

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

**February 4, 2013**

**Present:** Chairperson Jerry Wickett, Michelle Bingham, Kathy Carroll  
Robert Oliver, Chris Christensen, David Peatfield  
**Absent:** Bob Ciota  
**Town Counsel:** James Gascon of Costello, Cooney, Fearon  
**Town Engineer:** Jason Kantak of TDK Engineering (absent)  
**Codes Officer:** John Houser

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 February 4, 2013.

**Jerry Harkness, Dick Shea, Chris White, 3774 Lee Mulroy Road – 1 lot subdivision**

No additional information was submitted or presented. The Ultimate Goal issues must be resolved before this subdivision can move forward

**Ultimate Goal, 3800 Lee Mulroy Road – 1 lot subdivision**

We are still waiting for additional information regarding this project. Escrow funds have been received.

**Aquinnah Heights, New Seneca Turnpike – Dave Marrs/Dave Killian – subdivision**

Dave Marrs and Dave Killian were present to discuss the final punch list that would allow them to complete the subdivision. They are in the process of closing on the last house in the development and these were the final open issues:

1. Catch basin cover not the right size – resolved
2. Electric line – easement has been added to latest version of the map
  - a. We do not have the description of the depth. Jim Gascon advised it is up to the PB to approve this.
  - b. Jim Gascon advised that the easement was his primary concern and this can be discussed with the owner of the golf course.
3. Future sidewalks –
  - a. The past request to move the sidewalk from the west side to the east side was previously approved by the Planning Board.
  - b. Regarding the request to move the sidewalk to the other side, dated December 5, 2005, the description stated that the sidewalk was going to remain on the cul-de-sac on the west side. This needs to be added to the new map.

4. Monuments have been approved by the former Town CEO but proper notification is not on file. The certification form from the surveyor will be forwarded by the applicant to the Codes officer via email.
5. Drainage –
  - a. John Houser stated that it has been indicated that the problems have been taken care off. Jack Smollen improperly put drainage tiles across Marrs/Killian property and caused the problem.
  - b. Mr. Houser checked a few days ago and did not see any water running across the road.
  - c. Chris Christensen stated that the problem stems from the catch basin being installed at the incorrect location so that it doesn't collect the water properly.
6. Drainage easement agreements between lots four (4) and five (5) have been signed. Mr. Houser advised that the Town has agreed to take care of the drainage between lots three (3) and four (4).
7. Final grading on lot five (5) was completed in 2011.
- 8-10. Lot 17 is missing final plumbing inspection and there were questions regarding the correct tax map numbers. Jim Gascon stated that since the Certificate of Occupancy has already been issued by the previous Codes Officer we should close out the file.

Mr. Marrs/Mr. Killian requested that they not have to re-file the corrected final map with Onondaga County. Both Chris Christensen and Jim Gascon agreed that it was not necessary to re-file the map. The final map, as submitted does not indicate the addition of the sidewalk to the cul-de-sac. The C.O. will not be issued until the updated map has been received and reviewed by the CEO and the corrections have been made.

## **Discussion**

### **2430 Glover Road**

John Houser advised that there is a house located at 2430 Glover Road that currently has four (4) apartments. Chris Christensen stated that it was originally a school house that was constructed in the 1900's and has since been updated several times. The current owner would like to sell the property but the buyer's attorney asked if 50% or more of the building was destroyed by fire could it be rebuilt as it is today. The Planning Board discussed interpretation of Section 18 subsection E of the Zoning law as it pertains to the ability to reconstruct a pre-existing, non-conforming structure. The Board agreed that a pre-existing, non-conforming structure could be rebuilt in the event of a catastrophic loss, such as a fire, which results in the partial or total destruction of the structure. The Board also agreed the existing zoning laws do not require the

rebuilt structure to comply with existing zoning law restrictions and the pre-existing, non-conforming structure can be rebuilt to the non-conforming dimensions provided the time restrictions are complied with as set forth in subsection E (3).

The minutes of the January meeting will stand as distributed.

The meeting was adjourned at 8:20PM

The February minutes were taken by Michelle Bingham and were reviewed and submitted by Karen Cotter, Secretary to the Planning Board.