



MEMORANDUM

CITY OF WATERTOWN 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: Request for Subdivision Approval – 923 Rear Morrison Ave

DATE: April 24, 2013

Request: Subdivision Approval of Parcel Number 1-11-101.005, 923 Rear Morrison Ave

Applicant: Michael J. Smith

Proposed Use: Residential rear yard

Property Owner: Joseph K. Fayette (heirs of)

Comments: This proposal is being submitted for Planning Board review under Chapter A322 (Subdivision Regulations) of the City Code. The Planning Board has the option of not requiring a preliminary plat submission. Since this is a minor subdivision, Staff is processing this application as a final plat. A public hearing is required and notice has been published for it to be held at 3:05 p.m. during the Planning Board meeting. After the public hearing and completion of Part II of the Environmental Assessment Form, the Planning Board will be free to make a decision on the proposal.

The applicant owns 923 Morrison Ave and 929 Morrison Ave. The parcel in question lies to the northwest of these residential properties and contains the garages associated with both houses. The applicant wishes to split 923 Rear Morrison Ave into two pieces and recombine those pieces with 923 and 929 Morrison Ave to create parcels A and B respectively.

According to City records, the applicant does not own 923 Rear Morrison Ave. Joseph K. Fayette transferred 923 Morrison Ave and 929 Morrison Ave to Robin Smith in his will. Robin Smith's estate subsequently deeded 923 Morrison Ave to Michael Smith. 923 Rear Morrison Ave was not specifically mentioned in the will or the deed. In the will, Joseph K. Fayette leaves the residue of his property to Joseph P. Fayette.

Due to the wording of the will and subsequent deed, it could reasonably be argued that either Joseph P. Fayette or Michael Smith own the subject parcel. The applicant has provided a notarized affidavit from Joseph P. Fayette relinquishing his potential interest in the property. The City Assessment Department will change the owner of record in the City's property database.

Further, the City holds a tax certificate on 923 Rear Morrison. The dollar amount is relatively small, and the applicant has indicated that they will pay the balance prior to the Board's meeting.

The provided survey map was drawn in 1992 and has not been updated for this application. The applicant must include a point of beginning for Parcel A, correct the location of the point of beginning for Parcel B, include a

bearing for the northeast line of Parcel A, add a signature field, list the correct and current owners on the plat, and provide the mylar prints at the indicated scale.

After approval, the applicant must submit two (2) reproducible mylars of the plat for signature by the clerk of the Planning Board. One of the mylar copies will be returned, and must be filed in the County Clerk's Office within 62 days of signing.

Summary:

1. The applicant shall settle past due taxes on the subject property prior to the signing of the plat, and provide a receipt of payment prior to signing of the plat.
2. The applicant shall depict the point of beginning for Parcel A.
3. The applicant shall correct the location of the point of beginning for Parcel B.
4. The applicant shall include a bearing for the northeast line of Parcel A.
5. The applicant shall label the parcels with the correct and current ownership and deed references.
6. The applicant shall provide a signature field on the plat as described in the applicant documents.
7. Copies of the plat to be signed shall be printed at the noted scale.

cc: Robert J. Slye, City Attorney
Justin Wood, Civil Engineer II
Candace Carpenter, PO Box 311, Lowville 13367