



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: October 5, 2021

PRESENT:

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

ALSO:

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

ABSENT:

None

Planning Board Chair, Larry Coburn, called the October 5, 2021, Planning Board meeting to order at 3:00 p.m. Mr. Coburn then asked for a motion regarding the Minutes from the September 7, 2021, Planning Board Meeting.

Mr. Katzman made a motion to approve the minutes as written, Ms. Fields seconded the motion, and all voted in favor.

ZONE CHANGE REQUEST – 108 FLOWER AVENUE EAST PARCEL NUMBER 11-12-127.000

The Planning Board then considered a request submitted by Charles Marshall, the Real Estate representative for Stewart's Shops Corporation to approve a Zoning Classification change from Residence B to Neighborhood Business at 108 Flower Avenue East, Parcel Number 11-12-127.000

Mr. Marshall was present to represent the project. He started with a brief overview and said that Flower Avenue runs East and West and Washington Street runs North and South. He said that the requested rezoning would facilitate a proposed Stewart's Shops location to replace the existing store at 1226 Washington Street. He then directed the room's attention to the map projected on the wall and pointed out the subject parcel on a map. That parcel represented 11 percent of the total land area required for the project that is owned by Hedy M. Cirrincione and under contract by Stewart's. He said pursuant to the Residence B zoning it was a legal, non-conforming parcel and it lacks frontage, with only 50 linear feet of frontage, and the minimum requirement is 60 feet of frontage as well as the square-foot requirements were 5000 SF, and the 108 Flower Avenue parcel is only 4,100 SF in total area.

Mr. Marshall again directed attention to the Zoning map and identified the Residence B Zoning for the 108 Flower Ave. East parcel. He said the reason for the Zone Change request was that Section 310-54 of the Code required that the zoning for access through a parcel be identical to the zoning of the parcel being accessed.

Mr. Marshall then pointed to the map and said that the Limited Business zoning district extended into the neighborhood to the north and to the west. He said the City's adopted Comprehensive Plan recommended Urban Mixed Use as the future land use for that corridor.

Mr. Marshall said that Stewart's conceptual site plan proposed sidewalks connecting to the Washington Street side and that a sidewalk that would come in off Flower Avenue East as well, which he said was consistent with the walkability standards of the Urban Mixed Use future land use character area. He pointed out the two proposed sidewalk connections on a conceptual site plan drawing and showed elevation drawings of the proposed building from each side.

Mr. Marshall then discussed photometrics and said that exterior lighting would be controlled with a switch and not a timer to alleviate concerns about light spillage and said the photometric plan would show zero Footcandles across all property lines. He added that Stewart's would use down lit LED fixtures and that the building would act as a screen to the property located to the south.

Mr. Marshall then pointed out a proposed 15-foot landscape buffer along the eastern parcel boundary. He said that he conducted a neighborhood meeting at the site, and the only neighbor that attended was Maryellen Blevins, who lived at 719 Washington Street. He said that her main concern was increase in traffic. Mr. Marshall said that the average annual daily trips on that segment of Washington Street was 11,822, and cited his data source as the New York State Department of Transportation's (NYSDOT) online traffic data viewer, which was based on 2019 data. He then said that according to his team's calculations, the new Stewart's Shop would create less than an 8 percent increase in traffic. (Ms. Blevins also emailed the Planning Department with her concerns of increased noise, toxic odors, and rodents). Mr. Marshall then showed before and after conceptual renderings of the store from three different vantage points.

Mr. Coburn said it was a small parcel and made sense to him to rezone it as Neighborhood Business. Ms. Fields agreed; however, she said she was concerned about how far down Flower Ave East the Neighborhood Business zoning might go. Mr. Marshall said some neighbors signed a letter of support in 2012 when the parcels fronting Washington Street were rezoned from Limited Business. He said they would reach out again to neighbors since the last meeting only had one attendant.

Ms. Capone said she had several residents reach out to her personally and she directed them to City Planning Staff for their comments to be put on record. She said some were confused about the difference between the Zone Change request and the Site Plan Approval application.

Mr. Urda provided a summary of the comments that were received by neighbors, and also noted that there were members of the public in the room and said they would have the opportunity to speak. He then said that Staff received an email (letter) from Ms. Blevins and that he and Mr. Lumbis had met with her on site on September 30, 2021 to explain the proposal and answer questions. He said that Ms. Blevins shared with them her concerns about traffic, the toxicity of gas stations and Benzene exposure in particular. He then said that earlier in the day, Staff had received

a phone call from Al Thompson at 323 Flower Avenue East. He said Mr. Thompson spoke in favor of the Zone Change and that he did not feel it would cause a negative impact on the street or increased traffic. Mr. Urda then said that Mr. Thompson expressed a belief in the need for some screening or buffering. Mr. Lumbis noted that the letter received from Ms. Blevins had been forwarded to the Planning Board via email.

Ms. Capone also said Marcia Kettrick of 214 Flower Ave West had contacted her. Mr. Urda replied that Ms. Kettrick had also emailed Staff and said that she was also concerned about increased traffic and pollution.

Mr. Marshall then addressed Ms. Blevins' concern and said his team would study morning and afternoon peak traffic times. He then said Stewart's Shops has hired an appraisal service to determine what, if any, impact the proposed gas station would have on the surrounding housing market. He then said the current Stewart's location at the corner of Washington and Elm Streets is also zoned Neighborhood Business and that the other two Stewart's Shops within the City are in Commercial Districts.

Mr. Coburn then invited residents to have privilege of the floor. Marcia Kettrick of 214 Flower Ave West was present and said she wanted to know when the Washington Street parcels were rezoned from Limited Business to Neighborhood Business. Mr. Urda replied that it was in 2012. Mr. Lumbis then said that they were rezoned under request of the current property owner, Hedy Cirrincione, within the proposed use of converting one of the existing houses into a retail use selling hospital scrubs. He said the project never went through after which the houses were torn down and the parcels went up for sale.

Ms. Kettrick then said that she was also concerned about the use of the vacated Stewart's Shop farther south on Washington Street. She said that that gas tanks were in the ground there and wondered what Stewart's proposal for that property was and who would monitor the tanks left idle in the ground. She added that there is always the potential for gas tank leaks and spills.

Ms. Kettrick suggested that Stewart's could purchase the house/land behind their existing location at Washington and Elm and rezone that property to facilitate an expansion. She said they could figure out the old building and fix that. She then said she felt that would be a less invasive option than building a new gas station in the proposed location.

Ms. Kettrick then noted that the intersection of Washington Street and Flower Avenue consisted of professional and medical businesses, and she didn't feel there was a need for a Stewart's Shops in that location. She said the traffic was an atrocious problem. She said she walks and drives in her neighborhood, and it was hard to get across Washington Street from Flower Ave East to Flower Ave West. She said adding additional traffic to that corner would not be beneficial.

Mr. Marshall said the regulation of gas is handled by the New York State Department of Environmental Conservation (DEC) and NYCRR-613 which is the section of state code that governs the bulk storage of petroleum and chemicals. He then said when Stewart's closes a facility, they would pull the tanks out of the ground and remove the pump canopies. He said they look at it like swapping gas locations.

Ms. Capone asked Staff about the Comprehensive Plan and whether the future land use character area was all the same for that corridor.

Mr. Urda said it was planned for Urban Mixed Use/Downtown Transition and this recommendation was uniform on both sides of Washington Street from the Dulles State Office Building south to Samaritan Medical Center.

Mr. Katzman asked where and when did the professional district get zoned.

Mr. Urda replied that the new zoning map in the City's ongoing zoning ordinance rewrite would be largely based on the future land use map in the Comprehensive Plan, which for the Washington Street corridor north of Woodruff Street would be Urban Mixed Use and south of Woodruff would be Campus Health and Education.

Mr. Katzman said that as a long-term resident of the city, he would like to see Washington Street restored to its historic value. He said that, in his professional real estate opinion, he believed real estate values would decrease, contrary to Mr. Marshall's comments assuring homeowners that Stewart's would evaluate the housing market. He said that Flower Avenue is one of the most beautiful and historic streets in the city.

Mr. Katzman then said he thought Stewart's Shops' appraisers would be biased based on their affiliation with Stewart's as their employer. He recommended an independent appraiser, possibly hired by the City of Watertown. He then suggested if this project went forward, he would like to see more green space when the existing Stewart's Shop closes.

Ms. Fields said she too had a professional real estate opinion, and hers was that there would not be any decrease in home values on Flower Avenue East or West. She said she was still concerned with emissions and venting of gas and petroleum products. She said that the item before the Planning Board today was strictly the Zone Change and she wanted to stay on task and address that agenda item. Ms. Fields then invited City resident and City Councilwoman Lisa Ruggiero who is a licensed Broker for Heffron Real Estate, who was in the audience, to share her professional observations.

Ms. Ruggiero said she was not in attendance for that purpose and that she didn't plan to speak or give an opinion. She then said she had received several emails with the same concerns that Staff had heard from residents. She said that Lance Evans, the Executive Officer of the Jefferson-Lewis Board of Realtors and Chair of the Watertown Housing Committee, who lived on Flower Avenue West, had contacted her. She said that in his letter, he cited a potential loss of property values.

Ms. Ruggiero then said she heard that there was a neighborhood petition being circulated. She said the greatest concerns were traffic, lights and trash. She said she would personally have some concerns if she was a neighboring property owner and tried to move from there and sell her home; that this project could slow the process down in terms of selling it. She then said there is a flip side to that opinion because she has heard others say they would love the convenience of the walkable location. Ms. Ruggiero then said that the Zoning Change was all that was before the Planning Board at this time.

Ms. Fields said she had no issues with approving the Zone Change.

Mr. Babcock said as the Planning Board reviewed the Zone Change, whether a Stewart's Shop's opens up or not, that rezoning the subject property would square up the Neighborhood Business portion and it made sense, as it would not be an odd-shaped district boundary.

Mr. Coburn reiterated the need to stick to the Zone Change and its consistency with the Comprehensive Plan. He also said that he lives next door to a Stewart's Shops, and they are great neighbors.

Ms. Kettrick again took the floor to express confusion regarding how the Planning Board could so easily separate the Zone Change request from the Site Plan Approval from each other. She said the whole site proposal appeared to be intertwined.

Mr. Coburn said he understood her concerns, but they rezone based on the Comprehensive Plan for the future good of the City. He then said rules and guidelines needed to be followed and facts and figures need to be adhered to, and the Planning Board cannot move on emotions.

Ms. Capone then said to remember that the gas station part of the proposed development was not included in today's approval, and that component had to go before City Council as part of a Special Use Permit application.

Mr. Katzman said he felt the Zone Change request would be encroaching on the current residential properties.

Mr. Urda, in response to Ms. Kettrick's original question, said the reason the Zone Change and Site Plan approvals were separate, is because they are different actions and there are different criteria for each. He said the Zone Change is a legislative act, whereas Site Plan Approval is an administrative function, and the Planning Board is charged with evaluating different sets of facts when considering each and that was why they are intentionally separated.

Mr. Lumbis then said that the Planning Board and City Council needed to consider all allowed uses in the Neighborhood Business District prior to changing the zoning. He said it is sometimes difficult to separate the two, but you need to consider allowed uses such as retail stores, restaurants, hotels, automobile sales lot etc. He said there is a list of allowed uses that should have been kept in mind when the Washington Street parcels were previously rezoned. He said the original focus was on a project that consisted of a small retail store selling hospital scrubs, which seemed to fit the neighborhood. However, when that fell through, there was the potential for all the other uses that the district allows.

Ms. Capone asked if this would be an allowed use under the new Zoning Rewrite. Mr. Lumbis replied that the committee is still working on the rewrite process, and they have only have a draft zoning map. Ms. Capone then said she wanted to state for the record the level of frustration she felt when the Zoning Ordinance is so old, and it inhibits how the Planning Board can effectively review requests.

Mr. Lumbis said the City is in a difficult transition period since the Comprehensive Plan has been, but the new Zoning Ordinance is not in place yet. He said they had been working on the zoning rewrite project for the last year or so, and absent putting a moratorium on new development, the Planning Board and Staff will have to continue to use what is in place.

Ms. Capone asked if there was an expiration date on a Zone Change. Mr. Urda replied that a Zone Change is a legislative act and not like a Site Plan, which is an administrative function. He said that the only way to reverse the Zone Change would be to have another legislative act rezoning it back.

Mr. Lumbis said a Special Use Permit does have an expiration date of one year under the current City zoning. He then said that after the original retail scrubs store project fell through, the City Council could have rezoned the Washington Street parcels back to Residence B; however, that didn't happen.

Mr. Katzman asked if the City could change those parcels from Samaritan Medical Center down Washington Street back to professional use. Mr. Urda replied that Staff recommended a moratorium on *City-initiated* zone changes while the Zoning Rewrite process is ongoing.

Mr. Katzman said we should make a moratorium on development north of Samaritan Medical Center down Washington Street all the way to the State Office Building, both sides of the street for no new construction. Mr. Urda then referred back to what Mr. Lumbis had said, explaining that a moratorium on new development would not be fair to developers or businesses. Ms. Capone then said that she didn't think that type of moratorium by the City would benefit the community.

Mr. Coburn then invited another resident, that arrived late, to have privilege of the floor.

Samuel J. Booth, of 136 Flower Avenue East said his concerns would be best addressed at the Site Plan Review meeting. He said the traffic is bad in that intersection even without a business there. He usually uses Paddock Street to access to Washington Street where there is the protection of a traffic signal. He said a business with entrances on both Washington Street and Flower Ave East would be a bigger headache unless a traffic signal went there as well. He said he didn't have any issues with the Zone Change, but he didn't understand why it was so important to have both parcels zoned the same. He said that his questions were more concerning the Site Plan and he was glad he attended and learned a great deal about the process.

Hearing no further discussion, Mr. Babcock made a motion to recommend that the City Council approve a request submitted by Charles Marshall of Stewart's Shops Corporation to change the Approved Zoning Classification of 108 Flower Avenue East, Parcel Number 11-12-127.000 from Residence B to Neighborhood Business.

Ms. Fields seconded the motion. The Planning Board adopted the motion five to one with Mr. Katzman casting the dissenting vote.

Ms. Capone then said she wanted to make a comment. She said she wanted Staff, when they reviewed Site Plans to start addressing whether they fit within the Comprehensive Plan, such as the forward-facing buildings as in Stewart's Shop. She said the gas canopies should be in the rear. She compared this project to the dentist office on Washington Street where we asked them to move the building closer to the street. She finished and said going forward if this is the intent from the City, we need to start implementing it.

**SITE PLAN APPROVAL – 611 MAIN STREET WEST
PARCEL NUMBER 1-14-125.000**

The Planning Board then considered a request for Site Plan Approval submitted by Matthew Morgia, P.E. of Aubertine & Currier on behalf of Credo Community Center for the Treatment of Addictions, Inc. for the construction of a 20,875 square-foot, 61 space parking area at 611 Main Street West, Parcel Number 1-14-125.000.

Mr. Morgia was present and said Credo was unavailable to attend due to previous obligations. He said there is an application into the Zoning Board of Appeals for a parking variance on the property. He said the project involves an existing building with a sea of asphalt parking that goes all the way across the front as it currently sits. He said the green on the plan represented the new grassed area that would be developed on the property. He said with that, there would be the closing of two existing driveways located up front, and repair of the driveway that is located most westerly. In addition to this driveway there is an existing main driveway that serves Credo's office building located at 595 Main Street West which houses Credo's main, and administrative offices. Mr. Morgia then said some of the personnel in this building and some working offsite would be moving into this new facility at 611 Main Street. He said the new building will also have space for the treatment center and for other staff working remotely as they transition back to the 595 Main St. building.

Mr. Morgia then showed on the plan the layout of the proposed parking lot. He showed that the lot depicted 61 parking spaces, compared to 55 that currently exist. The increase of six spaces is the result of closing the two entrances.

He said the building's interior and exterior would be renovated. He said the only piece that would remain would be the super structure and the roof. He said the floor slab inside was being raised inside the building to correct some of the grading and drainage issues. He then said the existing utilities, water and sewer lines to the northwesterly corner would remain. He said electric power currently comes in on the side of the building through an easement that serves the parcel to the rear and serves the building next door. Mr. Morgia then said there is one other sewer connection in the center of the building with a pump station near the front entrance inside the building under the floor. He said this line is shallow land will be eliminated. He said the reason for raising the floor is to allow the old sewer to flow from east to west and to the existing lateral up to the building.

Mr. Morgia continued and said a new sidewalk across the front of the property and accessible parking on the easterly end of the lot would be provided. He said the main entry is positioned on the eastern third of the building which would be designated for patients entering the building for clinical work. He said the entrance on the westerly side of the building would be designated primarily for multipurpose rooms, and offices situated in the rear.

He then addressed proposed landscaping and said trees are depicted along the westerly side of the site and along the roadway. He said the green spaces would be fairly narrow. He said the shallow depth of bedrock and the low height proximity to utility lines made a limited selection of landscaping that would fit and thrive.

Mr. Morgia then said the comment he wanted to address the comment that the applicant should coordinate with the Watertown Noon Rotary Club and T. Urling Walker on the removal of the *Welcome to Watertown* sign. Mr. Morgia said that sign would be in the proposed parking spaces that would need to be relocated, and Credo would be reaching out to those owners to see what they wanted to do with the sign.

Ms. Capone said for the record she was formerly on the Credo Foundation Board and is no longer and has no conflicting interest.

Ms. Fields made a motion to recommend that the City Council approved the site plan submitted by Matthew Morgia, P.E. of Aubertine & Currier on behalf of Credo Community Center for the Treatment of Addictions, Inc. for the construction of a 20,875 square-foot, 61 space parking area at 611 Main Street West, Parcel Number 1-14-125.000 contingent on:

1. The applicant should coordinate with the Watertown Noon Rotary Club and T. Urling Walker on the removal of the *Welcome to Watertown* sign.
2. The applicant must obtain the following permits, minimally, prior to construction: Building Permit, General City Permit, Sidewalk permit, and a Zoning Compliance Certificate.

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

Mr. Katzman then moved to adjourn the meeting. Mr. Coburn seconded the motion, and all voted in favor. The meeting was adjourned at 3:48 p.m.