



**CITY OF WATERTOWN, NEW YORK**  
**CITY PLANNING COMMISSION**  
ROOM 305, WATERTOWN CITY HALL  
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WATERTOWN, NEW YORK 13601-3380  
(315) 785-7741

MEETING: September 10, 2024

**PRESENT:**

Michelle Capone, Acting Chairperson  
Peter Monaco  
Maryellen Blevins  
Linda Fields  
Lynn Godek

**ALSO:**

Michael A. Lumbis, Planning and Community  
Development Director  
Geoffrey Urda, Senior Planner  
Sharlice Bonello, Planner  
Michael DeMarco, Planner

**ABSENT:**

T.J. Babcock

**ELECTING A PLANNING COMMISSION CHAIRPERSON**

Ms. Capone stated that the first order of business would be to elect a new Planning Commission Chairperson. Ms. Fields stated that as the longest standing Planning Commission member, it is her honor and privilege to make a motion to appoint Michelle Capone as the Planning Commission Chairperson. Ms. Capone thanked Ms. Fields for her kind words.

Ms. Fields then made a motion to appoint Michelle Capone as Planning Commission Chairperson. Maryellen Blevins seconded the motion, all voted in favor.

**ACCEPTING THE AUGUST 6, 2024, PLANNING COMMISSION MINUTES**

Planning Commission Acting Chairperson, Michelle Capone, called the September 10, 2024, Planning Commission meeting to order at 6:01 p.m. Lynn Godek made a motion to accept the minutes from the August 06, 2024, meeting as written. Linda Fields seconded the motion, all voted in favor.

**ZONING ORDINANCE AMENDMENT DISCUSSION**

Ms. Capone then introduced agenda item three to discuss a proposed Zoning Ordinance Amendment. Ms. Capone noted that Staff had informed the Planning Commission at its August 6, 2024, meeting that this proposal was upcoming, and asked Planning Staff to go over each of the proposed topics contained in its report to the Planning Commission.

Mr. Lumbis began by discussing the proposed amendment to the Use Table, specifically adding a requirement for off street parking lots to obtain Site Plan Review in the districts that they are currently allowed, because all the different standards and requirements when constructing an off-street parking lot are too significant to approve at the Staff level. All the Commission members

were worried that requiring Site Plan Review would delay the approval process for applicants seeking to expand existing lots.

Mr. Urda clarified that when the Use Table refers to an off-street parking lot, it applies when parking is the only and primary use on a parcel and is a different situation from an existing business adding onto a parking lot or a new business is being developed with parking being an accessory use to the business. Mr. Urda also noted that if there are any minor off-street parking lots proposed, the applicant still has the option to apply for a Sketch Plan Conference which could be approved by the Planning Commission.

Ms. Bonello then said that there are exemptions to Site Plan Approval, such as if the expansion is less than 500 square feet. Mr. Lumbis noted that the language primarily talks about expansions to an existing building, but the language in “Section 310-104: Exemptions” that refers to Site Plan exemption needs to be cleaned up as part of this amendment. Mr. Lumbis suggested Staff could create two separate Site Plan Exemptions relating to expansions to an existing building and parking lot.

Ms. Godek then said that requiring Planning Commission review for off-street parking lots supports zoning and helps to reduce the amount of unneeded parking. Mr. Urda noted that establishing a new, standalone parking lot on a previously undeveloped parcel is a significant change. The Planning Commission members all agreed.

Mr. Lumbis then introduced the proposed changes to “Section 310-31: Form Based Dimensional Tables” and noted that most changes in this section will be to reduce transparency in all districts. Mr. Urda noted that transparency requirements are most useful in the City Center Overlay District, and stated that the Lincoln Building, Holy Smokes BBQ, and BCA have high transparency that would most likely meet the proposed transparency percent and create a more comfortable walking environment for pedestrians.

Ms. Blevins asked how staff came up with the transparency percentages, and Ms. Fields commented that during the Zoning rewrite steering committee meetings, the members were concerned about visibility and thinking of the “what if” situations. Ms. Fields recalled that the percentages for transparency were based on accepted standards.

Ms. Capone, and other Commission Members, raised concerns on how medical buildings will meet the transparency requirements, specifically in the Downtown District. Mr. Lumbis stated that there is the option for medical offices to design the layout to accommodate the transparency, such as putting office spaces near the windows and exam rooms away from windows and provided the Woodruff Building as an example. Mr. Urda also stated that medical offices in the downtown district is a use that is encouraged, but in a perfect world, the medical offices would be on the upper floors and the ground floor would still be used by an active retail use.

Ms. Capone then asked what transparency means and asked if dark windows would be counted towards transparency. Ms. Urda stated that if a window is opaque, it should not count towards the transparency requirement. Mr. Urda also mentioned that transparency requirements only come into play for new development or when a new façade is being built.

Ms. Fields then asked Mr. Urda to explain the proposed change to the functional entry spacing requirement in the Downtown District. Mr. Urda replied that while many parcels downtown are narrow, not all the parcels are narrow enough to meet the current 30-foot maximum functional entry spacing, so by increasing it to 50-feet, it will decrease the chance of a structure needing an Area Variance.

Mr. Monaco appreciated the reduced transparency requirement in the Residential District, but still felt that it could be reduced more.

Ms. Fields stated that she was surprised that the front façade ground floor transparency in the Planned Campus District decreased from 65 percent to 35 percent. Mr. Urda explained that the Planned Campus District lends itself to large parcels where the buildings are setback from the streets by significant distances and don't meaningfully front sidewalks, making the rationale for transparency irrelevant. Ms. Fields noted that she was concerned that the decrease in transparency could affect workers safety as transparency provides more protection to individuals. Mr. Urda stated that at 35 percent transparency, a little over one third of the front façade would need to be transparent and would still meet the natural surveillance objective.

Ms. Capone brought up the topic of what defines transparency and Mr. Lumbis stated that there is not currently a definition, but Staff can define transparency in this amendment to avoid any confusion.

Mr. Urda then pointed out that in the Neighborhood Mixed Use District, there is a mathematical impossibility in the dimensional requirements where the 60-foot maximum façade length and the 25-foot maximum unbuilt frontage requirements conflicted with one another wherever an NMU-zoned parcel exceeded 85 feet in width.

Mr. Urda said that potential solutions included increasing the maximum façade length to 75-feet or increasing the maximum unbuilt frontage to 40-feet to eliminate the conflict. Mr. Urda then said that changing the built frontage requirement to a percentage (potentially ranging from 50-to-75 percent) would provide flexibility for larger, pre-existing parcels.

Ms. Godek asked Staff if they have investigated what the average parcel size is in the Neighborhood Mixed Use District to see if the proposed percentage ratio makes sense. Mr. Lumbis noted that the percentage range that is proposed was just an example, and Staff needs to conduct additional research on random parcels in the Neighborhood Mixed Use District to see if the percentage range needs to be adjusted.

Mr. Patrick Fields, 302 Gale Street, then addressed the Planning Commission and asked about setbacks in the Residential District. He cited an example at his residence where he had to construct his porch in an odd configuration in order to meet the required setbacks. After a brief discussion, it was determined that the porch was constructed several years ago under the City's old zoning ordinance. The current setbacks in the Residential District are slightly different than the old and may have offered some additional flexibility if the porch were constructed today.

Mr. Lumbis then introduced some proposed changes to signage allowances. Mr. Lumbis said that in "Section 310-28: Signs Requirements," Staff proposed to change the maximum allowed square footage (SF) in two districts. He said that the maximum in the Downtown District

would decrease from 50 SF to 40 SF and the maximum in the NMU District would increase from 20 SF to 60 SF. He elaborated that the changes would create a clear “ladder” of increasing signage as you move away from the Downtown District. Mr. Lumbis added that the increase to the maximum allowed signage in the NMU District would decrease the need for Area Variances.

Ms. Blevins stated that if the allowed signage in the NMU District was going to increase from 20 SF to 60 SF, it should be allowed in the form of a monument sign instead of a freestanding sign. Ms. Capone added that a monument sign fits in with the neighborhood feel of the NMU, and specifically referred to the Stewarts on Washington Street.

Ms. Capone then asked if the Planning Commission had the authority to recommend that developers use monument signs rather than freestanding signs to fit in with the character of the surrounding properties when reviewing applications. Ms. Blevins then stated that recommendations may not be enough, and Zoning Ordinance would need structured requirements.

Mr. Urda then reminded the Commission that the maximum signage limits would apply to the aggregate SF of signage on the parcel; summing the building signage, window signage and any potential monument or freestanding sign. Additionally, Mr. Urda noted that in some cases, a parcel might not be able eligible for the maximum SF of signage in its district since the allowed SF is based on two SF of signage for every linear foot of building frontage.

Mr. Urda then said that there is a proposed change to the table in “Section 310-28 (E)(1)” that corrects a typo in one of the headers.

Mr. Lumbis suggested that Staff can look at recent projects and provide the Commission with Staff’s findings. Ms. Capone then stated that she thinks it would be useful for Staff to look at recent signage approved specifically in the NMU District and provide those examples to potential developers to use as a tool for reference.

Mr. Urda clarified with the Commission that Staff will research a few NMU parcels and provide the Commission with some representative building frontage measurements, aggregate signage on the researched parcels and pictures of existing signage for the Commission so they can have a visual reference.

Ms. Godek then asked if the City’s Zoning Ordinance has any requirements for the brightness of illuminated signs. Ms. Fields referred Ms. Godek to Section 310-31: Electronic Messaging Centers.

Mr. Urda then discussed the proposed changes to “Section 310-36: Required Surface Parking Spaces,” and noted the current requirement contains contradicting instructions to an applicant preparing a Transportation Demand Management Plan. Mr. Urda said that in the Downtown District, Staff wants private land uses to use the existing public parking and leave valuable Downtown land for development rather than surface parking.

Mr. Lumbis then called the Planning Commission’s attention to “Section 310-21: Form-Based Dimensional Tables,” specifically the Residential Dimensional Regulations and “Section 310-37: Off-Street Parking Diagram.” Mr. Lumbis said that these images depicted two contradicting requirements for parking setbacks, with one being behind the front porch and

another one being behind the primary façade. Mr. Lumbis stated that Staff feels that the parking setback should be behind the primary façade and proposed changing the other parking diagram in Section 310-37.

Ms. Fields agreed and noted that when counting the square footage of a home, the porch is not included in that calculation unless the porch is enclosed, which is something that Staff should consider. Ms. Godek stated if the front porch is enclosed, the front of the enclosed porch would be the primary façade. Ms. Fields then suggested that Staff make note of this in the Zoning Ordinance as reference for an applicant.

Ms. Bonello suggested adding an asterisk with a note on the Form-Based Dimensional Tables that states when a front porch is enclosed, it becomes the new primary façade. The Planning Commission agreed.

Mr. Lumbis then noted the typo in “Section 310-70: Solar Energy Systems” and said that Staff suggested to add some additional information to “Section 310-79: City Center Overlay District” to reinforce the required transparency and the need for an Outdoor Dining Permit when restaurants wished to place tables and chair on City-owned Right-of-Way adjacent to their businesses, and added that this is already a requirement, but is in a different Chapter of the City Code.

Mr. Urda then introduced a topic for discussion; specifically, whether to include 206 State Street, which fronts on Public Square, in the City Center Overlay. Mr. Urda explained that if the parcel is included in the City Center Overlay, the existing ground-floor apartments would become a legal nonconforming (“grandfathered”) use and would continue to exist legally in perpetuity. Mr. Urda explained that any new use in the future would need to conform to the requirements of the City Center Overlay District, which does not allow ground floor residential uses.

Mr. Urda wanted to clarify to the Commission that Staff does not want the current use of the parcel to change but acknowledges that the use of the parcel could change in the future.

Mr. Urda also noted that including the parcel in the City Center Overlay meant that if the owner wanted to expand the building in the future, it would represent an expansion of a nonconforming use, which would be legal only with a Use Variance. Mr. Urda and Mr. Monaco both noted that an expansion is unlikely since there is not much room on the parcel to expand.

Ms. Capone asked if Staff thinks that including this parcel in City Center Overlay is a good idea. Mr. Urda replied in the affirmative and said that Zoning should be forward-looking, and this change would reflect that. Mr. Lumbis also agreed that adding the parcel to the City Center Overlay is the preferred choice.

Ms. Capone asked how expanding the overlay to add just one parcel would work. Mr. Urda noted that when advancing the entire Ordinance amendment to the City Council with all the proposed changes, Staff would provide the Council members with a revised map with the expanded overlay.

Ms. Capone suggested that Staff talk to the owners of the property prior to providing the Council with this proposed change. Ms. Capone explained that during the Zoning rewrite, residents had the option to come to the public meetings and had the chance to participate and voice

their agreement or concerns on proposed changes that would directly affect them. Ms. Capone stated that the owner of 206 State Street should be informed so the owner can communicate their concerns or agreement to the proposed change. Mr. Urda agreed and noted that it is one thing to change the zoning of five hundred parcels and another to change the zoning of one.

Ms. Godek asked if all of the proposed revisions to the Zoning Ordinance will be made public for comment. Mr. Urda stated that there will be a public hearing on the proposed revisions at a City Council meeting.

Mr. Urda then noted that in “Section 310-90: Temporary Uses and Structures,” currently, an applicant can get a temporary use permit for up to six months by Code Enforcement, and then from months six to twelve, non-conforming uses can get approval from the Zoning Board of Appeals, but if you have a conforming temporary use, there is no mechanism to renew that conforming temporary use from months six to twelve.

Mr. Urda stated that the proposed change to this section is to clean up the language to allow a conforming and nonconforming use to be renewed from months six to twelve by the Zoning Board of Appeals. Ms. Field clarified that a nonconforming and conforming use could only be temporary for up to twelve months. Mr. Urda responded in the affirmative and that after twelve months, that use would be considered a permanent.

Mr. Lumbis explained that when he reads what is currently written in the Zoning Ordinance, it could be interpreted that a temporary use permit can be extended by the Zoning Board of Appeals for an additional six months which would total twelve months, while others may interpret it as the Zoning Board of Appeals extending the temporary use for an additional twelve months which would total eighteen months. The Planning Commission preferred that a temporary use permit be capped at a total of twelve months after being established.

Discussion then pivoted to “Section 310-106: Site Plan Review Submission Procedures.” Staff proposed to remove the language that requires an applicant to submit paper copies of a completed application. Ms. Field and Mr. Monaco stated that they would like to continue receiving paper copies of applications, specifically maps, and Mr. Urda stated that the City could provide paper copies as requested.

Mr. Urda then addressed definitions and said that Staff proposed to edit some definitions. Mr. Urda noted that at the last Planning Commission meeting, the Commission Members were concerned that if definitions would be edited or added, they would need to hold up to a legal test. Mr. Urda ensured that before any definitions are adopted, they will be reviewed by the City attorney. Ms. Capone asked the Commission to review the definitions listed and provide any feedback on proposed changes at the next scheduled Planning Commission meeting prior to being reviewed by the City Attorney.

At 7:44 p.m., Ms. Godek moved to adjourn the meeting. Ms. Fields seconded the motion, and all voted in favor.

Respectfully submitted,

Sharlice Bonello, Planner