

## MEETING MINUTES

### JEFFERSON COUNTY PLANNING BOARD

October 25, 2016

MEMBERS PRESENT: David Prosser, Chairman, Dean Gillan, Vice-Chairman, Art Baderman, Dwight Greene, Bill Ferguson, Jon Storms, Clif Schneider

OTHERS PRESENT: Bill Grater, Gunther Schaller, Marcus Wolf, WDT Times

STAFF PRESENT: Andy Nevin, Senior Planner  
Sara Freda, Community Development Coordinator

CALL TO ORDER AND ESTABLISHMENT OF QUORUM: Chairman Prosser opened the meeting at 4:00 p.m. and stated that a quorum was present.

APPROVAL OF THE SEPTEMBER 27, 2016 MEETING MINUTES: Chairman Prosser asked members if they had any comments or changes to the September 27, 2016 meeting minutes. A motion to accept the meeting minutes was made by Dean Gillan, seconded by Clif Schneider, and carried unanimously.

COMMUNICATIONS: Chairman Prosser asked if there were any communications. There were two. Andy Nevin explained there was communication received regarding the Town of Lyme zoning ordinance amendment and he would address it during that project.

Chairman Prosser stated another letter of correspondence was received with comments regarding last month's zoning amendment in the Town of Clayton. He explained Michael Bourcy already responded stating that the comments were received after the Board took action and there would be no additional comments or further review done unless requested by the Town.

PUBLIC COMMENTS (OTHER THAN AGENDA ITEMS): Chairman Prosser asked if there were any public comments (other than on agenda items). There were none.

#### NEW BUSINESS:

##### A. General Municipal Law, Section 239m Referrals:

1. Village of Clayton, Site Plan Review, Green Future LLC, JCDP File # V CI 4 - 16. Sara Freda presented this project to the Board stating the applicant proposes the construction of a platform paddleboard court. The Board is reviewing this due to its proximity to NYS Route 12.

Sara stated the applicant is proposing to relocate a platform paddleboard court that is currently at the Clayton Yacht Club to the Clayton Country Club golf course located at 105 State Street. She explained that platform paddleboard is played in the cold weather and is similar to tennis except you use a ball with holes in it and a solid paddle. In the summer months the court can be used for a similar game known as pickleball.

Sara detailed the specifications from the site plan and some additional information supplied from the applicant:

- Court is elevated approximately 3 feet and enclosed with tension fencing
- Court is 20 feet by 44 feet with the platform being 30 feet by 60 feet.
- There will be lights extending over the sides for night time playing.
- Snow will be shoveled to the side and then through snow gates.
- Heating elements installed beneath the platform to melt ice as needed.
- Project includes additional parking, access to NYS Route 12, and the addition of a landscaped berm with trees.
- Will be open in the winter and available to the public.
- Equipment rentals available in the clubhouse.

Only County issue to highlight is New York State Department of Transportation (DOT) review and approval is required for the proposed access onto NYS Route 12. Typically, the DOT does not permit two access points within such close proximity.

Local issues of consideration include:

The local board should ensure the lighting on the court and in the expanded parking lot (if applicable) is designed such that it does not adversely impact neighboring parcels and NYS Route 12.

It appears the proposed paddle court would be considered a Recreation Facility as defined in the Village's Zoning Law. A Recreation Facility is not a permitted use within the General Residential (GR) Zoning District. The Board did question this as it is located on a golf course which is a recreation facility, and Sara stated that the golf course itself is an existing non-conforming use.

The applicant may apply for a use variance, apply for an amendment to the Zoning Law to permit Recreation Facilities within the General Residential District or apply to change the zoning classification of their property to a district that permits Recreation Facilities. A Recreational Facility is permitted via Site Plan approval within the NR, NR-Special Use and Business districts.

The applicant, Bill Grater, was in attendance and spoke more about what paddleboard and pickleball are and explained the thought process is to make this court more accessible to the public and provide more winter activities for people to participate in. He added that the Town seemed be considering the use as an accessory to the golf course.

Chairman Prosser reviewed the staff recommendation that this was a Project of Local Concern Only.

Motion: To accept staff recommendation of Project of Local Concern with comments as stated above was made by Dean Gillan, seconded by Dwight Greene, and unanimously carried.

2. Town of Lyme, Zoning Amendment, JCDP File # T Ly 1 - 16 Andy Nevin presented this project to the board and stated the Town is proposing revisions to their current zoning ordinance. The Board is reviewing this due to its proximity to the municipal boundary.

Andy stated that a summary of the new and revised definitions, edited sections to the

permitted and special permit uses, and the edited fences section had been previously emailed to the board members for a more thorough review at their leisure. He stated that the County Planning Department staff has been assisting the Town in these revisions and one of the initial reasons for the amendments was to allow the Town Planning Board to take over special permit reviews from the Town Zoning Board of Appeals. Other revisions were to make the zoning law more clear and remove confusing clauses or vague definitions.

The Waterfront Zoning District was also revised to make it easier to determine the zoning on a particular parcel, minimize split zoning, and to simplify the process for people who may develop along the waterfront. Andy displayed the current zoning map and a new draft map and explained the current Waterfront District is 500 feet from the high water mark along Lake Ontario and the Chaumont River. That general 500 feet across the board was proving problematic for anyone who wanted to develop along that area and created split zoning on many parcels. The Town decided to take a more personal approach and look at each parcel individually to rezone the district. This approach is more consistent with their plan of protecting the waterfront by zoning entire parcels used in a residential manner as Waterfront District and still having a minimum of 500 feet in parcels deemed AR in nature. Clif Schneider asked how many split parcels this change would amend into single zoning and Andy couldn't comment on an exact amount, but stated they definitely cleaned it up.

Only County issue to consider is New York State Town Law requires zoning amendments to be made in accordance with a community's Comprehensive Plan. The local board should ensure that this amendment is consistent with any current plans and the vision for the Town.

Next, Andy reviewed the local areas of concern:

The local board should consider clarifying the description regarding the waterfront district. Adding the consideration for using roadways as boundaries, as well as parcel lines and the 500 foot setback in some cases could help illustrate its amendment parameters for the public.

The amendment includes requirements for fencing to be "open" within certain yards on waterfront lots. The local board should consider defining what open means in the context of fence construction to ensure the board's intent will be followed. For example, defining what open is, along with a percent openness could be used to help the community identify acceptable options.

Andy mentioned previously that staff did receive correspondence with comments regarding this project and he handed out copies to each of the Board members. He stated he highlighted the comments that pertained to the amendments as those are being considered by the Board for its review. Comments regarding the current law are not under review at this time. (The writer, Gunther Schaller, was in attendance for any questions.) Andy reviewed the points Mr. Schaller made and stated that staff only received these comments a day prior to the meeting so staff did not have the time to thoroughly research each item and incorporate significant portions into the staff comments. The Board agreed that the correspondence should be sent to the Town as well as the County Planning Board comments, but it should be made clear which comments are made by the Board.

The concern was discussed that the change of zoning for some parcels that were split before and now will be zoned entirely Waterfront could potentially affect their assessment. Andy explained a new zoning designation should not have an effect on assessment values. In any event, waterfront assessment according to members commenting is based the linear feet of waterfrontage, not on acreage.

Chairman Prosser reviewed the staff recommendation that this was a Project of Local Concern Only.

Motion: To accept staff recommendation of Project of Local Concern with comments as stated above was made by Dean Gillan, seconded by Jon Storms, and unanimously carried.

3. Village of Adams, Site Plan Review, Northern Credit Union, JCDP File # T Ad 1, 1a - 16  
Sara also presented this project to the board and stated the applicant proposes a drive-thru automated banking facility. The Board is reviewing this due to its proximity to NYS Route 177 and Interstate 81.

Sara indicated the project is located at the northwest corner of Elmwood Avenue and West Church Street (NYS Rte 177). The site is zoned General Commercial and the use is defined as "Drive Thru Service" which is permitted within that district upon the issuance of a special use with site plan. Several recent site photos were shown and Sara indicated the project requires demolition of three existing buildings; a garage, a house, and a commercial building all located on three different lots.

The submitted site plan depicts future development of a bank, parking lot, and landscaping – but at this time the drive-thru automated structure, drive lanes, and signs are the only items being reviewed. The site plan indicates two access points via driveways onto Elmwood Avenue; the northern most one will be for both entry and exit while the southern driveway is for exiting only. There will be three lanes to conduct banking and one additional lane to pass through. There will be no staff employed at the structure, but there will be a call button feature where a person can reach someone staffed in the Marcy Building 24/7.

The signage proposed is a monument sign located near the southeast corner of the site and a billboard located to the northwest side closer to Interstate 81. The Board had many questions regarding the billboard sign, but Sara stated no further details were provided.

County issues identified by staff include:

A Jefferson County building permit is required for the automated drive-thru structure, monument sign and proposed billboard.

New York State Department of Transportation review is required for the proposed billboard.

Local items for consideration:

The site plan depicts a five foot landscaped buffer on the west side of the site. The local board should ensure the adjacent residence is adequately screened from the proposed commercial development as a condition of approval for the drive-thru structure.

Additionally, the local board should ensure the entire site is attractively landscaped as outlined in the special use criteria chapter of the Zoning Law.

The plan depicts a proposed billboard; however no details for the billboard were submitted. The maximum height for a structure is 50 feet; anything in excess would require an area variance.

The total area of permitted signage is based upon the amount of linear feet on the building front. The local board should ensure the billboard's square footage is considered in addition to the proposed monument sign when addressing the total square feet of signage. The local board should evaluate how they will determine the permitted amount since there is no proposed building at this time. An interpretation from the ZBA might be necessary.

Additionally, the Zoning Law prohibits mechanically moving, flashing or self-illuminating signs. The proposed monument sign appears to have an illuminated panel.

The site plan depicts a directional sign ("No Entry") which appears to be located off-site within the local street right of way. The local board should require the sign be relocated onto the site.

The local board should require additional information regarding the anticipated lighting fixtures to ensure the lighting does not negatively impact the adjacent residence located to the west.

The overall development of the site includes improvements on three individual lots. The local board should require the applicant to combine the three lots into one.

It appears that the applicant (Northern Credit Union) does not currently own the subject property. If this is the case, the credit union should provide the local board with written authorization from the individual property owners.

4. Town of Clayton, Site Plan Review, BettyAnne McComber, JCDP File # T Cl 9 - 16 Sara presented this project to the Board and stating the applicant proposes to convert an existing storage building for quilting classes. The Board is reviewing this due to its proximity to NYS Route 12.

Sara showed the location of the property on an aerial photo as the northeast corner of the intersection of State Route 12 and State Route 180, also known as Gunn's Corners. The main structure contains a small commercial enterprise known as Gunn's Country Corner and the owner wants to conduct quilting classes in a newly reconstructed detached building. They are going through the site plan review process to change the use of the building from storage to commercial.

No County issues were identified, but the following local items should be considered:

The local board should require the applicant submit a site plan drawn to scale that depicts all existing conditions and proposed structures including but not limited to the property lines, structures, setbacks, driveways, pedestrian walkways, parking area, signs, and fences.

It appears the proposed project would be considered a Small Commercial and Retail Enterprise as defined in the Town's Zoning Ordinance. A Small Commercial and Retail Enterprise use is permitted upon issuance of a Special Use Permit within the Agricultural Rural Residential District.

The local board should ensure there is adequate on-site parking available with the new use. The Zoning Ordinance requires one parking space per 200 square feet of retail space plus one space per employee. The submitted site plan does not adequately depict available parking.

The local board should ensure the applicant provides adequate on site pedestrian access connecting the proposed use with the existing parking area.

5. City of Watertown, Area Variance, Kevin Resch, JCDP File # C 9 - 16 Sara also presented this project to the Board and stated the applicant is requesting an area variance to build a 360 square foot addition on the rear of his attached garage. The Board is reviewing this due to its proximity to NYS Route 12.

Sara stated the applicant is requesting an area variance to reduce the required rear yard setback from 25 feet to a little more than 5 feet to accommodate a 360 square foot addition to his attached garage. Because the garage is attached to the residence, the addition to it has to meet the setback requirements of the primary structure, which is 25 feet in the rear yard. Currently the garage maintains a 22 foot setback making it a non-conforming structure and the City does not allow the expansion of non-conforming structures, thus the need for the variance.

The ZBA should request the applicant submit a site plan to scale that depicts property lines, existing and proposed structures, setbacks and maximum lot coverage.

The maximum lot coverage permitted in the Neighborhood Business District is 40 percent. The local board should determine if this requirement is met.

When reviewing the variance request, the ZBA must weigh the benefit to the applicant against the detriment to the health, safety and welfare of the community using the five tests for area variances as stated in NYS General City Law Section 81-b.

Clif Schneider asked if the ZBA has already seen this project, Sara explained they have seen it, but have not acted on it until the CPB review is done. The applicant had already started building it when he was cited by Code Enforcement so construction has been halted at this time.

6. City of Watertown, Zoning Amendment, Aubertine and Currier for Ronnoco of Watertown, Inc., JCDP File # C 10 - 16 Andy presented this project to the Board and stated the applicant is requesting a zone change from Residence B to Neighborhood Business. The Board is reviewing this due to its proximity to NYS Route 12 (Bradley St).

Andy illustrated the location on West Main Street using the indicator map and an aerial photo. Main Auto Parts is an auto parts salvage business, with some repair available on-

site. The front third of Main Auto Parts is zoned Neighborhood Business and the other two thirds of the parcel is zoned Residence B to the rear. The request is to change the rear two-thirds of the lot to Neighborhood Business as well.

The only County issue is New York State General City Law requires zoning amendments to be made in accordance with a community's Comprehensive Plan. The City Land Use Plan map dated October 2015 indicates commercial land use along the front third of West Main Street and medium density residential along the rear 2/3rd of the parcel. The local board should ensure that this amendment is consistent with any current plan and the vision for this portion of the City.

Local items include:

Currently, Main Auto Parts occupies the entire parcel, which is used to store and salvage automobile parts.

The local board should consider the potential impact of the new uses that would be allowed by rezoning to Neighborhood Business, in comparison to those permitted by the Residence B District currently in place.

Chairman Prosser reviewed the staff recommendations that projects #3-6 are of Project of Local Concern Only.

Motion: To accept staff recommendation of Project of Local Concern with comments as stated above for projects #3-6 was made by Clif Schneider, seconded by Jon Storms, and unanimously carried.

## B. Other Business

Andy stated the next training session will be held on November 14<sup>th</sup> at JCC in the Sturtz Theater. The topic is Article 10 Public Service Law.

## Adjournment

A motion was made by Dean Gillan, seconded unanimously, to adjourn the meeting at 5:45 p.m.