

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

June 3, 2013

Present: Chairperson Jerry Wickett, Michelle Bingham, Kathy Carroll,
Chris Christensen, David Peatfield Bob Ciota
Absent: Robert Oliver
Town Counsel: James Gascon of Costello, Cooney, Fearon
Town Engineer: Jason Kantak of TDK Engineering
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 June 3, 2013.

Farrell Trust, 4608 Limeledge Rd – 5 lot subdivision

A public hearing was held for a five (5) lot subdivision. Bob Farrell, Mike Farrell, Dave Farrell and surveyor, Doug Reith, were all present to discuss the project. The applicant would construct a house on one (1) of the proposed lots. The Chair, Jerry Wickett, read the OCPB resolution #S-13-32, dated May 22, 2013, into the minutes. Jason Kantak presented a report from Plumley Engineering, dated June 3, 2013, addressing drainage issues. Mr. Kantak summarized as follows:

1. Limeledge Road's high point drains west to east – the County DOT drains onto the Farrell property and not as described in the OCB resolution.
2. Building lot 5 – Driveway/septic – total construction will be less than one (1) acre and he feels there is no need for a formal SWPPP
3. Erosion/Sediment details have been provided for construction
4. If you look at the entire 20 acre plan they are disturbing less than one(1) acre

Jim Gascon stated that the Town Engineer's interpretation is different than OCPB. If the PB is to move forward a super majority vote would be required. Until the applicant receives driveway approval from OCDOT the outcome of the number of new lots could change. Jason Kantak advised that he would speak to Terry Morgan at OCDOT. The OCHD must also approve the septic plan. In reference to the comments presented by the OCPB, Chris Christensen offered the following comments:

1. Mining is not allowed in our town – although we do have a pre-existing mine.
2. All adjacent land belongs to the school not the village and the topography does not allow access to the village
3. There is a brand new water-line in this area – does not believe it will tax the water system.
4. This is not applicable to pilot as we cannot inter-connect with the village.

Bob Ciota made a motion to close the public hearing and Chris Christensen seconded.

The motion carried with the following vote:

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

Michelle Bingham – aye
David Peatfield - aye
Kathy Carroll – aye

Chris Christensen made a motion to approve the project as presented contingent upon driveway and septic approval; the PB received a letter from Plumley Engineering addressing the drainage and SWPPP issues and the Town Engineer and Planning Board is satisfied that SWPPP is not required for the proposed subdivision. Bob Ciota seconded and the motion carried with the following roll call vote:

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

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Farrell Farm Subdivision, on a five (5) lot subdivision located at 4608 Limeledge Road in an R1 Zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon June 3, 2013, 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 "Farrell Farm Subdivision", such approval being based on a map made by Douglas Reith, CNY Land Surveying, dated April 23, 2013.

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 septic plan approved by the Onondaga County Health Department.
4. Successful Driveway approval from OCDOT
5. Conditions set forth in the OCPB resolution dated May 22, 2013.
6. Further subdivisions are prohibited and should be noted on the linen map.
7. 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.
8. 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.
9. No building permits are to be issued until all contingencies are met.

Jerry Harkness, Dick Shea, Chris White, 3774 Lee Mulroy Road – 1 lot subdivision
Ultimate Goal, 3800 Lee Mulroy Road – 1 lot subdivision

Public hearings were held for both projects. Dick Shea was present representing the Jerry Harkness subdivision and Scott Freeman, Pat Dooley and Mike Medina were present representing Ultimate Goal. The secretary, Karen Cotter, read both legal notices into the minutes and advised that the filing receipts, for both, are on file. Jerry Harkness would like to create one (1) new lot and that lot would then be attached to the Ultimate Goal property. The Chair, Jerry Wickett, read the OCPB resolutions, #S-13-34 (Jerry Harkness) and #S-13-33 (Ultimate Goal) dated May 22, 2013, into the minutes. There were no comments for the Harkness project. Chris Christensen addressed the comments regarding Ultimate Goal:

1. There is no water available in this area
2. OCPB requested screening on an area that is temporarily a grass playing field. This area is for sale and screening will be discussed when/if the property is sold, during site plan process.

The new map was updated and they have removed the 50' ROW following construction of the project. Also, they indicated that the existing access will be realigned with Dick Shea's property. The Chair, Jerry Wickett, asked if anyone would like to speak in favor and/or opposition to the project and there were none. As requested, a joint road maintenance agreement was submitted to the Town Attorney. Jim Gascon had several concerns regarding the agreement and explained

that our main goal is to not create exposure to the Town. Mr. Gascon asked that they redraft another agreement and they were given a copy of the Maves agreement to use as an example. (We approved that agreement 2 years ago) A new agreement will need to be presented and approved by the Town Attorney. Dave Peatfield made a motion to close the public hearings for both projects. Chris Christensen seconded and the motion carried with the following vote:

Chris Christensen – aye

Bob Ciota– aye

Jerry Wickett – aye

Michelle Bingham – aye

David Peatfield - aye

Kathy Carroll – aye

Jerry Harkness Approval

Chris Christensen made a motion to approve the Harkness/White/Shea 1 lot subdivision as a public hearing was held and there was no opposition, contingent upon approval of the Ultimate Goal proposed subdivision and Ultimate Goal Site Plan approval, a new Joint Road Maintenance Agreement must be submitted and approved by the Town Attorney, and access must be via the existing road. 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

Kathy Carroll – aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Jerry Harkness/Dick Shea/Chris White, on a one (1) lot subdivision located at Lee Mulroy Road in an Light Industrial Zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon June 3, 2013, 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 "Jerry Harkness/Dick Shea/Chris White Subdivision", such approval being based on a map made by Paul Hood, dated December 23, 2012 and revised on January 9, 2013 and May 22, 2013.

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. Conditions set forth in the OCPB resolution dated May 22, 2013.
4. Further subdivisions are prohibited and should be noted on the linen map.
5. 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.
6. 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.
7. No building permits are to be issued until all contingencies are met.
8. Joint Road Maintenance Agreement must be submitted and approved by the Town Attorney

Ultimate Goal Approval

Chris Christensen made a motion to approve the one (1) lot subdivision with the following contingencies; a public hearing was held and there was no opposition, The Jerry Harkness/Dick Shea/Chris White subdivision approval, Ultimate Goal Site Plan approval, a new Joint Road Maintenance Agreement must be submitted and approved by the Town Attorney, and access must be via the existing road. 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
Kathy Carroll – aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Ultimate Goal, on a one (1) lot subdivision located at 3800 Lee Mulroy Road in an Light Industrial Zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon June 3, 2013, 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 "Ultimate Goal Subdivision", such approval being based on a map made by Paul Hood, dated December 23, 2012 and revised on January 9, 2013 and May 22, 2013.

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. Conditions set forth in the OCPB resolution dated May 22, 2013.
4. Further subdivisions are prohibited and should be noted on the linen map.
5. 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.
6. 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.
7. No building permits are to be issued until all contingencies are met.
8. Joint Road Maintenance Agreement must be submitted and approved by the Town Attorney

Ultimate Goal, 3800 Lee Mulroy Road – site plan review

A revised site plan map, dated May 20, 2013, was submitted and reviewed by the Town Engineer, Jason Kantak. He advised that he approved the submitted responses to his letter dated April 1, 2013 and revised May 20, 2013. Chris Christensen wanted to make sure the following issues will be address by Ultimate Goal:

1. Drainage under the bridge – **the details of the bridge needs to be modified *as necessary during construction so the 4on 1 slope on either side of the bridge is maintained so that it is both safe and so it can be mowed. The length of the pipe must be increased as necessary to insure the slope is no steeper than presented while maintaining the indicated bridge width*
2. Handicapped signs are indicated on map and must be installed prior to use of the new field
3. Indicate how pedestrians are going to access field **using only the bridge to be constructed – Bridge must be constructed prior to opening of new field. No access is planned or permitted through the newly created lot 2 or from the NAPA end of the field since no easements exist or have been presented as a part of this plan.*
4. Parking in **marked parking spots on paved area only –*No parking in unmarked areas on paved surfaces (pictures were submitted showing cars parked where they shouldn't be) Must keep *unmarked areas on pavement open for emergence response vehicles. *Parking is allowed in designated overflow parking areas. Monitoring and corrective action with these safety conditions is the responsibility of the management during all activities on the site.*
5. Only the newly created **lot will be used as the Ultimate Goals athletic fields *after construction is completed and not the newly created lot 2 (Jerry Harkness subdivision)*
6. **Construction of the represented screening for trash receptacles must be completed prior to use of the new field and screening doors must be kept closed except when trash is being deposited or when it is being collected for hauling away for disposal. No trash containers are to be kept outside of the screened areas*
7. **There are no plans for additional signs*

Chris Christensen made a motion to approve the revised and updated site plan for Ultimate Goal per the site plan map dated March 20, 2013 and revised May 6, 2013 and May 21, 2013, with the following contingencies: vehicles can park only **in marked spots* on the paved surfaces and must allow access for emergency vehicles **through the parking lot and to and around the perimeter emergency roadway*, handicapped signs must be placed prior to the use of the new field, pedestrian access to the new field must be **completed* prior to the use of **the new field*, only the new created lot will be used for athletic events – not the newly created lot 2 (Jerry Harkness subdivision) **and construction of the new proposed trash screening must be per plan and completed prior to the use of the new field and screening must remain in place with doors closed except when trash addition or removal is in progress (all trash containers must fit with screening.)*

Bob Ciota seconded and the motion carried with the following vote:

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

Jon Wixson, 4397 Limeledge Road – 1 lot subdivision

Jon Wixson was present to request a one (1) lot subdivision. He has a deed that indicates he has two (2) separate lots and wants to make them one (1). This will legitimize his property. The Chair, Jerry Wickett, asked the PB to review SEQR. Bob Ciota made a motion for an unlisted negative declaration and Chris Christensen seconded. The motion carried with the following vote:

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

This project will be sent to a public hearing and to OCPB. The applicant was advised we will not receive a response from OCPB until the August meeting.

Kelly Green, 2741 Slate Hill Road – 1 lot subdivision

Kelly Green was sent a letter several years ago advising that she could not receive a building permit until she legitimized her lot. The lot was created without benefit of subdivision and was originally part of the Ron Presher property. She would like to replace her barn and is moving forward with the subdivision. The Chair, Jerry Wickett, asked the PB to review SEQR. Chris Christensen made a motion for an unlisted negative declaration and Kathy Carroll seconded. The motion carried with the following vote:

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

Ms. Green asked if she could get a demolition permit to remove the barn and do some site work. The PB agreed that she could move forward with the demolition permit. This project will be sent to a public hearing and to OCPB. The applicant was advised we will not receive a response from OCPB until the August meeting.

-pg9-PB
June 3, 2013

The minutes of the May meeting will stand as corrected.

The meeting was adjourned at 9:30 PM

Respectfully submitted,

Karen Cotter
Secretary

**Indicates approved changes to the June 3, 2013 minutes. This was done at the July 1, 2013 meeting.*