

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

August 7, 2023

Present: Chairperson Jerry Wickett, Chris Christensen, Mark Taylor, Holly Tufenkjian
Scott Stearns, 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 August 7, 2023.

Public Hearing – Subdivision

Craig Richards, 2748 Rose Hill Rd.– 1 lot Subdivision

A public hearing was held for a one (1) lot subdivision located at 2748 Rose Hill Rd. The secretary Joanna Clarke read the legal notice into the minutes. Craig Richards was present and explained that he has a contract in place to purchase approximately 48 acres of this 50-acre lot.

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 no opposition and two (2) in favor; Bob Cummings, 2757 Rose Hill Rd and Christine Grinnell, 2777 Rose Hill Rd are neighbors around this property and stated they were both in favor of the subdivision. Scott Stearns made a motion to close the public hearing and Mark Taylor seconded. The motion carried with the following vote:

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

Subdivision Resolution:

Kathy Carroll made a motion to approve the subdivision as presented as two (2) neighbors spoke in favor and no one spoke against. Mark Taylor seconded, and the motion carried with the following vote:

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

WHEREAS, an application for PRELIMINARY/FINAL PLAT APPROVAL has been duly filed by Craig Richards/Brenda Bresadola, on a one (1) lot subdivision located at 2748 Rose Hill Rd., in an Agricultural zone.

WHEREAS, the Planning Board duly called and held a public hearing thereon August 7, 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 "Bresadola Subdivision ", such approval being based on a map made by CNY Land Surveying dated March 29, 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.

Subdivision – Preliminary:

Joe Welch, 2769 Slate Hill Rd. – 3 lot subdivision

Kelly Goodsell, 2741 Slate Hill Rd. - 1 lot subdivision

Joe Welch and Kelly Goodsell were present to discuss the subdivision of their properties. Mr. Welch explained he would like to divide his property into three (3) lots and transfer a portion to Ms. Goodsell. The following was discussed with Mr. Welch and Ms. Goodsell:

- The proposed lots on Mr. Welch’s property have not been cleared of the violations that were discussed at the June 5, 2023 meeting:
 - *Mr. Welch does have existing trailers/dumpster on lot 1A and on lot 4. All of which are non-compliant with Town codes. There are also multiple cars/trailers being stored outside of the barn on lot 2. Mr. Welch stated he agrees he is in violation and will have the trailers/dumpster moved along with the items that are stored outside of the barn.*
- There has been increased activity in and around the barn/garage on lot 2 as well as additional trailers added to lot 4. Codes Officer John Houser stated he believes the barn/garage is being used for more than storage which is a building use violation. Mr. Houser sent a formal violation dated June 18, 2021 with regard to the trailers/campers and will send another compliance order detailing his interpretation of all the violations.
- Mr. Welch removed some of the trailers and is in the process of clearing out the remaining ones. He indicated the barn on lot 2 will need more time to be completely emptied.
- Jerry Wickett suggested the Planning Board proceed with the subdivision as long as Mr. Houser and Mr. Welch work on a plan to resolve the issues. Chris Christensen disagreed and stated the violations should be corrected first.
- Town Counsel James Gascon stated the appropriate place for the enforcement of codes is the Justice Court, not the Planning Board. Mr. Wickett agreed and suggested a vote to send this subdivision to a public hearing for the September meeting.

Jerry Wickett made a motion to send the subdivision to a public hearing for the September meeting; with a plan in place to clear up the violations. Scott Stearns seconded, and the motion carried with the following vote:

Jerry Wickett – aye

Holly Tufenkjian – aye

Scott Stearns – aye

Chris Christensen – nay

Ron Schneider – absent

Kathy Carroll – aye

Mark Taylor – aye

The Chair, Jerry Wickett, asked the board to review SEQR for Joe Welch, 2769 Slate Hill Rd. Part 1 changes are as follows:

- Change question #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. Mark Taylor seconded, and the motion carried with the following vote:

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

Holly Tufenkjian – aye
 Ron Schneider – absent

Scott Stearns – aye
 Kathy Carroll – aye

The Chair, Jerry Wickett, asked the board to review SEQR for Kelly Goodsell, 2741 Slate Hill Rd. Part 1 changes are as follows:

- Change question #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. Mark Taylor seconded, and the motion carried with the following vote:

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

Holly Tufenkjian – aye
 Ron Schneider – absent

Scott Stearns – aye
 Kathy Carroll – aye

Discussion – Site Plan:

Dollar General, 2521 Cherry Valley Tpk

Jim Tofte with Griffiths Engineering was present to discuss a proposal to build a Dollar General store. The property owned by Susan and Kate Harrington is currently The Rummage Too business. The following was discussed with Mr. Tofte:

- Mr. Tofte explained he represents the engineering firm that was hired by the developer Capital Growth Buchalter who works for Dollar General.
- The plan includes a 12,480 square foot store with 42 parking spaces on 1.65 acres. Dollar General is a small box retailer that supplies a limited amount of refrigerated and frozen foods, as well as fresh produce.
- There's water available and they are planning to do onsite septic and delivered propane. They are connected to the NYS Highway and have begun the initial steps to obtain the highway occupancy permit.
- The design includes two (2) 12' x 50' loading spaces that's required for this size building. Dollar General typically uses a 53-foot tractor trailer for deliveries and they are able to show turning movements on site without backing onto the highway.
- Some comments/concerns noted:
 - Style of the building needs to fit the design guidelines for the Town of Marcellus.
 - The ten spaces of parking in the front near the road does not fit into the design guidelines. The Town prefers side and rear parking. This elimination of parking spaces may violate the minimum required parking spaces for that size store.
 - No off-site lighting is permitted – need to maintain night sky protection from lighting as well as from adjacent properties and public streets.
 - The area shown on the map for the septic system seems to be too small.

- Drainage may be a challenge with no point flows off of the lot.
- The proposed driveway to the East may not meet site distance requirements.
- Mr. Tofte stated they are in the early stages of the plan and came to the meeting looking for feedback from the board. If Dollar General believes they can satisfy all of the requirements, they will proceed and address all of the comments/concerns.
- The parcel is zoned light industrial with a highway overlay zone. The highway overlay zone chapter 235-17 subset letter C and D of The Town of Marcellus codes regulations seem to conflict with regard to permitted uses. Town Counsel James Gascon suggested a legal review of the two provisions to offer an opinion as to which is more legally sound. Mr. Gascon stated he would have the review completed before the next meeting.

Discussion:

Chris Christensen inquired as to the status of notifications that were sent to the neighbors in the Loudermilk subdivision on Stump Road (DeCappio) and Daly subdivision on Davis Grove (Clark). Mr. Christensen noted that according to our last meeting, Town Counsel James Gascon stated he received a telephone message from DeCappio regarding the notice that was sent. Mr. Gascon stated he would follow up and send an email to the Board with regards to that message. We have not heard anything from Clark on Davis Grove. Jerry Wickett suggested a further discussion as to sending letters to neighbors in the future. These notifications are courtesy letters to the neighbors notifying them of possible subdivision issues on their property. The secretary, Joanna Clarke, would be able to handle the task of sending letters.

September Zoning Board Meeting:

Date change for the September meeting due to the Labor Day holiday – September 4, 2023, to September 7, 2023.

Jerry Wickett made a motion to change the September meeting from Monday September 4, 2023, to Thursday September 7, 2023. Chris Christensen seconded, and the motion carried with the following vote:

Jerry Wickett – aye

Holly Tufenkjian – aye

Scott Stearns – aye

Chris Christensen – aye

Ron Schneider – absent

Kathy Carroll – aye

Mark Taylor – aye

Minutes:

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

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

Holly Tufenkjian – aye
Ron Schneider – absent

Scott Stearns – aye
Kathy Carroll – 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

Holly Tufenkjian – aye
Ron Schneider – absent

Scott Stearns – aye
Kathy Carroll – aye

The meeting was adjourned at 7:30 PM.

Respectfully submitted,

Joanna Clarke
Secretary