

TOWN OF ONONDAGA

Planning Board

ALFRED J. FULLER
4564 Cole Road
Syracuse, NY 13215

DAVID C. BAKER
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TOWN HALL
5020 Ball Road • Syracuse, NY 13215

MARC A. MALFITANO, Chairman
5155 Jupiter Inlet Way
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LINDA M. CAMPBELL
4929 MacGregor Lane
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PATRICK BRITT
401 Broadview Drive
Syracuse, NY 13215

**Meeting Conducted at 7:00 p.m.
January 23, 2023**

Present:

Marc Malfitano, Chairman
Alfred Fuller
Patrick Britt
Linda Campbell
Nadine Bell, Attorney
Bill Perrine, Engineer

Chairman Malfitano called the Planning Board to order at 7:01 p.m. noting that Mr. Baker is excused.

Subdivision - Luchsinger on Abbey Road

Mr. Charles Luchsinger explained that he owns a 200 acre farm which includes land from Abbey Road to Bussey Road. He provided an opening statement outlining his plan to sell a 3.3 acre building lot off Abbey Road in the Town of Onondaga. He owns 616 feet of road frontage on Abbey Road and he has agreed to sell a lot which is 290 feet deep and 520 feet wide along Abbey Road leaving the applicant with an 86 foot wide access to his 67 acre farm. Mr. Luchsinger explained that if the buyer were to purchase the entire frontage on Abbey Road it would land lock the parcel so he is proposing to leave an 86 foot strip which would allow him to retain the farming operation and he believed it would meet the Town's code for future development as it would be wide enough for a road. Mr. Luchsinger stated that he presented this information to the Planning Board asking for consideration and tentative approval prior to submitting an application for a subdivision.

Mr. Luchsinger then presented a map of the property for review. There was clarification of a prior subdivision involving two additional lots that occurred in 2017. That subdivision cleared up Lot 3 that was originally deeded to Mr. Luchsinger's sister without an approved subdivision and created Lot 2 which was conveyed out to be combined with adjacent land owned by Mr. Cherchio.

Chairman Malfitano explained that we all understand and respect that the applicant is farming the land and the 86 feet is sufficient if part of the proposal was to include plans for future development of the land. Mr. Luchsinger stated that they do not have current plans to development the land and the proposal for an 86 foot access to the land is for future use and possible development of the land.

Chairman Malfitano explained that the Zoning Code requires that each lot have a legal frontage on a public road. On Abbey Road legal frontage would be 225 feet because there is not public water and public sewer so each lot has to be at least 2 acres. This is because Abbey Road is a collector road which requires additional frontage. He further explained that if the applicant was proposing a plan for a public right of way and development of the land, the 86 feet of road frontage could be considered.

Chairman Malfitano noted that there is 606.37 feet of road frontage currently and if the applicant wants to carve out a lot from that frontage, he will have to keep at least 225 feet which leaves approximately 381 feet to possibly sell. Mr. Luchsinger stated that the potential buyer wants to purchase more than that.

Mrs. Luchsinger stated they are trying to prepare for the future by proposing the idea to create the road. She asked if it would be possible to create the road and build a house on the subdivided lot fronting on the newly created road. Chairman Malfitano stated that they would have to build a road to the Town's specifications.

Chairman Malfitano further explained that the Planning Board is bound by a set of regulations that we cannot vary from and the Town has provided for decades that a lot has to have the specified minimum level of frontage on a public road. Additionally, he noted that the Town has frowned upon the creation of flag lots which are a narrow piece of land opening up to a larger piece of land. Town Code states that a lot has to have the minimum required frontage measured at the building setback.

Mr. Luchsinger asked if he could sell the entire road frontage on Abbey Road and then combine the remaining land locked parcel with the adjacent farm property that fronts on Bussey Road. Chairman Malfitano and Ms. Campbell explained that it would be possible but it could limit future development if the applicant limits road access points to a deep parcel and potentially making it more expensive and possibly devaluing the land. Ms. Campbell asked how much frontage the applicant has on Bussey Road. Mr. Luchsinger stated he has approximately 300 feet and then there is a farmstead and then there is another 800 or 900 feet of road frontage between two farms that interconnect in the back.

Chairman Malfitano stated that any lot created would need minimum road frontage and would have to perc and have driveway location approval in writing by the Department of Transportation.

Mrs. Luchsinger asked if it is possible that they could seek a variance for the 86 foot wide lot frontage on Abbey Road. Chairman Malfitano stated that they are free to apply for a variance, but it is a self created situation and typically would not be approved because one of the State's criteria is if the issue is self created the request will be denied. He further noted that you have to show practical difficulty to get an area variance and in this case it is a self created problem.

There was continued discussion about the proposal. Mr. Luchsinger stated he did not understand why the perc test would have to be done for the lot that they are retaining. Chairman Malfitano stated if the lot is part of the 60 some acres, it does not have to test for perc today. They do have to look at the access however, because the applicant is stating that the lot will not have access now but it is planned for the future and there has to be safe access for a road.

Argiro Subdivision

Mr. John Argiro of 4184 Cleveland Road explained that he owns 24 acres of property on Cleveland Road and he is seeking to subdivide out two building lots for his children. The applicant's current driveway was located based upon the location of high pressure gas lines and the same issue will occur if he carves out the proposed lots around it.

Chairman Malfitano clarified that the minimum road frontage for each lot is 225 feet at the building setback line. The applicant stated that the location of the current driveway cannot be changed so it is possible he will need to do a shared driveway. The applicant is skeptical of having a shared driveway due to the challenges it could create if his family member sells the property that his driveway is located on.

Chairman Malfitano explained that a formal written easement agreement would be required outlining shared maintenance of the driveway. He suggested having an attorney write up the easement agreement stating that the owners of the lots have a shared driveway location that is the sole access to Cleveland

Road and each party is responsible for a share in the cost of operating and maintaining the driveway. The easement would be recorded in the County Clerk's Office when the subdivision is approved. The agreement would still be in place and legally enforceable if the lot is ever sold.

The other lot would require a driveway permit. It was noted that the property has public water but no sewers so the minimum road frontage is 225 feet. It is possible for both subdivided lots to have their own driveway, but the applicant's driveway would then be located on one of the proposed lots and an easement would still need to be filed.

Mr. Argiro asked what the next step is. Chairman Malfitano responded that he should first decide about the driveways and have the plan drawn up and sent to Mr. Perrine for review and he would speak with the Highway Superintendent regarding site distance and location for the additional driveways. If there is driveway approval the applicant can file an application with the corrected distances and have an attorney draft an easement agreement. The easement would be filed as a condition of the subdivision approval. Additionally, he suggested that the applicant should begin the process of perc tests.

Planning Board Minutes

A motion was made by Mr. Fuller, seconded by Mr. Britt, that after minor changes, the Board approve and accept the meeting minutes of the January 9, 2023, meeting. The motion passed with Ms. Campbell abstaining.

A motion was made by Ms. Campbell, seconded by Mr. Fuller, 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 7:52 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary