

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

November 7, 2016

Present: Chairperson Jerry Wickett, Bob Ciota,
Chris Christensen, Ron Schneider, Kathy Carroll
Absent: Robert Oliver, 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 November 7, 2016.

Tuscarora Golf Club – Howlett Hill Road, subdivision/site plan review/special permit

Planning and Zoning Board member Bob Ciota recused himself from participating in the project's review as he is a member of the golf club. A continuation of the public hearing was held for a two (2) lot subdivision, site plan review and a special permit to allow the Golf Club to combine the property with the actual golf course and building (located in Town of Camillus) to the existing parking lot across the road and to expand the parking lot (located in the Town of Marcellus). Nick Masterpole was present to represent the golf course. He explained that they needed the additional parking area expanded to help eliminate members parking along the side of the road as they have several events throughout the year that can't handle the overflow. An email from OCPB had been received, dated October 12, 2016, stating that the project must be accompanied by a referral from the Tow of Camillus and as this had not been received they are unable to make a recommendation at this time. The Chair, Jerry Wickett, asked if anyone would like to speak in favor of the project and there were none. He then asked if anyone would like to speak in opposition and the following people spoke:

- Kathryn Welch representing her mother - Helen Volcko, 2874 Howlett Hill Road. Ms. Welch stated that there are wetlands on the property that should be protected. Jason Kantak, Town Engineer,

advised that none of the submitted maps indicate there are wetlands. She stated that they are located on the property beyond the Tuscarora parcel. Mr. Kantak stated that we should just be dealing with the property presented to us – owned by Tuscarora. This project is not going to fix the water issues that exist but Town regulations state we can't make them worse – and we can't approve anything that would increase the flow of water off site onto neighboring properties. Chris Christensen stated that the majority of water does not come from this parcel. Drainage studies have been done and submitted to our Town Engineer for their review. They are the professionals and we listen to their professional opinions.

- John Shannon 2884 Howlett Hill Road.
 - He still has issues with water going on his property. Mr. Shannon's attorney, Edward O'Hara, was present and advised that he had two (2) legal objections.
 - The acreage across the road is in the Town of Camillus and can't be combined
 - The Town of Marcellus can't expand the use on a non-conforming business.

- Brendan Sammon, 2896 Falls Road
 - She is upset that they waited until the summer – when it has been extremely dry to do the drainage studies. She is concerned with water in her basement.

Mr. O'Hara has spoken to Camillus's Town Attorney, Paul Curtain, and they are both in agreement on these issues. Our ordinance is clear and there can't be any increase of a non-conforming use and they believe this is an increase and this is legally an impermissible request. Marcellus Town Attorney, Jim Gascon, reviewed this project with colleagues from his law firm and they are not aware of any law, rule or regulation that states you can't combine property between two (2) townships. If the properties are combined they will meet the five (5) acres required for a recreational facility. Mr. Gascon doesn't agree with Mr. Curtain's interpretation. Jerry Wickett stated that at this time we have no additional applications before our Board. The Town of Camillus is not willing to subdivide and OCPB sent back our submitted application as incomplete. Both attorneys' agree you can't expand a pre-existing non-conforming use. However; if the

properties are combined this would meet the 5 acre restriction and could be approved under a recreational use. Hearing no further questions from the Board, Chairperson Jerry Wickett made a motion to adjourn the public hearing. Kathy Carroll seconded and the motion carried with the following vote:

Chris Christensen – aye
Ron Schneider – aye
Jerry Wickett – aye

Bob Ciota– abstain
Kathy Carroll – aye

The project will be carried to the December meeting.

Center for Nature, 4007 Bishop Hill Road – site plan modification/special permit

A public hearing was held to modify an existing site plan and special permit to allow a 36' X 44' pole barn to be constructed in a R1 zone. Jeremy Davidheiser is on the Board of Directors and was present to represent the project. He explained they would like to construct a barn to store a farm tractor and equipment. They will be removing two (2) existing sheds and will add space for staff parking. The following was also discussed:

- The color pallet will be brown/green
- It will have two (2) overhead doors facing the center and two (2) man doors on each side
- Building will also be used by the volunteer group that maintains the property.
- Some trees have already been removed and the building will be located behind the wood line
- No roof over the man doors
- May have a car port in the future
- They own two (2) vehicles – one (1) will be kept inside the building and the other may eventually be located under the carport. There is the possibility of getting rid of one (1) of the cars and if so they would not construct a carport.
- Underground power to the building and it will have electric and heat
- No outside lighting other than possible security light on the west side over the man door

- Additional parking is not intended for overflow and sign will say staff parking only

Jerry Wickett asked if anyone would like to speak in favor or in opposition to either the sight plan or special permit and there were none. Bob Ciota made a motion to close the public hearing and Chris Christensen seconded. The motion carried as follows:

Bob Ciota - aye

Chris Christensen - aye

Jerry Wickett - aye

Special Permit

Chris Christensen made a motion to approve the special permit for a 36' X 44' pole barn as a public hearing was held and there was no opposition and the barn is keeping with the needs of a resource that is an asset to our community. Bob Ciota seconded and the motion carried with the following vote:

Bob Ciota - aye

Chris Christensen - aye

Jerry Wickett - aye

The request of Center for Nature Education for a special permit in a R1 zone to allow them to construct a 36' X 44' pole barn at his residence at Bishop Hill Rd., Marcellus, New York.

The Zoning Board of Appeals of the Town of Marcellus met in Regular Session in the Town Hall of the Town of Marcellus, 24 E. Main Street, Marcellus, NY, on November 7, 2016, commencing at 7:00pm, local time at which time and place the following Resolution was moved, seconded and passed.

WHEREAS: The applicant is located in a R1 district: and

WHEREAS: There will be no undesirable change in the character of the neighborhood or detriment to nearby properties: and

WHEREAS: The use shall be consistent with and subordinate to the principal use and may not be carried on independently of the principal residential use: and

WHEREAS: The special permit is used for the use specified on the application. Any change of use is subject to approval by the Zoning Board of Appeals: and

WHEREAS: The special permit conforms to side yard, front and rear setbacks.

THEREFORE BE IT RESOLVED that said special permit is granted upon the following condition:

1. Applicant must apply for a building permit that grants permission for construction.

Site Plan -

Chris Christensen made a motion to approve the modification of site plan permit for a 36' X 44' pole barn as a public hearing was held and there was no opposition and the barn is keeping with the needs of a resource that is an asset to our community. Bob Ciota seconded and the motion carried with the following vote:

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

WHEREAS, an application has been duly filed requesting SITE PLAN MODIFICATION APPROVAL for the Center for Nature Education, on premises located at 4007 Bishop Hill Road, Marcellus, New York in an R1 district; and

WHEREAS, all Planning Board members had due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place thereof was duly given as required by law; and

WHEREAS, the Planning Board, is required to issue an advisory recommendation to the ZBA pursuant to Section 22 of the Marcellus Zoning Ordinance; and

NOW, THEREFORE BE IT RESOLVED that the Planning Board of the Town of Marcellus hereby makes the following findings and recommendations to the Zoning Board of Appeals:

1. Applicant must contact codes dept. for any building permits necessary

Jeffrey Mocyk, 2165 Lawrence Road – 1 lot subdivision
Bill Branson, 2103 Lawrence Road – 1 lot subdivision

Doug Reith, Surveyor, was present to discuss the project. He explained that they would like to take an existing 16 acre parcel and subdivide it into one (1) new five (5) acre lot that will then be attached (via subdivision) to Bill Branson's property. There is an existing culvert where driveway access would be located on the Mocyk property. They already have site distance approval. There will be no new access points from the Branson property. The additional access points on the Mocyk property are for agricultural/farm access only. The Chair, Jerry Wickett, asked the PB to review SEQR. Chris Christensen made a motion that the proposed action will not result in any significant adverse environmental impacts. Bob Ciota seconded and the motion carried with the following vote:

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

Bill Branson advised the PB that additional property to the north may become available and he would like to purchase it and attach it to his existing property. He understands there is a 5 year moratorium on future subdivision and asked if this would be an issue? Jerry Wickett stated that since he has advised the PB of his intention prior to approval of this subdivision he doesn't believe there will be any issues with what Mr. Branson would like to do.

This project will be sent to OCPB and to a public hearing in December.

Joseph Owens, Route 174 – subdivision/ new pole barn

Mr. Owens explained that he has two (2) pieces of property that were deeded together but never subdivided. He asked if this was necessary if he want to put an addition onto his existing garage – originally he had asked if a pole barn could be placed on the lot without a principle structure and he was advised that was not possible. He is rethinking the project and wanted input from the PB.

Karen and Rick Young, Howlett Hill Road

There was discussion regarding drainage issues caused by a neighboring farmer who has removed all of an existing hedgerow and trees and added drain tile to redirect water onto their property. It is destroying their land and wondered if there was anything the PB or ZBA could do to help. John Houser advised that he is working with the Young's to see if they have any recourse regarding the damage that the discharge is doing to neighboring properties. He has been in contact with the DEC and the Town Board. Mr. Houser will continue to work with the Young's to help them out with this problem.

The minutes of the October meeting will stand as corrected.

The meeting was adjourned at 10:00PM

Respectfully submitted,

Karen Cotter
Secretary