



MEMORANDUM

CITY OF WATERTOWN, NEW YORK
OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT
245 WASHINGTON STREET, ROOM 304, WATERTOWN, NY 13601
PHONE: 315-785-7740 – FAX: 315-785-7829

TO: Planning Board Members

FROM: Michael A. Lumbis, Planning and Community Development Director

SUBJECT: Subdivision Final Plat Approval – 1068 Arsenal Street

DATE: December 2, 2021

Request: Amend a condition of the previously approved Subdivision Final Plat Approval for a two-lot subdivision of 1068 Arsenal Street, Parcel Number 8-47-106.000

Applicant: Robert J. Busler, P.L.S. of LaFave, White & McGivern, L.S., P.C. on behalf of Prime, LLC

Proposed Use(s): Commercial and Vacant Commercial

Property Owner: Prime, LLC

Application Status UPDATE: At its June 1, 2021 meeting, the Planning Board approved a two-lot subdivision of 1068 Arsenal Street, Parcel Number 8-47-106.000, subject to the following condition, which the applicant has yet to fulfill:

1. To avoid creating a situation where a structure crosses a parcel boundary and produces two non-conforming lots in perpetuity, the applicant must demolish the existing structure on the lot within six (6) months of the date on which the Clerk of the Planning Board signs the Final Subdivision Plat. If the applicant fails to demolish the structure by this deadline, this Subdivision Approval shall be considered null and void, and the applicant shall reassemble the two resultant parcels by way of a new deed filed with the County Clerk that reestablishes the original subject parcel with its pre-Subdivision metes and bounds description. If the applicant fails to reassemble the parcel as aforementioned then the City of Watertown may bring application to Supreme Court Jefferson County for such relief with all court costs and other expenses including reasonable attorney's fees being paid for by the applicant.

The Subdivision approval divided the previously 2.93-acre lot into two parcels, a 1.83-acre western/northern "L-shaped" section and a 1.10-acre eastern section. The western/northern section, which remained under the ownership of Prime, LLC, became 1084 Arsenal Street and the City Assessment Department redesignated it as Parcel Number 8-47-106.100.

The eastern section, which Prime, LLC subsequently sold to 1068 Arsenal St RE, LLC, retained the 1068 Arsenal Street mailing address and the City Assessment Department redesignated it as Parcel Number 8-47-106.200. The new owners of the eastern parcel then applied for Site Plan Approval to construct a 4,553 square-foot (SF) car wash and associated site improvements on the property.

The Planning Board reviewed that Site Plan Approval request at its August 3, 2021 meeting and adopted a motion recommending that City Council grant the approval with nine (9) conditions. The City Council then approved the site plan at its August 16, 2021 meeting. The first condition of approval stated the following:

1. Site Plan Approval is contingent upon the Subdivision Approval for 1068 Arsenal Street that the Planning Board granted on June 1, 2021, taking permanent effect following the demolition of the existing structure on the property no later than December 2, 2021, and upon the City Assessment Department's receipt of new deeds filed with the County Clerk that establish the two resultant parcels.

At the time of this writing, the existing building is yet to undergo demolition. The applicant is requesting a six-month extension to the original deadline for demolition. As the Planning Board was the body that granted the Subdivision Approval, it is the only body with the authority to amend a condition of that approval. Staff recommends that the Planning Board amend the condition of Subdivision Approval to read as follows (*changes in italics*):

1. To avoid creating a situation where a structure crosses a parcel boundary and produces two non-conforming lots in perpetuity, the applicant must demolish the existing structure on the lot within *twelve (12)* months of the date on which the Clerk of the Planning Board signs the Final Subdivision Plat. If the applicant fails to demolish the structure by this deadline, this Subdivision Approval shall be considered null and void, and the applicant shall reassemble the two resultant parcels by way of a new deed filed with the County Clerk that reestablishes the original subject parcel with its pre-Subdivision metes and bounds description. If the applicant fails to reassemble the parcel as aforementioned then the City of Watertown may bring application to Supreme Court Jefferson County for such relief with all court costs and other expenses including reasonable attorney's fees being paid for by the applicant.

Staff has published a notice of public hearing in the *Watertown Daily Times* for a hearing to take place at 3:05 p.m. during the Planning Board meeting.

cc: Prime, LLC, 137 Main Avenue, 3rd Floor, Watertown, NY 13601
Robert Busler, PLS, LaFave, White & McGivern, L.S., P.C., 133 Commercial Street,
P.O. Box 679, Theresa, NY 13691-0679
Michael Delaney, P.E., City Engineer



LaFave, White & McGivern, L.S., P.C.
LAND SURVEYORS & PHOTOGRAMMETRISTS

THERESA - BOONVILLE

November 17, 2021

City of Watertown Planning Board
245 Washington Street
Watertown, New York 13601

Re: Prime, LLC
1068 Arsenal Street Subdivision

Dear Planning Board Members:

On June 01, 2021 the City of Watertown Planning Board granted Final Plat Subdivision approval regarding tax parcel 8-47-106.000 located at 1068 Arsenal Street owned by Prime, LLC. Approval was granted with the following condition noted at summary item 1 in the June 01, 2021 meeting minutes:

“.....the applicant must demolish the existing structure on the lot within six (6) months of the date on which the Clerk of the Planning Board signs the Final Subdivision Plat.....”.

The approved final subdivision plat was signed by Michael A. Lumbis on June 02, 2021. The plat was recorded in the Jefferson County Clerk's Office on July 28, 2021 as Map No. 7850. (copy included herewith)

By deed dated September 10, 2021 and recorded in the Jefferson County Clerk's Office on September 24, 2021 at Instrument 2021-00015872, Lot 2 was transferred by Prime, LLC to 1068 Arsenal Street Re LLC. (copy included herewith)

Considering that construction activities are not expected to begin until the spring of 2022, **Prime, LLC hereby requests that the 6 month demolition period be extended to 12 months.** Demolition will then coincide with the onset of spring 2022 construction activities. Please include review of this request during the December 7, 2021 Planning Board meeting.

Feel free to contact me anytime if you have any questions or need additional information. I will plan on attending the planning board meeting to answer questions.

Sincerely,

LaFave, White & McGivern, L.S., P.C.
Robert J. Busler, P.L.S.
President


LETTER OF AUTHORIZATION


Let it be known that LaFave, White & McGivern, LS, PC has been retained to act as agent to perform all acts for development on my property identified below.


Please Check One of the Following:

☒ Minor Subdivision ☐ Major Subdivision ☐ Site Plan
☒ Modification of June 1, 2021 Subdivision Approval Condition(s)
☐ Site Plan Modification ☐ Special Use Permit ☐ Lot Line Adjustment

These acts include: (please initial the acts you are authorizing)

 Pre-application conferences with city staff, filing applications and/or other required documents relative to all Planning Board applications

 Main point of contact for city staff

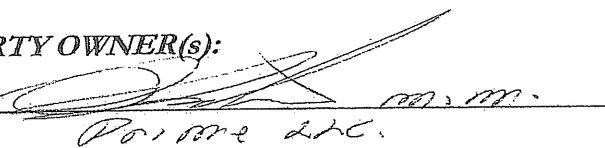
 Agent will be contacted on all matter instead of the owner

 Attend all Planning Board meetings on my behalf

Tax Parcel: 8-47-106.100 and 8-47-106.200

Address: 1068 and 1084 Arsenal Street, City of Watertown, Jefferson County, New York

PROPERTY OWNER(s):

Signature:  Prime LLC

Date: 11/17/21

Signature: _____

Date: _____

Printed Name(s): Prime, LLC; PJ Simao, Managing Partner

Address: 137 Main Avenue, Floor 3

City: Watertown State: NY Zip: 13601

Phone: 315-727-7000 Fax: _____

AGENT:

Signature: _____ Date: _____

Printed Name: LaFave, White & McGivern, LS, PC; Robert J. Busler, PLS

Address: 133 Commercial Street, P.O. Box 679

City: Theresa State: N.Y. Zip: 13691

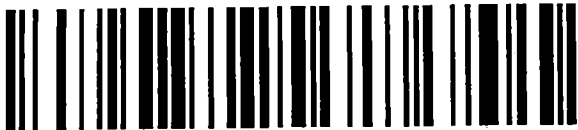
Phone: 315-628-4414 Fax: 315-628-4529



JEFFERSON COUNTY - STATE OF NEW YORK
GIZELLE J. MEEKS, JEFFERSON COUNTY CLERK
175 ARSENAL STREET
WATERTOWN, NEW YORK 13601

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



INSTRUMENT #: 2021-00015872

Receipt#: 2021022543

Clerk: AC

Rec Date: 09/24/2021 02:42:36 PM

Doc Grp: DEE

Descrip: DEED

Num Pgs: 3

Rec'd Frm: BROWNELL ABSTRACT CORPORATION

Party1: PRIME LLC

Party2: 1068 ARSENAL ST RE LLC

Town: WATERTOWN-CITY OF
8-47-106.000

Recording:

| | |
|---------------------------|--------|
| Cover Page | 5.00 |
| Recording Fee | 30.00 |
| Cultural Ed | 14.25 |
| Records Management - Coun | 1.00 |
| Records Management - Stat | 4.75 |
| TP584 | 5.00 |
| Notice of Transfer of sal | 10.00 |
| RP5217 All others - State | 241.00 |
| RP5217 - County | 9.00 |

Sub Total: 320.00

Transfer Tax
Transfer Tax - State 5300.00

Sub Total: 5300.00

Total: 5620.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****

Transfer Tax #: 875
Commercial Transfer Tax
Consideration: 1325000.00

Transfer Tax - State 5300.00

Total: 5300.00

WARNING***

***Information may change during the verification process and may not be reflected on this page

Gizelle J. Meeks
Jefferson County Clerk

Record and Return To:

BROWNELL ABSTRACT CORPORATION
OFFICE MAILBOX

WARRANTY DEED

THIS INDENTURE, made the 10th day of September, 2021.

BETWEEN PRIME, L.L.C also known as **PRIME, LLC**, a New York limited liability company, having an address at 137 Main Avenue, Floor 3, Watertown, New York 13601, grantor

and

1068 ARSENAL ST RE LLC, a Delaware limited liability company, having an address at 1170 Pittsford Victor Road, Suite 260, Pittsford, NY 14534, grantee.

WITNESSETH, that the grantor, in consideration of One Dollar and No/100 (\$1.00) and other valuable consideration paid by the grantee, hereby grants and releases unto the grantee, the heirs or successors and assigns of the grantee forever,

SEE ATTACHED SCHEDULE A MADE PART HEREOF.

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

TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever. **AND** the grantor covenants as follows:

FIRST: The grantee shall quietly enjoy the said premises

SECOND: The grantor will forever warrant the title to said premises.

AND the grantor, in compliance with Section 13 of the Lien Law, covenants that the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "grantor" shall be construed as if it reads "grantors" whenever the sense of this indenture so requires. This deed is subject to the trust provisions of Section 13 of the Lien Law.

IN WITNESS WHEREOF, the grantor has executed this deed as of the day and year first above written.

IN PRESENCE OF

PRIME, L.L.C. also known as PRIME, LLC
A New York limited liability company

By:


Philip J. Simao, Managing Member

STATE OF NEW YORK, COUNTY OF JEFFERSON ss:

On the 10th day of September, 2021 before me, the undersigned, personally appeared Philip J. Simao, Managing Member of Prime, L.L.C., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and who acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person or party upon behalf of which the individual acted, executed the instrument.


Notary Public

VICKIE L FENERAN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01FE6391569
Qualified in Jefferson County
My Commission Expires 05-13-2023

Schedule "A"

Description of Premises

Lot 2 - 1.10± Acres

All that parcel of land located in the City of Watertown, County of Jefferson and State of New York, bounded and described as follows:

Beginning at a point at the intersection of the north highway boundary of Arsenal Street (New York State Route 3), with the division line between the parcel of land conveyed to Prime, LLC (Instrument 2003 - 00002927) on the west and the parcel of land conveyed to St. Lawrence Valley Educational Television Council (Instrument 2010-00010551) on the east, said point of beginning being South 02 degrees 14 minutes 22 seconds West, 0.31 feet from an existing iron pipe; and runs thence, from the point of beginning, North 87 degrees 53 minutes 21 seconds West, 160.00 feet, along the north highway boundary of Arsenal Street, to a point that is South 02 degrees 14 minutes 22 seconds West, 0.54 feet from a 5/8 inch rebar with red plastic cap set; thence the two following courses and distances through said land of Prime, LLC: 1) North 02 degrees 14 minutes 22 seconds East, 300.00 feet, passing through the last described rebar with cap set, to a "MAG" nail set; 2) South 87 degrees 53 minutes 21 seconds East, 160.00 feet to a "MAG" nail set in the aforementioned division line between Prime, LLC on the west and St. Lawrence Valley Educational Television Council on the east, thence South 02 degrees 14 minutes 22 seconds West, 300.00 feet, along said division line between Prime, LLC on the west and St. Lawrence Valley Education Television Council on the east, passing through the first described iron pipe, to the point of beginning, containing 1.10 acres of land, more or less.

The above described parcel being part of the parcel of land conveyed from Rite Aid of New York, Inc. to Prime, LLC by deed dated February 25, 2003 and recorded in the Jefferson County Clerk's Office on February 28, 2003 as Instrument 2003-00002927.

Subject to an easement granted by Northrop Realty Corporation to Niagara Mohawk Power Corporation by instrument recorded in the Jefferson County Clerk's Office on June 17, 1963 in Liber 736 of Deeds, at Page 464.


Together with rights of ingress and egress described in an Easement Agreement granted by Music Box Restaurant, Inc. to Vision Development, Inc. by instrument recorded in the Jefferson County Clerk's Office on August 27, 1999 in Liber 1692 of Deeds, at Page 165 and as thereafter assigned by that certain Assignment of Easement Agreement granted by Vision Development, Inc. to Prime, LLC by instrument recorded in the Jefferson County Clerk's Office on July 09, 2015 as Instrument 2015-00009955.

Subject to an Underground Line Easement granted by Arsenal Housing Associates to Niagara Mohawk Power Corporation and New York Telephone Co. by instrument recorded in the Jefferson County Clerk's Office on March 23, 1987 in Liber 1065 of Deeds, at Page 93. (as it may apply)

Subject to the 60 foot wide drainage easement granted to the New York State Department of Public Works.

Together with and subject to rights, covenants, easements, rights of way and restrictions of record.

BEING A PORTION OF THE PREMISES conveyed to Prime, LLC by deed dated February 25, 2003 and recorded February 28, 2003 in the Office of the Jefferson County Clerk as Instrument No. 2003-2927.


9/10/21

EASEMENTS:

SUBJECT TO AN EASEMENT GRANTED BY NORTHROP REALTY CORPORATION TO NIAGARA MOHAWK POWER CORPORATION BY INSTRUMENT RECORDED IN THE JEFFERSON COUNTY CLERK'S OFFICE ON JUNE 17, 1983 IN LIBER 736 OF DEEDS, AT PAGE 464.

TOGETHER WITH RIGHTS OF INGRESS AND EGRESS DESCRIBED IN AN EASEMENT AGREEMENT GRANTED BY MUSIC BOX RESTAURANT, INC. TO VISION DEVELOPMENT, INC. BY INSTRUMENT RECORDED IN THE JEFFERSON COUNTY CLERK'S OFFICE ON AUGUST 27, 1989 IN LIBER 1682 OF DEEDS, AT PAGE 165 AND AS THEREAFTER ASSIGNED BY THAT CERTAIN ASSIGNMENT OF EASEMENT AGREEMENT GRANTED BY VISION DEVELOPMENT, INC. TO PRIME, LLC BY INSTRUMENT RECORDED IN THE JEFFERSON COUNTY CLERK'S OFFICE ON JULY 09, 2015 AS INSTRUMENT 2015-00009955. (AS IT MAY APPLY)

SUBJECT TO AN UNDERGROUND LINE EASEMENT GRANTED BY ARSENAL HOUSING ASSOCIATES TO NIAGARA MOHAWK POWER CORPORATION AND NEW YORK TELEPHONE CO. BY INSTRUMENT RECORDED IN THE JEFFERSON COUNTY CLERK'S OFFICE ON MARCH 23, 1987 IN LIBER 1065 OF DEEDS, AT PAGE 93. (AS IT MAY APPLY)

SUBJECT TO THE 60 FOOT WIDE DRAINAGE EASEMENT GRANTED TO THE NEW YORK STATE DEPARTMENT OF PUBLIC WORKS.

MUSIC BOX RESTAURANT, INC.
LIBER 877, PAGE 137
TAX PARCEL 8-50-101.002

REFERENCE ABSTRACT
BROWNELL ABSTRACT CORPORATION
ABSTRACT OF TITLE NO. 128702
LAST DATED: 09/06/2017

REFERENCE DEED
WGS ARSENAL LAND LLC
TO
ARCEL LLC
DEED DATED 09/08/2017
RECORDED 09/08/2017
INSTRUMENT 2017-00013663
TAX PARCEL 8-20-101.200
1.01± ACRES

REFERENCE MAP
SUBDIVISION FINAL PLAT
PARCELS "1 & 2"
THE LAND OF WGS ARSENAL HOUSING ASSOCIATES, LLC
DATED 05/05/2015
PREPARED BY GYMO, P.C.
FILED IN THE JEFFERSON COUNTY CLERK'S OFFICE ON 07/07/2015 AS MAP FILE 6317

REFERENCE DEED
BEING PART OF
RITE AID OF NEW YORK, INC.
TO
PRIME, LLC
DEED DATED 02/28/2003
RECORDED 02/28/2003
INSTRUMENT 2003-00002927
BEING PART OF
TAX PARCEL 8-47-106.000
LOT 1
1.83± ACRES

REFERENCE DEED
BEING PART OF
RITE AID OF NEW YORK, INC.
TO
PRIME, LLC
DEED DATED 02/28/2003
RECORDED 02/28/2003
INSTRUMENT 2003-00002927
BEING PART OF
TAX PARCEL 8-47-106.000
LOT 2
1.10± ACRES

- LEGEND**
- EXISTING IRON PIPE
 - EXISTING REBAR
 - 2/8 INCH REBAR WITH RED PLASTIC CAP SET
 - △ "MAC" NAIL SET
 - ELECTRIC METER
 - UTILITY POLE
 - GUY ANCHOR
 - SPOT ELEVATION
 - BOLLARD
 - GAS METER
 - GAS VALVE
 - GAS LINE MARKER
 - TRAFFIC SIGNAL CONTROL BOX
 - MANHOLE (TYPE UNKNOWN)
 - WATER SHUT OFF
 - LIGHT POLE OR LIGHT POLE BASE (AS NOTED)
 - SANITARY MANHOLE
 - CATCH BASIN
 - STORM SEWER MANHOLE
 - SIGN (SINGLE POST)
 - SIGN (DOUBLE POST)
 - BENCHMARK
 - STORM SEWER LINE
 - GAS LINE
 - CHAIN LINK FENCE LINE
 - CONTOUR LINE (MINOR)
 - CONTOUR LINE (MAJOR)
- ST
G
399
400

REFERENCE MAP:
"TOPOGRAPHICAL & SURVEY PLAT OF A PARCEL OF LAND KNOWN AS 1008 ARSENAL STREET CITY OF WATERLOO COUNTY OF JEFFERSON, STATE OF NEW YORK" DATED 10/16/1992, REVISED 02/28/2003, BY PAITY A. STORING, P.L.S.

REFERENCE ABSTRACT
BROWNELL ABSTRACT CORPORATION
ABSTRACT OF TITLE NO. 120998
LAST DATED: 06/19/2015

- NOTES:**
1. THE FIELD WORK FOR THIS SURVEY WAS PERFORMED ON 04/19/2021 & 05/11/2021.
 2. ELEVATIONS SHOWN HEREON ARE ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) BASED ON REAL-TIME KINEMATIC (RTK) OBSERVATIONS REFERENCED TO THE NEW YORK STATE NETWORK OF CORS.
 3. SUBDIVISION IS LOCATED IN THE CITY OF WATERLOO COMMERCIAL ZONING DISTRICT.

IT IS HEREBY CERTIFIED THAT SUBDIVISION FINAL PLAT APPROVAL WAS GRANTED ON 04/21/2021 PURSUANT TO SECTIONS 32.33 AND 34 OF THE GENERAL CITY LAW.

Michael A. Lumbis 6/2/21
MICHAEL A. LUMBIS DATE
PLANNING & COMMUNITY DEVELOPMENT DIRECTOR, CLERK OF THE CITY OF WATERLOO PLANNING BOARD

WARNING - It is a violation of Section 7209, Subdivision 2 of the New York State Education Law for any person other than a licensed land surveyor to alter this map.

Only boundary survey maps with the surveyor's embossed seal or red ink seal are genuine true and correct copies of the surveyor's original work and opinion.

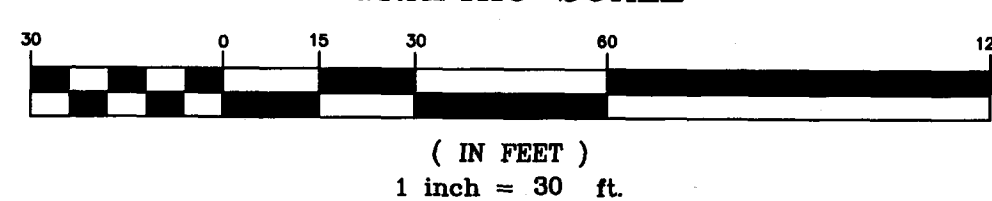
Certifications on this boundary survey map signify that the map was prepared in accordance with the current edition of the Code of Practice for Land Surveyors adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this boundary survey map.

The certifications hereon are not transferable.

The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist, they are not covered by this certificate.

ARSENAL STREET
(NEW YORK STATE ROUTE 3)

GRAPHIC SCALE



© COPYRIGHT: LAFAYE, WHITE & MCGIVERN, L.S., P.C. 2021



STEPHEN J. GRACEY, P.L.S.
N.Y.S. LIC. NO. 050845

SUBDIVISION FINAL PLAT PREPARED FOR

PRIME, LLC

CITY OF WATERLOO, JEFFERSON COUNTY, NEW YORK

LAFAYE, WHITE & MCGIVERN, L.S., P.C.

LAND SURVEYORS PHOTOGRAMMETRISTS

(315) 628-4414 THERESA BOONVILLE (315) 942-4424

NEW YORK (2021P-05 PRIME LLC.DWG)

| DRAWN | CHECKED | DATE | SCALE | FILE | SHEET |
|-------|---------|------------|--------|----------|--------|
| SJC | SJC | 05/12/2021 | 1"=30' | 2021P-05 | 1 OF 1 |