



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: November 3, 2015

PRESENT:

Sara Freda, Chairperson
Michelle Capone
Larry Coburn
Linda Fields
Anthony Neddo
Steve Rowell
Neil Katzman

ALSO:

Michael A. Lumbis, Planner
Jeffrey Polkowski, Planner
Geoffrey Urda, Planner
Brian Drake, Civil Engineer II

ABSENT:

None

The November 3, 2015 Planning Board Meeting was called to order at 3:00 PM by Planning Board Chair Sara Freda. Ms. Freda called for a reading of the Minutes from the October 6, 2015 Planning Board Meeting. Ms. Fields made a motion to accept the minutes as written. The motion was seconded by Ms. Capone and all voted in favor.

ZONE CHANGE
115 BROOK DRIVE – PARCEL # 14-21-131.000
RESIDENCE A TO LIMITED BUSINESS

The Planning Board then considered a request submitted by Stephen W. Gebo of Conboy, McKay, Bachman & Kendall, LLC on behalf of Sundus and Sarah, LLC to change the approved zoning classification of 115 Brook Drive, Parcel Number 14-21-131.000 from Residence A to Limited Business. David Guertsen of Conboy, McKay, Bachman & Kendall and Thomas Ross of GYMO, P.C. were in attendance to represent Sundus and Sarah, LLC before the Planning Board.

Ms. Freda began by asking if any letters had been received from members of the public regarding the proposed zone change. Mr. Guertsen replied that his firm had faxed two letters to City Staff. Ms. Freda said that the only letter she currently possessed was a letter from Kim Dyke of Sherman Street, who wrote in opposition to the proposed zone change.

Mr. Guertsen said that his firm also sent Staff a letter from Richard. M. Capone, Manager of the Watertown Shopping Plaza, who wrote to communicate that he had no opposition to the proposed zone change. Mr. Lumbis exited the room for a few moments and

returned with a copy of Mr. Capone's letter. Both letters are attached at the end of these minutes.

Ms. Freda then asked Mr. Guertsen to describe his client's proposed project to the Planning Board. Mr. Guertsen said that this application proposes to change the zoning of a small parcel acquired earlier in 2015 by Sundus and Sarah, LLC from Residence A to Limited Business. Mr. Guertsen noted that the parcel in question is adjacent to an existing Limited Business parcel on which Sundus and Sarah, LLC operates a medical office.

Mr. Guertsen then said that Sundus and Sarah, LLC had been operating a medical office on the neighboring parcel since 2005. He added that when the medical office expanded in 2012, they received a variance from the City of Watertown Zoning Board of Appeals that varied the parking requirement by ten spaces, and allowed them to provide only 38 spaces instead of 48.

Mr. Guertsen then noted that the addition of new doctors and other new employees since 2012 has caused parking to become more and more of an issue. He said that the applicants propose adding 11 parking spaces on the parcel that they have acquired and for which they are requesting the zone change. He added that these new spaces would be used by employees only, meaning that there would be minimal in-and-out traffic. He then said that the applicants propose to eliminate a curb cut that used to be a residential driveway on the western end of the site, and that all access to the new parking would be from the existing entrance.

Mr. Guertsen continued by saying that the lot proposed for employee parking is on the part of the site that abuts a Residence A District, and that it will be vacant outside of business hours. He then said that if the zone change was granted, the applicants envisioned installing landscaping on the lot to minimize noise and other impacts. He added that it is not a high-turnover, high-traffic business like a Dunkin Donuts or a gas station; that it would have less traffic impact than those types of uses.

Mr. Guertsen then referenced Staff's memorandum to the Planning Board and cited a paragraph indicating that the parcel in question was designated as Limited Office on the City of Watertown's Land Use Plan, and emphasized that the proposed zone change is consistent with that plan. He added that the applicants have patients and employees that are parking across the street and crossing via an unregulated and un-signalized crosswalk. Mr. Guertsen then said that Mr. Thomas Ross of GYMO, P.C. was also in attendance and would be able to answer many of the Planning Board's questions better than he could.

Ms. Freda asked about the amount of square footage in the proposed parking expansion, and whether or not it would require a full site plan review. Mr. Ross said that since the aggregate footprint of the drive aisle and all the proposed spaces would be over 2,500 square feet, that the project would require a full site plan review.

Ms. Freda then asked if it would be considered the first building on the site and if that alone would trigger a full site plan review. Mr. Lumbis replied that since the applicants are planning to assemble the parcel in question with the neighboring parcel that their office building is on, that the proposed parking lot would no longer be the first construction on the site. Mr. Guertsen briefly interjected and said that the applicants are fully prepared to combine the parcels.

Ms. Freda then asked if it would be permissible to attach a condition to the zone change that required a full site plan review for the parking lot. Mr. Lumbis replied that the Planning Board did not have that authority, but that the proposal, as currently constituted, would require a full site plan review anyway because of the square footage.

Mr. Katzman asked about the width of the driveway, expressing concern that it may be too narrow. Ms. Freda interjected that the Planning Board was not considering the site plan at this time, only the zone change, and that the zone change was all that the Planning Board members should be examining.

Ms. Fields said that the parking variance granted in 2012 by the Zoning Board of Appeals was conditioned on combining two parcels on Washington Street that were both owned by the applicants. Ms. Freda asked if these two parcels had indeed been combined. Mr. Guertsen replied that they had been.

Ms. Freda then pointed out that, as depicted on the conceptual site plan, the proposed drive aisle to access the added parking spaces would eliminate some spaces in the existing parking area. Mr. Ross said that while any loss of existing spaces would be avoided if possible, it was likely that two spaces would be lost, resulting in a net gain of nine spaces.

Ms. Freda then asked if the applicants still operate a sleep clinic in their medical building. Mr. Ross replied that they did. Ms. Freda followed up by asking how long a dentist's office had been operating in the building. Mr. Guertsen replied that he could not answer, but did not think that it was longer than three years. He then offered to look the information up.

Ms. Freda then suggested that the addition of the dentist's office could be a contributing factor to the parking shortage. Mr. Guertsen replied that the dentist's office has added employees and patient traffic, but could not confidently break the numbers down. Ms. Fields added that her husband is a patient at that building and the lot is constantly full. Ms. Freda noted that she was at the site earlier in the day and she could not find any empty spaces, regular or handicapped.

Ms. Freda then called her fellow Planning Board members' attention to Staff's memorandum, citing a paragraph that advised the Planning Board to consider all uses permitted in Limited Business Districts before making a decision. She then specifically noted that Limited Business Districts do not permit gas stations or restaurants.

Ms. Capone then made a motion to recommend that City Council approve the request submitted by Stephen W. Gebo of Conboy, McKay, Bachman & Kendall, LLC on behalf of Sundus and Sarah, LLC to change the approved zoning classification of 115 Brook Drive, Parcel Number 14-21-131.000 from Residence A to Limited Business.

The motion was seconded by Ms. Fields and the Planning Board voted 4-3 to recommend approval, with Mr. Neddo, Mr. Coburn, Ms. Capone and Ms. Fields voting in favor of recommending approval and Ms. Freda, Mr. Katzman and Mr. Rowell voting against approval.

Ms. Freda then asked Mr. Urda to ensure that the two letters from nearby property owners be included in the meeting minutes. Mr. Urda confirmed that they would be. Mr. Lumbis then noted the City Council will next meet on Monday, November 16, 2015, at which time the Council will set a public hearing on the proposed zone change, most likely for Monday, December 7, 2015. He reiterated that Council will make its actual decision on the zone change at the December meeting.

**WAIVER OF SITE PLAN APPROVAL
865 COFFEEN STREET AND 891 COFFEEN STREET
RESPECTIVE PARCEL NUMBERS 8-13-103.100 AND 8-13-102.000**

The Planning Board then considered a request for a waiver of site plan approval submitted by Laura Penazek-Whitney for the construction of an approximately 2,160 square foot parking lot expansion at 865 Coffeen Street and 891 Coffeen Street, respective parcel numbers 8-13-103.100 and 8-13-102.000.

Ms. Freda asked for someone to come forward to represent the project. David Whitney, the applicant's husband, stepped forward and said that although his wife was also in attendance, she had asked him to represent the project before the Planning Board. Ms. Freda then asked for a brief description of the proposed project.

Mr. Whitney began by saying that his wife's business, a State Farm Insurance building, needed to add approximately eight parking spaces. He said that the site lost three or four spaces a few years ago when the NYS Department of Transportation redesigned the corner of Coffeen Street and Bellew Avenue as part of the Coffeen Street reconstruction project.

Mr. Whitney then said that an opportunity recently came up to lease some land next door. He said this opportunity would allow the site to expand its parking capacity. He also said that the proposed project would include repaving the entire existing parking area as well. He added that it will make it easier and safer for customers to arrive and depart.

Mr. Katzman then asked whether the applicant was acquiring the neighboring land via lease or sale. Mr. Whitney replied they are leasing a triangular-shaped area of land in order to create a rectangle suitable for a parking expansion.

Mr. Whitney then addressed some work that had already been performed on the site prior to this meeting. He said that there was concern about cold weather two weeks earlier, so the applicant dug out the area where she proposes expanding the parking lot before a frost could set in, and put some stone down on the footprint of the proposed expansion. He said that if granted approval, the applicant will pave over the area where the stone is and will stripe the entire lot.

Ms. Freda then asked if an applicant is allowed to have a site plan that is partially on someone else's land. Mr. Lumbis replied that while this case was certainly unique, Staff could not find any law or ordinance that would prohibit a site plan from extending across a parcel boundary.

Mr. Katzman then asked whether any setback restrictions would prohibit the project. Mr. Lumbis replied that if either parcel were in a Residential District, then that would be the case, but the entire area of concern is in a Neighborhood Business District. Mr. Lumbis added that one of Staff's recommended conditions of approval was the prohibition of any paving within 15 feet of the rear parcel line because the rear of each parcel is in a Residence B District, and there is a required buffer wherever a Residential District abuts a non-residential use.

Ms. Freda then asked how many spaces are currently required by the Zoning Ordinance. Mr. Lumbis replied that Staff had looked up the size of the building, and that the applicant just meets the parking requirement based on the square footage of the building.

Mr. Katzman then said that his only objection was the early work that the applicant had performed prior to appearing before the Planning Board.

Mr. Katzman then moved to approve the request for a waiver of site plan approval submitted by Laura Penazek-Whitney for the construction of an approximately 2,160 square foot parking lot expansion at 865 Coffeen Street and 891 Coffeen Street, respective parcel numbers 8-13-103.100 and 8-13-102.000, as submitted to the City Engineering Department on October 20, 2015, subject to the following conditions:

1. No new paving shall occur any fewer than 15 feet from the southern property line of the applicant's parcel or 5 feet from the northern property line (sidewalk) along Coffeen Street.
2. The applicant shall install a planting bed that includes several bushes or shrubs in the 5-foot buffer area that will separate the sidewalk from the proposed parking lot expansion.
3. The applicant shall indicate the proposed hours of operation.
4. The applicant must meet the Engineering Department's grading requirements.

Mr. Whitney then asked for a clarification of the conditions. Ms. Freda then read the four conditions aloud to the applicant, and discussion followed on each of them.

Mr. Whitney said he wanted to clarify that the southern property line was actually to the south of the row of conifers at the southern end of the site. He then illustrated this on a map. Ms. Freda asked if a professional survey had been done. Mr. Whitney replied that although there had not been a professional survey performed, he had verified the locations of the property pins. He then added that the applicant owned the neighboring property on Bellew Avenue, which is behind the lot.

Ms. Freda asked what the proposed hours of operation were. Mr. Whitney responded that the office would continue to be open between the hours of 9 a.m. and 6 p.m. on weekdays, and between 9 a.m. and noon on Saturdays. This satisfied the condition regarding operating hours.

Ms. Freda then asked about the Engineering Department's grading requirements. Mr. Drake replied that the City wanted to make sure that the applicant would not be flooding her neighbor's property. Mr. Drake added that the applicant had an existing catch basin on her site, so she should try to slope everything that way.

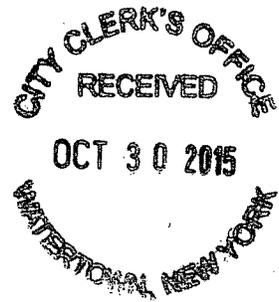
Mr. Lumbis then explicitly asked Mr. Whitney to confirm that the paving will stop five feet back from the sidewalk. Mr. Whitney told the Planning Board that the applicant agreed to that.

The motion was then seconded by Ms. Fields, subject to the three remaining conditions, and all voted in favor.

Ms. Freda then asked for a motion to adjourn. Ms. Fields then moved to adjourn the meeting. The motion was seconded by Mr. Katzman and all voted in favor. The meeting was adjourned at 3:29 PM.

October 27, 2015

Kim E. Dyke
1352 Sherman Street
Watertown, NY 13601



Conboy, McKay, Bachman & Kendall, LLP
407 Sherman Street
Watertown, NY 13601
Attn: Stephen W. Gebo, Esq.

**RE: APPLICATION FOR ZONE CHANGE
YOUR FILE #38219.0000**

Dear Attorney Gebo:

I am in receipt of your letter dated October 20, 2015 in reference to the zone change for property owned by Sundus and Sarah, LLC at 115 Brook Drive.

I am adamantly opposed to the zone change from Residential A to Limited Business. This proposed zone change will make a detrimental impact on my property. This neighborhood is one of the nicest, in my opinion, in Watertown. I grew up in the house my husband and I own at 1352 Sherman Street. Other than a couple of years when we were first married, I have lived in this house and in this neighborhood for over 50 years. My husband and I raised our two sons in this neighborhood. My husband and I have spent thousand and thousand of dollars improving our home, both inside and outside. If this zone change is approved, it will negatively impact the value of my home.

If we, as neighbors, don't oppose the zone change to Limited Business for the parcel at 115 Brook Drive, we are setting a precedent for other business to come into my neighborhood and set up shop. If a zone change is granted once, who is to say it won't be granted again and again? Leave the businesses on Washington Street.

Sundus and Sarah, LLC purchased 115 Brook Drive for \$120,000.00. They demolished a perfectly good house, tore it down and are now looking to make this lot a parking lot. Can another business do the same? Buy a house, tear it down, then ask the City for a zone change?

I am forwarding a copy of this letter to the City of Watertown Planning Board, who I believe are meeting on November 3rd at 3:00 to approve or not approve the zone change. I want the Planning Board to know my position on this zone change and am hoping they agree with me not to allow the zone change from Residential A to Limited Business.

If the Planning Board approves the zone change, at the next meeting of the City Council on November 16th, a date will be set for a public hearing. I will attend the public hearing with my other neighbors who oppose this re-zoning.

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If you have any questions, please contact me. I can be reached at my cell phone number of 315-486-2587.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kim E. Dyke".

Kim E. Dyke

cc: Watertown City Planning Board
Watertown City Council ✓

Watertown Shopping Center
c/o Richard M. Capone, Esq.
120 Washington Street, Suite 310
Watertown, New York 13601
October 28, 2015

Conboy, McKay, Bachman & Kendall, LLP
Attorneys at Law
407 Sherman Street
Watertown, New York 13601

Attn: Stephen W. Gebo, Esq.

Re: Application for Zone Change
CMBK File No.: 38219.0000

Dear Stephen:

We have no objection to the proposed zone change for 115 Brook Drive from Residential to Limited Business to be used for additional parking for North Country Urology.

Very truly yours,

WATERTOWN SHOPPING PLAZA


Richard M. Capone, Manager

RMC:sr