

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

**October 2, 2023**

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

**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 October 3, 2023 at 6:30pm.

### **Public Hearing**

**Aaron & Angela Barbaro**

**2610 Abend Point**

**1 Lot Subdivision**

A public hearing was held for a one (1) lot subdivision located at 2610 Abend Point. The secretary Joanna Clarke read the legal notice into the minutes. Aaron and Angela Barbaro were present to discuss the subdivision of their property. Mr. Barbaro explained they purchased land from OCWA and would like to add the piece to his existing property. The following was discussed:

- Chris Christensen noted the revised map dated 09/14/23 indicates the floodplain line is the same as the shoreline. Mr. Christensen suggested the surveyor verify the floodplain line is correctly noted on the map.
- Mr. Christensen also noted that the deed for the 0.90-acre lot references two (2) different parcels. A subdivision was approved by the Planning Board on March 8, 2010 to combine those parcels into one (1) and should be noted as such in the resolution.

The Chair, Jerry Wickett, asked if there was anyone who would like to speak in favor or in opposition to the subdivision approval and there was none. Scott Stearns made a motion to close the public hearing and Ron Schneider seconded. The motion carried with the following vote:

Jerry Wickett – aye

Chris Christensen – aye

Mark Taylor – aye

Ron Schneider – aye

Holly Tufenkjian – aye

Scott Stearns – aye

Kathy Carroll – aye

**Subdivision Resolution**

Kathy Carroll made a motion to approve the subdivision as presented as no one spoke in favor or against. Chris Christensen seconded, subject to having the restrictions from the OCWA deed added to the resolution and the final map include verification that the flood plain elevation is not further inland than the shoreline. The motion carried with the following vote:

Jerry Wickett – aye

Ron Schneider – aye

Scott Stearns – aye

Chris Christensen – aye

Holly Tufenkjian – aye

Kathy Carroll – aye

Mark Taylor – aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Aaron and Angela Barbaro, on a one (1) lot subdivision located at 2610 Abend Point, in a Residential 2 zone.

WHEREAS, the Planning Board duly called and held a public hearing thereon October 2, 2023, 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;

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 "Barbaro Subdivision", such approval being based on a map made by Lehr Land Surveyors dated July 6, 2023.

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. Further subdivisions are prohibited and should be noted on the mylar map.

4. Submission of the final linen/mylar (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.

5. 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.

6. No building permits are to be issued until maps are filed with the County and/or all contingencies are met.
7. The larger parcel of land labeled as 0.90 acres is the result of a subdivision that was approved by the Planning Board on March 8, 2010 and filed on May 5, 2010.
8. The piece of property purchased from OCWA is subject to the following conditions and/or restrictions: 1) OCWA ingress and egress. 2) Existing riparian of flood rights. 3) Existing occupancies. 4) No permanent enclosed structures. 5) Right of access to inspect subsurface wastewater disposal systems on grantees' adjacent land.
9. The floodplain elevation must be verified and noted as such on the final map.

**William Veit**  
**2719 Otisco Valley Rd.**  
**1 lot subdivision**

A public hearing was held for a one (1) lot subdivision located at 2719 Otisco Valley Road. The secretary Joanna Clarke read the legal notice into the minutes. Bill Veit was present with Terry Horst, Landscape Architect. Mr. Veit explained he would like to combine the piece of property that was purchased from OCWA with his existing property and construct a home (refer to ZBA minutes dated 10/2/23 for the CEA special permit).

The Chair, Jerry Wickett, asked if anyone from the public would like to speak regarding the subdivision. Denis Donovan who resides at 2728 Otisco Valley Rd., made the following comments:

- Mr. Donovan stated he wants to be assured that this will not adversely impact his properties. He is co-owner of a small property next to and owner of a property across the street from Mr. Veit's lot.
- Mr. Donovan is concerned with the drainage; specifically possible flooding of his property that is across the street and sediment that will be carried to and build up on his property that is next to Mr. Veit's lot.

Mr. Wickett stated that Mr. Veit/Terry Horst submitted an analysis of the drainage plan, and it was reviewed by our Town Engineer, TDK. The reports indicate that the plan should contain all of the runoff and not negatively impact either of Mr. Donovan's lots. Ms. Horst added the plan will eliminate ponding of water and the added stone and grass swale will address silting.

Scott Stearns made a motion to close the public hearing and Ron Schneider seconded. The motion carried with the following vote:

Jerry Wickett – aye  
Chris Christensen – aye  
Mark Taylor – aye

Ron Schneider – aye  
Holly Tufenkjian – aye

Scott Stearns – aye  
Kathy Carroll – aye

**Subdivision Resolution**

Chris Christensen made a motion to approve the subdivision as presented subject to all of the restrictions/conditions listed below. Scott Stearns seconded, and the motion carried with the following vote:

Jerry Wickett – aye

Ron Schneider – aye

Scott Stearns – aye

Chris Christensen – aye

Holly Tufenkjian – aye

Kathy Carroll – aye

Mark Taylor – aye

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by William Veit, on a one (1) lot subdivision located at 2719 Otisco Valley Rd., in a Residential 2 zone.

WHEREAS, the Planning Board duly called and held a public hearing thereon October 2, 2023, 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;

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Town of Marcellus hereby grants preliminary/final plat approval on the subdivision, such approval being based on a map made by Ianuzi & Romans Land Surveying, P.C., dated November 16, 2022.

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. Further subdivisions are prohibited and should be noted on the mylar map.

4. Submission of the final linen/mylar (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.

5. 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.

6. No building permits are to be issued until maps are filed with the County and/or all

contingencies are met.

7. Parcel A on the final map - is subject to the restrictions listed in the deed from Onondaga County Water Authority (OCWA) that state:

*OCWA may from time to time require ingress and egress over the demised premises in course of its activities of providing drinking water to its customers. Grantees also acknowledge that all or part of the premises herein conveyed are in a flood plain and thus subject to the possibility of being covered by water. Grantor reserves the right to ingress and egress over the said property and adjacent properties and further reserves each and every right that it now has with respect to the operation and maintenance of the lake as a source of drinking water. Grantee covenants and agrees that the Grantor shall have the right to do all acts necessary and proper on the premises conveyed, in its sole discretion, to effectuate the purposes for which it was created and Grantee shall have no claim of any nature for anything resulting from that activity by the Grantor. Grantee agrees that the foregoing provisions shall be a perpetual covenant running with land and shall be binding on Grantees', their heirs, executors, agents, successors and assigns.*

8. It has been presented that the current floodplain elevation is 789'; the Critical Environmental Area on the property is 50' from that elevation contour, subject to change should the floodplain be amended in the future.
9. Modification of the lot shall not take place without a Critical Environmental Area special permit. Refer to the ZBA minutes dated October 2, 2023 for approval and resolution that list the conditions/restrictions for this property.

## **Subdivision – Preliminary**

**Anthony Dubar**  
**2930 Marietta Rd.**  
**1 lot subdivision**

Anthony Dubar was present to continue discussions on his one (1) lot subdivision. Mr. Dubar owns a 4.21-acre lot in a Residential-1 zone which contains a red metal building and a wooden barn. Mr. Dubar would like to subdivide 2.17 acres (labeled as lot 2) which includes the wooden barn, to sell as a building lot. Leaving him with 2.04 acres (labeled as lot 1) which contains the red metal building. The following was discussed:

- Mr. Dubar submitted an email from NYS DOT stating driveway site distance would not be a problem for either lot.
- The critical environmental areas shown on the map need to be updated. The area along Nine Mile Creek should be updated to reflect 100' from the creek or floodplain, whichever is greater. The area next to lot 2 is not considered a critical environmental area and can be removed.

The Chair, Jerry Wickett, asked the board to review SEQR. Part 1 changes are as follows:

- Change question #2 and #15 from no to YES.

Kathy Carroll made the motion that based on the information and supporting documentation the proposed action will not result in any significant adverse environmental impacts. Ron Schneider seconded, and the motion carried with the following vote:

Jerry Wickett – aye  
Chris Christensen – aye  
Mark Taylor – aye

Ron Schneider – aye  
Holly Tufenkjian – aye

Scott Stearns – aye  
Kathy Carroll – aye

The subdivision will be sent for public hearing in November.

**Robert Oliver**  
**4857 Frank Gay Rd.**  
**1 lot subdivision**

Robert Oliver was present to discuss his one (1) lot subdivision. Mr. Oliver would like to subdivide approximately two (2) acres from his 104-acre lot (lot 1 on the map). The proposed lot (lot 2 on the map) is located in the SW corner of his property along Falls Rd. Mr. Oliver plans to subdivide for a building lot with the driveway access on Falls Rd. The following was discussed with Mr. Oliver:

- The proposed driveway shown on lot 1 is a possible access point to the 104-acre lot.
- There is a stream near the property line of both lots that is in the Critical Environmental Area. Both the stream and the Critical Environmental Area should be added to the final map.
- Mr. Oliver has no plans for future subdivisions of this property and was made aware of the five-year moratorium on subdivisions.

The Chair, Jerry Wickett, asked the board to review SEQR. Part 1 changes are as follows:

- Change question #2 and #15 from no to YES.

Kathy Carroll made the motion that based on the information and supporting documentation the proposed action will not result in any significant adverse environmental impacts. Ron Schneider seconded, and the motion carried with the following vote:

Jerry Wickett – aye  
Chris Christensen – aye  
Mark Taylor – aye

Ron Schneider – aye  
Holly Tufenkjian – aye

Scott Stearns – aye  
Kathy Carroll – aye

The subdivision will be sent for public hearing in November.

## Discussion

### **Dollar General** **2521 Cherry Valley Tpk** **Site Plan**

Jim Tofte with Griffiths Engineering and Victor Mickel with Capital Growth Buchalter were both present to continue discussions of a proposed Dollar General. The following was discussed with Mr. Tofte and Mr. Mickel:

- A Dollar General Store would fall within the permitted uses for this zone, which is Light Industrial with a Highway Overlay.
- The proposed building is labelled DG Market which provides fresh produce, fresh meats, and is about 2000 sq. feet larger than the typical 10,600 sq. foot Dollar Generals.
- The proposed colors are the standard Dollar General colors and cannot be changed.
- The proposed sign does not fit within the sign guidelines under the Town zoning regulations.
- Chris Christensen stated he does not believe the proposed plan which includes the building size, parking, and delivery truck patterns will fit on this site. There may also be a problem obtaining site distance for a commercial driveway.
- Drainage and septic will be a challenge for this property.

Mr. Tofte stated they would discuss all of the concerns with Dollar General and return if they choose to move forward.

### **Chris Corfield** **2532 Cherry Valley Tpk.** **Site Plan**

Chris Corfield was not present but asked via email if the Planning Board/Zoning Board and Codes Officer could discuss the question asked in the September 7, 2023 meeting:

- *A-1 and R-1 zones do not permit multiple structures on a single lot, however, the Highway Overlay Zone may. Further discussions are needed between the Board and the Codes Officer to determine if multiple structures are allowed on one (1) site.*

Jerry Wickett stated that based on our regulations, there are provisions that allow more than one business on one property. Based on the interpretation of Codes Officer John Houser and Town Counsel James Gascon, since this property is located in the Highway Overlay Zone, multiple use applications are allowed on a lot as long as they fit within the Highway Overlay Zone permitted uses. All other zoning regulations would still apply, and special permits may be required depending on the submitted site plan.

The prior owner submitted a subdivision application to divide the property into two (2) lots. The Planning Board approved the subdivision on March 7, 2022, but the final maps were never filed with the County.

Jerry Wickett made a motion, subject to Mr. Corfield's confirmation, to rescind its approval as the prior owner never submitted the final maps for signature, and the current property owner no longer wishes to pursue the finalization of the subdivision application. Ron Schneider seconded, and the motion carried with the following vote:

Jerry Wickett – aye

Ron Schneider – aye

Scott Stearns – aye

Chris Christensen – aye

Holly Tufenkjian – aye

Kathy Carroll – aye

Mark Taylor – aye

### **PUD**

#### **Tim & Erica Leubner - Tim's Pumpkin Patch**

#### **Rose Hill Rd.**

#### **PUD Referral**

Tim and Erica were both present to discuss the ongoing referral. Town Counsel James Gascon stated per the Leubner's attorney, Tom Blair, they are still working on written responses to the Town Engineers' preliminary review. The Leubner's are also consulting with engineers and architects for the construction of the brew barn and wish to supplement their PUD application to provide site plan and building details for this barn. Mr. Gascon stated the Town Board in agreement with the Planning Board Chair has extended the timeframe for the Planning Board to make its recommendation and Town Board to make its determination for 120 days beyond the previous date.

### **Discussion**

Chris Christensen inquired as to updates regarding Sunset Ridge Golf Club. No new information has been received regarding the subdivision or the construction of a net near the driving range. With regard to the property damage adjacent to the driving range, the golf course is on notice and has one (1) year from the date of notification to remedy the situation.

### **Minutes**

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

Jerry Wickett – aye

Ron Schneider – aye

Scott Stearns – aye

Chris Christensen – aye

Holly Tufenkjian – aye

Kathy Carroll – aye

Mark Taylor – aye



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

Jerry Wickett – aye  
Chris Christensen – aye  
Mark Taylor – aye

Ron Schneider – aye  
Holly Tufenkjian – aye

Scott Stearns – aye  
Kathy Carroll – aye

The meeting was adjourned at 8:20 PM.

Respectfully submitted,

Joanna Clarke  
Secretary