



# 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: January 19, 2023

PRESENT:

Larry Coburn: Chairperson  
Michelle Capone  
Linda Fields  
Lynn Godek  
Neil Katzman  
Michael Pierce

ABSENT:

T.J. Babcock

ALSO:

Michael A. Lumbis, Planning and Community  
Development Director  
Jennifer Voss, Senior Planner  
Sharlice Bonello, Planner  
Michael DeMarco, Planner  
Geoff Urda, Planner  
Gertrude Karris, Secretary  
Lisa Nagle, Elan Planning and Design, LLC  
Lawrence Howard, Shulman, Howard &  
McPherson, LLP

Chairperson Larry Coburn called the January 19, 2023, Special Planning Board meeting to order at 3:00 p.m. Mr. Coburn then asked for a motion to accept the minutes from the January 3, 2023, Planning Board meeting. Mr. Katzman moved to accept the minutes as written, Ms. Fields seconded the motion. All voted in favor.

Chairperson Coburn informed the Board that consultants from Elan Planning and Design were here to work with the Board and answer questions about the new Zoning Ordinance.

Mr. Lumbis thanked the Planning Board for making the time for this special meeting and introduced Lisa Nagle from Elan Planning and Design, LLC and Lawrence Howard from Shulman, Howard & McPherson, LLP.

Lisa Nagle described her history of working with the City of Watertown since 2017 beginning with the Downtown Redevelopment Initiative process and then the Comprehensive Plan. Mr. Howard is a land use attorney with Elan and specializes in Land Use Law. Ms. Nagle said that she and Mr. Howard have worked together, for many municipalities, large and small, for about twenty years.

Ms. Nagle then gave a PowerPoint presentation and discussed the evolution of the Zoning Ordinance in Watertown, NY. Ms. Nagle noted that the original zoning Ordinance was substantially unchanged since its inception in 1959 and the new Zoning Ordinance will be more user friendly, will help businesses plan their growth and allow residents to understand more clearly what is allowed on their property.

From the presentation:

What Does Zoning Do?

- Outdated zoning can actually serve as a barrier to good urban development, contribute to rising costs, negatively impact residential uses, and also prohibits mixed uses which is what makes cities vibrant and engaging.
- Zoning CAN BE Economic Development
- Brings predictability – saves time and money.
- Provides for a mix of uses in a style that ‘fits into Watertown’
- Zoning can help localities plan for and accommodate the housing they need.
- Zoning can help achieve long-term sustainability – green infrastructure, parking requirements, landscaping, floodplain regulations, urban agriculture, energy systems, etc.

Why Update the Zoning Ordinance?

- Originally written in late 1950s
- Never had a full update – only piecemeal.
- First Ever Comprehensive Plan (2019) and DRI Strategic Plan
- State requires that zoning be in accordance with an adopted Comprehensive Plan
- Changes in Terminologies and Techniques
- Court Rulings (State and Federal court rulings have impact on local laws)
- New Technology (alternative energy, digital signs)
- Changing Demographics (more diverse, aging population)
- Integrate Form Based Code Including Graphics
- Create a code that is user friendly.

Ms. Nagle said that in order to understand the land uses throughout the City of Watertown, they walked with City Planners, over 25 miles, through the streets of Watertown for three days. Work began on the draft ordinance more than two years ago. The Consultants and City Planning Staff have been working with a Steering Committee appointed by City Council, (Planning Board member Lin Fields and City Council Member Patrick Hickey served on the steering committee). In addition, consultants from Elan met with a variety of stakeholders throughout the city: architects and engineering firms, local developers, realtors, and a cross section of community members. There have been four public open houses and three meetings with the City Council.

Ms. Nagle reviewed the proposed new Zoning Districts:

- Downtown
- Residential
- Neighborhood Mixed Use
- Urban Mixed Use
- Commercial
- Planned Campus
- Industrial
- Parks & Open Space
- Planned Development District
- Waterfront Overlay

Ms. Nagle said that in the proposed Zoning Ordinance, the Planning Board will review and approve Site Plans and Special Use Permits. Previously, the Planning Board was only empowered to review Site Plans and Special Use Permits and give a recommendation to City Council. Ms. Nagle explained that Watertown is the only Zoning Ordinance that she and Mr. Howard know of in New York State that handles Site Plan Approval this way. She said that it is more appropriate to task the Planning Board with approving Site Plans and Special Use Permits because it is an administrative board with more knowledge of the subject matter, and the City Council is a legislative body, and land use approvals should not happen at that level.

Additionally, in the use table, the proposed Zoning Ordinance adds Departmental Review as a level of review to allow Planning Staff to evaluate and authorize smaller projects that still require review, but don't rise to the level of needing to go to the Planning Boards; Ms. Nagle then explained that the proposed Zoning replaces hierarchical districts with a Use Table, which lists all uses and districts and what type of review a proposed use would require. Ms. Nagle explained that this should streamline how people use the Zoning Ordinance and clarify what uses are allowed in each district.

Ms. Capone asked the consultants to improve the specific wording in the written document to clarify that the Planning Board will review and approve/disapprove Site Plans and Special Use Permits. Ms. Capone said the way she was reading it, it was not clear that the Planning Board had the authority to approve these items. Ms. Nagle said that she will make the change to clarify their authority to approve both Site Plans and Special Use Permits.

Ms. Nagle went on to discuss the parking requirements in the proposed Ordinance; to avoid over-prescribing parking spaces, the new Zoning will have parking maximums instead of minimums. If the applicant believes they require more parking, they will have to show why they need the additional spaces.

Ms. Nagle then said that the new Zoning Law has language encouraging shared use parking, as well as environmentally sensitive parking designs, including ways of addressing stormwater runoff, such as using permeable pavers, bioswales and rain gardens to treat stormwater on site where the geology will allow.

Ms. Nagle went on to discuss Electric Vehicle (EV) chargers. The proposed Zoning will require two (2) EV chargers for every 20 parking spaces created as part of new development or redevelopment. Ms. Nagle explained the importance of including these in the parking guidelines as EV chargers will become increasingly important to the population.

Ms. Nagle concluded her presentation by explaining that the next step is for the Planning Board to recommend approval of the draft law to the City Council. Additionally, the County Planning Board is currently reviewing the law and City Council is required to hold a Public Hearing, as well as complete the State Environmental Quality Review (SEQR) process.

Ms. Nagle explained that training for the Planning Board Members is included in Elan's contract; the consultants will also help City Planning staff get acclimated to the new code.

The meeting continued with additional questions from the Planning Board Members. Ms. Capone asked the consultants why multi-family dwellings are not listed as “allowed” in the new Residential District. Discussion clarified that the Residential District would only allow single and two-unit dwellings. However, pre-existing multi-unit dwellings would also be an allowed use in the Residential District. These preexisting units will not become nonconforming under the new law, even if they are unoccupied for months or years.

Mr. Howard pointed out that new multi-unit dwellings could not be built in the Residential District except for certain circumstances. He called the Planning Board’s attention to the “Residential Adaptive Reuse, Pre-existing” Supplemental Regulations, which identify specific existing structures in the City, that are too big and too costly to maintain as single-family dwellings. Mr. Howard said that the Supplemental Regulations allow owners to convert the pre-existing structure to a multifamily dwelling if the structure meets certain criteria.

Mr. Howard referenced some of the criteria from the Draft Zoning Ordinance including that it only applies to buildings with a minimum of 4,000 square feet of gross floor area and that the average unit size must be at least 800 square feet with a maximum of five (5) dwelling units.

Ms. Capone asked the consultants for clarification of a section of the law that requires at least eight (8) acres for a mobile home park. She asked why the proposed Zoning would allow Mobile Home Parks in the City. Mr. Howard explained that this part of the law will allow the existing Mobile Home Park on the north side of the city, off Route 11 (LeRay St.) to be in compliance with the zoning law.

Ms. Capone then requested additional information on Drive-thru Accessory Uses and why they are not allowed in the Downtown District. Mr. Urda said that the Comprehensive Plan’s vision for downtown and the intent of the Downtown Zoning District was to create an active, pedestrian-oriented city center, and drive-thrus are not conducive to walkability. Planning Board member Godek stated that a drive-thru is a pedestrian conflict, creating a dangerous flow of vehicles across the pedestrian sidewalk. Ms. Godek also noted that more people walking in Downtown means they are staying longer and may increase shopping at the businesses and restaurants. Ms. Capone stated that she is concerned about making all of the existing bank drive-thrus nonconforming.

Ms. Nagle stated that existing drive-thrus are subject to time limits if the building becomes vacant; if the building becomes vacant, the permitted nonconforming use will expire after 12 months of non-use. If the building owner wishes to reactivate the drive-thru after the 12-month period, the owner will have to apply for a variance. Ms. Nagle also noted that there are Supplemental Regulations for drive-thrus, for areas in which they are allowed.

Ms. Capone added that she felt the Planning Board should be pro-business and should find a balance between what we want Downtown to look like and what businesses need.

There was a brief discussion about residential units above businesses in the Commercial District. Ms. Nagle noted that the new law is trying to encourage mixed-use buildings in the Downtown, Urban Mixed Use and Neighborhood Mixed Use zoning districts.

Discussion continued regarding parking guidelines, Ms. Capone asked for clarification about how maximum and minimum numbers are calculated.

Ms. Nagle explained that in the draft Zoning Law, each district has a maximum number of parking spaces, instead of a minimum.

She then added that while there is no minimum parking requirement for the Downtown, Commercial, Urban Mixed Use, Neighborhood Mixed Use, Planned Campus, and Parks & Open Space districts, the Residential District would require one (1) off-street parking space per dwelling unit.

She continued by stating that if the applicant wants more than the maximum number of parking spaces, the draft law describes the process to request additional spaces, such as a Parking Plan, a Transportation Demand Management Plan or a variance from the Zoning Board of Appeals depending on the number of spaces proposed.

Ms. Capone then asked for more information about Section 310-37 Parking Standards A - Front Yard Parking. Mr. Lumbis described the Planning Department's experience with requests from residents in homes that do not physically and dimensionally have enough space to allow for off street parking on the side or back of the property. He explained that for properties that do not have space for parking to the side or rear of the home, this will allow them to create one parking space in their front yard, as long as it is not blocking the sidewalk. Mr. Lumbis continued to point out that the City of Watertown has some smaller lots and older homes built without driveways or garages. This issue occurs infrequently but the Zoning Board of Appeals has addressed a few requests for variances. This would allow the homeowner to have an option when there is no other parking option.

Ms. Capone asked for more information on Electric Vehicle Charging Ports. Mr. Howard said that new parking lots with 20 or more spaces would be required to install two (2) charging ports. He also noted that each charging unit comes with two ports.

Ms. Capone asked if the new Zoning Ordinance included specific language about enforcing the requirements of approved Site Plans. Mr. Lumbis directed the Board to 310-76 Section B.

B. The Bureau of Code Enforcement's duties shall include:

1. Inspect all site improvements and coordinate with the Planning and Community Development Department and other officials and agencies, as appropriate, in order to certify that the requirements of this chapter and any conditions of approval have been fully complied with.

Larry Coburn noted a mistake in the name of a street on the printed copy of the new zoning district map, as it did not correspond to the online version of the map. Jennifer Voss will address the matter with the GIS staff to correct the printing problem.

Chairperson Coburn then invited comments and questions from the public.

Bill Kimball 253 Thompson Blvd. asked the Board to clarify if the proposed Zoning would allow someone to convert an existing single-family dwelling to a duplex. Mr. Lumbis replied that they could convert a single-family home to a duplex if it meets all building code requirements; in the Residential District the most it could be is two units.

Mr. Kimball also wanted to know if there were Zoning districts where housing for low income and homeless people could be developed. Ms. Capone and Mr. Howard referred to the districts where there were higher density residential areas like Downtown, Urban Mixed Use, Neighborhood Mixed Use and Planned Campus that allow for larger multifamily units.

There was a brief discussion about mini/tiny homes and then Mr. Kimball asked how the Zoning will address the change from gas to electric vehicles; Mr. Howard and Ms. Nagle explained the part of the Ordinance that would require new parking lots to provide two electric charging stations for every 20 parking spaces.

Bruce Irwin, 285 Chestnut St. noted that there was only one City Council member at the meeting and wondered if the Council has been well briefed on the Zoning changes. Councilperson Patrick Hickey was in the audience and stated that the City Council has had many Work Sessions and presentations on the topic; City Council has been briefed on numerous occasions and changes have been addressed. Mr. Hickey said that several of the changes already made originated from City Council and Mayoral feedback.

Mr. Irwin spoke about his concern that converting single-family homes to duplexes would lead to a decline in the neighborhood. Mr. Irwin related his experience of living in Watertown and seeing nice neighborhoods become run down. He hopes our new Zoning Ordinance will keep that from becoming worse.

Planning Board Member Lynn Godek left the meeting at 4:03pm.

Lisa Nagle of Elan Planning and Design expressed her understanding that the decline of homes and neighborhoods is a concern; many of the conversations she has had with Staff and with the residents who have attended meetings and open houses were about the condition of the homes. She said that this highlighted the need for good Code Enforcement and Building Code Enforcement. Ms. Nagle continued to explain that Zoning is a guide for the future of Watertown but what must stand behind it is good Building Code Enforcement and that every municipality needs to make sure their Code Enforcement department is adequately staffed because the ability to enforce the code will help protect all our neighborhoods.

Mr. Lumbis noted that the Building Code enforcement staffing has been increased by the City Council in the last year or two.

Glenda Dickson, of William Street, addressed the Planning Board. Ms. Dickson expressed her concern that changing the Zoning designation of her home to Urban Mixed Use will permit the neighbors in the adjoining commercial lot to use the lot for commercial parking.

The current zone, Residential C, does not allow that. Ms. Dickson reported multiple problems with the way the commercially zoned neighbor uses the lot and encroaches on her property. Ms. Dickson reported that cars have blocked her in her driveway so she could not get out, trash is dumped in her yard and her vehicle has been damaged three times.

She said the adjacent lot is currently split zoned: half Residence C and half Commercial. Ms. Dickson said that she feels the city has not enforced compliance with current restrictions even with numerous formal complaints filed with both Code Enforcement and the City of Watertown Police. Ms. Dickson asked what protections, if any, are built into the new Zoning district and how a resident can oppose a change in their Zoning designation.

Chairperson Coburn addressed Ms. Dickson and suggested that she should contact the police regarding the illegal parking, dumping and damage on her property. Ms. Dickson explained that she has tried to get the police involved but was told to take the problems to “the City.”

Additionally, Ms. Dickson stated that she has made formal complaints to the Code Enforcement department without satisfaction. Chairperson Coburn suggested she address these issues with her City Council representative and to again speak to the Code Enforcement Department for issues in their jurisdiction.

Ms. Nagle stated that the Bureau of Code Enforcement and the City Police are the enforcement entities that should be involved in making sure her legal rights are protected. With regard to the new Zoning Ordinance, Ms. Dickson will have more protection in the Urban Mixed Use district because the Planners have built in setbacks, fencing and noise control, in consideration of adjacent uses.

Ms. Nagle informed Ms. Dickson that if she opposes the Zoning change, she can attend the City Council Public Hearing or submit her opposition in writing to the City Council.

Ms. Dickson reiterated that she needs help now and she does not know who to turn to. Ms. Dickson stated she has spoken with the City Manager and Mr. Lumbis about these issues and the history of the way the property is zoned. Mr. Lumbis acknowledged that he is looking into some of the history of the adjacent parcel and the agreements that were in place when it was split into both Commercial and Residential C.

Carl Boler, 236 Thompson Blvd. addressed the Board and asked if the Residential Zone allowed businesses, specifically home day care operations, to be located next to single family residences and if farm animals would be allowed in a Residential District.

Mr. Howard offered some information on home daycare businesses which, when licensed in New York State are legally allowed to be located in any residence, regardless of the zoning district. Mr. Howard directed the question of farm animals to the section of the new law addressing Personal Agriculture.

Leonard Spaziani, 271 Chestnut St. addressed the Board and expressed his displeasure with the changes in the proposed Zoning Ordinance that will allow owners to convert single-

family dwellings to duplexes. Mr. Spaziani also noted that he is against the changes happening downtown; he voted against the Downtown Revitalization Initiative (DRI) Streetscape project when he was on City Council, because he did not want to see parking spaces lost. Mr. Spaziani believes there should be more ADA accessible parking on Public Square, and that the Zoning Ordinance changes are coming too quickly for the average citizen to digest.

Ms. Capone commented that this might be a good opportunity to have a discussion with Code Enforcement that the updated Zoning is worth nothing unless we get the enforcement side of it. Also, when the Board approves a site plan there needs to be follow-up and enforcement of what the Planning Board has approved.

Mr. Lumbis commented that the Code Enforcement Supervisor has been involved in the development of the new zoning ordinance since the beginning and they have been taking a more proactive approach and working closely with the Planning Department.

Senior Planner, Jennifer Voss addressed the public about the move to a single Residential District. Ms. Voss explained that through research of existing land uses in Watertown, and by GIS (Geographic Information System) analysis, it became clear that there are almost no neighborhoods in the city that are totally single family. The Planning Department receives many variance requests for existing duplexes or triplexes that have lost their grandfathered status and the owners cannot repair them and return them to occupancy because they are nonconforming in their zoning district. Ms. Voss reiterated that the owners are not trying to create new multifamily dwellings, they are trying to fix up the homes that already exist.

Ms. Voss then stated that many communities across the country have outlawed single family zoning districts because it is inequitable – similar to redlining of the past.

Leonard Spaziani addressed the Board again. He discussed his experience during the COVID- 19 pandemic shutdown, when renters in his neighborhood were putting garbage in the yard and nothing was done about it. Mr. Spaziani went on to complain about the Watertown Golf Club property being zoned Open Space and that he does not want the City Council to allow the Planning Board to make the final decisions about Zoning applications.

Debbie Cavallario, 259 Thompson Boulevard addressed the Board and expressed her concern about the decline of the neighborhood if single family residential homes become duplexes and then become run down as has happened in other parts of the city. Ms. Cavallario expressed her desire to maintain the home and neighborhood that she has invested so much of her life in. Ms. Cavallario also reiterated the need for Code Enforcement to be responsive to public complaints.

Mr. Lumbis then spoke regarding the efforts over the past two years to inform the public about the Draft Zoning Ordinance. Mr. Lumbis described outreach efforts that included work sessions with the City Council, coverage by local media, open houses, public meetings, and regular postings of information on the City's website and social media. Mr. Lumbis reiterated that this project has been going on since 2020 and it has been well publicized.



Mr. Lumbis addressed the audience and asked if concern about converting a home to a duplex was also about the possibility that the home would become a rental. He pointed out that the number of rentals in our community is much higher than the national average which is 40 percent; Watertown has 60 percent rentals. He noted that a quick analysis of the 200 block of Thompson Boulevard showed that there are 7-to-8 rentals already.

Ms. Capone asked about Code Standards that an applicant would need to meet if they wished to convert a single-family dwelling to a duplex. There was a brief discussion about standards that must be met in order to create a separate living space and not every property will be able to meet those standards. The discussion also covered that not every owner with a single-family dwelling wants to convert it to a duplex.

Ms. Cavallario responded that she was very aware there were renters, but there is a difference when it is a single-family renter.

Ms. Fields also commented that a two-family dwelling does not devalue property.

Mike DeMarco of the Planning Department asked the Board and the public to consider that there are major university studies, including from Harvard University, that show single family zoning districts are historically socioeconomically and racially motivated and discriminatory. Mr. DeMarco added that municipalities with these laws, all over the country, are being challenged in the courts because of the similarity to historical redlining.

Hearing no further discussion, Ms. Fields made a motion recommending that City Council approve the Draft Zoning Ordinance and readopt Chapter 310, Zoning of the Code of the City of Watertown. Mr. Pierce seconded the motion. All voted in favor.

At 4:46 p.m., Mr. Katzman moved to adjourn the meeting. Mr. Coburn seconded the motion. All voted in favor.

Respectfully submitted,  
Gertrude Mead Karris  
Secretary