

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

**August 3, 2015**

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

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 August 3, 2015.

**Peter Black-2459 Lawrence Rd/Charles Black-2525 Lawrence Rd/James Larose Jr. - 2457 Lawrence Rd. – subdivision**

Public hearings were held for the Peter Black/Charles Black/James Larose Jr. subdivision. Becky Black was present representing all the property owners and notarized letters are on file. The subdivision will create one (1) new lot - lot three (3); legitimize lots two (2) and four (4) - which were created without benefit of subdivision; and the residual property is all part of lot one (1) – including the property across the road. The secretary, Karen Cotter, read the legal notice into the minutes and advised that the certified mailing receipts were on file. The applicant was advised that corrective deeds must be submitted and filed in our office on lots two (2), three (3) and four (4). This will give a clear description of the lots as well as correct the ownership of the properties. The applicant understands and agrees that the driveway for lot three (3) must come off of the 60' future road right of way. 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 resolutions dated July 29, 2015, #S-15-59 (Peter Black) #S-15-60 (Charles Black) and S-15-61 (James Larose, Jr.) into the minutes. Hearing no further questions from the Board, Bob Ciota made a motion to close the public hearing for all three (3) subdivisions and Chris Christensen seconded.

The motion carried with the following vote:

Chris Christensen – aye	Michelle Bingham – aye
Bob Ciota– aye	Ron Schneider - aye
Jerry Wickett – aye	Kathy Carroll – aye
Bob Oliver – aye	

**Peter Black, 2459 Lawrence Rd. – 3 lot subdivision resolution**

Chris Christensen made a motion to approve the subdivision as presented contingent upon the subsequent approval of the Charles Black and James Larose Jr. subdivision as a public hearing was held and there was no opposition; all access for lot three (3) will be off of the 60’ future road right of way with the appropriate easement from lot one (1); a corrective deed for lot one (1) showing residual property and a deed for lot three (3) showing correct lot dimensions is filed and a copy submitted to our office; and the tax map number remains constant. Kathy Carroll seconded and the motion carried with the following vote:

Chris Christensen – aye	Michelle Bingham – aye
Bob Ciota– aye	Ron Schneider - aye
Jerry Wickett – aye	Kathy Carroll - aye
Bob Oliver – aye	

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Peter Black, on a three (3) lot subdivision located 2459 Lawrence Road in an Agricultural Zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon August 3, 2015, 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 "Peter Black Subdivision", such approval being based on a map made by Jay Holbrook dated June 1, 2015;

BE IT FURTHER RESOLVED that such approval is contingent upon compliance with all regulations set forth in the Marcellus Subdivision Regulations adopted March 14, 1988 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. Successful drainage plan approved by the Onondaga County Health Department.
3. Conditions set forth in the OCPB resolution dated July 29, 2015.
4. Further subdivisions are prohibited and should be noted on the linen map.

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.
5. Corrective deeds be filed and a copy submitted to the Planning Board Office.
6. All access for lot three (3) will be off of the 60' future road right of way with the appropriate easement from lot one (1)
7. Subsequent completion of the Charles Black and James Larose Jr. Subdivision.
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. Submission of corrected deeds is required as well.
9. No building permits are to be issued until all contingencies are met.

**Charles Black, 2525 Lawrence Rd. – 1 lot subdivision resolution**

Chris Christensen made a motion to approve the subdivision as presented contingent upon the subsequent approval of the Peter Black and James Larose Jr. subdivision as a public hearing was held and there was no opposition; a corrective deed for lot four (4) is filed and a copy submitted to our office; and the name differential and the tax map number remains constant. Kathy Carroll seconded and the motion carried with the following vote:

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

Michelle Bingham – aye  
Ron Schneider - aye  
Kathy Carroll - aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Charles Black, on a one (1) lot subdivision located 2525 Lawrence Road in an Agricultural Zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon August 3, 2015, 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 "Charles Black Subdivision", such approval being based on a map made by Jay Holbrook dated June 1, 2015;

BE IT FURTHER RESOLVED that such approval is contingent upon compliance with all regulations set forth in the Marcellus Subdivision Regulations adopted March 14, 1988 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. Successful drainage plan approved by the Onondaga County Health Department.
3. Conditions set forth in the OCPB resolution dated July 29, 2015.
4. Further subdivisions are prohibited and should be noted on the linen map. 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.
5. Corrective deeds be filed and a copy submitted to the Planning Board Office.
6. Subsequent completion of the Peter Black and James Larose Jr. Subdivision.
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. Submission of corrected deeds is required as well.
8. No building permits are to be issued until all contingencies are met.

**James Larose Jr., 2457 Lawrence Rd. – 1 lot subdivision resolution**

Chris Christensen made a motion to approve the subdivision as presented contingent upon the subsequent approval of the Peter Black and Charles Black subdivision as a public hearing was held and there was no opposition; a corrective deed for lot two (2) is filed and a copy submitted to our office; and the name differential and the tax map number remains constant.

Michelle Bingham seconded and the motion carried with the following vote:

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

Michelle Bingham – aye  
Ron Schneider - aye  
Kathy Carroll - aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Charles Black, on a one (1) lot subdivision located 2525 Lawrence Road in an Agricultural Zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon August 3, 2015, 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 "James Larose Jr. Subdivision", such approval being based on a map made by Jay Holbrook dated June 1, 2015;

BE IT FURTHER RESOLVED that such approval is contingent upon compliance with all regulations set forth in the Marcellus Subdivision Regulations adopted March 14, 1988 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. Successful drainage plan approved by the Onondaga County Health Department.
3. Conditions set forth in the OCPB resolution dated July 29, 2015.
4. Further subdivisions are prohibited and should be noted on the linen map. 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.
5. Corrective deeds be filed and a copy submitted to the Planning Board Office.
6. Subsequent completion of the Peter Black and Charles Black Subdivision.
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. Submission of corrected deeds is required as well.
8. No building permits are to be issued until all contingencies are met.

**B & C Storage Facility, 2388 Lawrence Rd. – modify existing site plan**

Bruce Pollock explained that he has approval for a storage building that was never constructed. He would like to change the location and place it west of the existing front building and then make a parking area, for outdoor storage, where the building was originally going to be located. The new building will be smaller (60' X 80') than what was originally approved. The open parking will be used for outdoor storage of campers, boats, ect. Mr. Pollock advised that the parking area would barely be visible from the road but he would do some screening as well. There will be no additional lighting, only the light packs on the building. There will be a surface drain to what already exists. Mr. Pollock advised that in the 15 years at this location there has never been any standing water and Chris Christensen concurred. Final modifications will be made and Mr. Pollock will attend the September meeting.

**Pat and Mary Ellen Koloski. 2756 West Seneca Turnpike – site plan discussion**

Additional discussion was had regarding the history of this property and project. Chris Christensen advised that this was approved as a family owned business, originally owned by the father. A portion of the property was subdivided and Pat Koloski constructed his home on it as well as operating the nursery business. This was always to be a business that was owned by the property owner and not a separate business and Mr. Koloski agreed. He also came before the Board for a site plan modification where he changed parking from the front of the property to the rear of the property. Town Attorney, Jim Gascon, has reviewed the old files and advised that a use variance was approved in 1987. The issue remains that there are now two (2) separate businesses and business owners, with two (2) separate signs being operated from this property in a Residential 1 zone. Bob Ciota stated that we can't violate our own ordinance but we are struggling with what was actually approved and what the outcome of this project can be. The house and garden center must remain together. If the property is sold the business goes with whoever owns and lives on that property. The applicant stated that he has been cited by the codes officer. Mr. Gascon advised Mr. Koloski that he file an application to appeal the citation and then the Board will need a decree as to what the use variance is for and if it can or cannot be done or expanded.

**Discussion –**

**Ultimate Goal – Lee Mulroy Rd.**

The secretary, Karen Cotter, advised that Bob Medina called the office in the afternoon and stated than no one from Ultimate Goal would be in attendance. The Town Engineer, Jason Kantak, advised the PB that Ultimate Goal's architect, Scott Freeman, contacted him requesting him to approve the changes presented on their new site plan map. Mr. Kantak stated that it was not his choice to approve or disapprove the changes; this must be presented to the Planning Board for their approval/disapproval. The following was discussed:

- Roadway – can't be left as is – they can request to modify it but the PB would need to review the changes for approval/disapproval
- There is no application to modify the existing site plan on file



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- Questions concerning the entrance way to the field and bridge - Chris Christensen presented pictures showing where the black top ends, runs into stone and then the field.
- Perimeter drain never shown on the map
- The emergency access onto the fields, per pictures, indicates there is a pole and net that would block the access. This area should be cleared, graded and the grass cut to allow access. The poles are not on the drawings.
- The pipe was never installed to take water away
- Jason Kantak stated he is concerned for public safety. The owners of Ultimate Goal approved and agreed with the requirements of the site plan and the Planning Board and now they are disregarding the plan. He feels they should not be allowed to use the field until the changes are approved and completed.
- The map submitted is rejected by the Board and a site plan modification must be completed and submitted to our office
- Their surveyor is in violation of stamping plans that are not accurate

The minutes of the July meeting will stand as distributed.

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter  
Secretary