



CITY OF WATERTOWN, NEW YORK

CITY PLANNING BOARD

ROOM 305, WATERTOWN CITY HALL
245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601-3380
(315) 785-7741

MEETING: July 6, 2021

PRESENT:

Michelle Capone, acting Planning Board Chair
T.J. Babcock
Neil Katzman
Linda Fields
Michael Pierce

ALSO:

Michael A. Lumbis, Planning and
Community Development Director
Geoffrey Urda, Planner
Leta Harp, Secretary

ABSENT:

Larry Coburn

Acting Planning Board Chair, Michelle Capone, called the July 6, 2021, Planning Board meeting to order at 3:00 p.m.

Ms. Capone then asked for a motion regarding the Minutes from the June 1, 2021, Planning Board Meeting. Ms. Fields made a motion to approve the minutes as written and Mr. Babcock seconded the motion, and all voted in favor.

WAIVER OF SITE PLAN APPROVAL – 181 MECHANIC STREET PARCEL NUMBER 6-02-307.001

The Planning board then considered a request for a Waiver of Site Plan Approval submitted by Scott Waddell to place two 320 square-foot (SF) sea containers on the property at 181 Mechanic Street, Parcel Number 6-02-307.001.

Mr. Waddell was present to represent the application. He said he purchased this light industrial property for the purpose of storing antiques, boats, cars, and other toys of that nature that he owns. He said he recently sold his house and did not want to have a *fire sale* for his items and end up taking a loss, so he decided to store them and sell them over time. He said that he had reached out to the neighboring property owners on both sides and added that it was a rough area. He then said the area needed some help and he was willing to jump in and try to make the area safe for everyone. He said he has done this same venture several times and has been robbed and lost thousand and thousands of dollars in parts and pieces. He then said he was trying to start something new in Watertown as a ‘frontier’ and bring it back to life.

He said he found the Staff Report very well written and thought the overview was quite extensive of what would be required of him. He said he received the paperwork and understands

the direction of the Planning Board and Staff. He then said that he opposed the requirement to set the proposed fence back 20 feet from the front property line, citing a concern that he would not be able maneuver his boat and truck once he was inside the gate. He said that he needed 40 feet behind the fence for maneuverability. He also noted that the rear of the property drops in elevation so he is unable to move the containers and fences back 20 feet. Mr. Waddell said he does not agree with the Code that required a 20-foot setback for his fence. He said that is a hardship.

He then said he chose the dimensions because it would cost him approximately \$10,000 to back fill the property. He said he accepts the Staff recommendations of the setback from the street, however he asked if they could work with him on another choice. He said he understands the ornamental fence that would clean up the area's view. Mr. Waddell then said he proposed a chain-link fence with privacy slats for his own peace of mind feeling safe and secure.

Mr. Urda asked Mr. Waddell if he would consider moving the Sea Containers back. Mr. Waddell replied that he could not, and that dimensionally he was right where he wanted to place them or do a lot of backfill which would be costly.

Mr. Urda said that the Planning Board is not empowered to grant relief from the Zoning Ordinance. He said that only the Zoning Board of Appeals was empowered to give him that relief. He then cited the section of code identified in the Staff Report that governed the privacy fence. Mr. Urda said if the "ratio between space and fence material is at least 1:1," then it would meet code, and if Mr. Waddell's fence were more transparent than that ratio, he would not need to set it back 20 feet.

Mr. Waddell said he understands, but he wanted the privacy slats installed because he did not want people to see the items stored on his property. Mr. Waddell said he would agree to remove the privacy slats if that would grant him a lesser setback from the street. He then said he is only in Watertown using that property one month out of the year. He said the other eleven months he lives out of the area, but has a daughter that lives locally. He said that was why his application proposed gravel, which would be easier to maintain than grass and weeds. Mr. Waddell asked what his next step in the process was.

Mr. Lumbis said eliminating the privacy slats takes care of the main issue due to the visibility. He said that the purpose of the Code was the safety of neighboring vehicles needing visual access to the street traffic, and potential pedestrians on the sidewalk. Mr. Lumbis said if the privacy slats were eliminated, the setback from the street would not have to be 20 feet.

Mr. Waddell said he is hiring a local fence company, probably Alpine, and will let them do all the homework that requires him to stay within the parameters they just discussed.

Ms. Capone read the first summary item, which required the applicant to obtain a Building Permit, and Mr. Waddell agreed. She then read the second summary item, which required the Planning Board to determine whether the proposed project meets all the criteria contained in Section 310-55 of the Zoning Ordinance to qualify for a Waiver of Site Plan Approval.

Mr. Urda said summary item number two was directed toward the Planning Board to review the language in the Staff Report, particularly the Parking and Vehicular Circulation

section, and confirm that in the Board's judgement, that the application meets all the criteria to qualify for a Waiver, especially the third criterion, which requires that a proposal must be minor and incidental in size to the existing building pattern, size and coverage on the property, but in no event shall exceed 2,500 square feet.

Ms. Fields then made a motion to Waive the requirements of Site Plan Approval for the request submitted by Scott Waddell to place two 320 square-foot sea containers on the property at 181 Mechanic Street, Parcel number 6-02-307.001, contingent upon the following:

1. The applicant must obtain a Building Permit prior to placing the sea containers on the property.
2. The applicant shall remove the privacy slats from the proposed fence and maintain a 1:1 transparency ratio for all fencing that is within 20 feet of the front property line and otherwise meet all requirements of the fence ordinance.

Mr. Babcock seconded the motion, all voted in favor.

Mr. Waddell then asked what his next step was.

Mr. Urda said Staff would write a letter with the reworded conditions and mail and email them to him and copy the Bureau of Code Enforcement. He then told Mr. Waddell his next step would be to take the letter to Codes to obtain a Building Permit.

WAIVER OF SITE PLAN APPROVAL – 321 HOWK STREET PARCEL NUMBER 7-08-215.000

The Planning Board then considered request for Waiver of Site Plan Approval submitted by Nancy Henry and Reginald Schweizer to construct a 1,354.5 SF permanent roof over an existing patio at 321 Howk Street, Parcel Number 7-08-215.000.

Ms. Capone, acting Chair, noted for the record that she would abstain from the discussion and the vote, as she was a lender in the project.

Mr. Edward G. Olley, Jr. RA, AIA, was present to represent the project on behalf of Nancy Henry and Reginald Schweitzer. Mr. Olley began by saying that the request was for a fixed roof canopy at the Garland City Beer Works restaurant. He said it was proposed to go over top of an outdoor space for two reasons. The first was to protect patrons wishing to be outside from inclement weather and the second was to pick up some roof drainage that exists over the main egress from the restaurant. He then said that it would not be enclosed, there would not be any utilities except lighting, and no changes in any other features on site.

Ms. Capone said the Board wanted to first address the missing site plan features that were previously approved from the prior Site Plan Approval for the property that was granted on March 19, 2018.

Mr. Schweitzer said he read the Staff comments regarding outstanding items from the previously approved site plan and unfortunately, they had not completed everything they wanted to on the site. He said the primary reason for that was cost constraints. He said the project budget came in far more than anticipated. The biggest obstacle was getting the driveway paved. He acknowledged there were outstanding Site Plan items from the original plans, but if the Planning Board is insisting that be completed, the cost factor is overwhelming right now. The only other change since the site plan was the goal of removing a garage and adding a fence. He said there was already underground piping in the ground for lighting.

Ms. Fields asked if there were any plans to enclose the canopy. Ms. Henry replied that there were no plans at this time due to finances. She said it will remain open-air for seasonal purposes.

Mr. Katzman asked if they were going to enclose it with screen. Ms. Henry replied that potentially, long term, they might install screening, and to her understanding of the CDC regulations, if it remained open on two sides with screening it is not considered enclosed, because air flows through, but that was not a current factor due to lack of funds.

Ms. Capone asked about previous Site Plan applications where the Planning Board approves a Site Plan, and the previous work is not completed. She asked what the protocol would be as far as the Planning Board's responsibility for the incomplete work. She said she understood if it were a health and safety issue, then it would fall under the purview of Code Enforcement. She asked what level of due diligence the Planning Board had.

Mr. Lumbis replied that it would depend on how serious the issues were, and that it needed to be viewed on a case-by-case basis. With regard to this project, he said while reviewing this project and realizing what had not been done, he had concerns about some of the site plan elements that related to health and safety. He said those concerns had to do with the accessible parking spaces that were never paved. He said this was important to complete.

Ms. Capone asked if the parking spaces were up to Code now or not.

Mr. Lumbis said he did not believe the ADA spaces were up to Code because they needed to be paved, and so did an access path from these spaces to the building entrance. He then said that the original Site Plan depicted the ADA spaces in the middle of the lot, but now they are up against the building, in what was originally depicted as the driveway. He said that paving the ADA spaces is an alternative to paving the whole parking lot.

Ms. Fields asked Staff if the Zoning Rewrite Committee was making changes to the expiration date on Site Plan Approvals. Mr. Lumbis replied that going forward, there would likely be an expiration on approvals. He then said that parking lot lighting was also a concern in this case. Discussion ensued regarding lighting in the canopy and in the parking lot and for the ADA parking spaces.

Mr. Babcock said the Planning Board has a right to report on concerns, but the Bureau of Code Enforcement should be enforcing Codes in the City. He then said there were other Site Plans approved with ADA parking spots that remained unpaved.

Mr. Lumbis said he did not think that incomplete work on previously approved Site Plans should have caused the Planning Board to hold up approving the proposed roof addition. He said it was an opportunity to bring up concerns regarding the incomplete work and work with the applicant or owner to address the issues.

Mr. Pierce asked if the previous Site Plan from March 2018 could come before the Planning Board and be amended at the request of the applicant. He said going forward the Board needed to find a way to navigate enforcing the progress of the Site Plan work. He said that the Planning Board could approve this Site Plan Waiver today and Code Enforcement could be knocking on their door tomorrow with prior issues.

Mr. Lumbis said that the required number of ADA spaces was based on the total size of the parking lot. Mr. Schweizer said that Codes told him to delineate ADA spaces, but never told him that the spaces needed to be paved. He said they were told to mount signage on the building to mark the ADA spaces or mark the spaces with a stand in the parking lot.

Ms. Fields said that gravel is tough on wheelchairs. She then said she was good to approve the canopy, because that is what they were there to do. She then said she agreed with Mr. Pierce in that moving forward, we can figure out how we can help businesses amend or modify their original Site Plans if conditions change.

Ms. Capone said she had concerns with the general issues. She said she did not want to see businesses get caught for not being compliant with these issues, she wanted to be more proactive than reactive in these situations. The Planning Board wants to be very business friendly, and the Planning Board needs to be consistent with all the Site Plan approval work completion.

Mr. Katzman asked to table the approval, to be fair to other businesses.

Mr. Urda asked to state for the record and for the minutes that this was before the Planning Board today because the applicant is seeking a specific approval. He said that if there are other businesses around town that have not complied with ADA standards, and are not seeking an approval from the Planning Board, that those would fall upon Code Enforcement to enforce Federal standards. He said that Planning Staff can only investigate, write up and report to the Planning Board on applications that are before the Board.

Ms. Capone agreed but said that Code's concerns are still written up as summary requirements, and that as part of our due diligence, and to cover all our bases as the Planning Board, a decision needs to be made whether the ADA spaces only need to be delineated or must be paved.

Mr. Olley said he interpreted the ADA regulations as not requiring asphalt pavement for the ADA spaces. He said they could be made accessible many ways such as concrete, gravel, pea gravel or stone. He then said Codes may have looked at it in the beginning and said if the gravel is done a particular way it meets the ADA accessibility requirements. He said if the ADA spaces need to be concrete and painted blue, then the City of Watertown can ask them to do that. He said that the material used should have been part of the Site Plan application. Going forward the Board can ask what the material is and not just the number of spaces and signage.

Hearing no further discussion, Ms. Fields made a motion to Waive the requirements of Site Plan Approval for the request submitted by Edward G Olley, Jr. RA, AIA, on behalf of by Nancy Henry and Reginald Schweitzer to construct a 1,354.5 SF permanent roof over an existing patio at 321 Howk Street, Parcel Number 7-08-215.000 contingent upon the following.

1. The applicant must obtain a Building Permit prior to installing the roof structure.

Mr. Babcock seconded the motion, all voted in favor. (Ms. Capone abstained from the vote)

Mr. Katzman then moved to adjourn the meeting. Mr. Babcock seconded the motion, and all voted in favor. The meeting was adjourned at 3:28 p.m.