

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

**July 1, 2019**

**Present:** Chairperson Jerry Wickett, Chris Christensen,  
Ron Schneider, Scott Stearns, Holly Tuffenkjian, ,  
Kathy Carroll, Mark Taylor

**Absent:**

**Town Counsel:** Jim Gascon of Costello, Cooney, and Fearon

**Town Engineer:** Joe Durand 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 July 1, 2019.

The Chair, Jerry Wickett, asked for a motion to change the date of the September PB meeting to Thursday, September 5, 2019, due to the Labor Day Holiday. Kathy Carroll made the motion and Chris Christensen seconded. The motion carried with the following vote:

Chris Christensen – aye

Ron Schneider – aye

Holly Tuffenkjian - aye

Scott Stearns - aye

Kathy Carroll – aye

Mark Taylor - aye

**Laura Hogan, 4241 New Seneca Turnpike – 1 lot subdivision**

A continuation of a public hearing was held for a one (1) lot subdivision located at 4241 New Seneca Turnpike. Per the applicant's written request, Scott Stearns made a motion to adjourn the project until October and Ron Schneider seconded.

The motion carried with the following vote:

Chris Christensen – aye  
Ron Schneider – aye  
Holly Tuffenkjian - aye  
Scott Stearns - aye  
Kathy Carroll – aye  
Mark Taylor

**Sigmund Rogalia, 2930 Shamrock Rd – 1 lot subdivision**  
**Michael Rogalia – 2114 Coon Hill Rd – 1 lot subdivision**

A public hearing was held for each project. The secretary, Karen Cotter, read the legal notice and advised that the certified receipts are on file. A revised map was submitted earlier in the month and taken to OCPB for review with the corrected application. The project was revised from a ten (10) acre subdivision to a five (5) acre subdivision. Michael Rogalia's property does not meet today's requirements and he would like to construct a garage. Sigmund Rogalia is subdividing five (5) acres from his parcel and Michael Rogalia is attaching the five (5) acres to his property. The Chair, asked if anyone would like to speak in favor or in opposition to the project. Erica Luebner, 2901 Rose Hill Rd stated she was in favor of the project. The OCPB resolution #S-19-40, dated June 26, 2019, was read into the minutes. Hearing no further questions from the PB Kathy Carroll made a motion to close both public hearings. Scott Stearns seconded and the motion carried with the following vote:

Chris Christensen – aye  
Ron Schneider – aye  
Holly Tuffenkjian - aye  
Scott Stearns - aye  
Kathy Carroll – aye  
Mark Taylor - aye

Chris Christensen made a motion to approve a one (1) lot subdivision for Sigmund Rogalia as a public hearing was held and one (1) person is in favor of the project; and contingent upon completion and approval of the Michael Rogalia subdivision. Kathy Carroll seconded and the motion carried with the following vote:

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Sigmund Rogalia on a one (1) lot subdivision located at 2930 Shamrock Rd, in an Agricultural Zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon July 1, 2019 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 "Rogalia Subdivision", such approval being based on a map made by Doug Reith, CNY Land Surveying, dated May 17, 2019 and revised June 12, 2019.

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. Monuments are in place, indicated on the map and inspected and approved by CEO.
3. Successful drainage plan approved by the Onondaga County Health Department.
4. Conditions set forth in the OCPB resolution dated June 26, 2019,

5. Further subdivisions are prohibited and should be noted on the linen map.
6. 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.
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.
8. No building permits are to be issued until all contingencies are met.
9. Approval contingent upon completion and approval of the Michael Rogalia subdivision

Chris Christensen made a motion to approve a one (1) lot subdivision for Michael Rogalia as a public hearing was held and one (1) person is in favor of the project; and contingent upon completion and approval of the Sigmund Rogalia subdivision. Holly Tuffenkjian seconded and the motion carried with the following vote:

Chris Christensen – aye  
Ron Schneider – aye  
Holly Tuffenkjian - aye  
Scott Stearns - aye  
Kathy Carroll – aye  
Mark Taylor - aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Michael Rogalia on a one (1) lot subdivision located at 2114 Coon Hill Rd, in an Agricultural Zone and;

WHEREAS, the Planning Board duly called and held a public hearing thereon July 1, 2019 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 "Rogalia Subdivision", such approval being based on a map made by Doug Reith, CNY Land Surveying, dated May 17, 2019 and revised June 12, 2019.

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2. Monuments are in place, indicated on the map and inspected and approved by CEO.
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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.

8. No building permits are to be issued until all contingencies are met.
9. Approval contingent upon completion and approval of the Sigmund Rogalia subdivision

**Tim and Erica Luebner – Rose Hill Rd**

Tim and Erica Luebner were present to discuss the 40' X 40' addition they would like to construct onto their existing 25' X 40' structure. The following was discussed:

- The building will be used strictly for agricultural products
- There will be no new or additional food/no cooking/no restaurant/no indoor seating -OCHD would require bathrooms to be constructed and the applicants do not want to do that.
- They will continue to have the bakery
- The building will be used to sell produce such as squash and vegetables. This is a pumpkin farm that sells produce and that is the intent of their business
- There will be no weddings or corporate events held on site and no additional new business
  
- They both understand and agree that if they make any additional changes that does not meet the intent of the pumpkin farm/vegetables/agricultural items they will need to come back before the Planning Board.
- Joe Durand from TDK Engineering advised they need to make sure they follow sediment/erosion control during construction. This would include placing a silt fence on the property. The Codes Officer would follow-up with inspections.
- If dirt and gravel come out onto the road an area may need to be paved. Mrs. Luebner said that rarely happens and they will watch for it.
- Town Attorney, Jim Gascon, advised that the agri-tourism is highly regulated and they will need to follow all of their rules and regulations.

Hearing no other discussion Kathy Carroll made a motion to approve the modification to the site plan and the addition to the building with the applicants

-pg7-PB  
July1, 2019

understanding there can be no weddings, outside parties or commercial events on site and any new business would require them to come back to the Planning Board for approval. Mark Taylor seconded and the motion carried with the following vote:

Chris Christensen – aye  
Ron Schneider – aye  
Holly Tuffenkjian - aye  
Scott Stearns - aye  
Kathy Carroll – aye  
Mark Taylor – aye

**Minutes –**

Jerry Wickett made a made a motion to waive the reading of the June minutes and accept as distributed. Ron Schneider seconded and the motion carried with the following vote:

Chris Christensen – aye  
Ron Schneider – aye  
Holly Tuffenkjian - aye  
Scott Stearns - aye  
Kathy Carroll – aye  
Mark Taylor – aye

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter  
Secretary