



# MEMORANDUM

CITY OF WATERTOWN, NEW YORK – PLANNING OFFICE  
245 WASHINGTON STREET, ROOM 304, WATERTOWN, NY 13601  
PHONE: 315-785-7730 – FAX: 315-782-9014

TO: Planning Board Members

FROM: Kenneth A. Mix, Planning and Community Development Coordinator

SUBJECT: Resubmitted Zone Change Request – 703 through 719 Washington Street

DATE: March 26, 2012

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**Request:** To change the approved zoning classification of 703 through 719 Washington Street, parcels 11-12-126, 11-12-125, 11-12-124, and 11-12-123, from *Limited Business* to *Neighborhood Business*.

**Applicant:** Hedy Cirrincione

**Owner:** Hedy Schwandner (Cirrincione) (703, 707, 715), Maryellen Blevins (719)

**SEQRA:** Unlisted

**County review:** Not required

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**Comments:** This proposed zone change was previously considered by the Planning Board on March 6, 2012, at which time it was defeated 4-0. The applicant was not in attendance at that meeting. She withdrew that request and re-submitted her application so she would have an opportunity to speak to the Planning Board.

Attached are the previous staff report and the relevant excerpt from the minutes of last month's meeting.

cc: City Council Members  
Robert J. Slye, City Attorney  
Justin Wood, Civil Engineer II  
Hedy Cirrincione, 427 Flower Ave. E.  
Maryellen Blevins, 719 Washington St.



# MEMORANDUM

CITY OF WATERTOWN, NEW YORK – PLANNING OFFICE  
245 WASHINGTON STREET, ROOM 304, WATERTOWN, NY 13601  
PHONE: 315-785-7730 – FAX: 315-782-9014

TO: Planning Board Members

FROM: Kenneth A. Mix, Planning and Community Development Coordinator

SUBJECT: Zone Change – 703 through 719 Washington Street

DATE: February 24, 2012

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**Request:** To change the approved zoning classification of 703 through 719 Washington Street, parcels 11-12-126, 11-12-125, 11-12-124, and 11-12-123, from *Limited Business* to *Neighborhood Business*.

**Applicant:** Hedy Cirrincione

**Owner:** Hedy Schwandner (Cirrincione) (703, 707, 715), Maryellen Blevins (719)

**SEQRA:** Unlisted

**County review:** Not required

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**Comments:** The applicant is requesting that the majority of the eastern side of the 700 block of Washington Street be rezoned to Neighborhood Business District. The applicant owns three of the subject properties, and wishes to use one for a healthcare-oriented retail use. The applicant does not specify which of the three structures would be converted to retail. All three are currently multi-unit residences.

The proposed retail use would change the parking requirements for the property. Retail businesses must have 5 spaces for each 1,000 square feet of floor area. 707 and 715 Washington both appear to have sufficient lot depth to accommodate 10 to 15 parking spaces, but 703 Washington is located on a shallow corner lot. The largest of the buildings has approximately 3,900 square feet of gross floor area, which could necessitate up to 20 parking spaces.

Setbacks and landscaping buffer requirements would be unaffected by the change.

The adopted Land Use Plan shows the area in question as “Medium Density Residential.” The zoning was changed from Residence C to Limited Business in 1989 at the request of Ms. Cirrincione. The change was controversial at the time because it was contrary to the Land Use Plan, which was under development.

This request would be a significant change in allowed uses. There have been a number of attempts to change sections of Washington Street to Neighborhood Business District (NBD) over the years that have failed. The nearest existing NBD parcel is approximately 1/3 of a mile south of the proposed change area. The nearest Commercial District is almost as far to the north.

If the Planning Board recommends approval, it should be clear in its decision that it does not consider the rezoning of these parcels to be “spot zoning.” The New York Court of Appeals has defined spot zoning as: “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of the other owners...; spot zoning is the very antithesis of planned zoning.” The New York Supreme Court has said that so long as a zoning amendment is made in accordance with the comprehensive plan, it will not be spot zoning.

The zoning along Washington Street has evolved differently than envisioned when the Land Use Plan was adopted. In addition to the zone change mentioned above, more area has been changed to Health Services District than originally intended.

cc: City Council Members  
Robert J. Slye, City Attorney  
Justin Wood, Civil Engineer II  
Hedy Cirrincione, 427 Flower Ave. E.  
Maryellen Blevins, 719 Washington St.

**ZONE CHANGE REQUEST – LBD TO NBD  
703-719 WASHINGTON STREET – PARCELS 11-12-123 THROUGH 11-12-126**

The Planning Board then considered a request submitted by Hedy Cirrincione to change the approved zoning classification of 703 through 719 Washington Street, parcels 11-12-126, 11-12-125, 11-12-124, and 11-12-123, from Limited Business District to Neighborhood Business District.

Mrs. Freda read the request, and asked if the applicant was present. Ms. Cirrincione was not in attendance.

Mrs. Freda mentioned that a letter had been received from Rothschild/Breuer Associates, owners of 720 Washington Street. The letter is on file in the City Engineering office.

Mrs. Freda asked for the Board's thoughts. Mr. Fipps said that he would prefer to leave the zoning as it is. Mrs. Gervera expressed concerns about it being spot zoning, and too drastic of a change to the neighborhood. Mrs. Freda mentioned that things like auto sales and gas stations could be allowed in a Neighborhood Business parcel.

Tony Netto, owner of 716 Washington Street, approached the Board. He asked what the applicant's intent was for the property in question. Mrs. Freda responded that the applicant's letter mentions a medically oriented retail operation—selling scrubs to hospital workers.

Mr. Netto mentioned that the applicant's properties are distressed in appearance. He would like some assurance of improvements to the properties if the rezoning were to be adopted. He also mentioned that he is okay with Ms. Cirrincione's proposal, but he is opposed to rezoning both sides of Washington Street as suggested in the Rothschild/Breuer letter.

Mrs. Gervera asked if the applicant would be able to sell scrubs in a Health Services District (HSD).

Mr. Mix replied that the HSD only allows retail as an accessory to a primary medical use. For example, an eyeglasses shop would not be allowed unless it were associated with an optometrist's office on the same property.

Mrs. Gervera stated that it does not seem wise to allow more retail in this area when there are so many vacant storefronts on Public Square.

Mr. Mix then explained that Ms. Cirrincione had been responsible for the initial change from Residence C to Limited Business in 1989. The change was controversial at the time because it took place during the drafting of the Land Use Plan, which today still shows the area as medium density residential. There was also some discussion at that time regarding the poor state of the buildings and promised improvements.

Mr. Netto then added that he is not opposed to the specific use proposed, but once it is changed to NBD it cannot be easily reverted.

Mrs. Freda stated her concern that changing to NBD opens up a lot of new uses. Mrs. Gervera said that it would not fit the vision for Washington Street, which was a mixed use area of medical offices and residential.

Mrs. Freda asked if the application should be tabled. Mrs. Gervera suggested taking a vote since everyone seemed to be on the same page.

Mr. Fontana then moved to recommend approval by City Council of the request to change the approved zoning classification of 703 through 719 Washington Street, parcels 11-12-126, 11-12-125, 11-12-124, and 11-12-123, from Limited Business District to Neighborhood Business District, as submitted by Hedy Cirrincione on February 21, 2012.

Mrs. Gervera seconded, and the motion was defeated with a 4-0 vote.

Hedy M. Cirrincione  
427 Flower Ave. E  
Watertown, NY 13601  
March 9, 2012



Mr. Kenneth A. Mix, Coordinator  
Watertown City Planning Board  
245 Washington Street  
Watertown, NY 13601

Dear Mr. Mix,

Thank you for taking the time to discuss my proposal and the actions the Board took during the March 6, 2012 meeting. I am writing to request withdrawal of the Planning Board's recommendation to the City Council because I was not present at the meeting. Please consider adding my proposal to the April 4, 2012 agenda, to provide an opportunity for me to attend the meeting and participate in a discussion before a recommendation is made to the City Council.

Thank you for your assistance and consideration of this proposal. You may reach me at 315-778-8482 or via email [hedy\\_007@hotmail.com](mailto:hedy_007@hotmail.com).

Respectfully submitted,

*Hedy M. Cirrincione*  
Hedy M. Cirrincione