

VILLAGE OF MARCELLUS
BOARD OF TRUSTEES Regular Meeting and Public Hearing
PLANNING BOARD Regular Meeting
ZONING BOARD OF APPEALS Special Meeting and Public Hearing
MARCELLUS FREE LIBRARY
July 22, 2024

PRESENT: **Board of Trustees:**
Chad A. Clark, Mayor See List
Timothy P. Manahan, Trustee
Charnley A. Abbott, Village Clerk
Jeff Brown, Village Attorney

Village Officials:
James Oberst, Village Engineer
Greg Crysler, Village DPW Superintendent
Paul Stacey, Code Enforcement Official

Planning Board:
Gabriel Lutwin, Acting Chair
Patricia White
Jesse Faulkner

Zoning Board of Appeals:
Jeffrey Averill, Chair
Maribeth Rayfield
Kimberly Spitzer
Kathleen Kershaw
Keith Spencer

ABSENT: **Board of Trustees:**
James P. Curtin, Trustee

Planning Board:
Peter Chapman, Chair
Richelle Schettine

Zoning Board of Appeals:
None

Pledge of Allegiance.

Mayor Clark opened the Board of Trustees regular meeting at 7:00 pm.

Planning Board Acting Chair Lutwin opened the Planning Board regular meeting at 7:00 pm.

Chairman Averill opened the Zoning Board of Appeals special meeting at 7:00 pm.

BOARD OF TRUSTEES REGULAR MEETING:

CONSENT

AGENDA: The Village Clerk submitted the minutes of the Regular Board Meeting held in June 2024. The bills on Abstract Sheet #002 for General Fund in the amount of \$77,340.41, Sewer Fund in the amount of \$55,873.97, Capital Funds in the amount of \$5,534.47, and Trust and Agency Funds in the amount of \$5,630.21 were audited. The bills totaled \$144,379.06. The Board received the Police Report for the month of June 2024 from Chief Bernard Podsiedlik and the Building Inspectors Report for the month of June 2024 from Code Official Paul Stacey. The Board acknowledged receipt of the minutes of the Town Board meetings for June 2024. The financial statements as submitted by Village Treasurer Nino Provvidenti for May 2024 were received. The financial statements for Fiscal Year End 2022-2024 and June 2024 were tabled. Trustee Manahan made a motion to approve the consent agenda. The motion was seconded by Mayor Clark. Mayor Clark asked if there was any discussion on the consent agenda. Hearing none, Mayor Clark called for a vote. All board members voted aye and the motion carried.

DELINQUENT

TAXES: Trustee Manahan made a motion to announce that Total Uncollected Property Tax Bills as of July 17, 2024 amounts to \$53,853.88, or 7.83% of the total tax levy from 40 delinquent properties. Last year at this time, that amount totaled \$42,683.80. The motion was seconded by Mayor Clark. Mayor Clark asked if there was any discussion. Hearing none, Mayor Clark called for a vote. All board members voted aye and the motion carried.

WEBSITE DESIGN

CONTRACT: Trustee Manahan made a motion to approve the contract with North Shore Solutions, at a cost of \$500 for the year, plus \$45 for the villageofmarcellus.com domain renewal. This company

designs, set up and hosts the website for the Village of Marcellus, as well as provides training for Village office staff to operate the website. The motion was seconded by Mayor Clark. Mayor Clark asked if there was any discussion. Hearing none, Mayor Clark called for a vote. All board members voted aye and the motion carried.

FIXED MONTHLY CELLPHONE

STIPEND: Trustee Manahan made a motion to continue to offer a fixed monthly cell phone stipend, for full-time employees only, of \$50 per month, an increase from \$30 per month, which has been in place since 2016. The reasoning behind this motion is to have full time employees of the Village carry one phone rather than carry two phones, one for the Village and one for personal use. The motion was seconded by Mayor Clark. Mayor Clark asked if there was any discussion. Hearing none, Mayor Clark called for a vote. All board members voted aye and the motion carried.

INSURANCE

PROPOSALS: Trustee Manahan stated that the Board received a proposal from the Reagan Companies for \$60,158.78 for insurance coverage from 7/1/24 through 6/30/25. The proposal includes the premium for the following policies: property, equipment breakdown, general liability, crime, auto, inland marine, public official's liability, law enforcement liability, catastrophic excess, and cybersecurity. Trustee Manahan made a motion to award the contract for the Village insurance package to Reagan Companies in the amount of \$60,158.78. A copy of the proposal is on file at the Village Office and available for inspection. The motion was seconded by Mayor Clark. Mayor Clark asked if there was any discussion. Hearing none, Mayor Clark called for a vote. All board members voted aye and the motion carried.

BUDGET MODIFICATIONS:

Trustee Manahan made a motion to approve budget modifications for May 2024 and to table the budget modifications for Fiscal Year End 2024 and June 2024 until the next meeting. The motion was seconded by Mayor Clark. Mayor Clark asked if there was any discussion. Hearing none, Mayor Clark called for a vote. All board members voted aye and the motion carried.

ANNOUNCE VILLAGE

MEETINGS: Trustee Manahan announced that the Village Clerk has printed copies of future meeting dates for the benefit of residents. a series of summer concerts held during June, July and August at Marcellus Park annex pavilion, Thursday nights from 7 – 8:30 p.m., are free and appropriate for the entire family. please note that the village office will be closed on Monday, September 2nd for Labor Day.

UPDATES BY THE

MAYOR: The following updates are available on our website, www.villageofmarcellus.com:

- A reminder to residents that July is usually Battery Collection Month. OCRRA does not collect used batteries any longer, however it has been determined that batteries can be dropped off locally at Nightingale's Mills on South Street Road without charge. We are grateful that Nightingales is providing this service to the community and applaud the company for its community spirit.
- Chamber of Commerce Farmer's Market began on Wednesday July 17 and was well attended. The Market takes place on Wednesdays from 3-7pm on Main Street and features local vendors with items such as produce, honey, flowers and more. We thank the Chamber for organizing this event and encourage all to attend.
- New Business in the Village – we welcome new business in the Village at 4 East Main Street, Gretchen's Confections, featuring handcrafted specialty chocolates and a coffee and espresso bar. Gretchen anticipates an August opening.
- DPW has been trimming sidewalks in the Village
- Both the Village and the Town DPWs have been working together to install a split rail fence at the Green Gateway
- During July and August, an intern student from Syracuse University will be working closely with operators at the Wastewater Treatment Plant (WWTP) two days a week. This internship is sponsored thru NYWEA.
- Asset Management pilot program with the DEC is still underway for the WWTP and collection system.
- There has been an increase in grease accumulation at the WWTP during this past month
- Grease trap inspection letters were sent out to Village Businesses
- Letter to residents as well as Town sewer users was sent out to remind residents how best to dispose of FOG's (fats, oils, and grease)
- Summer Newsletter was sent out to Village Residents, extra copies can be found at the Village Hall, Town Hall, Library and Chamber of Commerce

PLANNING BOARD REGULAR MEETING:

27 EAST MAIN ST

SEQR PART 2: Chairman Lutwin asked Village Engineer Jim Oberst to lead the Planning Board through Part 2 of the SEQR regarding the proposed Stewart's Shops to be located at 27 East Main Street. Mr. Oberst and the Planning Board members reviewed and discussed the questions

regarding the proposed project, and it was determined that each question can be answered with “no, or small impact may occur” based on the information and materials submitted by the applicant.

27 EAST MAIN ST

SEQR PART 3: PB Member White made a motion to approve the following resolution:

**VILLAGE OF MARCELLUS
PLANNING BOARD**

**RESOLUTION
SEQR DETERMINATION OF SIGNIFICANCE
July 22, 2024**

WHEREAS, the Village of Marcellus Planning Board (hereinafter referred to as The Planning Board) has received an application for Special Use Permit and Single-Stage Site Plan to demolish the existing building and parking lot to construct a 4,500 ft² convenience store and gas station, located at 27 East Main Street within the Village Center zoning district, and all other relevant information submitted as of July 22, 2024 (the current application); and

WHEREAS, the Planning Board has determined the above referenced application (hereinafter referred to as Action) to be an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has determined that the proposed development is subject to a single agency review pursuant to Part 617.6(b) (4) of the SEQR Regulations; and

WHEREAS, the Planning Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1; and

WHEREAS, the Planning Board has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

NOW, THEREFORE BE IT RESOLVED that the Planning Board does hereby designate itself as lead agency for the proposed development above herein; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed action;
- (iv) the overall density of the site is consistent with the Village Comprehensive Plan land use recommendations;
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site, or will the proposed action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a substantial change in the use, or intensity of use, of land including open space or recreational resources, or in its capacity to support existing uses;

- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the action;
- (x) there will not be created a material demand for other actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related actions which would have a significant impact upon the environment.

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation, the Planning Board determines that the proposed action **WILL NOT** result in any significant adverse environmental impacts.

BE IT FURTHER RESOLVED that the Planning Board directs the Chairperson to sign and date Part 3 of the Short Environmental Assessment Form and to identify on the Form that the proposed Action will not result in any significant adverse impacts.

BE IT FINALLY RESOLVED that the Planning Board directs this Resolution be placed in the public file upon this Action and that a copy hereof be provided to the applicant.

The motion was seconded by PB Member Faulkner. Chairman Lutwin asked if there was any discussion. Hearing none, Chairman Lutwin called for vote. The vote resulted in the following:

Lutwin	Aye
White	Aye
Faulkner	Aye

The motion was approved.

BOARD OF TRUSTEES AND ZONING BOARD OF APPEALS JOINT PUBLIC HEARING:

Mayor Clark made a motion, seconded by Trustee Manahan, to open a public hearing regarding an application for a Special Use Permit submitted by Stewart’s Shops for the proposed installation and operation of gas tanks at 27 East Main Street. All Board members voted aye and the hearing was opened at 7:44 pm.

ZBA Chairman Averill made a motion, seconded by ZBA Member Rayfield, to open a public hearing regarding an application for area variances for lot coverage and setback submitted by the owner of 44 West Main Street and an application for area variances submitted by Stewart’s Shops for a fence and sign at 27 East Main Street. All ZBA members voted aye and the hearing was opened at 7:44 pm.

**27 EAST MAIN ST
SPECIAL USE
PERMIT:**

Mayor Clark stated that the proposed Stewart’s Shops project was submitted to the Onondaga County Planning Board for GML 239 Review, and the County responded with the following:

“the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications. The Board has offered the following COMMENT(S) in regards to the above referral:

The proposed gas station and convenience store is to be located within a dense village main street environment, with historic buildings and residences largely surrounding the site. The applicant and Village are encouraged to take efforts to more closely integrate the proposed use into the village fabric to the extent possible. Most importantly, the Board encourages the placement of the building in the corner location of the site as the most prominent feature of the parcel, rather than the gas pump islands. This would also provide additional distance of the gas pumps from residences on Orange Street, and provide better opportunity for screening pumps from street view. Building setbacks should mimic the prominent and desired setbacks established on the street, which appear to be less than is proposed. Maintenance of street trees and vertical landscaping along both road frontages is also encouraged.”

Mayor Clark opened the floor to Marcus Andrews, representative of Stewarts Shops, who presented a summary of the proposed project to the Board. Mr. Andrews stated that the proposed underground gas tanks are double walled and fiberglass, with brine between the walls to facilitate leak detection. They are monitored 24 hours daily, 7 days weekly, and spills and/or leak suspicions are reported and investigated immediately. The threat of an external leak or gas spill in relation to the tanks is slim to none. Mr. Andrews also presented the proposed 8’ fence and 35ft² sign that require variances from the ZBA.

Mayor Clark opened the floor to Village Officials for questions and comments, there were few.

44 WEST MAIN

STREET: ZBA Chairman Averill stated that the ZBA accepted an application for area variances from the owner of 44 West Main Street in regards to front yard setback and lot coverage for a proposed two car garage at a meeting held on July 9, 2024. The applicant proposes to remove one shed, relocate one shed, and remove an existing brick patio to construct a 24'x 26' 2-car garage. The applicant requests area variances to allow 34.3% lot coverage, greater than 30% allowed pursuant to Village Code, and to allow for a 3 ft front yard setback for the relocated shed and 8.3 ft front yard setback for proposed garage, less than the 26.92 ft setback required pursuant to Village Code. Chairman Averill also stated that the Planning Board approved the applicants site plan on 5/15/24, and the drawings and SEQR Part 1 were reviewed by the Planning Board and Board of Trustees, which resulted in a determination of "No position." The project was submitted to Onondaga County for GML 239 Review, which was completed on 6/18/24. The County determination was as follows:

"no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board"

Chairman Averill opened the floor to Michael Harvard, owner of 44 West Main Street, who presented a summary of the proposed project to the Board.

Chairman Averill opened the floor to Village Officials for questions and comments, there were few.

27 EAST MAIN

STREET: ZBA Chairman Averill stated that the ZBA accepted an application for area variances from Stewarts Shops for a proposed 8' fence and a 35^{ft} monument sign at 27 East Main Street at a meeting held on July 9, 2024. The applicant proposes an 8' fence and plantings on the northern and eastern boundaries of 27 East Main St. bordering 3 Orange Street, higher than 6ft maximum height allowed pursuant to Village Code, and proposes a 35 ft² sign at 27 East Main St., greater than 6 ft² allowed pursuant to Village Code. Chairman Averill stated that a SEQR Part 1 completed, and it was determined that the proposed projects are "Unlisted Actions." Chairman Averill also stated that the applications for area variances were submitted to the Onondaga County Planning Board for GML 239 review, and the County responded with the following:

"the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications. The Board has offered the following COMMENT(S) in regards to the above referral: "While the Board offers no position on the requested variances, it offers the following comment on the overall project for the Zoning Board's consideration: The proposed gas station and convenience store is to be located within a dense Village main street environment, with historic buildings and residences largely surrounding the site. The applicant and Village are encouraged to take efforts to more closely integrate the proposed use into the village fabric to the extent possible. Most importantly, the Board encourages the placement of the building in the corner location of the site as the most prominent feature of the parcel, rather than the gas pump islands. This would also provide additional distance of the gas pumps from residences on Orange Street, and provide better opportunity for screening pumps from street view. Building setbacks should mimic the prominent and desired setbacks established on the street, which appear to be less than is proposed. Maintenance of street trees and vertical landscaping along both road frontages is also encouraged."

Chairman Averill opened the floor to Marcus Andrews, Stewart's Shops representative, he had nothing further to add as he had described the projects earlier in the meeting.

Chairman Averill opened the floor to Village Officials for questions and comments, there were few.

Mayor Clark opened the floor to public comments, there were none.

Mayor Clark asked if there were any other matters to be discussed at the public hearing, there were none.

Mayor Clark made a motion, seconded by Trustee Manahan, to close the public hearing. All board members voted aye and the Board of Trustees public hearing was closed at 7:37pm.

Chairman Averill made a motion, seconded by PB Member Rayfield, to close the public hearing. All board members voted aye and the public hearing was closed at 7:37pm.

BOARD OF TRUSTEES REGULAR MEETING:

**27 EAST MAIN ST
SPECIAL USE**

PERMIT: Mayor Clark and the Board reviewed and discussed the factors for consideration for a Special Use Permit. Mr. Oberst and DPW Superintendent Crysler stated that they have discussed their concerns at length with the applicant and support approval of the Special Use Permit, WITH CONDITIONS.

Mayor Clark asked if there was any further discussion on the Special Use Permit, there was none.

Trustee Manahan made a motion to approve the following resolution:

WHEREAS, the Village of Marcellus Board of Trustees (hereinafter referred to as The Board) has received an application for Special Use Permit and Single-Stage Site Plan to demolish the existing building and parking lot to construct a 4,500-sf convenience store and gas station, located at 27 East Main Street within the Village Center zoning district, and all other relevant information submitted as of July 22, 2024 (the current application); and

WHEREAS, the Planning Board has conducted a formal review of the proposed Special Use Permit and is considering the Site Plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); and

WHEREAS, the Planning Board classified the above referenced Action to be an Unlisted Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board gave consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1; and

porting documentation, determined that the proposed action **WILL NOT** result in any significant adverse environmental impacts in a separate resolution adopted on July 22, 2024; and

WHEREAS, The Village of Marcellus Zoning Board of Appeals is considering the requested area variances to allow for the construction of an 8-foot fence between the site and the adjacent residential property where 6-foot is the maximum height; and a ground mounted sign 7'2" in height where 6' is the maximum allowed and 35 square foot in area where 6 square foot is the maximum area allowed by the Village Code, at a regularly scheduled meeting held on July 22, 2024; and

WHEREAS, the Board has determined the Special Use Permit was consistent with the provisions of §250-75 of the Village Code;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby **Approves with the following Conditions:**

1. The special use permit (non-transferrable) shall remain in effect for the current owner of the premises and/or operators with no requirement for renewal, provided the use remains in compliance with the conditions of approval and Village Code §250-75.
2. The Village Zoning Officer shall make an on-site visit at least once every year, or as may be necessary, to ensure that the special use permit is being operated in accordance with the conditions specified by the Village Board.
3. This specially permitted use if not begun, by way of start of operations or physical development of the site, within one year of the Village Board vote to approve the special use permit, shall expire unless renewed by the Board.
4. Before beginning operations, the subject property will be subject to inspection by the Village Code Enforcement Officer and/or Zoning Officer to determine compliance with NYS Building Code requirements and Village Code requirements and conditions of this approval.
5. All comments from the Village Code Enforcement Officer to be addressed prior to beginning operations.

BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action and that a copy hereof be provided to the applicant.

The motion was seconded by Mayor Clark. Mayor Clark called for a vote, all board members voted aye and the motion carried. The Special Use Permit was granted WITH CONDITIONS.

ZONING BOARD OF APPEALS SPECIAL MEETING:

**44 WEST MAIN ST.
AREA VARIANCE- LOT**

COVERAGE: Chairman Averill and the ZBA members discussed the factors of consideration to grant the area variance for lot coverage. Chairman Averill asked if there was any other discussion on the matter, there was none. ZBA Member Spitzer made a motion to approve the following:

“That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance to allow for the construction of a 2-car garage with 34.3% lot coverage BE APPROVED with the following conditions:

-All inspections shall be performed and accepted by Village Code Enforcement Official(s) prior to issuance of the Certificate of Compliance.”

The motion was seconded by ZBA Member Kershaw, and Chairman Averill called for a vote. The vote resulted in the following:

Averill	Aye
Kershaw	Aye
Rayfield	Aye
Spencer	Aye
Spitzer	Aye

The area variance was granted.

**44 WEST MAIN ST
AREA VARIANCE- SET**

BACK: Chairman Averill and the ZBA members discussed the factors of consideration to grant the area variance for setback. Chairman Averill asked if there was any other discussion on the matter, there was none. ZBA Member Spitzer made a motion to approve the following:

“That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance to allow for the construction of a 2-car garage with an 8.3ft front yard setback BE APPROVED with the following conditions:

-All inspections shall be performed and accepted by Village Code Enforcement Official(s) prior to issuance of the Certificate of Compliance.”

The motion was seconded by ZBA Member Rayfield, and Chairman Averill called for a vote. The vote resulted in the following:

Averill	Aye
Kershaw	Aye
Rayfield	Aye
Spencer	Aye
Spitzer	Aye

The area variance was granted.

**27 EAST MAIN ST
AREA VARIANCE-**

FENCE: Chairman Averill and the ZBA members discussed the factors of consideration to grant the area variance for an 8ft fence at 27 east main street. Chairman Averill asked if there was any other discussion on the matter, there was none. ZBA Member Spitzer made a motion to approve the following:

“That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance to allow for the construction of an 8-foot fence between the site and the adjacent residential property where 6-foot is the maximum height allowed by the Village Code is APPROVED with the following conditions:

1. The materials to be used for the fence are to match, to the extent practical, the exterior of the existing structure.
2. All inspections shall be performed and accepted by Village Code Enforcement Official(s) prior to issuance of the Certificate of Compliance.”

The motion was seconded by ZBA Member Rayfield, and Chairman Averill called for a vote. The vote resulted in the following:

Averill	Aye
Kershaw	Aye

Rayfield	Aye
Spencer	Aye
Spitzer	Aye

The area variance was granted.

27 EAST MAIN ST

AREA VARIANCE:

SIGN: Chairman Averill and the ZBA members discussed the factors of consideration to grant the area variance for a 35ft² sign at 27 east main street. Chairman Averill asked if there was any other discussion on the matter, there was none. ZBA Member Spitzer made a motion to approve the following:

“That the benefit to the applicant does outweigh any known detriment to the community or neighborhood; and, therefore, the requested area variance to allow for 7’2” in height where 6’ is the maximum allowed and 35 sf in area where 6 sf is the maximum area allowed by the Village Code is APPROVED with the following conditions:

1. The materials to be used for the sign are to match, to the extent practical, the exterior of the existing structure.
2. All inspections shall be performed and accepted by Village Code Enforcement Official(s) prior to issuance of the Certificate of Compliance.”

The motion was seconded by ZBA Member Rayfield, and Chairman Averill called for a vote. The vote resulted in the following:

Averill	Aye
Kershaw	Aye
Rayfield	Aye
Spencer	Nay
Spitzer	Aye

The area variance was granted.

Chairman Averill asked if there were any other items from the floor. Hearing none, Chairman Averill made a motion to close the Zoning Board of Appeals meeting. The motion was seconded by ZBA Member Rayfield. All members voted aye and the meeting was closed at 7:57pm.

PLANNING BOARD REGULAR MEETING:

27 EAST MAIN ST

SITE PLAN: Chairman Lutwin opened the floor to Mr. Oberst for further discussion regarding site plan approval for 27 East Main Street. Mr. Oberst stated that he has been working with Stewarts Shops representatives, the village DPW and Code Enforcement Official to address concerns and details related to the project. Mr. Oberst stated that there is additional information to be reviewed, however there is no objection to Site Plan Approval with conditions to be satisfied. Attorney Brown stated that he had no objection to a conditional approval.

PB Member White made a motion to approve the following resolution:

WHEREAS, the Village of Marcellus Planning Board (hereinafter referred to as The Planning Board) has received an application for Special Use Permit and Single-Stage Site Plan to demolish the existing building and parking lot to construct a 4,500-sf convenience store and gas station, located at 27 East Main Street within the Village Center zoning district, and all other relevant information submitted as of July 22, 2024 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed site plan application in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); and

WHEREAS, the Planning Board classified the above referenced Actions to be an Unlisted Action and subject to a single agency review pursuant to Part 617.6(b)(4) of the SEQR Regulations; and

WHEREAS, on July 22, 2024, the Planning Board made a determination of significance and filed a negative declaration thereby concluding review pursuant to SEQR; and

WHEREAS, The Village of Marcellus Zoning Board of Appeals approved the requested area variances to allow for the construction of an 8-foot fence between the site and the adjacent residential property where 6-foot is the maximum height; a ground mounted sign 7’2” in height where 6’ is the maximum allowed and 35 sf in area where 6sf is the

maximum area allowed by the Village Code, at a regularly scheduled meeting held on July 22, 2024; and

WHEREAS, the Village Board of Trustees has determined the Special Use Permit was consistent with the provisions of §250-75 of the Village Code and granted its approval for a Special Use Permit in a resolution dated July 22, 2024;

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby **Approves with the following Conditions**:

1. Site Plan Approval with conditions specified herein is valid for a period of 180 days from today. Once all conditions of Site Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Site Plans.
2. The Village Code Enforcement Officer's comments are to be addressed to their satisfaction prior to signing by the Planning Board Chairman.
3. The Village Department of Public Works Superintendent's comments are to be addressed to their satisfaction prior to signing by the Planning Board Chairman.
4. The Village Engineer's comments are to be addressed to their satisfaction prior to signing by the Planning Board Chairman.
5. The comments from the Village of Marcellus Water Pollution Control Plant are to be addressed prior to a building permit being issued.
6. The comments from the Village of Marcellus attorney are to be addressed prior to a building permit being issued.
7. All necessary approvals and permits from the agencies having jurisdiction on this project shall be secured prior to a building permit being issued.
8. The performance bond or similar approved form of security to be filed prior to a building permit being issued.
9. The sidewalk easement is to be filed prior to the Village issuing a certificate of occupancy.

BE IT FINALLY RESOLVED that the Board directs this Resolution be placed in the public file upon this Action and that a copy hereof be provided to the applicant.

The motion was seconded by PB Member Faulkner. Chairman Lutwin called for a vote. The vote resulted as follows:

Lutwin	Aye
Faulkner	Aye
White	Aye

Site Plan was APPROVED WITH CONDITIONS.

Chairman Lutwin asked if there were any other items from the floor. Hearing none, Chairman Lutwin made a motion, seconded by PB Member White, to close the Planning Board regular meeting. All members voted aye and the meeting was closed at 8:04 pm.

BOARD OF TRUSTEES REGULAR MEETING:

Mayor Clark asked if there were any other items from the floor. Hearing none, Mayor Clark made a motion, seconded by Trustee Manahan, to close the meeting. All members voted aye and the meeting was closed at 8:05 pm.

Respectfully Submitted by:

Charnley A. Abbott, Village Clerk