



CITY OF WATERTOWN, NEW YORK

CITY PLANNING COMMISSION

ROOM 305, WATERTOWN CITY HALL
245 WASHINGTON STREET
WATERTOWN, NEW YORK 13601-3380
(315) 785-7741

MEETING: NOVEMBER 5, 2024

PRESENT:

Michelle Capone, Chairperson
Peter Monaco
T.J. Babcock
Scott Garrabrant
Linda Fields
Maryellen Blevins

ALSO:

Michael A. Lumbis, Community and
Development Director
Geoffrey Urda, Senior Planner
Sharlice Bonello, Planner
Meredith Griffin, Civil Engineer II

ABSENT:

Lynn Godek

Planning Commission Chairperson, Michelle Capone, called the November 5, 2024, Planning Commission meeting to order at 6:01 p.m. Linda Feilds made a motion to accept the minutes from the October 1, 2024 meeting as written, T.J. Babcock seconded the motion, and all voted in favor.

SITE PLAN APPROVAL – 434 EASTERN BOULEVARD PARCEL NUMBER 5-26-103.002

The Planning Commission then considered a request for Site Plan Approval submitted by Scott R. Weston of Plans by Design on behalf of ABC Supply and Co. to construct a 9,000 square-foot (SF) storage building at 434 Eastern Blvd, Parcel Number 5-26-103.002.

Mr. Weston attended to represent the project. Mr. Weston began by stating that ABC wished to reconstruct a building on the footprint of a previously destroyed building and stated that the proposed dimensions were 50' x 180.' Mr. Weston stated there would be 24 feet between the proposed building and the existing building to the west and that the proposed building would only be used as cold storage, with electricity, but no water or sewer utilities. Mr. Weston explained that ABC proposed to store materials, such as lumber, roofing, and siding in the proposed building. He then said the proposed building would be constructed using steel.

Ms. Capone then referred to the summary items listed in Staff's memorandum and read the first summary item, which required the applicant to provide a drawing that depicts the turning radius for the City's fire apparatus for the site to Code Enforcement prior to the issuance of a building permit. Mr. Weston stated that he would try to get it done and noted that he must submit paperwork to the Fire Department to find out what kinds of trucks they use. Ms. Capone explained to the applicant that the summary items are a requirement that the applicant must complete.

Ms. Capone then addressed the second summary item, which required the applicant to shift the proposed building four feet to the north to meet the 20-foot combined setback/buffer requirement. Mr. Weston asked if it is a requirement. Ms. Capone replied in the affirmative and asked the applicant if they reviewed Staff's memorandum, to which the applicant answered yes.

Ms. Capone explained that the applicant could apply for an Area Variance if they would like to seek relief from summary item two.

Ms. Capone then addressed the third summary item, which required the applicant to plant either one (1) large maturing deciduous tree every forty (40) linear feet (2 trees total) or one (1) small to medium maturing deciduous tree every twenty (20) linear feet (3 trees total) to meet the minimum landscaping requirements of the Zoning Ordinance.

Mr. Weston explained that the majority of the parcel is made up of gravel and does not believe that it will be possible to plant trees behind the proposed storage building. Sharlice Bonello asked if the current landscaping behind the proposed storage building is also made up of gravel. Mr. Weston stated that they are the natural trees and shrubs that are already there and will remain.

Ms. Bonello asked if the required trees could be added to the existing landscape buffer. Mr. Weston stated that he would try and that the new proposed building is 20 feet shorter than the previous building that was there. Ms. Bonello explained that the addition of the trees is a requirement, but the applicant could apply for a Variance which could possibly grant relief from summary item three.

Ms. Fields asked where the access to the building would be, noting that she did not see it on the plans. Mr. Weston replied that the entrance will be at the front of the building. Ms. Fields then asked where the entrance will be for the vehicles to access the storage building. Mr. Weston explained that forklifts will be entering the building to take out materials and that no trucks would be entering the storage building.

Ms. Capone then referred to summary items four, five and six, which respectively pertained to the State Environmental Quality Review (SEQR) Short Environmental Assessment Form (EAF) and two required additions to the Site Plan drawing. Ms. Bonello stated that Mr. Weston had made the required edits to the SEQR form and confirmed that the revised site plan depicted the location of the fire hydrants on the site and the distance between the proposed and existing buildings as required.

Ms. Capone then referred to the seventh summary item seven, which required the Planning Commission to complete Part 2 of the SEQR and then referred to the eighth summary item, which required the applicant to obtain a Building Permit prior to any construction.

Maryellen Blevins noted that Staff's memorandum directed the applicant to clarify what they proposed to store in the building and asked if it was in writing. The Commission other members replied that the applicant has stated that ABC would store siding, shingles and lumber in the proposed building.

Hearing no further discussion, Ms. Capone directed the Planning Commission to Part 2 of the Short EAF, reading each question aloud and answering all of them in the negative. Ms. Fields then made a motion to issue a Negative Declaration for the proposed Site Plan pursuant to the requirements of SEQRA. Ms. Blevins seconded the motion, all voted in favor.

Ms. Capone asked if any of the Planning Commission members had any other questions or considerations.

Hearing no comments, Mr. Babcock made a motion to grant Site Plan Approval for the request submitted to the Planning and Community Development Department on October 15, 2024 by Scott R. Weston of Plans by Design on behalf of ABC Supply and Co., to construct a 9,000 SF storage building at 434 Eastern Blvd, Parcel Number 5-26-103.002, contingent upon the following:

1. The applicant shall provide the Bureau of Code Enforcement a drawing depicting the turning radius for the City's fire apparatus for the site, specifically in the area around the proposed storage building, prior to the issuance of a building permit.
2. The proposed storage building must be shifted to the north by at least 4 feet to meet the total 20-foot setback/buffer requirement.
3. The applicant must plant either one (1) large maturing deciduous tree every forty (40) linear feet (2 trees total) or one (1) small to medium maturing deciduous tree every twenty (20) linear feet. (3 trees total) to meet the minimum landscaping requirements of the Zoning Ordinance.
4. The applicant must obtain a Building Permit, minimally, prior to construction.

Ms. Fields seconded the motion, all voted in favor.

ZONING ORDINANCE AMENDMENT DISCUSSION

Mr. Urda said that he and Mr. Lumbis would represent the Staff report. Mr. Urda said that he anticipated this would be the last informal Staff Report for discussion with the Planning Commission. He said that after tonight, the next step would be discussing the proposed changes with an attorney, after which Staff would prepare a formal amendment that the Planning Commission would vote to recommend to City Council.

Mr. Urda started by discussing a proposed change to Article IV: Dimensional Regulations. He said Staff proposed to change the required main entrance location language for the Commercial and Planned Campus (PC) Districts from "facing sidewalk" to "provides pedestrian connection to the City sidewalk." Mr. Urda explained that the Planning Department wants to encourage parking lots to be on the side or rear of the building, so by complying with our recommendation, they will be rewarded by having the option to have their main entrance on at the side or rear rather than requiring the applicant to have the main entrance be on the front face of the building.

Mr. Urda then said that another proposed change to the Dimensional Regulations for the Commercial District was to add an asterisk to note that the functional entry spacing requirement will not apply to any property fronting on Arsenal Street. Mr. Urda explained on Arsenal Street, many of the parcels are already built out and too large making it impossible to meet the 100-foot maximum functional entry spacing. Mr. Urda stated that maximum function entry spacing is most useful when there is undeveloped land.

Michael Lumbis then discussed a proposed change to Article V: Sign Regulations, specifically to reword Section 310-32 (A): Nonconforming Signs. Mr. Lumbis explained that the way it is currently written requires a new occupant to bring a nonconforming sign into compliance after just one day of being vacant, but the proposed wording allows for a nonconforming sign to be used within one year of being vacant.

Ms. Capone asked if a store is vacant for one year and two days, could a new occupant continue to use the grandfathered square footage amount, as well as the hardware associated with that sign. Mr. Urda replied that the mounting equipment for a grandfathered sign could be used past the one-year mark of being unused, but the actual square footage for signage would need to conform to the present requirements once the grandfathered amount is unused past one year. Mr. Lumbis stated that the purpose of this is to provide a new occupant a grace period to continue using the grandfathered sign.

Ms. Fields stated that she thinks that allowing grandfathered signage to be re-established within one year of not being in use is generous since a new business should be able to add a new sign to the property. Ms. Fields stated that she thinks that a more appropriate timeframe would be six months.

Ms. Capone disagreed and noted that one year allows the new occupant more time to establish its own sign using the grandfathered square footage. Scott Garrabrant then said that as he understood it, the 12-month clock starts ticking the day a business vacates a property and the new business has 12 months from that date to establish its own signage if they want to maintain a grandfathered amount, regardless of when the new occupant moves in.

Mr. Urda asked if any of the Commission members had a preference in the six-month or one-year period to re-establish a nonconforming sign. Ms. Capone noted that leaving the re-establishment of a nonconforming sign within one year of being unused is generous to the new occupant and pro-business. The Commission agreed to keep the proposed change to one year.

Mr. Urda then introduced a proposed change to Article XI: Special Use Permit, Section 310-117 (B): Notice and Hearing. Staff proposed to require notices to be sent out to property owners within 200 feet rather than 100 feet of the property line, which will make the required distance for all neighbor notices consistent.

Ms. Blevens asked if Special Use Permits (SUP) have anything in place that allows nearby property owners to report violations of SUP conditions and if there are any rules in place for the number of violations a property can have before they face consequences.

Ms. Capone then expanded on the issue and said that despite the updated Zoning Ordinance, there is an issue with enforcement after the Planning Commission approves development applications. She asked how the Planning Commission can be confident that the applicant developing and operating the site as approved. Ms. Capone asked how approvals from the Planning Commission are enforced, and Mr. Lumbis replied that Code Enforcement is the department responsible.

Ms. Fields then stated that Code Enforcement issues are typically complaint driven. Mr. Lumbis stated that there is not a procedure in the Zoning Ordinance for someone to follow when wanting to file a complaint. Mr. Lumbis assured Ms. Blevins that Code Enforcement has been working with a noncompliant SUP holder to ensure they are following the conditions of their approved SUP.

Ms. Fields stated that it seems like the applicant in a recent Special Use Permit application referenced by Ms. Blevins is doing what they want and there are no consequences or fines for their actions. Mr. Urda stated that the Code Enforcement Supervisor has some authority to shut down a business if they are not adhering to their approved Special Use Permit, but he did not want to speak for the Code Enforcement Supervisor. Ms. Capone stated that she felt that it would be useful to have the Code Enforcement Supervisor attend the next Planning Commission meeting to discuss enforcement measures since the Planning Commission is tasked with approving applications, and once approved, enforcement is key to ensure that applicant is adhering to their conditions of approval.

Mr. Urda stated that discussing enforcement measures after an application could be on the Planning Commission's December agenda if the Code Enforcement Supervisor were available.

Mr. Urda explained that part of the issue with this particular situation is that delivery drivers, trash pick-up personnel, and managers change very frequently at places like this, and a lot of the issues have to do with people not knowing that there are rules that apply to that particular store. Mr. Lumbis also noted that recently, Code Enforcement spoke with this particular business' manager and provided a list of conditions for the approved Special Use Permit and asked them to post it on the wall in the store office.

Mr. Urda assured the Planning Commission that the Planning, Engineering, and Code Enforcement Departments have had discussions to improve the way that conditions of approval for all applications are enforced.

Mr. Monaco asked how many conditions of approval this Special Use Permit had, and Mr. Lumbis stated four to five. Mr. Monaco then noted that original cub cuts that are no longer used by a business never get filled back in and they it is something that he does not agree with.

Mr. Lumbis then introduced a proposed change to Article XV: Applications Procedures, Section 310-147 (C): Required Notice for Public Hearing. Staff proposed to push back the application deadline from 14 days prior to the Planning Commission meeting to 21 days prior to a Planning Commission meeting to allow staff additional time to mail out neighbor letters. He said this would also create a uniform deadline, whether or not an application needs County review.

Ms. Fields asked if mailing out letter to neighbors 10 days prior to the Planning Commission meeting was enough time due to snail mail and suggested 15 days instead. Mr. Lumbis stated that Ms. Fields' suggestion then defeats the purpose of providing Staff additional time to mail out neighbor letters. Mr. Urda stated that staff can send out mail earlier than 10 days if their letters are ready. Mr. Urda suggested that 12 days would be more realistic, and Ms. Fields agreed.

Mr. Urda then introduced a proposed change to Article XVI: Definitions and explained that one definition is being added and the rest are proposed edits to existing definitions. Mr. Urda also stated that he understands that the Commission wanted the definitions to be reviewed by an attorney and reassured the Commission that Staff is arranging for that.

Ms. Blevins asked about the Fuel/Convenience Station/Restaurant definitions, specifically how the convenience store/restaurant is an integral part to a gasoline station. Mr. Urda stated that the phrase "an integral part" was what was originally written into the Zoning Ordinance but required Staff to deny an applicant from adding a kitchen to their legal nonconforming Fuel/Convenience Station use. Mr.

Urda continued that this proposal stemmed from the Valero on Arsenal Street, which is the only Fuel/Convenience Station in the Downtown District. He explained that convenience stores are allowed in the Downtown District, but gas stations are not, and the integral part language meant that Staff could not separate the two uses when reviewing an application. Mr. Urda then said that Staff no longer proposed this amendment, as Staff did not feel such a change was appropriate for the benefit of only one property.

Mr. Monaco asked if the Valero had applied for a Use Variance and Mr. Urda replied that they had not, but they could cook food within the existing Valero convenience station if they wanted to.

Ms. Fields then commented on Staff's discussion item regarding whether gravel and crushed stone should be considered impervious or not. Ms. Fields stated that she felt these were impervious surfaces and should be considered as lot coverage. Mr. Urda also stated that many municipalities have the same viewpoint and that the City Engineer will weigh in on this topic.

Ms. Capone then stated that Staff provided examples of signage on Neighborhood Mixed Use (NMU) zoned parcels in support of increasing the maximum allowed signage in the NMU District. Mr. Urda explained that the current signage cap is 20 SF, but Staff recommends that it be increased to 60 SF. Mr. Urda said that he pulled five sign permits that were approved in the months immediately preceding the adoption of the current Zoning Ordinance in February 2023.

Mr. Urda said that a cap of 60 SF of total signage in the NMU District combined with the standard allowance of 2 SF of signage for every linear foot of façade length, but not to exceed the cap, allows for flexibility since there is no true representative median NMU parcel.

Mr. Lumbis then introduced the last topic for discussion, which related to Article VI: Parking, specifically Section 310-37 (E): Electric Vehicle (EV) Charging Stations. Mr. Lumbis stated that he reached out to Knowlton Technologies to discuss the costs of installing EV charging stations and their response was that they did not think that the requirement was too onerous and that the price to install four charging stations was in the \$55,000 range, which included the cost of the 2-port charging units, networking, and fees was around \$30,000 and the infrastructure such as the trenches, cabling and panels was around \$25,000.

Mr. Monaco said that he read a New York State publication that recommended 50 spaces as a best practice threshold for requiring EV chargers. Mr. Monaco further stated that he drives up and down factory five-to-six times a day and said day and has only ever seen one car, a PHEV, using the charging station at the Knowlton Technologies parking lot. Mr. Lumbis stated this his contact at Knowlton had communicated that they have three employees that use the EV chargers.

Mr. Lumbis stated that Knowlton Technologies charges for the electricity, but they charge a lower fee to basically cover their cost since it is a private lot for the workers. Mr. Lumbis stated that Knowlton Technologies could make a profit from charging a higher rate akin to the prices at commercial stations, and they (Knowlton) estimated that the EV chargers would be a 10 year pay-back. He also noted that Knowlton would probably not have installed them on their own as the return on investment was too long of a time period.

Mr. Lumbis noted that the requirement to add two EV charging ports for every 20 parking spaces constructed was added to the Zoning Ordinance due to New York State mandating that by 2035,

all new light duty passenger vehicles sold in the state must be electric. Mr. Lumbis continued that there is validity to requiring EV chargers as a requirement for new development but has put some thought into the topic and is open to increasing the threshold.

Mr. Monaco stated his concerns were for small businesses and that requiring them to install EV chargers could make or break their opportunity to open a business. Mr. Urda stated that the cost to install EV chargers was part of the rationale to add them as a requirement to the Zoning Ordinance. Mr. Urda elaborated that as EV chargers become a necessity over the coming years, it makes sense to require them as part of development projects, otherwise it would be City taxpayer dollars that will cover the cost of EV chargers, so this requirement in essence shifts the cost onto developers instead. Mr. Urda also agreed that the threshold could increase.

Ms. Fields stated that for this topic, the City needs to look towards the future, and then in response to Mr. Monaco's concern for small businesses, stated that a small business will almost never have 19-to-20 people at one time.

Ms. Capone stated that is worth reevaluating the EV charger threshold and noted that National Grid has programs for EV chargers installed by businesses. She said that they have been trying to use those funds for over a year and suggested that when the next project comes along, Staff can reach out to National Grid to see if there is funding available at that time.

City Council Member Benjamin Shoen then addressed the Commission and stated that a business should decide if they want to install EV chargers and that it is not the government's place to require a business to have EV chargers. Mr. Shoen continued that New York State will never have the capacity to have all vehicles be electric powered nor the grid capacity. Mr. Shoen then touched on the landscaping requirement and expressed his belief that it is too onerous.

Mr. Shoen stated that the government is here to provide services that the private sector cannot, not to tell someone what to do with their property all the time. Mr. Lumbis stated that is the whole point of Zoning and that there cannot be any gray area, and Zoning must be black and white by necessity.

Mr. Babcock stated that some of this stuff discussed lacks common sense and that he read that National Grid has stated that by 2035, it would be impossible for the power grid to support the state's initiatives and auto manufactures are cutting back on EV production because of the lack of purchases.

Mr. Babcock stated landscaping requirements should be on an individual basis. Mr. Urda said that the Zoning Ordinance is not written on an individual basis because the Zoning Ordinance has to be written with no gray area. He said that if Planning Staff only considered things on an individual basis based on Staff's discretion, it would raise an ethical gray area that we should stay away from.

Mr. Urda stated that any other zoning district that abutted an Industrial use would want some kind of buffer and the reason for assigning that buffer to the Industrial District is because it is the more intense use. Ms. Capone stated that the issue with the landscaping requirement on Industrial Zoned parcels is that the land is typically made up of impervious surfaces.

Mr. Lumbis stated that it is impossible to write in every possible scenario into a Zoning Ordinance. Mr. Garrabrant asked if there is an appeals process, and the rest of the Commission replied "yes." Mr. Garrabrant then stated that the applicant has a route to pursue, if they choose, to be granted

relief from the landscaping requirements. Mr. Babcock stated that getting a variance takes extra time. Mr. Garrabrant acknowledged that, and Mr. Monaco stated that Planning Staff cannot pick and choose what to enforce.

Mr. Babcock stated that the attorneys still need to review the proposed Zoning Ordinance Amendment and they may have a way to come up with interesting language that can provide flexibility. Mr. Urda explained again that there cannot be gray area in the Zoning Ordinance because it puts too much pressure on Planning Staff to make a judgement and there is no way to prove that Staff is not giving one applicant a break while putting down the hammer down for another applicant.

Ms. Capone asked if two abutting Industrial parcels would require a landscape buffer and Mr. Lumbis stated no.

Ms. Capone asked if there were any other questions. Hearing none, Mr. Urda stated that he would ask Code Enforcement Supervisor Mr. Aikins, to attend the December Planning Commission meeting to discuss enforcement measures. Ms. Capone thanked planning staff and expressed her appreciation for the work put into the amendment.

At 7:28 p.m., Ms. Fields moved to adjourn the meeting. Mr. Monaco seconded the motion, and all voted in favor.

Respectfully submitted,

Sharlice Bonello, Planner