

1 STATE OF NEW YORK: VILLAGE OF MARCELLUS:
2 COUNTY OF ONONDAGA: VILLAGE PLANNING BOARD:

3 In the Matter of:

4 **BALTIMORE RIDGE, a Proposed subdivision** PUBLIC HEARING
5 **and development**, of a 20-acre parcel [III]
6 located south of Baker Road and
7 Dunlap Avenue, Village of Marcellus, NY.

8
9 **Camex Realty,**
10 Applicant.
11 -----

12 The above-matter conducted before the Village of
13 Marcellus Planning Board, held at the St. Francis Xavier
14 Parish Hall, 1 West Main Street, Marcellus, New York,
15 13108, on **Wednesday, May 19, 2021, at 7:00 p.m.**

16 VILLAGE PLANNING BOARD MEMBERS present:

17 THERESA LAMARRE, Acting Planning Board Chairperson,
18 and Board members:
19 RICHELLE SCHETTINE, HUGH WHITE,
20 GABE LUTWIN, JILL BRISTOL
(Not present: Pete Chapman)

21 Village Clerk: Charnley Abbott
22 Board Attorney: Jeff Brown, Esq.

23 APPEARING FOR Applicant: BY: PAUL CAPPUCCELLI
24 (Camex Realty, LLC) 605 West Genesee Street
25 Syracuse, New York
and Kurt Stroman, Mike Cappuccilli

Project Engineer: James Trasher, Clough Harbor Assoc.

Also present for the Village:

26 Village Mayor: John Curtin
27 Village Engineer: Jim Oberst, MRB Group
28 Code Official: Bill Reagan
29 Trustee: Tim Manahan

30 Reported By:
31 Patrick J. Reagan, CSR
32 Court Reporter

- Public Hearing - 5/19/21 -

1 (The following occurred at 7:01 p.m.):

2 CHAIRPERSON LaMARRE: Everybody, please stand?
3 (Pledge of Allegiance.)

4 CHAIRPERSON LaMARRE: I would like to welcome
5 everyone to the May 19th 2021 meeting of the Village of
6 Marcellus Planning Board. The first item on the agenda is
7 to continue the public hearing on the final plat for the
8 Baltimore Ridge subdivision. The Village Clerk will please
9 read the Public Notice to those in attendance.

10 THE CLERK: (Reading:) "Please take notice that
11 a Public Hearing will be held by the Village of Marcellus
12 Planning Board, 6 Slocombe Avenue, Marcellus, New York,
13 13108, on May 19th 2021, at seven o'clock p.m. at the St.
14 Francis Xavier Parish Hall, One West Main Street,
15 Marcellus, New York, regarding the proposed subdivision and
16 development of Baltimore Ridge, a 20-acre parcel located
17 south of Baker Road and Dunlap Avenue.

18 "This meeting will be open for in-person public
19 attendance unless otherwise directed by Executive Order.
20 Masks are required. Social distancing policies will be in
21 effect. This meeting will also be available via Zoom
22 communications for those unable to attend in person.
23 Meeting information is available at
24 www.VillageofMarcellus.com. All interested parties will
25 have the opportunity to be heard at the scheduled hearing.

- Clerk -

1 Copies of supporting documents are on file at the office of
2 the Village Clerk."

3 CHAIRPERSON LaMARRE: Thank you. The Planning
4 Board met on December 16th, 2020, and again on January 20th
5 2021, and again as part of a Public Hearing on March 3rd
6 2021, and again at a regular Planning Board meeting on
7 March 17th 2021, and again on April 21st 2021, and listened
8 to a developer and its engineers regarding development of
9 the Roche property, about 20 acres of land at the south end
10 of the Village, which property was annexed to the Village
11 in 1978 for the purposes of development. The minutes for
12 each of these meetings has been published and are on the
13 Village web site.

14 At the last meeting, the Planning Board approved
15 the preliminary subdivision and site plan approval pursuant
16 to a resolution, a copy of which is on file at the Village
17 office.

18 At this meeting, the Board will consider final
19 approval for the subdivision. This cannot occur until
20 after the final plat has been approved by the Planning
21 Board, and the developer has complied with provisions of
22 Article III, Paragraph D of the Subdivision Regulations,
23 specifically, the Required Improvements and Performance
24 Bond.

25 At this time, the CHA engineers will explain any

- LaMarre -

1 revised plans.

2 MR. CAPPUCCILLI: He will be here momentarily.

3 Could we hold on that one minute?

4 CHAIRPERSON LaMARRE: I am sorry?

5 MR. CAPPUCCILLI: He is going to be here

6 momentarily.

7 CHAIRPERSON LaMARRE: Okay.

8 MAYOR CURTIN: I think if you go on to the

9 comments?

10 CHAIRPERSON LaMARRE: Go to the comments?

11 THE CLERK: Or engineer, or attorney. The part

12 with the engineer and Village attorney.

13 CHAIRPERSON LaMARRE: Got you. All right. So I

14 now introduce the Village engineer, Jim Oberst; and Village

15 attorney Jeff Brown who will update the Board as to the

16 required improvements and performance bond. Jim?

17 MR. OBERST: Sure. Just to give the public an

18 update, we did receive updated plans and stormwater report,

19 based on our last review comments, and have preliminarily

20 gone through these revised plans. I think they pretty much

21 have addressed most of our comments.

22 Once we get to the point where this Board gives

23 final approval, there will be a final construction cost

24 estimate that we will review. That's an estimate of the

25 construction costs for all the dedicated facilities that

- Oberst -

1 will be -- for instance your sanitary sewer, storm --
2 stormwater retention, and once we approve that estimate, we
3 will recommend that a Letter of Credit or some other form
4 of surety be established in that amount. And that is to
5 assure that all the improvements are constructed according
6 to the plans.

7 CHAIRPERSON LaMARRE: Jeff?

8 ATTORNEY BROWN: Yes. And I will just, I want to
9 read from our Village Code so everybody understands what
10 the performance bond requirements are, okay, where they
11 have to put up money to insure that the project is
12 completed as approved ultimately, if that's what the Board
13 does, if approved by the Planning Board. So,

14 (Reading:) "Before the Planning Board grants
15 final approval, the subdivision plat, before any contract
16 for the sale of, or any offer to sell any lots in the
17 subdivision, or any part thereof is made, and before any
18 permit for the erection of a structure in the proposed
19 subdivision is granted, the developer shall file with the
20 Village Clerk a certified check or a Letter of Credit in a
21 form approved by me, the Village Attorney, to cover the
22 full cost of the dedicated improvements or the developer
23 shall file with the Village Clerk a performance bond to
24 cover the full costs of the dedicated improvements. Any
25 such bonds shall comply with the requirements of Village

- Attorney Brown -

1 Law, and shall be satisfactory to myself, the Village
2 Board, and the Village Engineer as to form, sufficiency,
3 manner of execution, and surety.

4 "A period of one year, or a period up to three
5 years if the Planning Board deems it necessary, shall be
6 set forth in the bond within which the required
7 improvements must be completed. Upon completion of these
8 improvements and Village acceptance of the dedicated
9 improvements -- "

10 So there is a lot of steps here, as is the point
11 here. It's not just that you sign off and the project is
12 the developer's to proceed with -- there are steps that we
13 will follow. Once the improvements are dedicated, and up
14 to the standards set by the Village, the developer then
15 will also have to post a maintenance warranty bond. So
16 over the life of the improvements, there is a bond to cover
17 that as well. So, just wanted to make that clear to
18 everybody.

19 CHAIRPERSON LaMARRE: Thank you. So do we go to
20 comments from the Village Board?

21 MAYOR CURTIN: The Village Board has no comments.
22 I think you ought to go to the comments from the public.

23 CHAIRPERSON LaMARRE: Okay. Great. The comments
24 from the public may include some that have already been
25 submitted to the Village Clerk and others. Also, tonight's

- LaMarre -

1 meeting is being transcribed. Any comments from the public
2 must begin by having the speaker provide his or her name
3 and address. There is a limit of three minutes for public
4 comment by each speaker. Please keep in mind, not all
5 comments will be addressed tonight but will be addressed as
6 more information is made available. The answers will also
7 be posted on the Village website. Is there a motion?

8 THE CLERK: No, skip that. Out of order. So
9 just follow the first comment.

10 CHAIRPERSON LaMARRE: All right. We have got
11 Marybeth Fish?

12 MS. MARYBETH FISH: Hi, I am Marybeth Fish. I
13 live at 13 Baker Road just up the road from the
14 development. And as we all know, last night's school
15 budget passed. And today I had questions. Are any of the
16 children that graduate from our school, Marcellus, are
17 those people going to be able to afford a house in our
18 village? Like 27 years ago, it was a stretch for us to buy
19 a house for 129-K. Now I am seeing 30-something year-olds
20 that are professionals having to pay upwards of 300-to-400
21 thousand dollars just to live in the town to go to that
22 school.

23 Those of us in the village pay more taxes, do we?

24 MAYOR CURTIN: Not much.

25 MS. FISH: Okay. Just checking. And then I

- Public Hearing - Fish -

1 wonder, I went to the Town. They said that the houses on
2 the property up there, the minimum square footage for a
3 home in Marcellus village is nine hundred square feet. The
4 minimum, was it, David, was it that? Anyway, who exactly
5 will be building the houses? Is it Camex, one of you guys
6 will be building it?

7 MR. CAPPUCILLI: Probably not.

8 MS. FISH: Because then, maybe somebody else who
9 couldn't afford to have you build it, maybe they could
10 build these kind of houses.

11 The one concern, I had written a letter at the
12 first meeting, was this: About the Wilson Street exit. It
13 was said that until construction is finished, finally
14 finished, no construction vehicles will be allowed on Baker
15 or Dunlap and Wilson. I wonder how will that be enforced?
16 Will there be a fine or something for the people who decide
17 at lunch when they are building the houses up there, let's
18 cut through that street to get to the village quicker. So
19 I am just hoping that there is some form of punishment or
20 whatever, held to account, so these people don't go through
21 our streets.

22 And then this is somebody who is on South Street
23 mentioned this at one of the meetings, he wanted a "berm"
24 built across from the opening to the Baltimore Ridge
25 Development for safety purposes? Is there anything that

- Public Hearing - Fish -

1 works for that to protect those houses that are right
2 across the street?

3 MR. CAPPUCILLI: No.

4 MS. FISH: Okay. And I think that's it. Thank
5 you very much. I have come a long way, okay.

6 CHAIRPERSON LaMARRE: Thank you, Marybeth.
7 Sandra and John Bromka, did you want to speak?

8 MR. BROMKA: Maybe. We signed the wrong sheet.
9 Perhaps if we maybe have the option after you speak?

10 CHAIRPERSON LaMARRE: Okay. We have got one more
11 speaker, Bob Dean, then you can go after Bob.

12 MR. ROBERT DEAN: Yes. My one concern is, what
13 these guys have done -- Robert Dean, 4219 South Street Road
14 Marcellus, right next to the development. These guys have
15 done a great thing putting a road, adjusting a road, it
16 looks like it's going to be great.

17 My couple concerns are, we have beautiful full
18 hardwood trees growing on the north slope, to be north of
19 the road going up. And I am concerned that, I am hoping
20 that you guys will retain those trees. Some of them, I
21 think, are pretty close to the road. I am not sure how
22 that's going to work. I know you have to take a little bit
23 of the hill out on the road side, and a little bit of the
24 hill out. That's no problem.

25 The other concern, the other question I have is

- Public Hearing - Dean -

1 regarding the future possibility of sidewalks in this
2 community. And whether the way this is designed, the
3 28-foot wide road, whether with the road and with the
4 drainage, with the right-of-way, will there be enough
5 right-of-way to be able to put a sidewalk in there as it's
6 planned, I guess? Or is there, it's already going to be so
7 wide that they won't go for a sidewalk? Anybody?

8 MR. STROMAN: It's created for a sidewalk, per
9 the requirements of the Village. It's designed --

10 MR. DEAN: It has been designed that way all
11 along? It's designed. Thank you so much.

12 MAYOR CURTIN: New plans are onsite, you can see.

13 MR. DEAN: Okay. Great. Thank you.

14 CHAIRPERSON LaMARRE: John, did you want to make
15 a comment?

16 MR. JOHN BROMKA: If we have a question further
17 on, perhaps we can raise it?

18 CHAIRPERSON LaMARRE: Okay.

19 MR. BROMKA: Thank you.

20 CHAIRPERSON LaMARRE: Okay. All right. So at
21 this point, the CHA engineers will explain any revised
22 plans?

23 MR. TRASHER: I think, you know, the plans are
24 pretty much -- do you really want me to go through all the
25 plans, if they have done all the comments? I think they

- Trasher -

1 have been reviewed. Everyone has seen the plans.

2 CHAIRPERSON LaMARRE: Maybe high level revisions,
3 could you do that?

4 MR. TRASHER: Sure. I guess you better grab the
5 easel.

6 (Pause for the Clerk.)

7 THE CLERK: I forgot one thing.

8 MR. TRASHER: Okay. So, all our revisions are
9 based on your engineer's comments that have come in. So
10 pretty much everything up here, previously, road alignment
11 and bringing in the road, it's really been upgraded so the
12 stormwater, you know, the comments that we received from
13 the MRB group, in this area, as previously said by our
14 neighboring homeowner, we changed the location. That's
15 skewed slightly.

16 We have done stuff as it relates to what the
17 County DOT wanted, to see in terms of alignment and stuff
18 they had as it related to stormwater. We have updated the
19 drainage grading slightly so everything works in the
20 overall area. Sanitary and stormwater is basically the
21 same. Just minor updates based on comments that we have
22 received.

23 We are trying to limit the amount of removal of
24 trees the best we can. But because of the amount of fill
25 onsite and the requirements of the Village engineer, and in

- Trasher -

1 terms of having the -- graded out, there will be more tree
2 removal and earth movement as part of the subdivision
3 process. So, we have that.

4 We put in more side-yard swales to the lots.

5 We have updated details on the detail sheets.

6 You guys can look at them. But these are the detail
7 sheets. There was comments that the MRB group had on
8 adjusting them to all the Village standard details. We
9 have provided construction cost estimates to the MRB group.
10 So, really it's very technical stuff, stuff that as a
11 Planning Board, you typically look at. The overall layout,
12 these are really construction level document comments that
13 are coming. And I believe we have addressed them to the
14 satisfaction of your Village engineer.

15 CHAIRPERSON LaMARRE: Okay. Thank you.

16 MR. TRASHER: Good job.

17 CHAIRPERSON LaMARRE: Okay. Is there a motion to
18 close the Public Hearing?

19 ATTORNEY BROWN: Madam Chairwoman, I would just
20 say, now we that have heard that, you might want to ask one
21 last time if there are any public comments?

22 CHAIRPERSON LaMARRE: Okay. Any additional
23 public comment?

24 MS. MARYBETH FISH: Still Marybeth.

25 CHAIRPERSON LaMARRE: Marybeth?

- Fish -

1 MS. FISH: I just wanted to know if there is
2 going to be a deterrent for those construction vehicles.
3 Is there going to be a fine for people who do not heed
4 them?

5 BILL REAGAN: I can address, we will make sure
6 those streets are blocked with cones or some other
7 appropriate means. They can't be blocked with anything
8 substantial because fire-fighting equipment may have to get
9 through there. As far as if they start violating that, we
10 can issue a stop-work order and shut the whole project down
11 until the issue is resolved, okay?

12 CHAIRPERSON LaMARRE: Any other comments? John?

13 MR. JOHN BROMKA: Thank you, Mayor Curtin, for
14 addressing the speed zone on South Street Road and the
15 State studies. I think that the studies haven't adequately
16 taken into account the sight-of-view. And I really believe
17 that's going to need to be a lower speed limit to allow
18 people to cross the road by foot to get in and out of the
19 new access road across the street. Maybe it doesn't have
20 to be done immediately, but once people start living there,
21 I think that needs to be addressed.

22 CHAIRPERSON LaMARRE: Thank you. Any other
23 comments?

24 All right. Is there a motion to close the Public
25 Hearing?

- Motion to Close Public Hearing -

1 BOARD MEMBER LUTWIN: I make a motion to close
2 the Public Hearing?

3 CHAIRPERSON LaMARRE: Okay.

4 BOARD MEMBER WHITE: I will second.

5 CHAIRPERSON LaMARRE: Hugh seconds?

6 BOARD MEMBER WHITE: Yes.

7 CHAIRPERSON LaMARRE: Is there any discussion?
8 All in favor?

9 (Unanimous positive voice vote.)

10 CHAIRPERSON LaMARRE: Aye.

11 Upon affirmative vote of the Planning Board,
12 completion of the requirements above and notation to that
13 effect upon the subdivision plat, the proposed subdivision
14 shall be deemed to have final approval and the plat shall
15 be properly signed by the Chairman of the Planning Board,
16 and may be filed by the applicant in the office of the
17 County Clerk.

18 Any subdivision plat not so filed or recorded
19 within 90 days of the date upon which such plat is approved
20 shall become null and void unless the particular
21 circumstances of said applicant warrant the Planning Board
22 to grant an extension, which shall not exceed two
23 additional periods of 90 days.

24 No changes, erasures, modifications or revisions
25 shall be made in any subdivision plat after approval has

- LaMarre -

1 been given by the Planning Board and endorsed, in writing,
2 on the plat, unless the said plat is first resubmitted to
3 the Planning Board, and such Board approves any
4 modifications. In the event that any such subdivision plat
5 is recorded without complying with this requirement, the
6 same shall be considered null and void and the Board shall
7 institute proceedings to have the plat stricken from the
8 records of the County Clerk.

9 The Planning Board will now consider final
10 subdivision and site plan approval pursuant to the
11 following resolution, a copy of which to be on file in the
12 Village office. Is there a motion?

13 BOARD MEMBER SCETTINE: I make a motion to
14 approve the following resolution: (Reading:) Whereas, By
15 resolution adopted on April 21st 2021, the Village of
16 Marcellus Planning Board granted preliminary plat approval
17 for the Baltimore Ridge Subdivision, Linda Roche and Camex
18 Realty, as owners (the Applicants) have duly made an
19 application for final approval of a proposed subdivision in
20 the Village of Marcellus known as the Baltimore Ridge
21 Subdivision; and

22 The requirements of 6 NYCRR, Part 617 have
23 heretofore been satisfied by a resolution of April 21st
24 2021, and at which the Planning Board determined that the
25 proposed action will not have a significant effect on the

- Resolution - Schettine -

1 environment; and

2 The Planning Board duly called and held a public
3 hearing to consider the preliminary plat, with multiple
4 sessions held on March 3rd 2021, and April 21st 2021, and
5 May 19th 2021; and

6 Notice of said hearing was published in the
7 manner required by law and proof of said publishing had
8 been presented to the Planning Board; and

9 All persons desiring to be heard in connection
10 with such proposed subdivision have been duly heard, and
11 the Planning Board has given full consideration to the
12 statements and views submitted at such hearing; and

13 It appears to the best interests of the Village
14 that the said application for final plan approval be
15 approved.

16 Now, Therefore, be it Resolved that pursuant to
17 Section 7-728 of the Village Law and Chapter 223 of the
18 Village of Marcellus Code, the Planning Board of the
19 Village of Marcellus hereby grants final approval,
20 contingent upon approval of a final construction cost
21 estimate of the items to be dedicated to the Village
22 (road, sewer, stormwater pond, etc.) as well as the
23 establishment of a Letter of Credit or other form of surety
24 in that amount to assure that all of the improvements are
25 fully constructed per the plans along with any other

- Resolution - Vote -

1 conditions such as satisfying any outstanding Village
2 engineer items, securing the highway permit from OCDOT,
3 etc., on the subdivision known as the Baltimore Ridge
4 Subdivision based on a map last revised 5/12/21.

5 CHAIRPERSON LaMARRE: Is there a second?

6 BOARD MEMBER WHITE: I second.

7 THE CLERK: Roll call vote. LaMarre?

8 CHAIRPERSON LaMARRE: Yes.

9 THE CLERK: Lutwin.

10 BOARD MEMBER LUTWIN: Yes.

11 THE CLERK: Bristol?

12 BOARD MEMBER BRISTOL: Yes.

13 THE CLERK: Schettine?

14 BOARD MEMBER SCHETTINE: Yes.

15 THE CLERK: White?

16 BOARD MEMBER WHITE: Yes.

17 THE CLERK: All set.

18 CHAIRPERSON LaMARRE: All right. Is there a
19 motion to adjourn?

20 BOARD MEMBER SCHETTINE: I make a motion to
21 adjourn the Planning Board meeting.

22 BOARD MEMBER WHITE: I second that motion.

23 CHAIRPERSON LaMARRE: Second?

24 ATTORNEY BROWN: All in favor? Just.

25 CHAIRPERSON LaMARRE: Oh. All in favor?

- Adjourn -

1 (Unanimous positive vote.)

2 THE CLERK: Closed 7:23 p.m.

3 MR. CAPPUCCILLI: Thank you, everyone.

4 (Hearing adjourned at 7:23 p.m.)

5 * * *

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C E R T I F I C A T E

10

11 STATE OF NEW YORK:
12 COUNTY OF ONONDAGA:

13 I, PATRICK J. REAGAN, a Certified Shorthand
14 Reporter in and for the State of New York, do hereby
15 certify that the foregoing transcript of the Marcellus
16 Village Planning Board Meeting in the above-entitled
17 matter, County of Onondaga, recorded at the time and place
18 first above-mentioned, is true and accurate to the best of
19 my knowledge, skill and ability.

20 Date: _____

21 _____
22 Patrick J. Reagan, CSR
23 16 Dunlap Ave.
24 Marcellus, NY 13108

25 (315) 673-9358

* * *

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- Speaker List - 5/19/21 -

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Marcellus Planning Board

- Baltimore Ridge Hearing (III) -

<u>No.</u>	<u>Speaker</u>	<u>Address/Organization</u>	<u>Page</u>
1	Jim Oberst	Village Engineer, MRB	4
2	Jeff Brown, Esq.	Village Attorney	5
3	Marybeth Fish	13 Baker Road	7
4	Robert Dean	4219 South Street Road	9
5	James Trasher	Clough Harbor & Assoc.	10
6	Bill Reagan	Village Code Official	13
7	John Bromka	4185 South Street	13
8	Richelle Schettine	Board Member/Resolution	15
9		Board vote on Resolution	17

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