



CITY OF WATERTOWN, NEW YORK

CITY PLANNING BOARD
ROOM 302, WATERTOWN CITY HALL
245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601-3380
(315) 785-7730

MEETING: July 9, 2013

PRESENT:

Sara Freda, Chair
Larry Coburn
William Davis
Neil Katzman
Pat Fontana

ALSO:

Kenneth A Mix, Planning and Community
Development Coordinator
Michael Lumbis, Planner
Andrew Nichols, Planner
Justin Wood, Civil Engineer II
Robert J. Slye, City Attorney

ABSENT:

Lori Gervera

The July 9, 2013 Planning Board Meeting was called to order at 3:03 PM by Planning Board Chair Sara Freda. Mrs. Freda then called for a reading of the Minutes from the June 4, 2013 Planning Board Meeting. Mr. Fontana made a motion to waive the reading of the Minutes and accept them as written. The motion was seconded by Mr. Coburn, and all voted in favor.

SUBDIVISION – 176 DUFFY ST

PARCEL 9-14-112

The Planning Board considered an application submitted by Patsy Storino, PLS for the two-lot subdivision of 179 Duffy Street, parcel 9-14-112.

Mr. Storino approached the Board and explained that his client, H20 Realty, wished to split the parcel so that the existing garage could be renovated or demolished and replaced with housing, then sold. He noted that the existing garage was constructed in 1981 without a permit and had stood without complaint for over 30 years. The garage is only accessible from Casey Street. He finished by stating that he believes the Staff Report is in error, and that the Board can approve this subdivision despite the existing structure being illegal. Allowing the renovation would cause no harm to the City and would increase the tax base.

Mrs. Freda read the notice of public hearing and declared the hearing open at 3:07 pm. No one spoke. Mrs. Freda stated that the hearing would remain open while the Board discusses the matter.

Mr. Katzman asked Mr. Storino to confirm the location of the garage entrance. Mr. Storino said it is on Casey Street.

Mr. Katzman said that the proposal looks harmless, but he would like a legal assessment.

Mr. Slye, City Attorney, responded that, were this subdivision approved, the previous non-conformity [a setback violation] would be replaced by a new non-conformity [garage as principle use]. The Board is prohibited by State law from creating a new non-conformity. It can ignore existing ones, but cannot create a new one. The best course of action would be to refer the application to the Zoning Board of Appeals, which has the power to grant an exception to the regulations of the Zoning Ordinance and allow the subdivision to be approved.

Mr. Katzman made a motion to refer the application submitted by Patsy Storino, PLS for the two-lot subdivision of 176 Duffy Street, parcel 9-14-112, to the Zoning Board of Appeals and table the application pending their decision.

Mr. Fontana seconded, all voted in favor.

Mr. Wood noted that the next ZBA meeting would be the third Wednesday in August at 7:00 pm.

Mr. Slye reminded the applicant that in addition the materials required for a subdivision application, additional information would be required by the ZBA, for example evidence of financial hardship.

**SITE PLAN WAIVER – DR. WARD PARKING LOT
821 WASHINGTON ST – PARCEL 11-12-220**

The Board then considered a request for a waiver of site plan approval submitted by Ian Ward for construction of a 2,400 square foot parking area for an existing office building at 821 Washington Street, parcel 11-13-220.

Diana Sheitz was in attendance to represent Dr. Ward. She explained that they would like to install landscaped beds near the building rather than installing a tree near the corner of Washington St. and Bowers Ave. The two trees requested near the proposed pavement would still be installed. She distributed a sketch landscaping plan to the Board members.

Mrs. Freda noted that the new landscaping plan shows a blue spruce and a clump birch rather in the lieu of the large maturing tree requested in the Staff Report.

Mr. Davis arrived at 3:16 pm.

Mr. Katzman noted that no handicap parking spaces were depicted.

Mr. Wood explained that a parking of this size only requires one accessible parking space, and the City's recommendation is that it be located in the Bowers Ave portion of the lot to provide better access to the front door.

Mr. Katzman noted that the information provided by the applicant seems incomplete.

Mrs. Freda responded that this is a Waiver and the required level of detail is lower than for a full site plan approval.

Mrs. Freda asked for the Board's opinion on the tree at the Bowers Ave corner.

Mr. Davis said that he agrees that a tree should be installed. Mr. Katzman said that at least two trees should be required.

Mrs. Freda asked about the two lots being combined. Mr. Mix explained that the lots were already combined, despite two separate surveys having been submitted.

There was general discussion regarding the requirements for handicap parking spaces and the possibility of requiring a full site plan.

Mr. Mix said the Dr. Ward had initially proposed a larger parking lot, but reduced the size in order to avoid going through the full site plan approval process.

Mr. Davis said that he is worried that the lot will not be large enough for Dr. Ward's increasing patient load, given that the size was reduced specifically to avoid a requirement.

Ms. Sheitz explained that parking is somewhat strained but with the new pavement, it should be sufficient for the near future. The paving is only being proposed to avoid creating a mud pit.

Mr. Fontana then moved to approve the request for a waiver of site plan approval submitted by Ian Ward for construction of a 2,400 square foot parking area for an existing office building at 821 Washington Street, parcel 11-13-220, subject to the following conditions:

- 1) The applicant shall depict the dimensions between the northern and western property lines and the proposed parking lot edge.
- 2) The applicant shall widen the driveway to 24' minimum width.
- 3) At a minimum, the applicant shall provide relative spot elevations or directional flow arrows for the proposed and existing parking areas to show that excessive runoff is not directed to neighboring properties or the right-of-way.
- 4) The applicant shall provide at least one ADA accessible parking space.
- 5) The applicant shall plant at least 2 large-maturing trees, spaced roughly 40' on-center, in the lawn area between the proposed parking area and Washington Street, and 1 tree in the lawn area between the office building and Washington Street.
- 6) The applicant shall submit a new plan which shows all proposed features on a single drawing, subject to approval by the City Engineer prior to construction.

Mr. Coburn seconded the motion.

Prior to voting, Mr. Katzman said that he does not want to present an obstacle, but the plans are deficient. [Referring to Condition #6 above.] He asked if snow storage was an issue, and if a snow removal plan should be required.

Mr. Katzman continued, saying he worries about approving what he sees to be an incomplete plan, because it could set a precedent for future applications.

Mrs. Freda called for a vote, all voted in favor.

**SITE PLAN WAIVER – WEST MAIN STORAGE
753 REAR MAIN STREET WEST – 1-14-201**

The Board then considered a request for a Waiver of Site Plan Approval submitted by Thomas Compo of GYMO, PC, on behalf of Knowlton West Main Storage, LLC, for construction of a loading dock and sidewalk for an existing storage building at 753 Rear Main Street West, parcel 1-14-201.

Tom Ross of GYMO was present to address the Board. He went through the comments in the Staff Report, and provided an updated plan to the Board. He explained that all of the comments had been addressed, and that crabapple trees were proposed for Maple Ave and maple trees were proposed for Poplar Street.

Mr. Katzman moved to approve the request by Thomas Compo of GYMO, PC, on behalf of Knowlton West Main Storage, LLC, for construction of a loading dock and sidewalk for an existing storage building at 753 Rear Main Street West, parcel 1-14-201, as submitted on June 18, 2013 to the City Engineer, and as revised and presented to the Board on July 9, 2013.

Mr. Coburn seconded, all voted in favor.

**SITE PLAN AMENDMENT – CREEKWOOD PHASE II
980 REAR MILL ST – PARCEL 3-14-105.100**

The Board then considered a request for an amendment of site plan approval submitted by Tom Ross of GYMO, PC for construction of additional trash enclosures at Creekwood Phase II, 980 Rear Mill Street, parcel 3-14-105.100.

Mr. Ross again approached the Board. He explained that Phase I of the project had been short on space for trash storage, so an extra enclosure is being added for Phase II. He noted that some light poles had also been shifted to avoid a National Grid easement area. Extra shrubs would be added, as recommended in the Staff Report.

Mr. Davis made a motion to recommend that City Council approve the request for an amendment of site plan approval submitted by Tom Ross of GYMO, PC for construction of additional trash enclosures at Creekwood Phase II, 980 Rear Mill Street, parcel 3-14-105.100, as submitted to the City Engineer on June 13, 2013, revised and submitted to the Planning Board July 9, 2013.

Mr. Katzman seconded, all voted in favor.

ZONING TEXT – FAMILY AND ACCESSORY USES

The Board then considered a request by City Council for a recommendation regarding an Ordinance amending § 310-1, Definition of Family, and § 310-34, Accessory Uses in Residence Districts.

Kenneth A. Mix, Planning and Community Development Coordinator, and Robert J. Slye, City Attorney, approached the Board to explain the staff recommendation.

Mr. Mix said that, after discussing the Mayor's proposed Ordinance with the Board at previous meetings, and then conferring with the City Attorney, City Engineer, and Code Enforcement Bureau, staff has now provided a recommendation on how the Ordinance should be changed.

Mr. Slye said that, based on the deliberations of both the Planning Board and the City Council, it appears that there is desire to differentiate between Residence A and Residence B or C districts, while still allowing a wide range of living arrangements, and not interfering in private matters. The proposal in the staff report would still allow unrelated people to live together, but by defining the term "boarding house" the City can prevent commercial use of residential properties in Residence A districts. He continued, explaining that boarding houses are already disallowed in Residence A, but without a definition it is not possible to prevent their operation in a fair manner.

Changing the definition of "family" back to its original 1922 form would eliminate the requirement that families have no more than 4 unrelated individuals, allowing a wide range of non-traditional living arrangements within all residential districts.

Mr. Katzman asked Mr. Slye what his recommendation would be.

Mr. Slye responded that he agrees with the recommendations of the staff report.

Mr. Mix said that the City will likely never have the ability or desire to determine the nature of private living arrangements, but it can disallow a blatant commercial operation in Residence A. He noted that the modern incarnation of a boarding house is the bed & breakfast. The tricky thing is defining the size at which a transient lodging arrangement ceases to be a boarding house and becomes a hotel. The memo proposes a limit of ten rooms, which may be too high.

Mr. Fontana said that he agrees with the proposal in the staff report, and that the changes should clear up some confusion.

Mr. Katzman said he would like to reduce the maximum number of rooms from 10 down to 5. Mr. Davis agreed with this idea. After some general discussion, the Board agreed that 6 rooms would be a good limit.

Mr. Katzman asked if a vote could be taken with a secret ballot. Mr. Slye responded that State open meetings laws prohibit this.

Mr. Fontana moved to recommend that City Council approve the Ordinance amending § 310-1, Definition of Family, and § 310-34, Accessory Uses in Residence Districts, subject to the alternations proposed in the June 19, 2013 Memorandum by Kenneth A. Mix, Planning and Community Development Coordinator, except that the maximum number of rooms allowed in a “boarding house” should be six (6).

Mr. Davis seconded, and all voted in favor.

Mrs. Freda requested that the report prepared for City Council be e-mailed to the Planning Board once it is ready.

Mr. Coburn moved to adjourn. Mr. Davis seconded, all voted in favor.

The meeting adjourned at 4:10 pm.