

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

June 6, 2022

Present: Chairperson Jerry Wickett, Chris Christensen Holly Tufenkjian, Scott Stearns, Mark Taylor, Kathy Carroll
Absent: Ron Schneider
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 22 East Main St. Marcellus, New York, on June 6, 2022.

Due to the 4th of July holiday the Chair, Jerry Wickett, made a motion to change our next PB meeting to Thursday, July 7, 2022. Chris Christensen second and the motion was carried with the following vote:

Jerry Wickett - aye
Holly Tuffenkjian - aye
Scott Stearns - aye
Chris Christensen – aye
Mark Taylor – aye
Kathy Carroll - aye

PUBLIC HEARING - SUBDIVISION –

Benjamin Smith, 3049 Cherry Valley Turnpike – one (1) lot
James Masters, 3121 Smith Hollow Rd. – one (1) lot

A continuation of a public hearing was held for a one-lot subdivision located at 3049 Cherry Valley Turnpike and a one-lot subdivision located at 3121 Smith Hollow Rd. The secretary, Karen Cotter, stated Mr. Smith had submitted the mailing receipts. Mr. Smith advised that he would like to create a new lot that will be 16.29 acres and attach this parcel to the Master’s property located at 3121 Smith Hollow Rd.

This will leave Mr. Smith with a residual lot of 4.43 acres located at 3049 Cherry Valley Turnpike. The chair, Jerry Wickett, asked if anyone present would like to speak in favor and/or opposition to the project and there were none. Hearing no further questions from the board Scott Stearns made a motion to close both of the public hearing and Kathy Carroll second. The motion carried with the following vote:

Jerry Wickett - aye
Holly Tuffenkjian - aye
Scott Stearns - aye
Chris Christensen – aye
Mark Taylor – aye
Kathy Carroll - aye

Scott Stearns made a motion to approve the Benjamin Smith subdivision as a public hearing was held and there was no opposition; it is consistent with the neighborhood; and contingent upon completion of the Masters subdivision. Chris Christensen second and the motion carried with the following vote:

Jerry Wickett - aye
Holly Tuffenkjian - aye
Scott Stearns - aye
Chris Christensen – aye
Mark Taylor – aye
Kathy Carroll - aye

Benjamin Smith, 3049 Cherry Valley Turnpike – one (1) lot

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Benjamin Smith on a one (1) lot subdivision located at 3049 Cherry Valley Turnpike in and Agricultural Zone;

WHEREAS, the Planning Board duly called and held a public hearing thereon May 2, 2022 and June 6, 2022, commencing at 6:30 PM, 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 known as "Smith – Masters subdivision", such approval being based on a map made Doug Reith, CNY Land Surveying, dated March 15, 2022.

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 April 1, 2022.
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. Masters subdivision located at 3121 Smith Hollow Rd. must be completed and filed with both Onondaga County and the Town of Marcellus.

James Masters, 3121 Smith Hollow Rd. – one (1) lot

Scott Stearns made a motion to approve the James Masters subdivision as a public hearing was held and there was no opposition; it is consistent with the neighborhood; and contingent upon completion of the Benjamin Smith's subdivision. Chris Christensen second and the motion carried with the following vote:

Jerry Wickett - aye
Holly Tuffenkjian - aye
Scott Stearns - aye
Chris Christensen – aye
Mark Taylor – aye
Kathy Carroll - aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by James Masters on a one (1) lot subdivision located at 3121 Smith Hollow Road Agricultural Zone;

WHEREAS, the Planning Board duly called and held a public hearing thereon May 2, 2022 and June 6, 2022, commencing at 6:30 PM, 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

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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. Benjamin Smith subdivision located at 3049 Cherry Valley Turnpike must be completed and filed with both Onondaga County and the Town of Marcellus.

SUBDIVIISON – SKETCH PLAN

Robert Bruce Raymond, 2597 Seal Rd. – one (1) lot

Mr. Raymond advised that he has a 6-acre lot that he would like to subdivide two and create another building lot. The Town Highway Supervisor, Don McLaughlin, has been working with Mr. Raymond to see if there was site distance for a new driveway for the proposed lot. Mr. McLaughlin felt that it was difficult to get site distance for the proposed new lot and advise the applicant to have a traffic study done. The speed limit currently is 55 miles an hour on this road. The Town Attorney, Jim Gascon, has some concerns regarding this study and suggested that the applicant petitioned the Town Board to request the NYSDOT lower the speed limit on this road. Mr. Raymond understands the concern of insufficient site distance and will move forward with his petition.

LeuMaple Lane dairy farm, 2376 Church Road – one (1) lot

Tim and Erika Leabner, 2901 Rose Hill Rd. – one (1) lot

There was discussion regarding the property located at 2901 Rose Hill Rd., as the codes officer cited this property last fall regarding their existing site plan. The Town Attorney, Jim Gascon, advised that he spoke to the codes officer, John Houser, an agreement was made between the codes department and the Leubner's since there has been no activity on this property since the end of the fall of **2021** and at this time there is no active violation. Therefore, this board can move forward with the subdivision. Erika Leubner advised they have been able to purchase 30 acres from the existing farm and would like to attach their 6 acres (which has their business located on it) to the 30 acres. The following was discussed:

- both properties are on the same side of the road
 - they have submitted an affidavit allowing them to speak for the LLC – according to paperwork they submitted they owned 16.8%
 - any additional properties owned by the LLC needs to be added to the map
 - maps need to indicate exactly what is located on each of the parcels.
- Overflow parking is located on the LLC property. This was never approved and was never the intent of the board. Handicap parking and some fences have been moved since the site plan was submitted

-pg7-PB
June 6, 2022

- we do not have a map that shows exactly what is on the property site
- the unapproved overflow parking needs to be removed from the map
- for the purpose of subdivision if it has not been approved it should not be on the map
- there are several items that are located on the site that have not been approved and Chris Christensen stated this needs to be corrected and/or it needs to be approved via site plan

Jim Gascon wanted to broaden the conversation to discuss some of the site plan issues. He asked the applicant if they would still acquire the property if they could not use it for their intended purpose (example overflow parking)? The following was discussed:

- overflow parking is a concern
- selling alcohol, including but not limited to beer, never received a special permit
- there is a lot of flexibility for farmers and brewers and Mr. Gascon suggested meeting with their attorney to see what the best procedure is and to follow through with ag and market
- the new plan needs to be developed so that they can be in compliance with both ag and market as well as with local laws
- we don't know what permits they have and what they don't have – the applicant advised they do have a liquor license in conjunction with ag and market and the liquor authority. However, the town has never received confirmation of that. They advise they got their liquor license in 2015
- the Planning Board authorized the Town Attorney, Jim Gascon, to meet with the applicant's attorney
- they were advised they could simultaneously work on site plan approval as well as working on their subdivision
- Chris Christensen stated until a site plan has been approved you basically have a bar with bands and that is not allowed in this zone
- Mr. Leubner advised even if they were not allowed to do the business on this property they would still move forward with the subdivision
- a corrected and modified site plan map and subdivision map needs to be submitted with the corrections that were discussed
- the operation right now is technically in violation as it has not been approved

- Chris Christensen, Jerry Wickett, and Jim Gascon all stated there has never been any discussion regarding brew barns, selling of alcohol including beer, or having bands on this property or any other property they may own

When asked again, both Mr. and Mrs. Leubner stated they have no plans to start up having bands or selling alcohol on their property.

SITE PLAN-

Valley Inn, Courtney Horrigan/Kayla Evans, 2574 Cherry Valley Turnpike

Courtney Horrigan and Kayla Evans were present to discuss their plan to remodel the existing building of the Valley Inn which will now be called the Milkhouse. They no longer plan to construct a new building as they are unable to meet all the setback requirements due to the wetlands and creek location. They would now like to modify the existing building and the following was discussed:

- there will be outdoor lighting and they were advised it must be down lighting and cannot go off the site
- the dumpster will have a pad underneath with fencing around it
- they are requesting handicap parking be located in the front of the building as that is the only location that has access to the building
- other than handicap parking all other parking will be located in the rear of the building
- there will be one access point for entrance and one access point for exit
- they will remove the old pumps – the old tanks were removed and they have records indicating this from the DEC
- they will be going no closer to the creek and will add more grass along the side of the building for a buffer
- the existing pile of dirt will be removed
- the rear patio that is indicated on the map will be larger than what is shown but will not go beyond the existing building
- they are using the existing gravel and will bring in refurbished gravel as well
- they are disturbing less than an acre including the parking lot – they will not need to do a SWPP
- the neighbor does not have an easement for the driveway
- they were advised to show all boundaries and setbacks on the new survey

- the fence is stopping at the building 10 feet from the rear they were advise
- the town engineer will need to review their project and an escrow account will need to be set up
- the survey needs to define the edge of the CEA zone and they need to make sure they are not working in or adding anything to it
- there was discussion regarding deliveries – we were advised by the applicant that there is enough access and turn radius for a 22’ truck without them backing out onto Route 20 – they were advised that no trucks or cars can back up onto Route 20
- the state DOT will need to review the plan and may want only one access point – that will be the state’s decision
- they need to indicate the septic location and line on the survey map
- they are replacing the existing septic system but were told they can use the existing dry well
- the building is in the water district and power is separate from the farmhouse

Ms. Horrigan advised that they are in the process of getting a different architect and should have maps prepared by the July meeting. The board is in favor of this plan and looks forward to working with them.

MINUTES –

Jerry Wickett made a made a motion to waive the reading of the May minutes and accept as distributed. Scott Stearns seconded and the motion carried with the following vote:

Jerry Wickett - aye
Holly Tuffenkjian - aye
Scott Stearns - aye
Chris Christensen – aye
Mark Taylor – aye
Kathy Carroll – aye

-pg10-PB
June 6, 2022

Jerry Wickett made a motion to adjourn the Planning Board meeting and Scott Stearns seconded. The motion carried with the following vote:

Jerry Wickett - aye
Holly Tuffenkjian - aye
Scott Stearns - aye
Chris Christensen – aye
Mark Taylor – aye
Kathy Carroll – aye

The meeting was adjourned 8:30PM

Respectfully submitted,

Karen Cotter
Secretary

**Corrected at the July , 2022 meeting – changed for 2022 to 2021*