

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

November 7, 2011

Present: Chairperson Jerry Wickett, Chris Christensen, David Peatfield,
Michelle Bingham, Kathy Carroll, Bob Ciota
Absent: Robert Oliver
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 November 7, 2011.

Ken Phillips, 2483 Masters Road – Site Plan

A continuation of a public hearing was held for site plan review. There was no one present to represent the project. Town Attorney, Jim Gascon, advised that a letter, dated October 20, 2011, was sent to the applicant's attorney, Scott Chatfield. Bill Reagan advised that Scott Chatfield had spoken to him and advised that they did not want to **apply for a special permit* on this project. There has been no further contact from either Mr. Phillips or his Attorney, Scott Chatfield. There has been no new or additional information submitted to our office for review. The Chairperson, Jerry Wickett, asked if anyone would like to make a motion to close the public testimony and public hearing. Chris Christensen made a motion to close the public testimony and public hearing and David Peatfield seconded the motion. The motion carried with the following vote:

Chris Christensen – aye	Bob Ciota– aye
David Peatfield – aye	Michelle Bingham – aye
Jerry Wickett – aye	Kathy Carroll – aye

The Chairperson, Jerry Wickett, then asked if anyone would like to make a motion on the project. Chris Christensen made a motion to disapprove the site plan submitted by Ken Phillips of 2483 Masters Road **in that a public hearing was held and the application was forwarded to the town engineer for review and comment, and that during the public hearing several concerns were raised by many of the neighbors, and that several concerns were raised by the town engineer, and that an attempt was made by the town to schedule a review of the site by the town engineer, and that no feedback was received from the applicant or his representative to address the concerns which was required by the Planning Board in order to consider the application complete. Since open issues with neighbors, Onondaga County Planning and Marcellus Town Engineer have not been addressed by the applicant and the applicant nor his representative has*

not been present at the meeting or submitted any new or additional paperwork to respond to the open issues *nor have they responded to a letter from the town attorney advising them so*. The Planning Board cannot consider this a completed application and therefore disapproves their request. Dave Peatfield seconded and the motion carried with the following vote:

Chris Christensen – aye
David Peatfield – aye
Jerry Wickett – aye

Bob Ciota– aye
Michelle Bingham – aye
Kathy Carroll – aye

Town Attorney, Jim Gascon, advised the Codes Officer, Bill Reagan that he is officially informed by the Planning Board to deny any permit. The Planning Board requests that the Town Attorney send a letter to the applicant advising him that the *application has been disapproved.

Patricia Hughes, 2165 Cherry Valley Turnpike – 1 lot subdivision

A public hearing was held for a one (1) lot subdivision. The secretary, Karen Cotter, read the legal notice into the minutes and advised that the certified mailing receipts were on file. Mike Hughes was present and explained that he has a small parcel on Bishop Hill Road and would like to add twelve (12) acres from their existing farm lot to this parcel. He will eventually construct a hunting cabin on the lot and he has approved access from Bishop Hill Rd. The residual of the farm property located at 2165 Cherry Valley Turnpike will be sold to the Richards' family and will continue to be used as farm land. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or in opposition to the project and there were none. The Chair, Jerry Wickett, read the OCPB resolution #S-11-78, dated November 2, 2011 into the minutes. Hearing no questions, the Chairperson, Jerry Wickett, asked if anyone would like to make a motion to close the public testimony and public hearing. Bob Ciota made the motion and Chris Christensen second. The motion carried with the following vote:

Chris Christensen – aye
David Peatfield – aye
Jerry Wickett – aye

Bob Ciota– aye
Michelle Bingham – aye
Kathy Carroll – aye

Chris Christensen then made a motion to approve the subdivision as there was no opposition, they are taking a portion from a large farm and adding it to their existing Bishop Hill Rd. **frontage* and it is subject to the Town of Marcellus five (5) year moratorium for future subdivision. Dave Peatfield seconded and the motion carried with the following vote:

Chris Christensen – aye
David Peatfield – aye
Jerry Wickett – aye

Bob Ciota– aye
Michelle Bingham – aye
Kathy Carroll – aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Patricia Hughes, on a one (1) lot subdivision located at 2165 Cherry Valley Turnpike Road in

an R1 Zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon November 7, 2011, 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 "Patricia Hughes subdivision", such approval being based on a map made by Stockwin Surveying dated October 4, 2011.

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:
 - 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 November 2, 2011.
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.

Jeanne & Joe Welch, 2743 Slate Hill Road, 1 lot subdivision
Yolanda Thompson, 2785 Slate Hill Road – 1 lot subdivision

A public hearing was held for the Yolanda Thompson and Joe and Jeannie Welch subdivision. The secretary, Karen Cotter, read the legal notices into the minutes and advised that the certified mailing receipts were on file. Mr. Welch explained that they have purchased a small parcel of land from Yolanda Thompson and the parcel of land that was owned by Brian Bromka (that has an existing barn located on both the Welch and Bromka property) and would like to combine the two (2) pieces to their existing property. The Chair, Jerry Wickett asked if anyone would like to speak in favor of or in opposition to the project and there were none. Peg Kronin, 2728 Otisco Valley Road, asked to look at map and wanted a better understanding of what was involved with the project but had no issues with the subdivision. Chris Christensen explained that the Welch's are correcting parcels that were created without benefit of subdivision. A letter was sent to their neighbor, Kelly Green, asking if she would like to correct the illegal subdivision that she has and there has been no contact from her. The existing chicken coop was removed and therefore no variance will be required. The Chair, Jerry Wickett, read the OCPB resolutions dated November 2, 2011, Yolanda Thompson #S-11-76 and J & J Welch #S-11-75 into the minutes. The PB would like the written words Lot 2 (Kelly Green lot) removed from the subdivision map. The final map will need to indicate what has been approved. The Chair, Jerry Wickett asked if anyone would like to make a motion to close the public testimony and public hearing for both projects. Chris Christensen made a motion and Jerry Wickett seconded. The motion carried with the following vote:

Chris Christensen – aye
David Peatfield – aye
Jerry Wickett – aye

Bob Ciota – aye
Michelle Bingham – aye
Kathy Carroll – aye

Kathy Carroll made a motion to approve the subdivision. Chris Christensen seconded and asked that the following be included in the resolution and Kathy Carroll agreed: The subdivision is approved as there was a public hearing and there was no opposition; this will correct past transfers of property without benefit of prior subdivision; based on **deeds filed in the Onondaga County Clerks office in book # 3196, page 109 and book #3607, page 120 and contingent upon the Thompson subdivision approval. The motion was approved with the following vote:*

Chris Christensen – aye
David Peatfield – aye
Jerry Wickett – aye

Bob Ciota – aye
Michelle Bingham – aye
Kathy Carroll – aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Joe and Jeannie Welch on a one (1) lot subdivision located at 2743 Slate Hill Road in a Agricultural Zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon November 7, 2011, 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 know as "J & J Welch subdivision", such approval being based on a map made Doug Reith at CNY Surveying dated July 20, 2011.

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:

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 November 2, 2011.
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 Yolanda Thompson subdivision must also be approved by the Planning Board

Kathy Carroll made a motion to approve the Yolanda Thompson subdivision. Chris Christensen seconded asking that the following be included in the resolution and Kathy Carroll agreed: The subdivision is approved as there was a public hearing and there was no opposition; based on deeds filed in the Onondaga County Clerks office in book # 3196, page 109 and book #4131 page 243; contingent upon the Welch subdivision approval. The motion was approved with the following vote:

Chris Christensen – aye
David Peatfield – aye
Jerry Wickett – aye

Bob Ciota– aye
Michelle Bingham – aye
Kathy Carroll – aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Yolanda Welch on a one (1) lot subdivision located at 2785 Slate Hill Road in a Agricultural Zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon November 7, 2011, 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 know as “Yolanda Thompson subdivision”, such approval being based on a map made Doug Reith at CNY Surveying dated July 20, 2011.

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:
 - 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 November 2, 2011.
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 J & J Welch subdivision must also be approved by the Planning Board

Everett & Karen Allington, Northeast Townline Road – 3 lot subdivision

Bill Lang was present to discuss the project. No new maps have been submitted. Mr. Lang has submitted a letter indicating driveway approval. The proposed lots will not be considered legal building lots until septic plans are submitted and approved by the OCHD. The surveyor, Doug Reith, is getting verbiage from Jim Gascon as to what needs to be indicated for the 30' easement. Mr. Lang will be submitting new maps for the December meeting.

Michael Said/Christine Said , 3709 Lee Mulroy Road – site plan modifications

No one present to represent the project.

Chris White, 3774 Lee Mulroy Rd. – property located between Ultimate Goal and NAPA.

Chris White and Dick Shea have an agreement with Jerry Harkness to purchase this property. There are two (2) people interested in developing the property. The plan discussed would locate a business on the front of the parcel and move the field, where soccer is played, to the rear of the property. Mr. White advised that they have already moved the field and has submitted a SWIFT application. The DEC has delineated the wetlands and they are within 100' of them **called "ADJACENT AREA"*. The paperwork has been filed with the DEC and there is a mandatory public waiting period. The applicant is still waiting for a response from the DEC. Grass seed has been planted where the dirt was moved. They would like to sell the entire parcel to an investor or subdivide so that Ultimate Goal can purchase one (1) of the lots. Jerry Wickett stated it is the property owner's decision what to do with the property but there are open issues with

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Ultimate Goal that must be addressed. Mr. White also advised that Ultimate Goal does not want to attach the proposed parcel to their existing property but he was advised that legally, the PB cannot create a landlocked parcel. Whatever is decided the property would need to complete a subdivision and site plan. Mr. White and Mr. Shea will discuss their options and get back to the PB at a later date.

The minutes of the October meeting will stand as corrected

The meeting was adjourned at 8:15 PM

Respectfully submitted,

Karen Cotter, Secretary
**corrected at the December meeting*