

**Town of Marcellus Planning Board
24 East Main Street
Marcellus, New York 13108**

January 4, 2010

Present: Chairperson Gerard Wickett, David Peatfield, Robert Oliver
Chris Christensen, Bob Ciota, Michelle Bingham, Kathy Carroll
Town Counsel: James Gascon of Costello, Cooney, Fearon
Town Engineer: Jeffery Nadge of Barton & Loguidice (absent)
Codes Officer: William Reagan

The Planning Board of the Town of Marcellus met in regular session in the Town Hall for the Town of Marcellus, located at 24 E. Main Street, Marcellus, New York, on January 4, 2010.

Paul LaPlant, 3002 Cherry Valley Turnpike - 2 lot subdivision

A continuation of a public hearing was held for a two (2) lot subdivision. Bill Lang was present to represent the project and explained that they would like to create two (2) new building lots. Last month there was discussion regarding a possible discrepancy in the location of the lot lines. Peter Hakes, Attorney for David Wicks advised that he was able to provide documentation to Nadine Bell and that he had met with the land surveyor, Doug Reith. There is still an issue with metes* and bounds and the description of the property. A number of corrections have been made over the years and there has never been a consensus among the neighbors regarding the property description. Jim Gascon, Town Attorney, advised that the PB should not review this project until the following is completed:

1. The original subdivision application should be changed to the owner's name of LaPlant Realty, LLC
2. Applicant must obtain abstract of title
3. Applicant must obtain title insurance
4. The note on the map stating that the survey was done without benefit of abstract of title should be removed

Once these items are obtained the Town Attorney must review them and he will advise the PB if they should move forward with the subdivision.

David Davis. 2645 West Seneca Turnpike - 2 lot subdivision

A public hearing was held for a proposed two (2) lot subdivision. Bill Lang was present to represent the project. The secretary, Karen Cotter, read the legal notice into the minutes and advised that the mailing receipts are on file. He would like to create a 1.7 acre lot with the existing house, a new 5 acre building lot and a 60' future road right of way for the residual 37 acres. There are no plans for further development. The Chair, Jerry Wickett, asked if anyone would like to speak in favor of the project and there were none. He then asked If anyone was in opposition and the following spoke:

Dave Bittle, 2653 West Seneca Turnpike - He wanted to know the date of the survey and make sure that the lot lines were correct

Bill Bell, 2602 West Seneca Turnpike - He wanted to know how many lots were being created and where the driveway would be. Also, Mr. Lang had indicated in a letter that the residual property was going to be used for recreational use only. Mr. Bell was concerned as to what the recreational use was going to be. Mr. Lang explained that it was just going to be for personal use and only for the property owner. There wasn't going to be any type of public recreation on the property.

Jim Hettinger, 4560 Dublin Road (representing his mother) - Questioned where the wetlands went off of the property

Jerry Wickett advised that Marion Ossit, West Seneca Turnpike called and had no issues with the project. Mr. Wickett read the OCPB resolution #S-09-07, dated December 29, 2009 into the minutes. The following modifications were discussed –

1. Show existing Federal Wetlands onto the map 2. Show access management plan to neighboring properties for an inter-connecting access plan. This had already been discussed at a prior meeting.
2. Change driveway on lot I to come off of the 60' road row. The PB felt that the existing driveway had been there for so many years that changing it would not be feasible. There was additional discussion and NYSDOT had no issue with the driveway location.

The pool is in the easement and may need to be removed. Bob Ciota made a motion to close the public hearing and public testimony and David Peatfield seconded. The motion carried with the following vote:

Chris Christensen - aye
Robert Oliver - aye
Jerry Wickett - aye
David Peatfield - aye

Michelle Bingham - aye
Bob Ciota- aye
Kathleen Carroll- aye

Bob Ciota made a motion to approve the subdivision as there were three (3) people present who had questions but not in opposition to the project, one (1) person called and said they were in favor of the project, lot three (3) is not to be used for public recreation just for personal use and the federal wetlands must be indicated on the final plat. Kathy Carroll seconded and the motion carried with the following vote:

Chris Christensen - aye
Robert Oliver - aye
Jerry Wickett - aye
David Peatfield - aye

Michelle Bingham - aye
Bob Ciota- aye
Kathleen Carroll- aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by David Davis, on a two (2) lot subdivision located at 2645 West Seneca Turnpike in an R-1 zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon January 4, 2010 commencing at 7:00PM, 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; and

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 "Davis Subdivision", such approval being based on a map made by CNY Land Surveying, dated November 20, 2009.

BE IT FURTHER RESOLVED that such approval is contingent upon compliance with all regulations set forth in the Marcellus Subdivision Regulations adopted April 1, 2009 including, but not limited to:

1. Applicant complies with the Planning Board resolution of February 2, 1987 regarding runoff:
 - a. 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. Monuments are in place, indicated on the map and inspected and approved by CEO.
3. Successful drainage plan approved by the Onondaga County Health Department.
4. Conditions set forth in the OCPB resolution dated December 29, 2009.
5. Further subdivisions are prohibited and should be noted on the linen map.
6. Submission of the final linen (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 303 A.
7. Timely filing of the approved map as outlined in Section 304, and submission of the receipt, or copy thereof, to the Town Clerk's office within sixty days of the Planning Board final approval.
8. No building permits are to be issued until all contingencies are met.
9. The federal wetlands must be indicated on the final map.

George and Karen Hanford, 2130 Old Seneca Turnpike - 1 lot subdivision

A public hearing was held for a one (1) lot subdivision to create approximately 8 ~ acres to allow their daughter to build a house. The secretary, Karen Cotter, read the legal notice

into the minutes and advised that the mailing receipts are on file. Mrs. Hanford asked if they could change the jog forming the property line and instead go straight back. The PB had no issue with that. The Chair, Jerry Wickett asked if anyone would like to speak in favor or in opposition to the project and there were none. He then read the OCPB resolution, #S-09-96, dated December 29,2009 into the minutes. The comment regarding developing an access management plan has already been discussed as was future road right of ways for the property across the road. It was also discussed that if a new road is ever constructed the driveway for the proposed new lot must come off of the 60' ROW. Any development in the future for the property across the road would need to be aligned with the 60' ROW. Dave Peatfield made a motion to close the public testimony and public hearing. Bob Ciota seconded and the motion passed with the following vote:

Chris Christensen - aye
Robert Oliver - aye
Jerry Wickett - aye
David Peatfield - aye

Michelle Bingham - aye
Bob Ciota- aye
Kathleen Carroll- aye

Chris Christensen moved to approve the subdivision with the minor adjustment of the eastern lot line as represented by the applicant, remove the agricultural access to the west of the property, indicate the location for the future 60' road ROW for lot two (2) and any future subdivision to the north of the property would have to align a new access with the approved 60' road right of way or petition the PB for a change of location. Dave Peatfield seconded and the motion carried with the following vote:

Chris Christensen - aye
Robert Oliver - aye
Jerry Wickett - aye
David Peatfield - aye

Michelle Bingham - aye
Bob Ciota- aye
Kathleen Carroll- aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by George and Karen Hanford, on a one (1) lot subdivision located at 2130 Old Seneca Turnpike in an R-1 Zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon January 4, . 2010 commencing at 7:00PM, 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; and

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

"Hanford Subdivision", such approval being based on a map made by Lehr Land Surveyors, dated November 18, 2009.

BE IT FURTHER RESOLVED that such approval is contingent upon compliance with all regulations set forth in the Marcellus Subdivision Regulations adopted April 1, 2009 including, but not limited to:

1. Applicant complies with the Planning Board resolution of February 2, 1987 regarding runoff:
 - a. 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. Monuments are in place, indicated on the map and inspected and approved by CEO.
3. Successful drainage plan approved by the Onondaga County Health Department.
4. Conditions set forth in the OCPB resolution dated December 29, 2009.
5. Further subdivisions are prohibited and should be noted on the linen map.
6. Submission of the final linen (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 303 A.
7. Timely filing of the approved map as outlined in Section 304, and submission of the receipt, or copy thereof, to the Town Clerk's office within sixty days of the Planning Board final approval.
8. No building permits are to be issued until all contingencies are met.

Steven Casslebury, 2971 Smith Road - 1 lot subdivision

Craig Kerr, Attorney, was present to discuss purchasing four (4) acres from the Niles property and attaching it to Mr. Casslebury's property. This would add approximately 220' of road frontage to the applicants existing property. He intends to keep it as farm \ land and would not require septic or driveway approval as there is already a house on the property. The PB has no issue with what he would like to do, however there was a question as to when another lot was created from the Niles property. Mr. Kerr will need to advise the PB if it was created prior to our subdivision regulations. If it was created after June 6, 1986 then Mr. Niles will need to legally subdivide that property as well. They also wanted both Mr. Niles and Mr. Casslebury to be aware of the five year moratorium on future subdivision for both properties.

Workshop meeting

The PB will hold a workshop meeting on Saturday, January 23, 2010 at 7:30 at the Town Hall to discuss the sign ordinance.

The minutes of the December meeting will stand as corrected.

The meeting was adjourned at 8:50 PM

Respectfully Submitted,

Karen Cotter Secretary

** corrected at the February 3, 2010 Planning Board meeting*