

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

April 3, 2023

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

Absent:

Town Counsel: James Gascon of Costello, Cooney, and Fearon

Town Engineer: Shan O’Conner of TDK Engineering

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 April 3, 2023

The Chair, Jerry Wickett, thanked Karen Cotter for her 24 years of service to the Marcellus Planning and Zoning Board of Appeals. She is retiring and both Boards appreciated her dedication to the position.

Lewis Loudermilk, 4663 Limeledge Rd – 1 lot subdivision

A continuation of a public hearing was held for a one (1) lot subdivision and special permit for a 36’ X 56’ accessory building. Guy Donahoe, Architect, was present to represent the project. Per the PB request, new maps were submitted with corrections. There have been no easements recorded and therefore, there are none on the map. Attorney, James Gascon, advised that a letter was sent to the neighbors, Mr. & Mrs. **DeCappio* ~~DeCappio~~, advising them of an illegal subdivision and this would need to be corrected. Hearing no further questions, Chris Christensen 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 - aye
Chris Christensen – aye
Mark Taylor – aye
Kathy Carroll – aye

Chris Christensen made a motion to approve the subdivision as presented combining two (2) lots into one (1) located on Stump Rd. to the west of the other located on Limeledge Rd. into one (1) lot located on Limeledge Rd.; a public hearing was held and there was no opposition; it is in keeping with the neighborhood; and the adjacent neighbors have been advised they will require a subdivision, but this will legitimatize the Loudermilk's property. Ron Schneider seconded, and the motion carried with the following vote:

Jerry Wickett – aye
Ron Schneider – 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 Lewis Lourdermilk, on a one (1) lot subdivision located at 4663 Limeledge Rd. in a Residential 1 zone.

WHEREAS, the Planning Board duly called and held a public hearing thereon March 6, 2023, and April 3, 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; 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 "Loudermilk Subdivision", such approval being based on a map made by Paul Olszewski PLS dated March 14, 2023.

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. 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.

Marcellus Golf Course, 2814 W. Seneca Turnpike – 1 lot subdivision
Special permit modification

Attorney Jim Gascon advised a letter had been mailed to Chuck Hanson, the current owner of the property to the west of the golf course that was created without benefit of subdivision. See ZBA minutes for the special permit modification, public hearing and discussion.

William Viet, 2179 Otisco Valley Rd., - 1 lot subdivision/special permit CEA

Terry Horst, Landscape Architect, was present, with Mr. Viet to represent the project. A new grading plan and a long form EAF was submitted at the meeting. The following was discussed:

- The swale along the property line was changed
- Updated subdivision maps with new contours still need to be submitted
- Prior maps didn't match original survey – contours are not included
- We need to see what is existing
- How is drainage going to affect the neighbors
- Original subdivision maps are not correct or completed – Surveyor needs to check the Town's requirements for the maps
- That the actual owners of the property to the north, where there is reason to believe there may be two (2) or three (3) owners of the adjacent property and to the south where there may be two (2) owners need to be identified on the map.
- We have several different submittals and they do not match – what is correct
- Information on culvert underneath Otisco Valley Rd is not correct
- We have had two (2) prior submittals and information keeps changing. These outstanding items should be handled all together – subdivision, drainage, etc. This is a flood sensitive zone and a very small lot. We need to make sure that what is being proposed doesn't affect the neighboring properties
- Joe Durand from TDK submitted a review from what was submitted from Terry Horst's office
- Joe Durand advised that he spoke to Terry Horst today to try and bring her up to speed on this project – she wasn't aware of the subdivision requirements
- The house to the south is very low and the grading doesn't reflect what is there
- The culvert indicates a 25–50-year storm not a 100-year storm
- They still have not addressed the issues discussed at the January 4, 2023, meeting

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- Joe Durand advised that he will be in contact with Terry Horst and will discuss and address the requirements of this project, so it is not so fragmented
- They still need driveway approval
- Utilities need to be indicated on map
- There is a shut off valve on the property and that needs to be located

- The maps need to show everything, including the dock, with setbacks
- Additional questions regarding an existing well, septic system and easements all need to be shown
- They will email Joe Durand the abstract
- South side needs contours
- Where will drainage come off of foundation drains and where will the drainage go
- A new subdivision and site plan map needs to be submitted

Ms. Horst will work with their surveyor and the Town Engineer to get all the pieces updated and submitted properly.

Chuck Hanson, Marcellus NY Holdings LP, West Seneca Turnpike – 1 lot sub

Alan Olmstead, Caanan Realty Company, was present to represent the property owner regarding the property being created without benefit of subdivision. Chris Christensen stated that the two (2) issues he is concerned about are the fact that there can be no road or driveway cut off of West Seneca Turnpike and the shape of the lot that was created. This property was originally part of Sunset Ridge Golf Course and was broken off years ago without going through the subdivision process. Town Attorney, Jim Gascon, advised he had sent a letter to the owner advising of the subdivision issues and the concerns with this lot that is now for sale. Sunset Ridge Golf Course has come before the PB and ZBA to modify the use permit and to try and correct the illegal subdivision. The following was discussed:

- The PB is not accepting the shape of this property
- The golf course has the same issue and is interested in correcting the issue
- There was conversation regarding access through the golf course or off of West Seneca Turnpike.

- The Town Attorney suggested reaching out to neighbors to see if they could purchase additional property to fix the shape of this lot
- Before the golf course was approved and constructed it was with the understanding that there could be no additional access off of West Seneca Turnpike.
- The original owner, Mark Clark, had an approved cluster development on this property but never filed it with the County and the project became null and void. The access point to the development was off of the golf course entrance.
- The property owner has an approved driveway permit from NYSDOT, but the codes officer never signed it since no permits can be issued with a subdivision violation and further the allowance of access is part of any subdivision process by the Planning Board.
- The Town Attorney suggested possibly a traffic study be done to see if there would be an issue with a driveway cut
- Mr. Christensen stated that this property was created illegally, and they should still be made to follow what was originally approved. It was never the intent of the Board, when the golf course was created and the cluster development approved, to add another road or driveway cut off of West Seneca Turnpike
- The applicant was advised this would be two (2) separate applications – Sunset Golf Club and Marcellus NY Holdings.

Mr. Olmstead will discuss the issues with the property owner, Mr. Hanson.

Tim's Pumpkin Patch, Tim and Erika Leubner, Rose Hill Rd – PUD referral

Attorney, Tom Blair, Surveyor, Rudy Zona and Architect Jill Fudo, were present with Tim and Erika Leubner to discuss the PUD referral from the Marcellus Town Board. They submitted additional information and project plans at the meeting. Town Attorney, James Gascon, asked Mr. Zona to provide the town with an electronic version of the submitted map and we were advised that he would send it. Mr. Blair stated that he felt the Planning Board would need to show some flexibility when reviewing the project and in going through this process as things may change as time progressed. The PUD was submitted to the Town Board, and they referred it to the Planning Board for review.

Mr. Blair advised the PB the following details:

- He believes they have submitted everything that would be required to indicate there is no safety issues
- Scott Stearns asked Mr. Blair why a PUD and not a site plan and Mr. Blair stated that the PUD seemed the wisest choice for this project
- Scott Stearns stated that he had previously asked Mr. Blair to submit similar PUDs in Onondaga County but we had not received this information. Mr. Blair mentioned Kester Homestead, Memphis, NY; Elderberry Pond, and Old Hickory Farm – both located in Cayuga County (none in Onondaga County)
- Town Attorney, James Gascon, stated there is a timeline for review and asked if the applicant would agree to extending that time if necessary and they agreed
- We were advised no SWFF would be necessary
- Four (4) entrances have been approved by OCDOT
- The parking lot is within the PUD parameters- they are leasing the property for parking. The lease can be terminated by either party-they may need an easement
- No paved parking area – mostly dirt area for parking
- He was asked how many parking spots will be designated and what is the size and Mr. Blair didn't know the answer – 460 parking spots are indicated on the map
- On the map, the areas in blue, have been refined and indicate structures – more defined as to what they want to do
- There are designated areas for music, tent area, and the stage area is located behind the house
- They advised a traffic study was done and no issues with travel capacity
- Farm brewery products –no information on how much or what is grown on site
- There was a question to what the current volume of sales and what is grown, and Erika Leubner advised she didn't have that information but will provide it to the Board
- Erika Leubner advised the photos are stock photos of the future proposed structures (brew barn, stage, pavilion)
- They have a liquor and brewery license

- They are also able to sell NYS produced products

Mr. Blair advised he would like to be placed on the May agenda and for this project to move forward.

MINUTES –

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

Jerry Wickett – aye
Ron Schneider – aye
Holly Tuffenkjian - 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 Scott Stearns seconded. The motion carried with the following vote:

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

The meeting was adjourned 8:30 PM

Respectfully submitted,

Karen Cotter, Secretary

**Corrected at the May 1, 2023 meeting*

