

Town of Marcellus
PLANNING BOARD
22 East Main Street
Marcellus, New York 13108

Date: **March 4, 2024**

Present: Chairperson Jerry Wickett, Kathy Carroll, Chris Christensen, Ron Schneider, Scott Stearns, Mark Taylor, Holly Tufenkjian

Absent:

Town Counsel: James Gascon of Costello, Cooney, and Fearon

Town Engineer: Joe Durand of TDK Engineering (Absent)

Codes Officer: John Houser

The Planning Board of the Town of Marcellus met in regular session in the Marcellus Town Hall for the Town of Marcellus, located at 22 East Main St. Marcellus, New York, on March 4, 2024, at 6:30pm.

Jerry Wickett made a motion to change the April 2024 Planning Board meeting from Monday April 1, 2024 to Thursday April 4, 2024. Chris Christensen seconded, the motion carried with the following vote:

Jerry Wickett – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Scott Stearns – aye

Mark Taylor – aye

Holly Tufenkjian – aye

PUBLIC HEARING – SITE PLAN

Applicant: **Marcellus LLC, Mark Welch**
4331 Slate Hill Rd
Site Plan

A public hearing was held for site plan approval with construction of a new storage building. The secretary Joanna Clarke read the legal notice into the minutes. Marcellus LLC is comprised of two separate properties (tax map 014-13-08.0 & 014-13-09.0) adjacent to each other and both used as part of the business. Guy Donahoe, R.A. was present representing Marcellus LLC-Mark Welch. Mr. Donahoe stated they are proposing to build a 50' x 100' x 16' post frame structure that will be used for storage of materials needed for construction projects. The new building will be on tax parcel 014-13-08.0.

Mr. Donahoe stated the storage container has been added to the site plan as well as a revised tractor trailer circulation pattern.

Mr. Donahoe explained currently there is no system for drainage on these properties. The water sheet drains away from the site toward the SW corner into undeveloped land. With the addition of the proposed building, they would add four dry well drainage systems. The new building will have gutters and downspouts and be tiled to these four independent drywalls which will handle a typical rainstorm event. Mr. Donahoe pointed out that in reference to the drainage, the site had previously been covered with all types of equipment and storage that far exceed the area of the proposed building.

Mr. Donahoe submitted a separate SEQR for each tax parcel.

The Chairperson, Jerry Wickett, asked the board to review SEQR for both parcels since both were completed.

Tax parcel 014-13-08.0 part 1 changes are as follows:

- Change question #13a from yes to NO
- Change question #15 from no to YES

Tax parcel 014-13-09.0 part 1 changes are as follows:

- Question # 11 check box NO
- Change question #15 from no to YES

Kathy Carroll made the motion for tax parcel 014-13-08.0 that based on the information and supporting documentation the proposed action will not result in any significant adverse environmental impacts. Scott Stearns seconded, and the motion carried with the following vote:

Jerry Wickett – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Scott Stearns – aye

Mark Taylor – aye

Holly Tufenkjian – aye

Kathy Carroll made the motion for tax parcel 014-13-09.0 that based on the information and supporting documentation the proposed action will not result in any significant adverse environmental impacts. Scott Stearns seconded, and the motion carried with the following vote:

Jerry Wickett – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Scott Stearns – aye

Mark Taylor – aye

Holly Tufenkjian – aye

Jerry Wickett made a motion to close the public hearing and Scott Stearns seconded. The motion carried with the following vote:

Jerry Wickett – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Scott Stearns – aye

Chris Christensen made a motion to approve the site plan as presented with the following conditions: 1) The dry well systems are monitored for suitability to mitigate any adverse runoff from the property and if observed to not be effective, additional dry wells may have to be installed 2) If large scale blacktopping of the property is planned in the future, the Board would need to reevaluate the potential impact for water runoff from the impervious surface. Ron Schneider seconded, the motion carried with the following vote:

Jerry Wickett – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Scott Stearns – aye

Mark Taylor – aye

WHEREAS, an application has been duly filed requesting FINAL SITE PLAN REVIEW AND APPROVAL for Marcellus LLC-Welch Construction Inc., on premises located at 4331 Slate Hill Rd., Marcellus, New York in a B-1 district; and

WHEREAS, all Planning Board members had due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place thereof was duly given as required by law; and

WHEREAS, the Planning Board, is required to issue an advisory recommendation to the ZBA pursuant to Section 235-28 of the Marcellus Zoning Ordinance; and

NOW, THEREFORE BE IT RESOLVED that the Planning Board of the Town of Marcellus hereby makes the following findings and recommendations to the Zoning Board of Appeals:

1. The dry well systems are monitored by the Codes Department for suitability to mitigate any adverse runoff from the property. If they are observed to not be effective, additional dry wells may have to be installed.
2. If large scale blacktopping of the property is planned in the future, the Board would need to reevaluate the potential impact for water runoff from the impervious surface.

PUBLIC HEARINGS – SUBDIVISIONS

Applicant: Bruce Raymond
2597 Seal Rd
1-lot subdivision

A public hearing was held for a one (1) lot subdivision located at 2597 Seal Rd. The secretary Joanna Clarke read the legal notice into the minutes. Bruce Raymond was not present due to an illness.

The Chairperson, Jerry Wickett, asked if there was anyone who would like to speak in favor or in opposition to the subdivision approval and there was none. Jerry Wickett made a motion to adjourn the public hearing until the April 4, 2024 meeting. Scott Stearns seconded, the motion carried with the following vote:

Jerry Wickett – aye
Kathy Carroll – aye
Chris Christensen – aye
Ron Schneider – aye
Scott Stearns – aye
Mark Taylor – aye
Holly Tufenkjian – aye

Applicant: Killian Homes
2958 Howlett Hill Rd.
1-lot subdivision

A public hearing was held for a one (1) lot subdivision located at 2958 Howlett Hill Rd. The secretary Joanna Clarke read the legal notice into the minutes. Dave Killian was present representing Killian Homes to continue discussions regarding the subdivision. Mr. Killian provided a letter from Jeff Till with Onondaga County stating the subdivision plans are acceptable for sewage disposal and water supply. Mr. Killian stated the septic will be a mound system and plans to install the systems in the front area of the new homes.

The Chair, Jerry Wickett, asked if there was anyone who would like to speak in favor or in opposition to the subdivision approval and there was none. Jerry Wickett made a motion to close the public hearing and Scott Stearns seconded. The motion carried with the following vote:

Jerry Wickett – aye
Kathy Carroll – aye
Chris Christensen – aye
Ron Schneider – aye
Scott Stearns – aye
Mark Taylor – aye
Holly Tufenkjian – aye

Kathy Carroll made a motion to approve the subdivision as presented as no one spoke in favor or against and a letter of acceptance on the septic plans was received from Jeff Till. Chris Christensen seconded subject to having the septic plan approval wording added to the final map. The motion carried with the following vote:

Jerry Wickett – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Scott Stearns – aye

Mark Taylor – aye

Holly Tufenkjian – aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Killian Homes, David Killian, on a one (1) lot subdivision located at 2958 Howlett Hill Rd., in a Residential 1 zone.

WHEREAS, the Planning Board duly called and held a public hearing thereon March 4, 2024, commencing at 6:30 PM, local time, to consider said application at which time and place all persons desiring to be heard were duly heard; and

WHEREAS, the Planning Board, as lead agency, determined an unlisted negative SEQR declaration; and

WHEREAS, the Planning Board duly considered the application, maps, data and supporting documents submitted by the applicant as well as all comments and suggestions received at the public hearing;

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Town of Marcellus hereby grants preliminary/final plat approval on the subdivision known as "Killian Homes Subdivision", such approval being based on a map made by Ianuzi & Romans Land Surveying, P.C., dated January 19, 2024.

1. Applicant complies with the Planning Board resolution of February 2, 1987 regarding runoff:

That in all developments in the Town of Marcellus, the peak runoff flow rate of the discharge from a proposed site after development shall not exceed the peak runoff flow rate that prevailed prior to development. In general, this requirement will necessitate the design and construction of detention/retention facilities of various types. The design frequency should be that of a twenty-five-year storm with an overflow facility to handle a one-hundred-year storm with no erosion.

2. Successful drainage plan approved by the Onondaga County Health Department.
3. Further subdivisions are prohibited and should be noted on the mylar map.
4. Submission of the final linen/mylar (2 copies) maps (final map-see subdivision regulations for specifications) which shows monuments, submitted within six (6) months

after approval of the preliminary plat as outlined in Sec 205-10; A.

5. Timely filing of the approved map as outlined in Section 205-11, and submission of the receipt, or copy thereof, to the Town Clerk's office within sixty days of the Planning Board final approval.
6. No building permits are to be issued until maps are filed with the County and/or all contingencies are met.
7. The final map includes a note indicating the sewage disposal plans approval by the Onondaga County Health Department.

Applicant: Marcellus NY Holding LP / Kless Myers Golf Club
2814 W. Seneca Tpke
1-lot subdivision

A public hearing was held for a one (1) lot subdivision located at 2814 W. Seneca Tpke. The secretary Joanna Clarke read the legal notices into the minutes. Alan Olmstead with Canaan Realty representing Marcellus NY Holding, Andrew Myers and Bill Kless representing Kless Myers Golf were all present to continue discussions. Mr. Olmstead stated they are correcting the illegal subdivision that took place in 2004.

The Chairperson, Jerry Wickett, asked if there was anyone who would like to speak in favor or in opposition. Pat Koloski, 2756 & 2768 W. Seneca Tpke and Bob Rice, 2774 W. Seneca Tpke both spoke regarding the subdivision. Their properties border the Western part of lot 2.

Mr. Koloski questioned the driveway cut off of W. Seneca Tpke, the number of houses allowed to be built, and the drainage maintenance. Mr. Koloski stated the swale created for lot 2 is not being maintained and the runoff is draining onto his property. Mr. Koloski was informed the driveway cut was approved by NYS as a single driveway and approval will be for a single lot in an R-1 zone. Any building(s) allowed on a single lot in an R-1 zone will be allowed for this lot. Maintenance of the drainage swale and any other runoff from these lots is the responsibility of the owners of lot 1 and lot 2.

Mr. Rice stated the swale that was created on lot 2 cuts through his property. The runoff also drains onto his lawn. Mr. Rice is also concerned with drainage if more lots/houses are created in the future. Mr. Rice stated the .115-acre piece shown on the map at the back of his property is not reflected in the County tax records as his property. Chris Christensen stated we have a file from 2001 with a signed final map indicating that piece was to be transferred to his property.

Jerry Wickett made a motion to close the public hearing and Scott Stearns seconded. The motion carried with the following vote:

Jerry Wickett – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Scott Stearns – aye

Mark Taylor – aye

Holly Tufenkjian – aye

Chris Christensen made a motion to approve the subdivision for Marcellus NY Holding LP as a public hearing was held, questions were asked and answered, and no one spoke against it. Approval is based on the conditions and restrictions listed in the following resolution. Scott Stearns seconded, the motion carried with the following vote:

Jerry Wickett – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Scott Stearns – aye

Mark Taylor – aye

Holly Tufenkjian – aye

Marcellus NY Holding LP Resolution

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Marcellus NY Holding LP, on a one (1) lot subdivision located at 2814 W. Seneca Tpke., in a Residential 1 zone.

WHEREAS, the Planning Board duly called and held a public hearing thereon March 4, 2024, commencing at 6:30 PM, local time, to consider said application at which time and place all persons desiring to be heard were duly heard; and

WHEREAS, the Planning Board, as lead agency, determined an unlisted negative SEQR declaration; and

WHEREAS, the Planning Board duly considered the application, maps, data and supporting documents submitted by the applicant as well as all comments and suggestions received at the public hearing;

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Town of Marcellus hereby grants preliminary/final plat approval on the subdivision known as "Marcellus Holdings Subdivision", such approval being based on a map made by D.W. Hannig L.S., P.C., dated June 26, 2023.

1. Applicant complies with the Planning Board resolution of February 2, 1987 regarding runoff:

That in all developments in the Town of Marcellus, the peak runoff flow rate of the discharge from a proposed site after development shall not exceed the peak runoff flow rate that prevailed prior to development. In general, this requirement will necessitate the design and construction of detention/retention facilities of various types. The design frequency should be that of a twenty-five-year storm with an overflow facility to handle a one-hundred-year storm with no erosion.

2. Successful drainage plan approved by the Onondaga County Health Department.

3. Submission of the final linen/mylar (2 copies) maps (final map-see subdivision regulations for specifications) which shows monuments, submitted within six (6) months after approval of the preliminary plat as outlined in Sec 205-10;A.
5. Timely filing of the approved map as outlined in Section 205-11, and submission of the receipt, or copy thereof, to the Town Clerk's office within sixty days of the Planning Board final approval.
6. No building permits are to be issued until maps are filed with the County and/or all contingencies are met.
7. The driveway location on the map is approved for a non-commercial driveway and the property is approved for a principal use for an R-1 zone.
8. No further subdivisions for a period of five (5) years.
9. No additional road cuts are to be allowed onto West Seneca Turnpike during future subdivisions.
10. Any further subdivisions will require utilization of the future road location identified during original development of the golf course.
11. The swale/berm along the West line of the new lot shall be graded and maintained to meet the original intent of no water flow to the West off the property as established in the original site and drainage plan. All water to flow to the South and join with the drainage swale on the golf course before existing West at the established location.
12. Depending on the planned construction on the property a Storm Water Pollution Prevention Plan (SWPPP) may be required.
13. The drainage swale along the West side of the 18th fairway will remain the responsibility of the Golf Course to maintain.
14. Corrective final deed defining the lot is to be provided to the Planning Board for inclusion in the subdivision record.
15. All conditions/restrictions contingent on the approved subdivision of Lot 1 from the Golf Course.

Chris Christensen made a motion to approve the subdivision for Kless Myers Golf Management LLC as a public hearing was held, questions were asked and answered, and no one spoke against it. Approval is based on the conditions and restrictions listed in the following resolution. Mark Taylor seconded, the motion carried with the following vote:

Jerry Wickett – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Scott Stearns – aye

Mark Taylor – aye

Holly Tufenkjian – aye

Kless Myers Golf Management LLC Resolution

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Kless Myers Golf Management LLC on a one (1) lot subdivision located at 2814 W. Seneca Tpke., in a Residential 1 zone.

WHEREAS, the Planning Board duly called and held a public hearing thereon March 4, 2024, commencing at 6:30 PM, local time, to consider said application at which time and place all persons desiring to be heard were duly heard; and

WHEREAS, the Planning Board, as lead agency, determined an unlisted negative SEQR declaration; and

WHEREAS, the Planning Board duly considered the application, maps, data and supporting documents submitted by the applicant as well as all comments and suggestions received at the public hearing;

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Town of Marcellus hereby grants preliminary/final plat approval on the subdivision known as "Sunset Ridge Golf Club Subdivision", such approval being based on a map made by D.W. Hannig L.S., P.C., dated June 26, 2023.

1. Applicant complies with the Planning Board resolution of February 2, 1987 regarding runoff:

That in all developments in the Town of Marcellus, the peak runoff flow rate of the discharge from a proposed site after development shall not exceed the peak runoff flow rate that prevailed prior to development. In general, this requirement will necessitate the design and construction of detention/retention facilities of various types. The design frequency should be that of a twenty-five-year storm with an overflow facility to handle a one-hundred-year storm with no erosion.
2. Successful drainage plan approved by the Onondaga County Health Department.
3. Submission of the final linen/mylar (2 copies) maps (final map-see subdivision regulations for specifications) which shows monuments, submitted within six (6) months after approval of the preliminary plat as outlined in Sec 205-10;A.
4. Timely filing of the approved map as outlined in Section 205-11, and submission of the receipt, or copy thereof, to the Town Clerk's office within sixty days of the Planning Board final approval.
5. No building permits are to be issued until maps are filed with the County and/or all contingencies are met.
6. Corrective final deed defining the lot is to be provided to the Planning Board for inclusion in the subdivision record.
7. Responsibility for maintaining the swale/berm along the West side of lot 2 will be transferred to new owner of lot 2.
8. Maintain swales along the West side of the 18th hole.
9. All other site plan and drainage requirements of the Golf Course will remain the same.
10. Contingent on the approval of lot 2 being approved.
11. New lot configuration for the Golf Course must be approved by ZBA as a modification to their special permit.

SITE PLAN

Applicant: Lando's Property Group – Anthony Dubar
Precision Marine
2938 Marietta Rd
Site Plan - New

Anthony Dubar was present representing Lando's Property Group. Mr. Dubar returned with an updated map to continue discussions for his site plan application. Future outdoor boat storage, proposed wood stockade fence, and staging/short term boat storage were all added to the map.

The site plan includes four (4) different tax parcels that Mr. Dubar owns; 23-01-14.1, 23-01-15.1, 23-01-13, and 23-01-23 as well as a portion owned by OCWA. Mr. Dubar recently purchased 23-01-13 and 23-01-23 and understands those parcels are not part of this site. However, tax parcels 23-01-14.1 and 23-01-15.1 were listed in one deed when Mr. Dubar purchased them and believes these lots are included with the use variance that was granted in 1985.

Chris Christensen stated he reviewed the abstract and appears 23-01-14.1 and 23-01-15.1 are on separate deeds and were purchased on separate dates. Therefore 23-01-15.1 would not be included in the use variance. Mr. Christensen also noted the land owned by OCWA grants numerous easement clauses and allows Mr. Dubar to cross between the tax parcels.

Jerry Wickett and Town Counsel James Gascon agreed that all of the documents that pertain to this property would need to be reviewed to determine which parcels should be included with the use variance and on this site plan.

SITE PLAN -MODIFICATION

Applicant: Ryan Novak – Chocolate Pizza Company
3774 Lee Mulroy Rd
Site Plan – Modification

Ryan Novak was present to discuss a site plan modification for Chocolate Pizza Company. Mr. Novak would like to construct a 2560 sq ft addition on the East side of his building. The addition would be identical to the addition that was added to the West side of the building in 2020. The extra space would be used for storage only. Deliveries would still take place at the designated spot on the West side of the building. There will be an eight (8) foot concrete pad added to the base of the building in an effort to deter pests.

Jerry Wickett made a motion to approve the modified site plan as submitted. Scott Stearns seconded, the motion carried with the following vote:

Jerry Wickett – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Scott Stearns – aye
Mark Taylor – aye
Holly Tufenkjian – aye

DISCUSSION

Jack Scalice Sage Meadows Dr. Addition of homes

Jack Scalice was present to discuss the possibility of adding two houses to the end of Sage Meadows Dr. The following was discussed with Mr. Scalice:

- Mr. Scalice is considering purchasing the land North of Sage Meadows Dr. and adding two (2) more lots onto Sage Meadows Dr. The land is approximately 50.8 acres with access from Sage Meadows Dr. and NE Townline Rd.
- The proposed lots would be separated by a 60' easement/private road with the driveways coming off of Sage Meadows Dr.
- Mr. Scalice understands the Town does not like to create private roads, however the cost to extend the road for these two homes would be costly. Current Zoning guidelines does not include the creation of private roads for new houses.
- There would not be adequate road frontage for either lot on Sage Meadows Dr. with the proposed plan.
- Chris Christensen noted when Mr. Scalice built Sage Meadows the concept plan approved included a future road connection at the end of Sage Meadows Dr to Rustlers Rd.
- NYS fire code allows up to 30 dwellings in a residential development without the creation of a separate fire apparatus access road.
- Drainage would need to be reassessed with the addition of houses.
- Niagara Mohawk owns a piece of land that runs through the 50.8-acre land with the access point on NE Townline Rd. There may be deed restrictions with regard to that piece.

Jackie & Robert Clary RTE 174 / Abend Pt Modify subdivision map

Jackie and Bob Clary were present to discuss their property at RTE 174/Abend Pt. The Clary's own a piece of property on RTE 174 that is divided by Abend Pt. At the time this property was subdivided in 2005, the OCPB resolution stated there was to be no access from RTE 174 onto their lot, but the Planning Board stated they would reconsider the access if requested.

The Clarys would like to build a home on the piece of property that is North of Abend Pt. and request the Planning Board reconsider the access. The Clarys believe an access point/driveway from Abend Pt. would be difficult as there is a stream ditch/culvert that travels under RTE 174 parallel to Abend Pt. The cost to remove trees, install drainage, and construct a driveway to sustain large vehicles could create a hardship. The Clarys received a NYSDOT permit allowing a driveway from RTE 174.

Jerry Wickett stated we would need to have a super majority to overturn the original OCPB resolution. The Clarys will return in April with updated wording to the original subdivision map and a formal letter requesting the change.

Ron Schneider
2054/2064 Old Seneca Tpke
Minor lot alteration

Ron Schneider was present to discuss if he was able to do a minor lot line adjustment to two of his properties. The County does not allow for minor lot line adjustments and Mr. Schneider would need to go through the full subdivision process to move the lines.

MINUTES

Jerry Wickett made a motion to waive the reading of the February minutes and accept as distributed, Mark Taylor seconded. The motion carried with the following vote:

Jerry Wickett – aye
Kathy Carroll – aye
Chris Christensen – aye
Ron Schneider – aye
Scott Stearns – aye
Mark Taylor – aye
Holly Tufenkjian – aye

Adjournment

Jerry Wickett made a motion to adjourn the meeting and Ron Schneider seconded. The motion carried with the following vote:

Jerry Wickett – aye
Kathy Carroll – aye
Chris Christensen – aye
Ron Schneider – aye
Scott Stearns – aye
Mark Taylor – aye
Holly Tufenkjian – aye

The meeting was adjourned at 9:00 PM.

Respectfully submitted,
Joanna Clarke, Secretary