



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: December 3, 2024

PRESENT:

Michelle Capone, Chair  
Scott Garrabrant  
Maryellen Blevins  
Peter Monaco  
Lynn Godek

ALSO:

Michael A. Lumbis, Planning and Community  
Development Director  
Geoffrey Urda, Planner  
Thomas Compo, City Engineer  
Dana Aikins, Code Enforcement Supervisor

ABSENT:

T.J. Babcock  
Linda Fields

Planning Commission Chair Michelle Capone called the December 3, 2024, Planning Commission meeting to order at 6:01 p.m. Ms. Capone then asked for a motion regarding the minutes from the November 5, 2024, meeting. Maryellen Blevins stated that she was concerned that there was nothing in writing that stated what would be stored in the proposed storage building at 434 Eastern Blvd and without it, any allowed future materials stored in the building would be he-said/she-said matter.

Scott Garrabrant stated that at the previous meeting, it was noted that the storage building would be used for cold storage and a few examples were listed, but the applicant did not list every possible item that would be stored. Geoffrey Urda stated that the minutes did not need to be accepted at tonight meeting, and Staff could review the recording and present edited minutes for Planning Commission acceptance at the January 2025 meeting.

Michael Lumbis asked Dana Aikins if the applicant provided any information on what would be stored in the proposed storage building at 434 Eastern Blvd. Mr. Aikins stated no but noted that the types of items stored in the building would affect the type of materials that the building could be constructed of and how it is classified. Lynn Godek stated that there should be a general reference of what would be stored in the building in the minutes and Mr. Lumbis stated that staff would make the edits.

Ms. Blevins made a motion to table the minutes till the next Planning Commission meeting, scheduled for January 7, 2025. Ms. Godek seconded the motion, and all voted in favor.

**ZONE CHANGE – 133 CEDAR STREET  
PARCEL NUMBER 7-14-110.000 AND A 0.031-ACRE PORTION OF 612 SWAN STREET  
PARCEL NUMBER 7-14-110.001**

The Planning Commission then considered a Zone Change request submitted by Steven H. McIlroy to change the approved zoning classification of 133 Cedar Street, Parcel Number 7-14-110.000 and a 0.031-acre portion of 612 Swan Street, Parcel number 7-14-110.001, from Commercial to Residential.

Mr. McIlroy approached the stand and stated that he would like to obtain property via a subdivision that has an existing shed sitting on it, but the subdivision would not be possible without the Zone Change first. Mr. Urda stated that this application started as a subdivision, but after reviewing it, Staff determined that a Zone Change to Residential would be required first. Mr. Urda said that it would avoid the need for a Use Variance and the applicant could then legally absorb the land resulting from the subdivision. Ms. Capone asked about the Subdivision application and Mr. Urda stated that the application would be on the January Planning Commission agenda.

Ms. Capone asked if there were any other questions. Hearing no comments, Peter Monaco made a motion recommending that City Council approve the Zone Change request submitted by Steven H. McIlroy to change the approved zoning classification of 133 Cedar Street, Parcel Number 7-14-110.000 and a 0.031-acre portion of 612 Swan Street, Parcel number 7-14-110.001, from Commercial to Residential.

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

**SKETCH PLAN APPROVAL – 725 LERAY STREET  
PARCEL NUMBER 1-04-128.000**

The Planning Commission then considered a request for Sketch Plan Approval submitted by Christopher Warner to construct two 896 square-foot storage buildings at 725 Leray Street, Parcel Number 1-04-128.000.

Mr. Warner approached the stand and stated that the proposed buildings would be used for storing items such as shingles and one of his trucks during the winter. He added that is hard to think of everything that might be stored in the buildings, but generally, it will be building materials. Mr. Warner then stated that in the future, he would possibly convert the buildings into independent small businesses, but that would be several years in the future.

Ms. Capone noted that the potential for future small businesses in the proposed storage buildings was noted in the Staff Memo and that Mr. Warner has acknowledged that any future changes to the uses of the buildings would require a separate Zoning review process prior to establishment.

Ms. Capone then read summary item number two stating that the applicant shall stripe at least one ADA parking space and a corresponding ADA accessible aisle in the location depicted on the Sketch Plan. Mr. Warner acknowledged the summary item.

Ms. Capone then read Summary item three, which requires the applicant to ensure that no part of the proposed structure, including any roof overhangs, encroach into the required side-yard setback. Mr. Warner confirmed that no components of the proposed buildings will be within the required setback.

Ms. Capone then read summary item four, which required the applicant to relocate the proposed accessory structures forward one foot each and not establish any lot coverage within 96 feet of the rear property line to avoid the possibility of exceeding the lot area coverage maximum in the NMU District. Mr. Warner acknowledged the summary item and confirmed that he would adhere to it.

Ms. Capone then read summary item five, which required the applicant to clarify to the Planning Commission and the City Engineer which direction the roofs of the proposed sheds will direct storm water. Mr. Urda stated that based on the sketch, it looked like half of each proposed shed would be directing storm water towards the property lines that are only 5 feet away from the neighboring properties. Mr. Warner confirmed that the roof trusses will be constructed in such a way that one half of each roof will be pitched toward the property line.

Thomas Compo stated that Staff did not want any stormwater to be diverted onto any of the neighboring properties and that the five-foot setback should alleviate the issue which is why it is important that any overhangs are at least five feet off each side property line.

Ms. Godek stated that a consideration that the applicant should take when installing the sheds is to lower the existing terrain along the property line. Mr. Urda stated that summary item five is directly related to summary item six, which requires permeable green space to be maintained between the proposed sheds and each side of the side property lines. Mr. Urda explained that the green space would catch any storm water that falls off the roof as opposed to impervious surface which would be directed to the neighboring properties.

Ms. Capone then stated that the applicant will need to obtain a Building Permit prior to any construction. Mr. Warner acknowledges the requirement.

Mr. Urda then stated that summary item one can be modified to state that if the storage use changes, a Zoning Compliance Certificate will be required.

Ms. Capone asked if there were any other questions. Hearing no comments, Mr. Monaco made a motion to grant Sketch Plan Approval for the request submitted by Christopher Warner to construct two 896 square-foot storage buildings at 725 Leray Street, Parcel Number 1-04-128.000, contingent upon the following:

1. Any potential future use other than storage in either of the proposed accessory structures, including any new business in either structure, shall require a separate Zoning review process prior to establishment. The applicant is solely responsible for applying for and obtaining a new Zoning Compliance Certificate (ZCC) before establishing any other use.

2. The applicant shall stripe at least one ADA parking space and a corresponding ADA access aisle in the location depicted on the Sketch Plan.
3. The applicant shall ensure that no part of either proposed structure, including any roof overhangs, encroach into the required side-yard setback.
4. The applicant shall relocate the proposed accessory structures forward (east) one foot each and not establish any lot coverage within 96 feet of the rear (western) property line to avoid the possibility of exceeding the lot area coverage maximum in the NMU District
5. The applicant shall be prepared to clarify to the Planning Commission and the City Engineer which direction the roofs of the proposed sheds will direct stormwater.
6. The applicant shall maintain permeable green space between the proposed sheds and each side property line.
7. The applicant must obtain a Building Permit prior to any construction

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

## **SITE PLAN AND SPECIAL USE PERMIT ENFORCEMENT**

Ms. Capone explained that Planning Staff have been working on revisions to the Zoning Ordinance and something that came up during discussions with the Planning Commission was enforcement after an application is approved by the Commission, especially with site plans. City Code Enforcement Supervisor, Dana Aikins, attended to answer questions from the Commission.

Mr. Aikins explained that there were long discussions when the update to the current Zoning Ordinance was written and there was a lot of discussion during that process regarding components of the Code that are hard to enforce, even though they sound good on paper. Mr. Aikins provided an example with front yard parking, and Mr. Urda stated that it is a good example as front yard parking is complaint driven.

Ms. Capone asked what happens to a Site Plan after the Planning Commission approves an application, specifically checking that an applicant is following the conditions that are required. Mr. Aikins explained that Codes discusses summary items with Planning and Engineering as needed and holds the Certificate of Occupancy until all the conditions listed are met.

Mr. Monaco asked who goes out and ensures that buildings are put in the locations that are approved during a site plan process and referred to the Sketch Plan approved earlier in the meeting. Mr. Aikins noted that complaints to Code Enforcement help with catching deviations from approvals during the construction process and that Code Enforcement crew keep an eye out when they are driving around the City to find larger issues.

Mr. Urda stated from he will typically notice deviations from conditions of a Site Plan when he is out and not specifically looking for them. He continued that proactively going out and

reviewing what is being built following an approved Site Plan is something that City Staff is inconsistent with.

Ms. Godek asked when Code Enforcement Staff go out, does Planning Staff accompany them on inspections of a site. Ms. Godek also asked if Code Enforcement Staff visits the site to ensure that all conditions are met before closing out the project and providing the Certificate of Occupancy.

Mr. Lumbis explained that there are a few ways to help with enforcement and ensuring what is built is what was approved. One example would be to not approve site plans with any conditions. He said that the Planning Commission could table various applications and require the applicant to provide necessary updates to the site plan and then return to another meeting. Mr. Lumbis explained that contractors follow plans when constructing an approved site plan, so by having a site plan that is 100 percent accurate based on what the Planning Commission approves, there is a smaller chance of deviation from the summary items. He noted that this would require attendance by the applicant at additional Planning Commission meetings. He said it has been past practice to recommend approval of applications when the conditions are relatively minor in order to make the approval process more efficient.

Ms. Capone stated that there is no penalty to a business when they deviate from the approved Site Plan or Special Use Permit, which is an issue. Ms. Blevins agreed. Mr. Aikins stated that Code Enforcement has the option to close a business if needed because they are not following the requirements that were included as part of their Special Use Permit, for example.

Mr. Garabrant stated that the Commission should look at the recommendations provided by staff and only require summary items that are enforceable.

Mr. Urda explained that a way to enforce a site plan is to have the primary planner, engineer and Code Enforcement personnel involved in an application go to the site and ensure that all summary items and what was provided on the site plan are followed before releasing a Certificate of Occupancy.

Mr. Aikins noted that Code Enforcement can provide a business with a temporary certificate of compliance in specific situations where a business is ready to open but are waiting for very minor things to be complete.

Ms. Godek explained that there are certain components to a site plan that must be enforced and are crucial to the site, for example, ADA compliance and storm water runoff.

Hearing no further discussion, Mr. Monaco moved to adjourn the meeting. Ms. Godek seconded the motion, and all voted in favor. The meeting was adjourned at 7:03 p.m.

Respectfully submitted,

Sharlice Bonello  
Planner