

FRENCH-ALCOTT, PLLC

ATTORNEYS AT LAW

Daniel J. French  
dfrench@frenchalcott.com

Lee Alcott  
lalcott@frenchalcott.com

VIA OVERNIGHT DELIVERY

August 14 , 2104

Hon. Mayor and City Council  
Engineering Department, Room 305  
245 Washington St.  
Watertown, NY 13601

**Re: Application for Change of Zone  
Property Located at: 253 Clinton St.  
Applicant: Ronald K. Granger**

Dear Hon. Mayor and Members of the City Council:

This application for a change of zoning is submitted on behalf of Ronald K. Granger for his property located at 253 Clinton St.<sup>1</sup>

As detailed in the accompanying "Short Environmental Assessment Form," the property in question is an historic property originally built for Senator James Starbuck. The property is presently unoccupied and has been listed for sale at a price of \$498,000 by Marzano Real Estate.

The property is an extremely large residence, consisting of 6,016 sq. ft. and featuring eight bedrooms and five and one-half baths. It is located on .71 acres of land. It has been previously used as a personal residence as well as a "Bed and Breakfast."

Mr. Granger originally purchased the property at a distressed sale in 1998. At that time, he placed title to the property in the name of a friend, Ms. Kendra Tooley. Mr. Granger subsequently invested approximately \$700,000 in renovating the property which, at the time, was zoned as Residence B.

Because the property was in the name of Ms. Tooley, Mr. Granger was not made aware of the zone change that was initiated in 1999. Records maintained by the City show that the City attempted to contact Ms. Tooley, as the titled owner of the property; however, Ms. Tooley was never actually contacted. As detailed in his "Statement" submitted herewith, had Mr.

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<sup>1</sup> The presentation on behalf of Mr. Granger will be made by the undersigned who will also respond to any questions as Mr. Granger is speech-disabled.

Granger been informed of the proposed action to change the entire 200 block of Clinton Street to exclusively Residence A, he would have objected to the proposed change.

As the City is aware, several properties located on the same block of Clinton Street were "grandfathered" at the time of the zoning change in 1999. As depicted in the photographs submitted herewith, these properties include a transitional living house which is occupied by multiple tenants; a multiple unit apartment house, and, most notably, the "Taylor Mansion" which is a nine-unit apartment building immediately adjacent to Mr. Granger's property. It should also be noted that the property located at the corner of Clinton Street and Sherman Street was rezoned as "Limited Business" in 2012 to provide a parking lot for Howard Orthotics. This required the structure on the site to be demolished.

As is also depicted in the photographs submitted herewith, the area in general contains a mix of residential and commercial properties which are zoned Residence C. Some of these properties include a large multiunit apartment building located at the corner of Mullin and Holcomb Streets; a law office with rental space available located to the rear of Mr. Granger's property on Mullin Street; and the Cleveland Funeral Home, located at 404 Sherman St., less than two-tenths of a mile from the subject property.

Mr. Granger is requesting this rezoning in order to render the property more attractive to potential buyers. The property has proven to be largely unmarketable as a single-family residence due to its sheer size. While Mr. Granger cannot predict the use to which a potential buyer would put the property, a zone change to Residence C would afford potential buyers additional options that are presently unavailable. It is suggested that the City would retain site plan approval authority for any subsequent reuse of the property.<sup>2</sup>

It is respectfully submitted that the proposed change of zone is consistent with the City's "adopted comprehensive plan," being the "1987/1991 Land Use Plan." The area around western Clinton St. was designated for Medium Density Residential, which roughly correlates to a Residence B zoning district.

Mr. Granger has obtained consent to the proposed rezoning from adjoining property owners: River Rat Properties (owner of the Taylor Mansion); Brian L. and Brooke K. Berthelotte, which properties are immediately adjacent to Mr. Granger's property on either side; and, the First United Methodist Church, which adjoins Mr. Granger's property to the rear on Mullin Street and is also zoned Residence A.

As evidenced from the photographs below, the property contains both a four-car garage and a large parking lot, thus making it amenable for commercial use as may be permitted by a Residence C designation.

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<sup>2</sup> The property is not suitable for a multi-family residence as it contains only one kitchen.

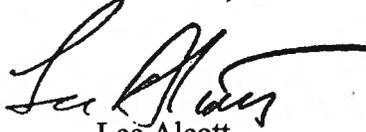
Following the photographs below that depict the property and neighboring properties, submitted with this statement in support of the application are the following:

- Exhibit A: Statement of Applicant, Ronald K. Granger;
- Exhibit B: Consents of adjoining property owners;
- Exhibit C: Survey of the property;
- Exhibit D: Deed to the property to applicant with metes and bounds description;
- Exhibit E: Tax map for the property;
- Exhibit F: Completed Short Form State Environmental Quality Review Act Assessment Form.

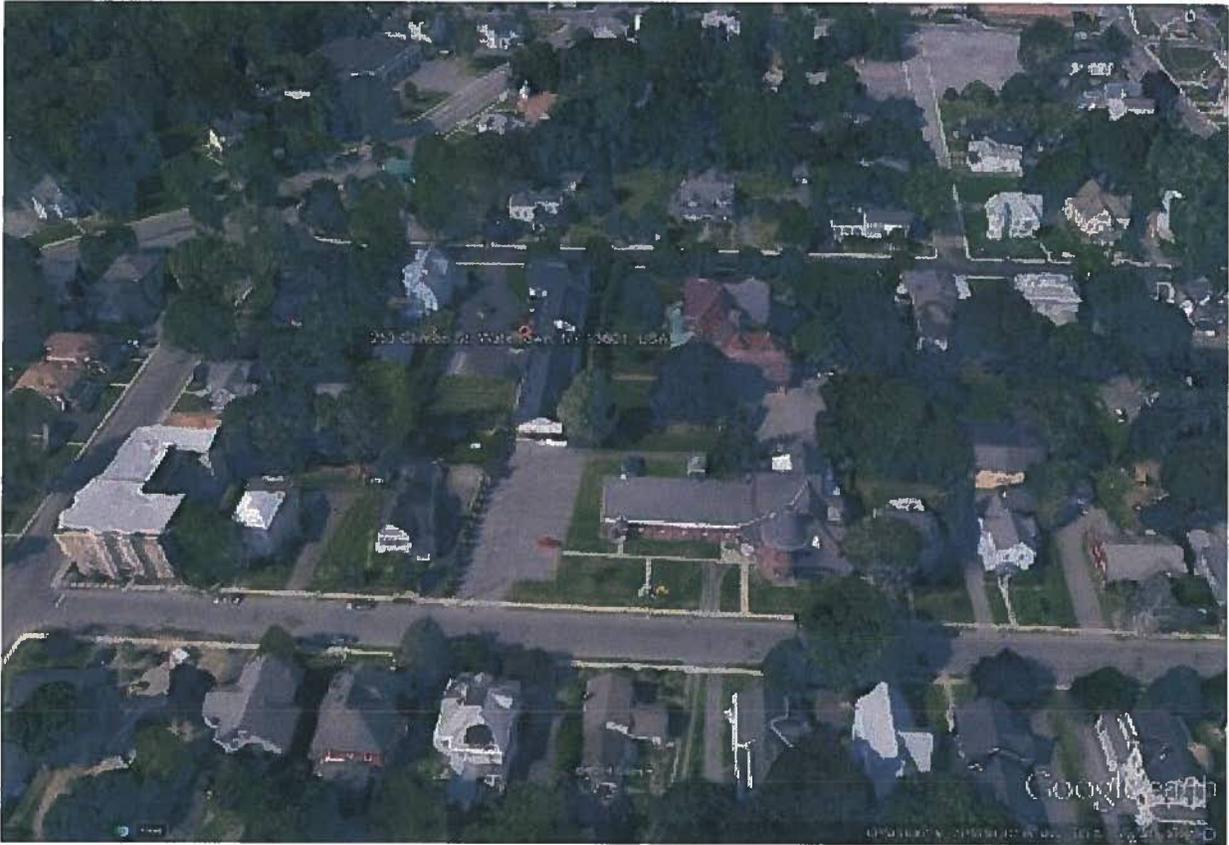
Based on the foregoing, it is respectfully requested that the application be granted.

Respectfully submitted,

FRENCH-ALCOTT, PLLC



Lee Alcott



**AERIAL PHOTOGRAPH OF SUBJECT PROPERTY AND  
SURROUNDING AREA**



**SUBJECT PROPERTY – FRONT VIEW**



SUBJECT PROPERTY – SIDE VIEW



**SUBJECT PROPERTY – PARKING AREA**



**SUBJECT PROPERTY – DETAIL OF PARKING AREA**



SEASONAL POOL AT SUBJECT PROPERTY



**"TAYLOR MANSION", 9-UNIT APARTMENT BUILDING  
ADJOINING SUBJECT PROPERTY TO THE EAST  
ALSO ZONED RESIDENCE A**



**BERTHELOTTE PROPERTY ADJOINING  
SUBJECT PROPERTY TO THE WEST**



**FIRST UNITED METHODIST CHURCH  
ADJOINING SUBJECT PROPERTY TO  
THE REAR ON MULLIN STREET  
ALSO ZONED RESIDENCE A**



**MULTIPLE UNIT APARTMENT HOUSE ON CLINTON ST.  
600 FEET WEST OF SUBJECT PROPERTY  
ALSO ZONED RESIDENCE A  
(AREA TO THE LEFT IS PARKING LOT  
RE-ZONED "LIMITED BUSINESS" IN 2012)**



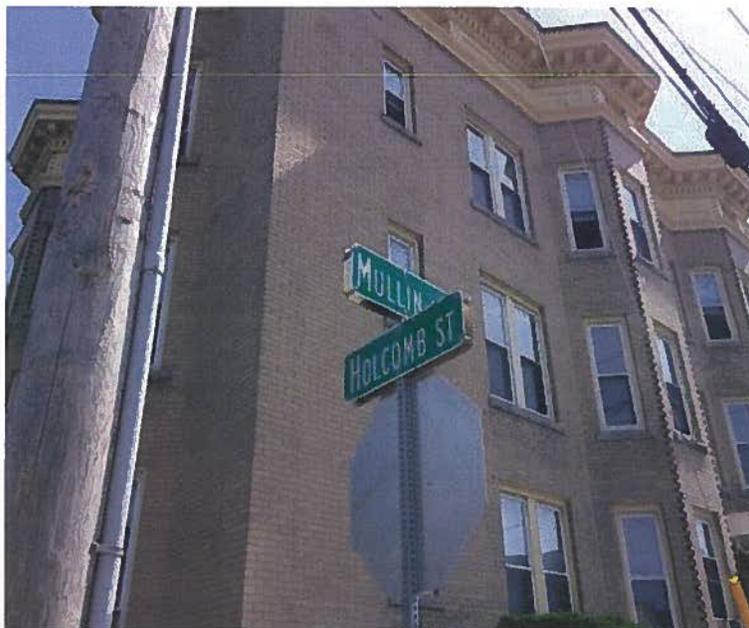
**PARKING LOT REFERENCED ABOVE  
RE-ZONED TO PROVIDE PARKING  
FOR HOWARD ORTHOTICS  
(STRUCTURE ON SITE WAS DEMOLISHED)**



**MULTI-FAMILY PROPERTY ON CLINTON STREET  
400' EAST OF SUBJECT PROPERTY  
ZONED RESIDENCE A**



**TRANSITIONAL LIVING HOUSING FOR MULTIPLE TENANTS  
LOCATED SAME BLOCK/OPPOSITE SIDE OF CLINTON STREET  
APPROXIMATELY 600' WEST OF SUBJECT PROPERTY,  
ALSO ZONED RESIDENCE A**



**LARGE MULTI-APARTMENT BUILDING LOCATED  
500' SOUTHWEST OF SUBJECT PROPERTY  
CORNER OF MULLIN STREET AND HOLCOMB STREET  
ZONED RESIDENCE C**



**LAW OFFICE WITH RENTAL SPACE AVAILABLE  
LOCATED TO THE REAR OF SUBJECT PROPERTY  
ON MULLIN STREET, ZONED RESIDENCE C**



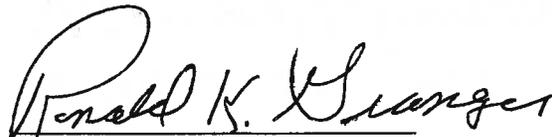
**CLEVELAND FUNERAL HOME  
404 SHERMAN ST.  
.20 MILES FROM SUBJECT PROPERTY  
ZONED RESIDENCE C**

# EXHIBIT A

**STATEMENT OF APPLICANT RONALD K. GRANGER**

1. I am the applicant in this matter.
2. I make this statement to advise the City of certain facts concerning the ownership of the subject premises.
3. I originally purchased the premises in 1998. At the time I purchased the premises, I placed the deed in the name of a friend, Ms. Kendra Tooley.
4. It is my understanding that in 1999, at the request of one T. Urling Walker, the zoning for the 200 block of Clinton Street was changed from Residence "B" and Residence "C" to exclusively Residence "A."
5. I understand that, in accordance with standard practice, prior to this zoning change taking effect, notices of the proposed action were sent to property owners in the area.
6. I have been advised that the City's records reveal that attempts were made to contact Ms. Tooley – as owner of record – regarding this zoning change; however, these records also reveal that no contact was actually made. As such, she did not communicate this information concerning the proposed change to me.
7. Inasmuch as my name was not on the deed for the property as the owner of record, I never received notice of the proposed change.
8. Had I been advised of the proposed change, I would not have consented to it.
9. In 2002, Ms. Tooley formally deeded the property back to me for \$1.00. A copy of the subject deed is submitted with this application.

Dated: July 30, 2014

  
Ronald K. Granger

# **EXHIBIT B**

Joint Statement of Brian L. Berthelotte and Brooke K. Berthelotte

1. We are the owners of a residential property located at 263 Clinton St. in the City of Watertown.
2. Our property adjoins the westerly side of the property owned by Ronald K. Granger, located at 253 Clinton St.
3. It is our understanding that Mr. Granger has made an application to the City of Watertown to have the zoning designation for his property change from "Residential A" to "Residential C."
4. As adjoining property owners, we hereby give our consent to this application.

Dated: 24 JULY, 2014

Dated: 24 JULY, 2014

  
Brian L. Berthelotte

  
Brooke K. Berthelotte

Statement of James D. McMahon, President  
Board of Trustees, First United Methodist Church

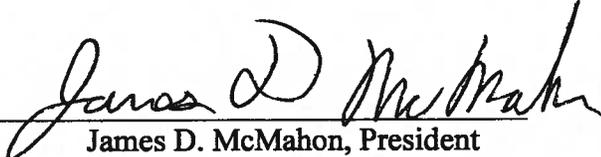
1. I am the President of the Board of Trustees of the First United Methodist Church, located at 236 Mullin St. in the City of Watertown. The Board of Trustees is the governing body of the church.

2. The church adjoins rear of the property owned Ronald K. Granger, located at 253 Clinton St.

3. It is my understanding that Mr. Granger has made an application to the City of Watertown to have the zoning designation for his property changed from "Residence A" to "Residence C."

4. On behalf of the church, as an adjoining property owner, I hereby give my consent to this application.

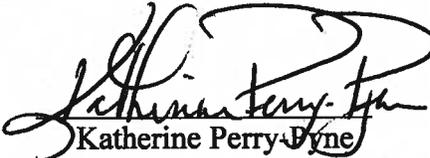
Dated: 7/28, 2014

  
James D. McMahon, President  
Board of Trustees, First United Methodist Church

Statement of Katherine Perry-Pyne

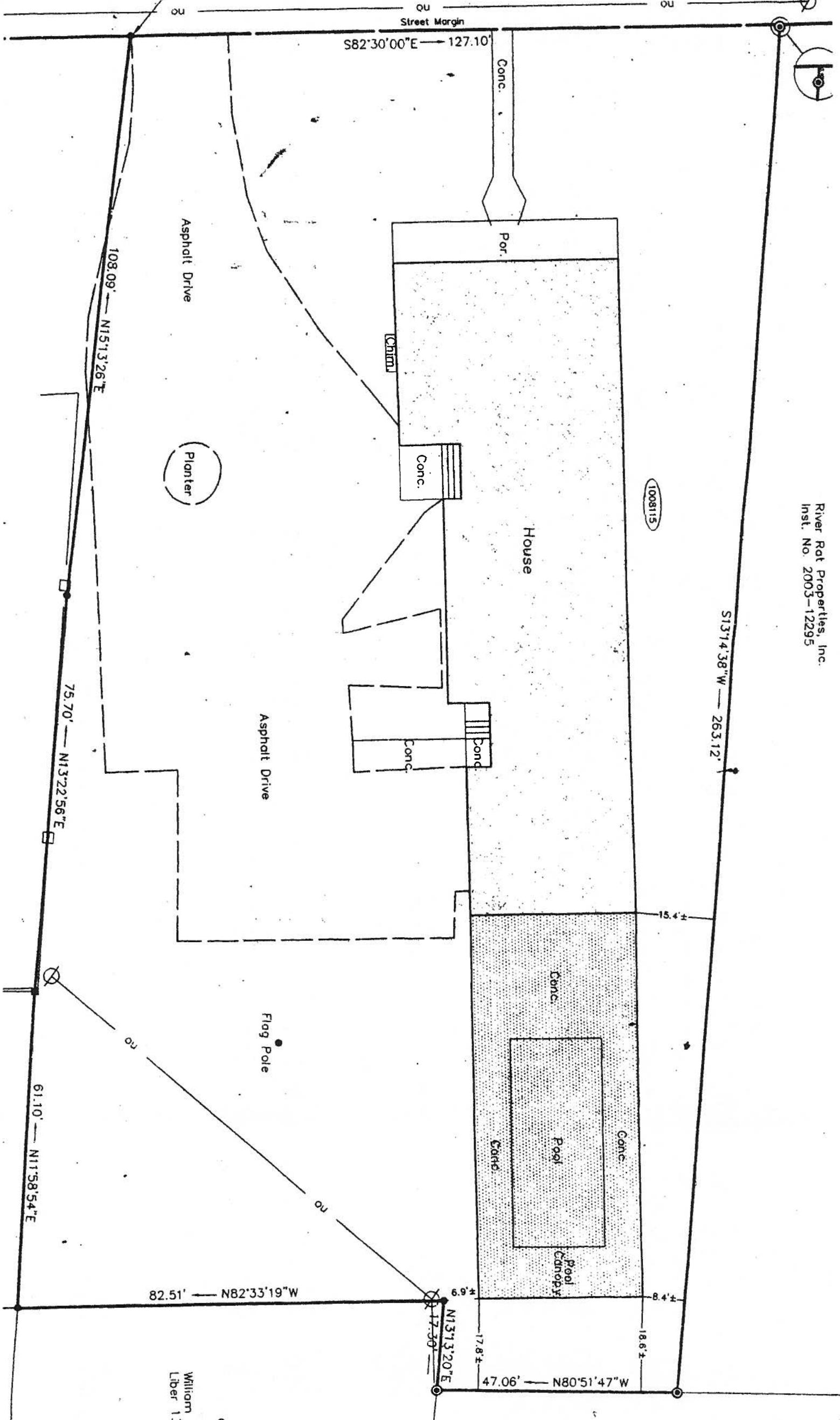
1. I am the owner of River Rat Properties, a company that owns and manages residential real estate in the city of Watertown.
2. Among the properties owned by River Rat is the "Taylor Mansion" located at 241 Clinton Street. This property adjoins the easterly side of the property owned by K. Ronald Granger, located at 253 Clinton St.
3. It is my understanding that Mr. Granger has made an application to the city of Watertown to have the zoning designation for his property change from "Residential A" to "Residential C."
4. As an adjoining property owner, I hereby give my consent to this application.

Dated: June 30, 2014

  
Katherine Perry-Pyne

# EXHIBIT C

River Rat Properties, Inc.  
Inst. No. 2003-12295



William  
Liber 1

# EXHIBIT D

**COPY**

Jefferson County - New York  
Jo Ann M. Wilder

RECORDING CERTIFICATE

09849

Transaction Number: 020830348959

Type of Instrument: DEED RECORD

Received From: SCHWERZMANN & WISE, ATTORNEYS  
\*\*RETURN DOCUMENT AS MARKED\*\*

Recording Charge: 69.00 Recording Pages: 3

\*\* EXAMINED AND CHARGED AS FOLLOWS : \*\*

\*\* TRANSFER TAX \*\*

\*\* MTG/DEED AMOUNT \*\*

.00

.00

RS#: 0528

Mortgage#:

Received Tax on Above Mortgage

Basic: .00

Special Addl: .00

Town:

Additional: .00

Mortgage Tax Total: .00

Total Recording Fees: 69.00

\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*

I HEREBY CERTIFY THAT THE WITHIN AND FOREGOING WAS RECORDED IN THE  
CLERK'S OFFICE FOR Jefferson County - New York

LIBER 1879 PAGE 04

IN (Book/Page):

ON (Recorded Date): 08/30/02

AT (Time): 03:42 Terminal ID: 113



*Jo Ann M. Wilder*

Deed - Warranty with Lien Covenant

**THIS INDENTURE**

Made the 29 day of <sup>AUGUST</sup> July, Two Thousand Two (2002).

**BETWEEN**

KENDRA TOOLEY  
253 Clinton Street  
Watertown, NY 13601

grantor,

-and-

KENNETH R. GRANGER  
521 Cayuga Avenue  
Watertown, New York 13601

grantee.

WITNESSETH that the grantor(s) in consideration of One (\$1.00) Dollar, lawful money of the United States, and other good and valuable consideration, paid by the grantee(s), hereby grant(s) and release(s) unto the grantee(s), their heirs, successors or assigns forever,

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Watertown, County of Jefferson, and State of New York, as described in the attached Schedule "A" which is hereby incorporated herein by reference (referred to as the "Premises"), together with interest, if any, of the Grantor(s) in and to any streets and roads abutting the Premises to the centerlines thereof.

This Deed was prepared with the benefit of an abstract of title.

TOGETHER with the appurtenances and all the estate and rights of the grantor(s) in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the grantee(s), their successors heirs and assigns forever.

And the grantor(s) covenant(s) as follows:

FIRST. That the grantee(s) shall quietly enjoy the said premises:

SECOND. That the grantor(s) will forever WARRANT the title to said premises.

This deed is subject to the trust provisions of Section 13 of the Lien Law. The words "grantor(s)" and "grantee(s)" shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the grantor(s) has/have executed this deed the day and year first above written. In presence of:

Kendra Tooley L.S.  
KENDRA TOOLEY

STATE OF NEW YORK )  
                                  ) s.s.:  
COUNTY OF JEFFERSON )

On the 29<sup>th</sup> day of <sup>AUGUST</sup> July, in the year 2002, before me, the undersigned, a Notary Public in and for said state, personally appeared KENDRA TOOLEY, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals or the person upon behalf of which the individuals acted, executed the instrument.

Keith Caughlin  
Notary Public

KEITH B. CAUGHLIN  
Notary Public, State of New York  
Qualified in Jefferson County No. 4978001  
Commission Expires December 31, 2002

RECORD & RETURN TO:  
SCHWERZMANN & WISE, P.C.  
ATTORNEYS AT LAW  
26 WASHINGTON STREET  
P.O. BOX 24  
WATERTOWN, NEW YORK 13601

JEFFERSON COUNTY CLERK  
RECEIVED  
2002 AUG 30 PM 3:42  
John M. Wisler  
CLERK

## SCHEDULE A

THAT TRACT OR PARCEL OF LAND situate in the City of Watertown, County of Jefferson, State of New York, and being further described as follows:

BEGINNING at an iron pipe set in the southerly street margin of Clinton Street, said iron pipe is situate S. 82°-30'-00"E. along the southerly street margin of Clinton Street a distance of 178.43 feet from the intersection of the southerly street margin of Clinton Street and the cut-back line connecting the southerly street margin of Clinton Street with the easterly street margin of Holcomb Street;

THENCE S. 82°-30'-00" E. along the southerly street margin of Clinton Street a distance of 127.10 feet to a point;

THENCE S. 13°-05'-14"W. passing through an iron pipe set and a fence post at 0.40 feet and 243.05 feet respectively and continuing a total distance of 263.05 feet to an iron pipe set;

THENCE N. 80°-51'-47"W. a distance of 47.06 feet to an iron pipe set;

THENCE N. 13°-13'-20"E. a distance of 17.30 feet to an iron pipe found

THENCE N. 82°-33'-19"W. a distance of 82.51 feet to an iron pipe found

THENCE N. 11°-49'-08"E. a distance of 60.86 feet to a fence post;

THENCE N. 14°-56'-16"E. passing through an iron pipe found at 61.46 feet and continuing a total distance of 71.00 feet to an iron pipe set;

THENCE N. 13°-49'-43"E. a distance of 106.94 feet to the point of beginning.

# EXHIBIT E



# EXHIBIT F

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

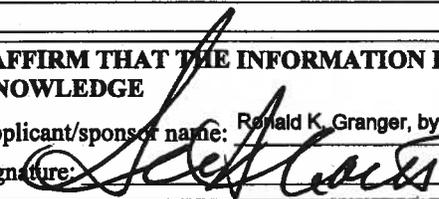
**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Rezoning of applicant's property located at 253 Clinton St. from Residence A to Residence C. Applicant is Ronald K. Granger.			
Project Location (describe, and attach a location map): 253 Clinton St., Watertown. Location map submitted herewith as Exhibit A.			
Brief Description of Proposed Action: See attached narrative. The property in question, known as the "Starbuck House," was purchased by the applicant, Ronald K. Granger, in 1998 as a distressed property; however, Mr. Granger placed title to the property in the name of a friend, Ms. Kendra Tooley. Mr. Granger invested approximately \$700,000 in renovating the property. At the time of purchase, the property was zoned Residence B. As detailed in applicant's "Statement," Mr. Granger was not notified of the zone change initiated in 1999 by which the zoning for the entire 200 block of Clinton St. was changed from Residence B and C to exclusively Residence A. Ms. Tooley deeded the property to applicant by deed recorded on August 30, 2002, a copy which, together with a legal description, is attached as Exhibit D. Mr. Granger is a Watertown native and the retired owner of Granger Paving. The property has been on the market for several years; however, as a result of its size, (over 6,000 sq. ft.), it has been difficult to market as a single-family residence. A rezoning will provide a prospective buyer with more options for use.			
Name of Applicant or Sponsor: Ronald K. Granger by his Attorney, Lee Alcott, Esq.		Telephone: N/A: Applicant is speech-disabled E-Mail: c/o lalcott@frenchalcott.com	
Address: 23810 County Route 32			
City/PO: Watertown		State: NY	Zip Code: 13601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		.71 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.71 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Ronald K. Granger, by his Attorney, Lee Alcott, Esq.</u>		Date: <u>August 14, 2014</u>
Signature: <u></u>		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

Petitions for changes of zone will be heard by the Planning Board and the City Council. A change of zone requires approval of the City Council after a public hearing. Under the rules, the public hearing is held at least two weeks after the City Council receives the application.

The Planning Board normally meets the first Tuesday of the month at 3:00 pm. All requests must be submitted **two weeks before the scheduled meeting**, and only those requests included on the prepared meeting agenda will be considered.

In the case of a petition for a Planned Development District, the petition shall contain all the additional data stipulated in Section 310-12 of the Zoning Ordinance.

It should be pointed out that a change of zone by the City Council will not be considered complete and established until copies of the resolution affecting the change have been filed with the City Clerk and the City Engineer, and the official zoning map is marked to show the approved change.

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**