

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

August 1, 2022

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

Absent:

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 August 1, 2022.

Due to the Labor Day Holiday the Chair, Jerry Wickett, made a motion to change the Planning Board meeting from Monday, September 5, 2022 to Thursday, September 8, 2022. Chris Christensen seconded and the motion carried with the following vote:

Jerry Wickett - aye

Holly Tufenkjian - aye

Scott Stearns - aye

Chris Christensen – aye

Mark Taylor – aye

Kathy Carroll – aye

Ron Schneider - aye

PUBLIC HEARING - SUBDIVISION –

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

Tim and Erica Leubner, 2901 Rose Hill Rd. – one (1) lot

Public hearings were held for the proposed subdivision. The chair, Jerry Wickett, read the legal notices into the minutes. Certified filing receipts are on file. They are removing 30 acres from 2376 Church Rd. (LeuMaple Lane Dairy Farm) and attaching it to 2901 Rose Hill Rd. (Tim and Erica Leubner). Tom Blair, Blair Law firm, was present to represent Tim and Erica Leubner.

He advised that the 30 acres is part of the family-owned farm and the purpose of the subdivision is to add the 30 acres to the 6 acres owned by Tim and Erica Leubner which will be used for agricultural expansion of the farm. There was discussion regarding traffic concerns and how the subdivision may affect the traffic pattern. Mr. Blair advised that that should have been discussed during the SEQR review. During that review in the July meeting traffic was not discussed. An approved driveway permit, dated June 29, 2017, was submitted. Tom Blair stated that he felt this should be considered a minor subdivision. Town attorney, Jim Gascon, advised that we had tried to make changes to our regulations to allow for minor lot subdivision but Onondaga County planning would not approve those changes. Therefore, the applicant must comply with all our current regulations. The Chair, Jerry Wickett, asked if anyone would like to speak in favor of this subdivision. He reminded the audience that we are discussing the subdivision only and we are not referring/discussing any other type of activity on these properties. The following spoke in favor:

1. Rachel Lewis, 2520 Route 174
2. Barbara North, 3046 Rose Hill Rd.

The Chair, Jerry Wickett, asked if anyone would like to speak in opposition to the subdivision and the following spoke:

1. Steve Bolewski, 2973 Rose Hill Rd.

The Chair, Jerry Wickett, read the OCPB resolution dated July 19, 2022 into the minutes. Hearing no further questions from the Planning Board, Scott Stearns made a motion to close the public hearings for both these projects. Ron Schneider second in the motion carried with the following votes:

Jerry Wickett - aye
Holly Tufenkjian - aye
Scott Stearns - aye
Chris Christensen – aye
Mark Taylor – aye
Kathy Carroll – aye
Ron Schneider – aye

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

The Chair, Jerry Wickett, asked if anyone would like to make a motion on the one lot subdivision for LeuMaple Lane dairy farm, LLC. Chris Christensen made the motion to approve the subdivision of 30.04 acres from lot covered under deed book 4786, page 835, reference tax map parcel 22-01-2.2 to be added to adjacent lot covered under deed book 4072, page 228, and deed to book 4074, page 230, referenced tax parcel number 22-01-2.1. Mr. Christensen's motion for approval included the following comments, conditions and stipulations:

1. A public hearing was held and two people were present in favor of the subdivision and one person against subdivision.
2. The subdivision is for the purpose of removing 30.04 acres of land from the existing lot described on deed book 4786, page 835 subject to and on the express condition that it be approved to be joined with the adjacent lot by Tim and Erica Leubner.
3. Further subdivision for either new lot is not allowed for a period of five years per subdivision regulations.
4. The remaining lot for LeuMaple Lane dairy farm shall have a corrected deed issued and a copy of the filed deed shall be provided to the Town of Marcellus to be included in their subdivision records

Kathy Carroll second and the motion carried with the following vote:

Jerry Wickett - aye
Holly Tufenkjian - 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 LeuMaple Lane Dairy farm, on a one (1) lot subdivision located at 2376 Church Rd. in an agricultural zone;

WHEREAS, the Planning Board duly called and held a public hearing thereon August 1, 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 "LeuMaple Subdivision", such approval being based on a map made by Denkenberger Surveying dated February 12, 2002 and revised May 4, 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. Successful drainage plan approved by the Onondaga County Health Department.
3. Conditions set forth in the OCPB resolution dated July 19, 2022.
4. Further subdivisions are prohibited and should be noted on the linen map.

5. 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 205-10;A.
6. Timely filing of the approved map as outlined in Section 205-11, and submission of the receipt, or copy thereof, to the Town Clerk's office within sixty days of the Planning Board final approval.
7. No building permits are to be issued until all contingencies are met.
8. Corrected maps and new/corrected deeds need to be submitted to the town of Marcellus Planning Board.

Tim and Erica Leubner, 2901 Rose Hill Rd. – one (1) lot

Chris Christensen made a motion to approve the subdivision of 30.04 acres from lot covered under deed book 4786, page 835, referenced tax map parcel 22- 01-2.2 to be added to the adjacent lot covered under deed book 4072, page 228, and deed book 4074, page 230, referenced tax parcel 22–01–2.1. Mr. Christensen’s motion for approval included the following comments, conditions and stipulations:

1. A public hearing was held and two people were present spoke in favor of the subdivision and one person against the subdivision.
2. The subdivision is for the purpose of adding 30.04 acres removed from LeuMaple dairy farm LLC lot described on deed book 4786, page 835, subject to and on the express condition that be approved to be joined with the adjacent lot to the east owned by Tim and Erica Leubner. Such lot being 6.76 acres created by a prior subdivision approved on July 7, 2005 and referenced as tax map parcel 22–01–2.1 creating a new lot of 36.8 acres.
3. Further subdivision on either new lot is not allowed for a period of five years per subdivision regulations
4. The new lot for Tim and Erica Leubner shall have a corrected deed issued in a copy of that file deed shall be provided to the town of Marcellus for including in the subdivision records.

5. It is expressly recognized and agreed-upon that the site details shown by the surveyor on the existing 6.76-acre lot are what he found and that they are not to be confused with the latest approved site plan. The details listed conflict with the approved site plan and the presence on the map provided for subdivision purposes does not provide any approval of them as a new site plan.
6. The label on the driveway location in the southeast corner that the surveyor confirms meeting site distance should be labeled future 30-foot-wide driveway. Approval from the Marcellus Planning Board will be required prior to any construction.

Kathy Carroll second and the motion carried with the following vote:

Jerry Wickett - aye
Holly Tufenkjian - 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 Tim and Erica Leubner, on a one (1) lot subdivision located at 2901 Rose Hill Rd in an agricultural zone 10; A.;

WHEREAS, the Planning Board duly called and held a public hearing thereon August 1, 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 "LeuMaple Subdivision", such approval being based on a map made by Denkenberger Surveying dated February 12, 2002 and revised May 4, 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. Successful drainage plan approved by the Onondaga County Health Department.
3. Conditions set forth in the OCPB resolution dated July 19, 2022.
4. Further subdivisions are prohibited and should be noted on the linen map.
5. 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 205-10;A.
6. Timely filing of the approved map as outlined in Section 205-11, and submission of the receipt, or copy thereof, to the Town Clerk's office within sixty days of the Planning Board final approval.
7. No building permits are to be issued until all contingencies are met.
8. Corrected maps and new/corrected deeds need to be submitted to the town of Marcellus Planning Board.

SITE PLAN-

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

Architect Rich Krenzer, Courtney Horrigan, and Kayla Evans were present representing this project. The following was discussed:

- They are proposing moving the exit on the east side of the building to the west side of the building where it will become both an ingress and egress location.
- They will get rid of the Rt. 20 curb cut with grass and landscaping
- there will be one handicapped spot for wheelchairs located in the front of the building and one handicapped spot located in the rear of the building where the main entrance will be located. They were advised to check with ADA for clarification as to how many handicapped spots are actually required for this location
- In the front of the building two of the existing three doors will be removed-, leaving just one front door for handicapped access
- The door in the rear of the building will become the main door for access
- Parking lot is not being expanded the and will have a total of 26 parking spots
- They are currently digging out and clearing brush along the existing gravel parking lot. They are keeping the existing hedgerow
- They will level and add new gravel to the existing parking lot and driveway
- Deliveries will be made through the main entrance and trucks will be parked along the backside along the concrete pad area. They will have large tractor trailer deliveries the same as it has been over the last 30 years. Deliveries will be at approximately 4:30 AM while the restaurant is not open for business
- They plan on a small patio area for outdoor seating
- Snow removal will be pushed to the back southeast corner of the lot
- The applicant was not sure of the location of the natural gas line and the water line is located on the other side of the road
- There was discussion regarding the septic system and if anything needed to be changed. Bathrooms will be moved to the west side of the building near the leach fields

- The dumpster needs to be fenced and screened
- Scott Stearns suggested a stockade fence at the end of the property so the existing residents get maximum privacy
- The building will have new siding and new windows – foundation repair is mainly in the front of the building
- There was additional discussion regarding the critical environmental zone. They are staying within the same footprint so there should be no issue with Nine Mile or the critical environmental zone.
- There was discussion regarding TDK involvement and John Houser advised the sediment and erosion plan should be sufficient for this project and he would be following up with that.

The applicants will provide additional information and will be placed on the September 8, 2022 agenda.

DISCUSSION -

Lando Property Group, Anthony Dubar – 2938 Marietta Rd (Precision Marina)

Anthony Dubar and Corey Birchler were present to discuss a new site plan on this property. Mr. Birchler has owned Precision Marina, which includes the 6000 square-foot building to the north, for 10 years. Mr. Dubar is purchasing the business and property and would like to discuss the following changes:

- Mr. Birchler is currently leasing space from Mr. Dubar.
- There are three separate properties and two deeds were submitted. No deed was submitted for the parcel that has the covered boats located on it. This parcel is located behind the train station to the South of the property.
- Phase 1 of Mr. Dubar's plan is to make the property come in compliance with the images in Google maps that were submitted
- The deed that indicates the 5.2 acres will continue to be used for boat storage and repair
- They would like to have additional inside storage but space is not available

- There was concern regarding the boat storage being so close to Nine Mile Creek and how they prevent from oil/gas spilling into the Creek. The PB was advised that there are steel fuel tanks on the boats, they disconnect all batteries, and changing the oil is a condition for storage. In the 10 years they've never had an issue.
- Chris Christensen stated that the applicant needs to understand the hundred-foot clearance from where the creek bank or hundred-year flood plain is located. This was not provided on the map. John Houser showed a picture of the flood zone
- Scott Stearns suggested that the owner consider doing work along the hundred-foot road access to control traffic coming in and out of this property and Mr. Dubar advised that he will work on it.
- Phase 2 of Mr. Dubar's plan indicates selling gas 24 hours a day.
- The following was discussed:
 - The board has many concerns regarding the selling of gas including a 24 hour operation
 - Chris Christensen questioned the idea of traffic pulling in and out of this property, for gas, and a potential blind spot
 - Attorney Jim Gaskin advised that this is in our Residential 1 zone with a 1985 use variance that does not discuss having gas tanks or pumping gas on this property
 - Mr. Dubar stated he does not have the money to do both phases now and having gas was just an idea
- Permits may be required for the changes he is making and planning on making.
- All surveys with deed references will need to be submitted along with a site plan application and possible special permit applications

Mr. Dubar understands what is needed for this project to move forward.

MINUTES –

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

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

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

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

The meeting was adjourned 8:30PM

Respectfully submitted,

Karen Cotter
Secretary

* Susan Dennis attended the August 1, 2022 meeting and took notes. The minutes were prepared from those notes by Karen Cotter (who did not attend the meeting).