

**Town of Marcellus**  
**PLANNING BOARD**  
**22 East Main Street**  
**Marcellus, New York 13108**

**Date:** July 1, 2024

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

**Absent:**

**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 on July 1, 2024 at 6:30pm in the Marcellus Town Hall located at 22 East Main St., Marcellus, New York.

**SUBDIVISION**

Donald Streib

4910 Howlett Hill Rd.

*1-Lot – Preliminary*

Doug Reith was present representing Donald Streib. Mr. Reith explained the Streib's own around 63 acres and would like to subdivide the property into two lots. The following was discussed:

- Proposed Lot-2 with 7.003 acres would contain their house and barn, and proposed lot-1 with 55.998 acres would continue to be leased and used by a local farmer.
- The 20' ingress-egress coming off of the driveway in lot-2 is newly created to allow the local farmer access to lot-1.
- Lot-1 is considered a building lot and will need access directly from the road. A proposed driveway needs to be added to the map.
- Niagara Mohawk owns a piece of property that divides this lot. The map should be updated to include arrows to indicate lot-1 continues on each side of this piece.
- It was noted the map reflects 150' of the property line is to the center of the road while the remaining is roadside.

Chairman Jerry Wickett asked the board to review SEQR. 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. Ron Schneider seconded, and the motion carried with the following vote:

J. Wickett, K. Carroll, C. Christensen, R. Schneider, S. Stearns, M. Taylor, H. Tufenkjian - AYE

The subdivision will be scheduled for public hearing at the August 5, 2024 meeting.

**PUD**

Tim & Erica Leubner  
2901 Rose Hill Rd.

*Referral*

Tim and Erica were present to discuss the ongoing referral. Chairman Jerry Wickett summarized the events that have occurred since the application was submitted in September 2022. Chairman Wickett stated that based on all of the information received, the Planning Board was ready to vote on a resolution. Chairman Wickett reiterated that the Town Board makes the final decision on whether the PUD application is approved or rejected. The Planning Board resolution is only advisory to the Town Board. Resolution is as follows:

**WHEREAS**, the Town received an application from Tim’s Pumpkin Patch, LLC (hereinafter “Applicant”) for the establishment of a Planned Unit Development (hereinafter “PUD”), pursuant to §235-15 of the Town of Marcellus Zoning Law, dated September 22, 2022; and

**WHEREAS**, the aforementioned application was twice amended by an Amended Application received by the Town on February 6, 2023 and under cover correspondence from Applicant’s attorney dated May 26, 2023; and

**WHEREAS**, the application and all pertinent records and documents contained therein were twice reviewed by St. Germain & Aupperle Consulting Engineers, PLLC on behalf of the Town, and engineering reports were created on August 11, 2023 and March 25, 2024; and

**WHEREAS**, the Applicant having appeared before both the Town Board and Planning Board on multiple occasions; and

Upon the review of the application, the aforementioned engineering reports, all documents pertaining to this application, and upon due deliberation, it is therefore

**RESOLVED**, the Town of Marcellus Planning Board recommends that the PUD application be denied for the following reasons:

- The Planning Board finds that a PUD is the wrong application to achieve the Applicant’s desire results.
- The Planning Board notes that this application is for a single use (agritourism) for a single owner.
- The Planning Board notes that §235-15(B)(1) clearly states as follows: “Provisions are included for a Planned Unit Development (PUD) zone to permit establishment of areas in which diverse uses may be brought together in a compatible and unified plan of

development which shall be in the interest of the general welfare of the public.” It is the Planning Board’s recommendation that a PUD is not intended for single use by a single owner.

- It is further the Planning Board's recommendation that the proper application for the use intended by the Applicant would be one for a Special Use Permit. This application is more flexible, involves only the action of the Planning and Zoning Board and does not require the passage of a local law modifying the Town’s zoning districts.
- The Planning Board further notes that AML §301(11) requires that marketing activities, such as parties and special events, should be “incidental” and “subordinate” to the farm operation. Accordingly, it is the Planning Board’s opinion that outdoor concerts with up to 1,000 guests, as proposed by the Applicant, are not an incidental or subordinate use.
- It is further the Planning Board’s opinion that events involving up to 500 vehicles, as proposed by the Applicant, are not consistent with the agricultural nature of the area.

The following Resolution was made by Chairperson Gerard E. Wickett and seconded by Member Scott S. Stearns and passed upon the following vote:

Said Resolution was put to the following vote:

<b>Chairperson</b>	<b>Gerard E. Wickett</b>	<b>Yes</b>
<b>Member</b>	<b>Kathy Carroll</b>	<b>Yes</b>
<b>Member</b>	<b>Chris Christensen</b>	<b>Yes</b>
<b>Member</b>	<b>Ronald Schneider</b>	<b>Yes</b>
<b>Member</b>	<b>Scott S. Stearns</b>	<b>Yes</b>
<b>Member</b>	<b>Mark W. Taylor</b>	<b>Yes</b>
<b>Member</b>	<b>Holly Tufenkjian</b>	<b>Yes</b>

### **MINUTES**

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

J. Wickett, K. Carroll, C. Christensen, R. Schneider, S. Stearns, M. Taylor, H. Tufenkjian - AYE

Chairman Jerry Wickett made a motion to adjourn the meeting and Kathy Carroll seconded. The motion carried with the following vote:

J. Wickett, K. Carroll, C. Christensen, R. Schneider, S. Stearns, M. Taylor, H. Tufenkjian - AYE

The meeting was adjourned at 7:20PM.

Respectfully submitted,  
Joanna Clarke, Secretary