

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

March 1, 2021

Present: Chairperson Jerry Wickett, Ron Schneider Kathy Carroll,
Holly Tufenkjian, Mark Taylor, Chris Christensen
Absent: Scott Stearns
Town Counsel: James Gascon of Costello, Cooney, and Fearon
Town Engineer: Joe Durand of TDK Engineering (absent)
Codes Officer: John Houser

The Planning Board of the Town of Marcellus met in regular session in the Marcellus Town Hall for the Town of Marcellus, located at 24 East Main St. Marcellus, New York, on March 1, 2021.

PUBLIC HEARING - SITE PLAN -

Combined Book Exhibit, 3703 Lee Mulroy Rd

Planning Board member Mark Taylor recused himself from being involved with any discussion or vote on this project for personal reasons.

A public hearing was held for the Combined Book Exhibit. The PB secretary, Karen Cotter, read the legal notice into the minutes. Scott McClurg was present to represent this project. Mr. McClurg explained that this was a family-owned business and they would construct a one (1) story pole barn type structure (similar to Maves) that would be 2/3 book storage and 1/3 office space. The following was discussed:

- The business would store books in the building and would then send them out to different shows around the world.
- At the present time they would have two (2) or three (3) employees but could possibly grow into five (5) employees
- A truck will be coming to the building approximately one (1) time a month.
- A sample of the storm water maintenance agreement was given to Town Attorney, Jim Gascon, for review.
 - Mr. Gascon advised bonding would not be necessary – there would be a 60-day agreement that would be part of the deed and that would have the ultimate authority.

-pg2-PB
March 1, 2021

- If not maintained the Town can come onto the property – after a designated period of time and clean up the area – The property owner would then be charged the cost onto his taxes.
- Scott McClurg agreed and stated this would be part of the purchase agreement. This agreement will be the same for the two (2) remaining lots.
- The property owners will all be held responsible for the maintenance with joint responsibility including the property Mr. McClurg has his existing building on – all three (3) parcels. This agreement goes with the land. Mr. McClurg was in agreement to this.
- There was discussion regarding a road maintenance agreement among all the properties
- Jim Gascon stated there should be a property maintenance agreement among all four (4) properties (including Maves). This would cover common maintenance to include but not limited to road, plowing and stormwater.
- Chris Christensen stated there should only be one (1) pole that already exists and all utilities will be underground. Another pole should not be located on the properties and Mr. McClurg stated he understood what Chris wanted and agreed.
- Any easements will be indicated in the deeds – including drainage and roads
- The Property maintenance agreement would be similar to what we did with the properties across the road (Chocolate Pizza, Wags, Ultimate Goal, Napa)

Mr. McClurg stated he understood and was in agreement with all points discussed. Revisions and changes that were discussed will be sent to our office and to TDK for final review. The Chair, Jerry Wickett, read the OCPB resolution #Z-21-65, dated February 17, 2021 into the minutes. He then asked if anyone would like to speak in favor or in opposition to the project and there were none. Mr. McClurg addressed the modifications stating that he has already submitted, to our office, a letter of approval from the OCHD and discussed traffic data for the proposed project with OCDOT and they had no issues. Jerry Wickett made a motion to close the public hearing and Ron Schneider seconded.

The motion carried with the following vote:

Jerry Wickett - aye
Ron Schneider – aye
Holly Tuffenkjian - aye
Scott Stearns - absent
Mark Taylor -recused
Chris Christensen – aye

Kathy Carroll made a motion to approve the site plan as presented as the applicant has addressed the modifications from the OCPB; and a public hearing was held and there was on one present in favor or opposed to the project; and Chris Christensen added additional items to the resolution that Kathy Carroll agreed too incorporate that the applicant agrees to the changes discussed including but not limited to the pole removal from the final map (all underground utilities) no new pole added; a storm water maintenance agreement and a property maintenance agreement among all four (4) properties to be approved by the Planning Board Town Attorney; easements will be indicated on the final map; snow will not be dumped in the drainage easements (to be included in property maintenance agreement). Chris Christensen seconded and the motion carried with the following vote:

Jerry Wickett - aye
Ron Schneider – aye
Holly Tuffenkjian - aye
Scott Stearns - absent
Mark Taylor -recused
Chris Christensen – aye

WHEREAS, an application has been duly filed requesting FINAL SITE PLAN REVIEW AND APPROVAL for Combined Book Exhibit, on premises located at 3703 Lee Mulroy Rd., Marcellus, New York in an L1 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. The applicant has addressed the modifications from the OCPB
2. A public hearing was held and there was on one present in favor or opposed to the project
3. The pole removal from the final map (all underground utilities) no new pole added
4. A storm water maintenance agreement submitted and approved by the Town Engineer and Town Attorney
5. A property maintenance agreement among all four (4) properties to be submitted and approved by the Planning Board Town Attorney
6. Easements will be indicated on the final map
7. Snow will not be dumped in the drainage easements (to be included in property maintenance agreement).

SITE PLAN – Discussion

Fritz Estlinbaum, Lee Mulroy Rd. – Storage for Marine Construction

Scott McClurg was present (property owner) along with Fritz Estlinbaum to discuss construction of a 60' X 100' pole barn type construction with a 30' X 30' office attached to the new construction. Mr. Estlinbaum would use the storage part of the barn for housing his heavy equipment and materials related to his business (F.J. Estlinbaum Barge & Crane). He advised that his job sites consist of constructing docks, seawall, boat houses, etc. The following was discussed:

- A tractor trailer would come onsite approximate two (2) times a month with steal.
- Storage of materials – lumber/steal
- He would use a portion of the inside of building to maintain his equipment
- Some inside construction – example – framing

- Applicant would require a variance as he would like to place the building five (5) feet from the property line. This would enable the tractor trailer to pull up and behind the building. The 20' – 50' length steel posts would be stored out back behind the building
- Screening of property was discussed – especially if there is outdoor storage – he was advised to look at neighboring Aupperle property
- He has approximately three (3) to four (4) employees in the summer
- Mr. McClurg advised that the property would be kept neat and no junk piles on the property
- Lower section of driveway would be paved and upper portion would consist of stone. This would prevent runoff into the road
- There were discussions regarding drainage and erosion control. He would be required to present a plan similar to the Book project that has been discussed earlier in the meeting.
- Discussion regarding being included in the storm water and property maintenance agreement
- The Board asked him to think of a possible redesign of the building where a variance would not be required.
- Underground utilities, easements and bathroom facilities were all discussed.

PRELIMINARY SUBDIVISION

Russell and Sherry Carr, 2214 Coon Hill Rd – 2 lot

Matthew Ryan and Samantha Stillwell, 2210 Coon Hill Rd – 1 lot

Laurie Stevens, 2200 Coon Hill Rd., was present to discuss this project. Ms. Stevens wants to purchase one (1) of the lots that Mr. Carr is requesting to create. Mr. Carr would like to create a new 19- acre lot that would be used for agricultural purposes only and the other six (6) acre lot would be attached to Matthew Ryan's property. The residual 16 acres would have the existing house and barn. Chris Christensen gave some history of the property and advised that the driveway on the original property was located in an unapproved location. There is an existing 60' future road right of way and that will stay with the Ryan property. The 19- acre lot will not be a building lot and used for agricultural purposes only. There are state wetlands located on the property. Jerry Wickett stated that since we are not losing the ROW he sees no concerns on the project.

The map needs to indicate that proposed lot three (3) is for agricultural use only, not a residential building lot and the access to that lot is a farm access only, not a approved residential driveway

The Chair, Jerry Wickett asked the Board to review Part 2 of SEQR for the Carr subdivision. Kathy Carrol made a motion that the proposed action will not result in any significant adverse environmental impact. Ron Schneider seconded and the motion carried with the following vote:

Jerry Wickett - aye
Ron Schneider – aye
Holly Tuffenkjian - aye
Scott Stearns - absent
Mark Taylor -aye
Chris Christensen – aye

The Chair, Jerry Wickett asked the Board to review Part 2 of SEQR for the Carr-Ryan subdivision. Kathy Carrol made a motion that the proposed action will not result in any significant adverse environmental impact. Ron Schneider seconded and the motion carried with the following vote:

Jerry Wickett - aye
Ron Schneider – aye
Holly Tuffenkjian - aye
Scott Stearns - absent
Mark Taylor -aye
Chris Christensen – aye

The projects will be sent to OCPB for review and a public hearing for the April meeting.

MINUTES -

Jerry Wickett made a motion to waive the reading of the **February* minutes and accept as distributed. Chris Christensen seconded and the motion carried with the following vote:

Jerry Wickett - aye
Ron Schneider – aye
Holly Tuffenkjian - aye
Scott Stearns - absent
Mark Taylor -aye
Chris Christensen – aye

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter
Secretary

**Corrected*