

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

May 1, 2023

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

Absent: Chris Christensen

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 May 1, 2023.

Ian Daly, 2900 Davis Grove – 1 lot subdivision

Ian Daly was present to discuss the subdivision of his property combining three (3) lots into one (1) lot. He initially talked to Codes Officer John Houser about replacing an older shed on his property when it was discovered that his property was not properly subdivided. He explained he purchased the waterfront property from OCWA a couple of years ago and thought it was formally added to his property. Mr. Daly was informed he needed to merge the lots into one (1) before he could be issued a special permit for the new accessory structure. Jerry Wickett asked Mr. Daly if he knew when the previous owner added those lots to the property. Mr. Daly advised he didn't know and has owned the property for three (3) years. Mr. Daly went on to explain the following regarding the addition of a new accessory building:

- Mr. Daly wants to replace an old 10' X 27' shed that's falling down. He would like to replace it with a prefabricated shed that's 10' X 28'.
- Mr. Wickett confirmed with Mr. Daly that the new accessory structure will meet setbacks and will be used for personal usage.
- There is power to the current structure and will remain for the new accessory building.
- The old structure will be removed, and the new building will be placed in the same area but will be slightly larger. The current structure is 10' X 27' and the new structure will be 10' X 28'.

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

- Change question #9 from yes to NO.

- Change question #13a from no to YES.
- 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. Scott Stearns seconded, and the motion carried with the following vote:

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

The subdivision and special permit will be sent to public hearing for June.

Craig Richards, 2748 Rose Hill Rd – 1 lot subdivision

Craig Richards spoke to the Secretary, Karen Cotter, and requested to be moved to the June meeting.

Peter & Dina Beratta, 4303 Slate Hill Rd – site plan modification for yoga pavilion

Peter Beratta spoke to Karen Cotter and requested to be moved to the June meeting.

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

Attorney, Tom Blair, Surveyor, Rudy Zona and Architect Jill Fudo, were present with Tim and Erica Leubner to discuss the PUD referral from the Marcellus Town Board. Jerry Wickett presented Mr. Blair with a list of 10 questions to be answered in order to proceed with the review of the PUD referral. Mr. Wickett reviewed each question to ensure everyone understood what the Planning Board was looking for. The following are the responses and discussions:

- Question 1 - Plan to bring the brew barn up to code: Mr. Blair stated they are working with Codes Officer John Houser on this issue. Architect Jill Fudo had a couple of meetings with Mr. Houser and there is work in progress on this issue.

- Question 2 - Parking, specifically a plan that fits all the parking on the proposed PUD: Mr. Wickett explained putting stand-alone parking on a parcel that's owned or leased is not allowed by our regulations. The applicants may need to do an additional subdivision. Mr. Blair stated they have an alternate plan and asked the board to refer to the PUD regulations. He believes there is another provision that will address parking.
- Question 3 - Compliance with the town noise ordinance as there have been complaints of "tailgating" during music events: Tim Leubner stated they currently have security and plan to add more.
- Question 4 - How will all the proposed activities fit on the site: Mr. Blair stated that all the PUD uses were drafted in to be flexible for the future. There was no intent on fitting all the uses on the property at one time. Town Counsel, James Gascon, felt the applicants were looking to start with the brew barn and the brewing of beer. Mr. Wickett added the Planning Board needs specifics as to what the applicants want to do and what they are looking to do first. The applicants are looking to change Town Law – a Zone change. The Board needs more detailed plans. Erica Leubner stated they are focused on the brew barn. Mr. Blair added that page 5 of the application indicates the phases and what they would like to start with first.
 - Phase 1 (2023-2025) – Construction of barn brewery/cider mill, outdoor deck on back of main barn, stage area for outdoor live entertainment, and an addition to the currently existing food retail building.
 - Phase 2 (2025-2027) – Construction of an addition to the brewery/cider mill to be used as an eatery.
 - Phase 3 (2027-2030) – Construction of an additional food retail building and permanent restrooms.

The applicants are not ready for site plans but looking for approval of a PUD Zone so they can then spend the money to move forward with the different phases.

- Question 5 - Copies of all signed driveway permits and the northern most driveway that was moved off of the neighbor's property: Tim Leubner stated it will be an enter only driveway and the county did approve the driveways. Mr. Blair presented a letter with the new permit that was reissued April 5, 2023.
- Question 6 - Brewery/Winery/Distillery, where will everything be on the proposed PUD property and will they be in compliance with the AG and Markets regulations. The Planning Board will need to see records on current production and product sales: Scott Stearns questioned the amount of beer being produced and stated to hold a farms brewers license, you must produce 50 barrels of beer a year. Mr. Blair stated they are working on getting the data.
- Question 7 - Camping/Glamping: Mr. Wickett stated it was already addressed as it was listed as a possible use but may never happen.

- Question 8 - Engineer report and escrow account: Mr. Wickett explained we will need to refer the PUD including a traffic study and lighting and drainage plan to another engineering firm. Mr. Gascon stated the Town Engineer, TDK, has recused themselves from any review of this project. Mr. Gascon suggested contacting another local firm, St. Germain & Aupperle Consulting Engineers to see if they would be willing to do the review. The Planning Board agreed, and Mr. Gascon will contact them. An escrow account will need to be set up to cover all expenses incurred by the engineer for this project.
- Question 9 - Backup data supporting the economic benefits to the Town: Mr. Wickett explained the proposal states hundreds of thousands of dollars of revenue as an economic benefit to the local community on an annual basis. Mr. Wickett asked to see information as to where those estimates come from. Mr. Blair stated they would provide data on a CPA letterhead.
- Question 10 – Outdoor concerts/music festivals not permitted: Mr. Wickett stated current Zoning regulations do not allow concerts or music venues. If the PUD was approved the Planning Board needs more information on the plans for these to include frequency, days of the week, hours, and traffic control during these times. Mr. Blair stated he would submit the information in a couple of weeks.

The following was discussed along with the questions above:

- Mr. Gascon reiterated he believes per the PUD requirements that a site plan will be required. Mr. Wickett agreed and stated if they are concentrating on the brewery and the new brew barn first then we would need a site plan. If additional uses or activities are added, they will need to come before the Board again for additional modifications to the site plan.
- Mr. Blair stated they submitted a project plan as nothing is changing on their site. The only immediate plan is the applicants are working on constructing a new brew barn.
- Mr. Wickett verified with the applicants that the current barn which is being used for the tastings is not up to code. That barn is not and will not be used until brought up to code.
- Mr. Wickett asked the applicants about their existing site plan and if it allows for certain activities. Erica Leubner stated the existing site plan does not include any of the activities that they are in violation of. Mr. Wickett pointed to the fact that they could have applied for a site modification to include some of the activities that are within the code regulations.
- Mr. Houser stated the current main barn, as a courtesy, was recognized as a Mercantile Occupancy. The plans from Architect Jill Fudo are a proposal to change to an Assembly II Occupancy which would require a modification to the site plan and a use variance.

- Jill Fudo stated they have been working on modification of an adaptive use and the proposed plan for the current main barn would be in full compliance under Chapter 13 of the existing building code. They have held off applying for a site modification because of the PUD application.

Mr. Wickett asked if there were any more questions. Mr. Gascon pointed out that there is a 90-day limit on the Planning Boards decision and may want to ask for an extension. Secretary, Karen Cotter, stated we never received the electronic copy of the map that was requested in the April meeting. Mr. Zona advised he would send a copy.

The project will be carried over to the June meeting.

Discussions

Dave Killian, Howlett Hill Rd & Frank Gay Rd – 1 lot subdivision

Dave Killian was present to discuss a possible subdivision on Howlett Hill Rd across from Munro Rd. He would like to subdivide into two (2) lots. Mr. Killian stated they meet the requirements for road frontage but has a question regarding the driveways. Mr. Gascon advised he would need approval from OCDOT first before subdivision. Mr. Killian stated he would contact the county for those approvals. Mr. Killian also had some questions regarding his empty lot (lot #5) on Frank Gay Rd. He asked if he could move the driveway location from lot 5 to the southern corner. He advised that he is planning on constructing a new house along with an accessory building to be used as a personal workshop. He also discussed the possibility of creating a new lot to the south of Lot 5 for his son. He asked if he could remove a piece of lot 5 (with the proposed accessory structure) and attach that to the newly proposed parcel. The Planning Board advised that if he could meet all the regulations, they didn't see any issues.

Steven Bolewski, Rose Hill Rd

Steven Bolewski presented the Board with a sample of a noise analysis for an entertainment expansion. Mr. Wickett accepted the packet as an example for future projects including Tim's Pumpkin Patch.

July Zoning Board Meeting

Date Change for the July meeting due to holiday - July 3, 2023, to July 6, 2023.

Jerry Wickett made a motion to change the July meeting from Monday July 3, 2023, to Thursday July 6, 2023. Ron Schneider seconded, and the motion was approved with the following vote:

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

Minutes

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

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

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

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

The meeting was adjourned at 8:30 PM.

Respectfully submitted,

Joanna Clarke
Secretary

