

**The Town of Marcellus Zoning Board of Appeals  
24 East Main Street  
Marcellus, New York 13108**

**April 3, 2017**

**Present:** Chairperson Michelle Bingham , Jerry Wickett,  
Chris Christensen, Ron Schneider, Kathy Carroll

**Absent:**

**Town Counsel:** James Gascon of Costello, Cooney, and

**Town Engineer:** Jason Kantak of TDK Engineering

**Codes Officer:** John Houser

The Zoning Board of Appeals of the Town of Marcellus met in regular session in the Town Hall for the Town of Marcellus, located at 24 E. Main Street, Marcellus, New York, on April 3, 2017 at 7:00pm.

**Tuscarora Golf Club, Howlett Hill Road – special permit**

The Chairperson, Michelle Bingham, read the Special Permit resolution, dated April 3, 2017, as presented by the Town Attorney, James Gascon, into the minutes. The Chair, Michelle Bingham, made a motion to approve the special permit as presented with the lighting stipulation that lights will be on only during an activity, and will be manually turned on and off and all light will stay on property. Kathy Carroll seconded and the motion was approved with a roll call vote:

Jerry Wickett - aye

Michele Bingham – aye

Chris Christensen - aye

Ron Schneider – aye

Kathy Carroll – aye

**TOWN OF MARCELLUS  
ZONING BOARD OF APPEALS  
RESOLUTION  
REGARDING TUSCARORA GOLF CLUB, INC.  
SPECIAL USE PERMIT**

**Dated: April 3, 2017**

The Zoning Board of Appeals of the Town of Marcellus having met in regular session.

Board Chair Michelle Bingham having moved the following Resolution which was seconded by Member Kathy Carroll.

**WHEREAS**, the applicant Tuscarora Golf Club, Inc. (hereinafter “Tuscarora”) applied for a special use permit for a parcel of land identified as tax map number 011-03-03.0 for the purposes of redeveloping said parcel into a parking lot facility along with adding to the existing contiguous parking lot, said parcel being a lot in a wooded area and the proposal is to include 24,720+/- square feet of gravel parking (79 spaces), associated storm water facilities and general site landscaping. The proposed development will include approximately 0.57 +/- acres of gravel parking area, and

**WHEREAS**, the application for special use permit is made along with a subdivision application for the combining of this lot with an existing parking lot and golf course facility located on three separate parcels and also in association with an application for site plan approval, and

**WHEREAS**, the subdivision application, site plan application and special use permit application came before the Planning Board and Zoning Board of Appeals at numerous regularly scheduled meetings, and

**WHEREAS**, the authority for the consideration of and granting of this application is found under Section 7(A)(6) of the Marcellus Zoning Law, and

**WHEREAS**, a public hearing on the application was held by the Board at its regular meetings on October 3, 2016, November 7, 2016, December 5, 2016,

January 5, 2017, February 6, 2017 and March 6, 2017 and after due notice by publication in the Town's official newspaper and due notice to the applicant in accordance with the law, and

**WHEREAS**, for purposes of the subdivision and site plan review, the Board determined that it should be lead Agency with respect to SEQR and further that the proposed action does not involve a federal or other involved agency and further that the action is an unlisted action for purposes of SEQR review and that the Board found that the proposed action will not result in any significant adverse environmental impact, and

**WHEREAS**, the subdivision and site plan matters were also submitted for referral to the Onondaga County Planning Board for review pursuant to General Municipal Law Section 239.1, m and n, and

**WHEREAS**, the Onondaga County Planning Board issued Resolutions both dated January 4, 2017, copies of said Resolutions are attached hereto and incorporated herein, and

**WHEREAS**, the Onondaga County Planning Board recommended among other things that no new access from Howlett Hill Road to the parking facility be permitted by the Department of Transportation and further that the applicant install landscaping or other screening barrier along the frontage of the proposed parking area, all as is more fully described in the OCPB Resolution, and

**WHEREAS**, the matters were referred to the Town of Camillus Planning Board for further consideration and comment, and

**WHEREAS**, the Marcellus Planning and Zoning Board of Appeals have received and reviewed correspondence from the Curtin Law Firm, legal counsel to the Town of Camillus Planning Board, wherein it is advised that no application or referral is needed to the Town of Camillus Planning Board as the Town of Camillus does not require approval of the combining of the lots and further that no additional action of the Camillus Planning Board is required, and

**WHEREAS**, the Curtin Law Firm as legal counsel for the Town of Camillus Planning Board further advises that the Town of Camillus recognizes that

an expansion of the parking for the golf club would significantly improve the parking limitations that currently exist and favors the proposed use and as is more fully stated in said correspondence which is incorporated herein, and

**WHEREAS**, this Board has received testimony from several members of Tuscarora Golf Course advising that there has been a growth in membership and the current parking facilities are inadequate and further that often times during tournaments and other events participants, members and patrons are forced to park along the shoulder of Howlett Hill Road, and

**WHEREAS**, Howlett Hill Road is a well-traveled thoroughfare and serves as one of the major points of ingress and egress to the Town and Village of Marcellus and further the residents of the Town of Marcellus utilize Howlett Hill Road and this Board is aware of the danger posed to pedestrians and vehicles traveling on Howlett Hill Road in the area of the golf course club house and parking facility, and further that the parking of vehicles along the edge of the roadway and the pedestrian traffic associated therewith is a danger to the residents of Marcellus, many of whom are members of the Club, and

**WHEREAS**, the Board has received and considered during the public hearings testimony from several residents who reside in the vicinity of the proposed project and who own contiguous properties and further have expressed concern and objections to the proposed project and further the Board has received several correspondence from attorney Edward O'Hara on behalf of his clients who are nearby residents and further the Board has received and made a part of the records of these proceedings Mr. O'Hara's correspondence of February 5, 2017 and March 29, 2017, and

**WHEREAS**, the Board has also received, considered and made a part of the record of these proceedings the correspondence of Mackenzie Hughes, LLP, legal counsel to the Tuscarora Golf Club dated March 6, 2017 as well as the correspondence of Nick Masterpole, President of the Tuscarora Golf Club, Inc. dated March 31, 2017 in support of the application, and

**WHEREAS**, it is this Board's finding that the construction and expansion of the Tuscarora parking facility is in the best interest of the health, safety and welfare of the residents of the Town of Marcellus as it would reduce vehicular and

pedestrian traffic from the vicinity of the golf course clubhouse and shoulder of Howlett Hill Road, and

**WHEREAS**, the Zoning Board of Appeals finds that parking is a necessary part of a recreational use and is therefore an allowed activity in conjunction with a golf course granted a special use permit in an R-1 Zone, and

**WHEREAS**, the Planning Board of the Town of Marcellus has granted Tuscarora's application for subdivision thereby combining the parking lot parcels with the golf course parcel, and

**WHEREAS**, the Planning Board of the Town of Marcellus has further granted Tuscarora's site plan application, and

**WHEREAS**, it is further the finding of the Zoning Board of Appeals that the combining of the parking lot parcels with the golf course parcel through the accompanying subdivision process does meet the criteria of a lot of 5 acres or more within Section 7 of the Zoning Laws of the Town of Marcellus.

**NOW, THEREFORE, BE IT RESOLVED**, the application for a special use permit is hereby granted and approved subject to the following conditions:

1. That the Applicant's application for subdivision approval and site plan approval be granted by the Planning Board, and further
2. That the parking lot facility is constructed and maintained in strict compliance with the final site plan plat submitted to the Planning Board by the applicant, and further
3. That no new access to the parking facility is applied for or constructed, and that the Applicant reduce the width of the western driveway to 24 feet to meet Onondaga County Department of Transportation standards and further that the applicant obtains the proper highway permits for any work performed in the County right of way, all pursuant to the OCPB Resolution of January 4, 2017, and further

4. That the applicant install landscape or other screening barrier along the road frontage of the proposed parking area, in order to direct pedestrians to a more limited crossing point to access the golf course and further that the landscaping does not obstruct vehicular sight distance, all pursuant to the OCPB Resolution dated January 4, 2017, and further
5. That the applicant obtains all appropriate permits from the New York State Department of Environmental Conservation and/or U.S. Army Corps Engineers for any proposed development or drainage into the wetlands or wetland buffer site prior to the engagement of any work, and further
6. This allowed use is granted only so long as the specific recreational activity (i.e., golf) is in existence and will end if/when the recreational golf course activity ends.
7. The lights for the parking facility will be activated only when required for events.

**BE IT FURTHER RESOLVED**, that this Resolution shall be effective as of the date of its filing with the Town Clerk, and

Upon a canvass of the Board, the votes of its members upon the Resolution were as follows:

<b>Michele A. Bingham</b>	<b>Chairperson</b>	<b>Voted</b>	<b>Yes/No</b>
<b>Chris Christensen</b>	<b>Member</b>	<b>Voted</b>	<b>Yes/No</b>
<b>Kathy Carroll</b>	<b>Member</b>	<b>Voted</b>	<b>Yes/No</b>
<b>Ronald Schneider</b>	<b>Member</b>	<b>Voted</b>	<b>Yes/No</b>
<b>Gerard E. Wickett</b>	<b>Member</b>	<b>Voted</b>	<b>Yes/No</b>

Chairperson Michele A. Bingham then declared the Resolution to be duly adopted.

**Bret & Katy Moses, 2808 Falls Rd – special permit**

A public hearing was held for a special permit to allow a 12' X 20' accessory building to be constructed. The secretary, Karen Cotter, read the legal notice into the minutes. Katy Moses advised that this is a garden she and no business shall be operated from it. The shed in the front of the property will remain. The shed will not be near leach fields and will have no power/light/heat. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project and there were none. Hearing no further questions Chris Christensen made a motion to close the public hearing and Ron Schneider seconded. The motion carried with the following vote:

Jerry Wickett - aye  
Michele Bingham – aye  
Chris Christensen - aye  
Ron Schneider – aye  
Kathy Carroll – aye

Jerry Wickett made a motion to approve the shed as it meets all setbacks, minimal size, no business will be operated from it and it's consistent with the neighborhood. Chris Christensen seconded and the motion carried with the following vote:

Jerry Wickett - aye  
Michele Bingham – aye  
Chris Christensen - aye  
Ron Schneider – aye  
Kathy Carroll – aye

The request of Bret and Katy Moses for a special permit in a Residential 1 zone to allow them to construct a 12' X 20' garden shed.

The Zoning Board of Appeals of the Town of Marcellus met in Regular Session in the Town Hall of the Town of Marcellus, 24 E. Main Street, Marcellus, NY, on April 3, 2017, commencing at 7:00pm, local time at which time and place the following Resolution was moved, seconded and passed.

WHEREAS: The applicant is located in a Residential 1 district: and

WHEREAS: There will be no undesirable change in the character of the neighborhood or detriment to nearby properties: and

WHEREAS: The use shall be consistent with and subordinate to the principal use and may not be carried on independently of the principal residential use: and

WHEREAS: The special permit is used for the use specified on the application. Any change of use is subject to approval by the Zoning Board of Appeals: and

WHEREAS: The special permit conforms to side yard, front and rear setbacks.

THEREFORE BE IT RESOLVED that said special permit be granted upon the following condition:

1. Applicant must apply for a building permit that grants permission for construction.
2. The building is for personal use only.

**Edward & Gina LaPlant, 3671 Slate Hill Road – 30' X 40' accessory building**

A public hearing was held and the secretary, Karen Cotter, read the legal notice into the minutes. Mr. LaPlant advised that he will meet all setbacks. He building will have three (3) garage doors and will face the driveway. He has an existing garage attached to his house with a 20' X 20' door. Chris Christensen advised that we received several of these requests and there was discussion regarding the number of doors allowed. He does not want to convert his existing garage into storage or living space and will leave it as a garage. Mr. Christensen stated that this is a sizeable accessory building and this looks like he would have a second garage with a total of five car garage in an R1 zone which is not allowed. Town Attorney, Jim Gascon, stated that we have a three (3) car limit with one (1) garage per parcel. Mr. LaPlant asked if he could get an area variance to allow the 5 doors. Mr. Christensen stated he was not looking to go in that direction. There was additional discussion regarding this project between the ZBA and applicant. He asked if the rules could be changed and was advised that only the Town Board can



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change the laws. Jerry Wickett stated that the ZBA interpretation over the years has been to not exceed the one (1) door. We advised the applicant that we are trying to hold a workshop to discuss this matter but nothing will be decided for several months. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project and there were none.

The applicant will think of how he wants to move forward with this. The project was adjourned to the May meeting.

**Richard and Pauline Herald, 2691 Slate Hill Road – front yard variance/  
special permit**

A public hearing was held for a front yard variance and special permit. The secretary, Karen Cotter, read the legal notice into the minutes and advised mailing receipts are on file. They will change the existing garage to living space and would like to construct a new 23' X 39' garage. There was discussion as to whether there is an easement from the county for the power line and will the lines go over the building. Mr. Herald said they gave them an easement for the anchor's but not sure about the pole and/or what the width of the easement is. This is a considerable front yard variance that he is requesting and the Board asked if there was a location to place the garage where he wouldn't need such a large variance. This project will need to go to OCPB and if they didn't approve it we would need a super-majority vote to pass and this Board probably wouldn't be willing to do that. The applicant will look into the power line issue and see if there is a way he could change the location of the building or request a smaller variance. Mr. Herald will come back to the May meeting.

**Matt Abbott, 3739 Bishop Hill Road – Zoning Interpretation/Site Plan  
Modification**

Town Attorney, Jim Gascon, was not able to complete his research on this request. Karen Cotter emailed Mr. Abbott and advised that we would have the information to discuss at the May meeting.

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The March minutes stand as distributed.

The meeting was adjourned at 10:00 PM

Respectfully submitted,

Karen Cotter  
Secretary