

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

September 3, 2015

Present: Chairperson Jerry Wickett, Robert Oliver
Ron Schneider, Chris Christensen, Bob Ciota, Kathy Carroll
Absent: Michelle Bingham
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 September 3, 2015.

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. Mr. Pollock provided a new site plan map that indicated where the new buffer of trees will be located – this is the only area that can be seen from the road. All drainage will be guided into the existing retention pond. Chris Christensen asked that it be placed in the minutes that he is related to the applicants' wife but has no financial interest in the business. Jerry Wickett stated that since this was a minor change the board did not feel a public hearing was necessary. Bob Ciota made a motion to approve the site plan modification changing the location of the previously approved storage building and adding an outdoor parking area. Since this was a minor change no public hearing was held and the modification is consistent with what was originally approved. Kathy Carroll seconded and the motion carried with the following vote:

Chris Christensen – aye
Robert Oliver – aye
Jerry Wickett – aye
Kathy Carroll - aye

Bob Ciota– aye
Ron Schneider - aye

Pat and Mary Ellen Koloski. 2756 West Seneca Turnpike – violation appeal

Last month we asked the applicant to appeal the violation and ask for an interpretation of the ZBA –

- Is there a violation
- How do we interpret his use and try to reach an agreement that everyone can approve

Mr. Koloski submitted information on how garden centers have changed to try and compete with the competition and continue to keep their business growing. Jim Gascon stated there is a clause in zoning that permits sales of nursery goods on the property. Years ago the applicant went before the Board and a use variance was granted. We are bound with the use variance and can't expand beyond what the application states. The Boards' intent is to work with the applicant - selling more than what is grown on site. We would like Mr. Koloski to submit a proposal for the garden center and when Mary Carlic is no longer on site the nursery will go back to what was originally approved. Jerry Wickett stated we need to define exactly what can be expanded within the parameters of using the current site plan and the existing buildings with no new construction. Mr. Koloski was in agreement. Jim Gascon will prepare a resolution for the Board and the applicant to review at the October meeting.

Ultimate Goal – Lee Mulroy Rd.

Scott Freeman and Joe Patrick came before the PB to discuss the modification to their site plan that was submitted last month. The following was discussed:

- The drop off submitted and approved on the original modification was constructed differently – it is now a steep drop off that goes down to the field.
- Chris Christensen asked if the submitted map actually represented what was on site as there is a pipe that is not accurate on the map. He would like to see the details be correct – especially if it has a professional stamp on it. Jerry Wickett stated that when this review is completed and approved an as built must be submitted to our office.

- Concern with access to the field by an ambulance – according to Mr. Patrick MAVES has no problem with it. Mr. Patrick was advised that we need something in writing from MAVES stating there are no problems with access. The PB originally advised that there would be level access and then graded. There was also an issue with a net and pole that has been placed within the walkway/access. This is the only access for pedestrians so we want to make sure there are no issues. There are no easements from other neighboring properties. There can be no parking at NAPA or any other properties.

The Town Engineer, Jason Kantak had the following comments:

- ✓ This project has been going on two (2) years. It was approved and the applicant agreed upon the changes but is now not constructed as approved. He wants this to be completed the right way.
- ✓ The width for access to the field must be a minimum of 12' and must be level
- ✓ The pedestrian bridge is there and is being used but it is 2' onto someone else's property.
- ✓ When the nets are up it will be very difficult to access the field by pedestrians and emergency equipment. We should have a letter from MAVES stating they had no problem with access as it is now.
- ✓ The driveway/road must be constructed per the original design. This was agreed upon by all parties and is not good engineering practice to not construct as approved. This is a perfect opportunity for Ultimate Goal and Chocolate Pizza to work together and get it right.

Jerry Wickett stated that part of the subdivision process was the discussion and approval of this design. Ultimate Goal agreed to construct it as it was designed. Both the developer and town engineer agreed. Bob Ciota also stated that there should be no deviation from the entranceway approval. Jim Gascon stated that Ultimate Goal advised the field would not be used until all the items were completed. This is their third compliance order – this needs to be taken care off – if not this can go to court and fines can be issued. Scott Freeman and Joe Patrick will come back next month with the corrections and a letter from MAVES.

Marcellus Golf Course, West Seneca Turnpike – Site Plan Modification

Michael Morschauer was present to represent DJ Van Keuren's request to have the golf course become a year round facility. He understands there are issues with

land being transferred without benefit of subdivision and he is trying to take care of the issue. He would like to expand the hours to have year round activities such as pitch and dart leagues, cross country skiing and snow shoeing and the restaurant would be open year round. Mr. Van Keuren did not realize the complexities of the subdivision issues when he purchased the property. Jerry Wickett stated we needed more information on the year round activities. Historically we have not entertained a project if there have been open issues on the property such as the subdivision issue. Jim Gascon went on record stating that he has previously represented Sunset Enterprises and DJ Van Kueren but does not represent him now. The following need to be addressed:

- Subdivision
- Need more details for modifying existing special permit and will the new activities fit into our regulations
- This is a R1 Zone - what can and cannot be done in this zone
- Screening – trees have been removed and need to be replaced
- The restaurant is secondary to the golf course.

Jerry Wickett stated that Mr. Van Kueren has been aware of these items as he has met with Board members and/or spoken to them on the phone and has been advised on what needs to be done.

Thomas Bresadola, 2054 Route 20 – haunted house

Mr. Bresadol is contemplating purchasing property on Route 20 that includes the Valley Diner. He would like to have a Haunted House in the fall and events with a large European style tent in the early spring through December. These would include but not limited to graduation parties, weddings, showers, ect. The property is located in the agricultural zone with a highway overlay zone. There was discussion as to what was allowable in this zone and what he would like to do. There are wetlands on the property, Nine Mile Creek goes through it and he does not have 5 acres. Mr. Bresadola was advised that it has public water and sewer. Chris Christensen advised there is no sewer on this property and the applicant stated that he is not interested in it and thanked the Board for their time.

City View Construction, 2602 Pleasant Valley Road

Michael Legnetto was present and advised that he has purchased the Sweeney property on Pleasant Valley Rd. He plans on making minimal changes to the

property and will store his commercial construction vehicles and equipment– most of them inside the building. He has submitted a survey and there are no changes planned for the property. Mr. Legnetto stated the following:

- He is keeping all the existing trees for screening
- There will be no sign
- No retail operation from the property
- May change the existing light from Halogen to LED
- Redo the existing driveway
- No bathrooms

The Board didn't have an issue with the project and advised him to submit a narrative or drawing for the file.

Helen Jean Schneider, 2054 Old Seneca Turnpike – 1 lot subdivision

Ron Schneider advised that Mrs. Schneider owns both the properties and they would like to move the lot line 12'. This would place a gas line and drainage pipe on the correct property. Hearing no questions from the Board Jerry Wickett asked the PB to review SEQR. Chris Christensen made a motion for an unlisted negative declaration and Jerry Wickett seconded. The motion carried with the following vote:

Chris Christensen – aye

Bob Ciota– aye

Ron Schneider - aye

Jerry Wickett – aye

Robert Oliver – aye

Kathy Carroll - aye

This project will be sent to a public hearing and to OCPB for review.

The minutes of the August meeting will stand as distributed.

The meeting was adjourned at 10:15 PM

Respectfully submitted,

Karen Cotter
Secretary