

TOWN OF ONONDAGA

Planning Board

ALFRED J. FULLER
4564 Cole Road
Syracuse, NY 13215

DAVID C. BAKER
5577 Bull Hill Road
LaFayette, NY 13084

TOWN HALL
5020 Ball Road · Syracuse, NY 13215

MARC A. MALFITANO, Chairman
5155 Jupiter Inlet Way
Syracuse, NY 13215

LINDA M. CAMPBELL
4929 MacGregor Lane
Syracuse, NY 13215

JAMES MAHANEY
4934 Horizon Terrace
Syracuse, NY 13215

Meeting Conducted at 7:30 p.m. October 9, 2017

Present:

Marc Malfitano, Chairman
David Baker
Linda Campbell
Alfred Fuller
James Mahaney
Nadine Bell, Attorney
Bill Perrine, Engineer

Chairman Malfitano called the Planning Board to order at 7:32 p.m.

Leubner Subdivision

Mr. Ray Leubner and his son, Eric Leubner, appeared before the Planning Board for the purpose of discussing subdividing the property at 4974 Cedarvale Road. Mr. Leubner explained that this was the property of his mother-in-law who has passed away and they want to separate this house from the rest of their property so it can be sold. Currently it is 8.3 acres. Mr. Leubner explained that he wanted to keep the 6 acres in the back which are part of what is currently known as Lot 2, and not sell that with the house.

There was discussion as to the lot numbers that appear on the map presented and it was determined that they are from a Town of Onondaga subdivision map. The applicant explained that the lots in question are Lot 14 and Lot 15, which were purchased by the applicant's father-in-law during the 1940's. He built a house on the property. In the 1960's the father-in-law built another house and separated that property out by deed. In 1966 the applicant was given part of the property and the Town required a 60 foot right of way to the road. The property, consisting of part of Lot 14 and part of Lot 15, was deeded by metes and bounds. The applicant wants to combine the 6 acres with his property by recombined deed to keep the land in the family. Mr. Leubner referenced the plan and indicated the area that he proposes to subdivide out so that the house can be sold.

There was a question regarding the garage shown on the plan and Mr. Leubner indicated that the garage is part of the house that will be sold and noted that access to the garage will be a problem because he does not want anyone using his road. He then added that they will have access to the garage.

Chairman Malfitano asked if the applicant has access to the individual deeds. Mr. Leubner presented some documents including one of the deeds and another map of the property from 1992. Chairman Malfitano explained that he is trying to get a starting reference point. There was further discussion of the plan. Chairman Malfitano noted that the map makes reference to a survey from 1992.

Chairman Malfitano advised that the Planning Board needs to see when the conveyances were made because if they predated the subdivision regulations then even though they are inconsistent with the survey for 14 and 15, they may be "grandfathered." Those references need to be on the plan in the category of references including the dates. It is technically a re-subdivision of Lots 14 and 15 of the subdivision. Chairman Malfitano noted that the lots should be re-labeled as Lot 1, Lot 2, Lot 3 and Lot 1A, and adding that Lot 1A is being subdivided out from Lot 1 and it is going to be approved for the limited purpose of being attached to and becoming part of Lot 2. Then a recombined deed by metes and bound would need to be filed for the entire piece. Chairman Malfitano explained that the piece that is being subdivided is a landlocked piece and can only be subdivided for the limited purpose of being combined with another lot. Subdivision approval is contingent upon the recombined deed.

Chairman Malfitano explained to the applicant that he needs to convey this information back to the surveyor: In the references section add reference to the deeds that created the applicant's lot; the deed that created Eric Leubner's lot; have the excess land labeled as Lot 1A; label Mr. Leubner's lot as Lot 2; and label Eric Leubner's lot as Lot 3.

The following note should be added to the plan: The subdivision of Lot 1A from Lot 1 is for conveyance purposes only. Lot 1A is not a separate legal lot and upon approval the applicant will file a recombined deed by metes and bounds description combining Lot 1A and Lot 2.

There was discussion about the deeds and clearing up the map so that in the future it will be clear. Chairman Malfitano explained that if it was done before the subdivision regulations then it is ok. Eric Leubner asked hypothetically what it means if it was done after the subdivision regulations. Chairman Malfitano responded that they would then have to go before the Zoning Board and seek a variance because state law prohibits expanding an illegal conveyance. He also noted that if an illegal conveyance was done, then the property could not be sold without cleaning up the title first.

Chairman Malfitano stated that having the references on the map showing the history will make it easier.

Mr. Fuller asked who the current owner of the property is. Mr. Leubner responded that currently the property is in the names of 4 owners. Chairman Malfitano advised a revised map needs to be provided to submit to the County Planning Board. He explained that the County Planning Board has a 30 day review period. This matter is tentatively scheduled to be on the October 23, 2017, Planning Board agenda. The applicant agreed to reconfirm with the Codes Office by October 18, 2017, if they are prepared to appear on October 23, 2017.

Mr. Leubner was provided with the contact information for Ms. Bell in the event that he had any questions.

Planning Board Minutes

A motion was made by Mr. Baker, seconded by Mr. Mahaney, that after minor changes, the Board approve and accept the meeting minutes of the September 25, 2017, meeting. The motion passed unanimously.

A motion was made by Mr. Mahaney, seconded Ms. Campbell that there being no further business to come before the Board the meeting be adjourned. The motion passed unanimously and the meeting was adjourned at approximately 8:15 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary