

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

**July 8, 2010**

**Present:** Chairperson Gerard Wickett, David Peatfield,  
Chris Christensen, Michelle Bingham, Bob Ciota  
**Absent:** Robert Oliver, Kathy Carroll  
**Town Counsel:** James Bell 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 July 8, 2010.

**Richard Niles, 2935 Smith Road – 1 lot subdivision**  
**Steven Casselbury, 2971 Smith Road – 1lot subdivision**

A public hearing was held for a one (1) lot subdivision. Attorney Craig Kerr was present to represent the project. The secretary, Karen Cotter, read the legal notice into the minutes and advised the certified mailing receipts were on file. Mr. Kerr explained that Mr. Niles is subdividing 4.33 acres and this will be attached to Mr. Casselbury's existing .50-acre lot. The property will continue to be used for farming but this will enlarge Mr. Casselbury's existing property with his residence. Both properties will use the existing driveways and no new access is necessary. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or in opposition to the project and there were none. Mr. Wickett read the OCPB resolution for Richard Niles, #S-10-52, dated July 7, 2010 and for Stephen Casselbury #S-10-53, dated July 7, 2010 into the minutes. Chris Christensen reiterated that there is a five (5) year moratorium on future subdivision. Mr. Kerr stated that both his clients are aware of the moratorium and have no issues with any future subdivision. Hearing no further questions for the PB Dave Peatfield made a motion to close the public hearing and public testimony for the Niles subdivision. Bob Ciota seconded and the motion carried with the following vote:

Chris Christensen – aye  
Bob Ciota– aye  
Jerry Wickett – aye

Michelle Bingham – aye  
David Peatfield - aye

Chris Christensen made a motion to approve the subdivision as presented as a public hearing was held and there was no opposition, the bulk of the remaining property will continue to be used as farmland, the applicant understands there is a five (5) year moratorium on future subdivision and contingent upon lot two (2) being legally subdivided with the Casselbury property. Dave Peatfield seconded and the motion

carried with the following vote:

Chris Christensen – aye  
Bob Ciota– aye  
Jerry Wickett – aye

Michelle Bingham – aye  
David Peatfield - aye

WHEREAS, an application for PRELIMINARY FINAL PLAT APPROVAL has been duly filed by Richard Niles, on a one (1) lot subdivision located at 2935 Smith Road in an Agricultural zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon July 8, 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 "Richard Niles Subdivision", such approval being based on a map made by Jay Holbrook, dated May 27, 2010.

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 July 7, 2010.
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.

Hearing no further questions for the PB Bob Ciota made a motion to close the public hearing and public testimony for the Casselbury subdivision. \**Dave Peatfield* seconded and the motion carried with the following vote:

Chris Christensen – aye  
Bob Ciota– aye  
Jerry Wickett – aye

Michelle Bingham – aye  
David Peatfield - aye

Chris Christensen made a motion to approve the subdivision as presented as a public hearing was held and there was no opposition, the bulk of the remaining property will continue to be used as farmland, the applicant understands there is a five (5) year moratorium on future subdivision, this was a contingency of the approved Niles subdivision and corrective deeds indicating the new property lines must be submitted to our office. Dave Peatfield seconded and the motion carried with the following vote:

Chris Christensen – aye  
Bob Ciota– aye  
Jerry Wickett – aye

Michelle Bingham – aye  
David Peatfield - aye

WHEREAS, an application for PRELIMINARY FINAL PLAT APPROVAL has been duly filed by Steven Casselbury, on a one (1) lot subdivision located at 2971 Smith Road in an Agricultural zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon July 8, 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 "Steven Casselbury Subdivision", such approval being based on a map made by Jay Holbrook, dated May 27, 2010.

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 July 7, 2010.
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.

**Mark Clark, Sunset Ridge, West Seneca Turnpike – 1 lot subdivision**

Mr. Clark was present to discuss subdividing approximately 10 acres from the golf course. This property has already been sold without benefit of subdivision. Mr. Clark stated that he understands there can be no access from West Seneca Turnpike and access must come off of the road for the golf course. The dimensions of the property are different than what was discussed and approved in the original subdivision. Chris Christensen advised that the proposed new subdivision has the existing easement for drainage for the golf course located on the property but it is not indicated on the new map. There was discussion on how the property is going to be developed and if there are plans for a PUD or Cluster development. Mr. Christensen is concerned about the

dimensions of the new lot and the narrow strip along the property line. The following was discussed:

1. Does the geometry of the proposed subdivision make sense
2. Concern regarding access determination – no access from West Seneca Turnpike.
3. The lot transferred has no easement verbage indicated
4. The access is a verbal agreement with Mr. Clark who is not the current property owner.
5. What are the plans for future development

Mr. Gascon will research the number of acres required for a PUD and whether we can issue a variance on the property. There was additional discussion about possibly removing the tail of the property, changing the deed, indicating access and possibly reserve for future subdivision. Mr. Clark will speak to the property owner after Mr. Gascon advised him of the information requested.

#### **S & B Millworks, 3703 Lee Mulroy Road – 1 lot subdivision**

Bob Ciota advised that his son is involved with this project and he would abstain from this project due to conflict of interest. Guy Donahoe, Architect, presented a revised plan from a four (4) lot subdivision that was submitted in 2009 to a one (1) lot subdivision. There are still outstanding issues in regard to private roads so the property owner would like to move forward and create one (1) lot. He has a potential buyer for the lot. Jerry Wickett stated that since the last conversation the Town Attorney has advised that a commercial drive would be allowable. Mr. Donahoe advised that a perc test has been completed and they are in the process working with engineers to develop the entire parcel. Mr. Donahoe advised that the owner understands that this is a commercial property and they would be responsible for the detention pond as well as maintaining the commercial drive. They would also like to reserve the residual property for future subdivision based upon the original map submitted with the concept plan. Mr. Donahoe needs to modify the current plan and indicate access from one common location. The PB would need to see the agreement for common lots prior to approval of future subdivisions. The Chair, Jerry Wickett, asked the Board to review SEQR. Chris Christensen made a motion for a negative unlisted SEQR and Dave Peatfield seconded. The motion carried with the following vote:

Chris Christensen – aye  
David Peatfield – aye

Michelle Bingham – aye  
Jerry Wickett – aye

The minutes of the June meeting stand as distributed.  
The meeting was adjourned at 9:20pm

Respectfully submitted,  
Karen Cotter, Secretary

