenty of online training opportunities. He asked that when board members completed training, to forward the email or certification that they received for participating in the class to the Planning Department. He also stated that various classes and other training opportunities would come along from time to time; including training events through the

Jefferson County Planning Department and that Staff would forward those opportunities to the Board as they are received.

Mr. Katzman wondered if any courses were available to include both his Real Estate broker's license and Planning Board training requirements. Mr. Lumbis replied that he was unsure. Ms. Fields said that there were no such courses as she has checked previously.

Ms. Fields then moved to adjourn the meeting. Mr. Babcock seconded the motion and all voted in favor. The meeting was adjourned at 4:10 p.m.