

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

**October 1, 2018**

**Present:** Jerry Wickett, Kathy Carroll, Chris Christensen, Ron Schneider  
**Absent:** Chairperson Michelle Bingham  
**Town Counsel:** Rich Andino of Costello, Cooney, and Fearon  
**Town Engineer:** Jason Kantak of TDK Engineering (Absent)  
**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 October 1, 2018 at 7:00pm.

Chris Christensen made a motion to appoint Jerry Wickett as temporary Chairperson and Kathy Carroll seconded. The motion carried with the following vote:

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

Jerry Wickett made a motion to have Scott Stearns act as a temporary ZBA member and Ron Schneider seconded. The motion carried with the following vote:

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

**Otisco Lake Rod and Gun Club, 3015 Otisco Valley Rd – Special Permit**

A public hearing was held for a 24' X 36' pole barn. The Secretary, Karen Cotter, read the legal notice into the minutes. Mike Curtis, President, was present to represent the project. He explained that they now own the old VFW club.

They would like to construct a cold storage building to replace the storage trailer that has been removed. It will have no power or heat and would be used to store lawn tractors and equipment as well as the clay pigeons. The building will meet all setbacks and the doors will be facing the driveway. Access for the barn will be from the existing driveway. The Temp Chair, Jerry Wickett, asked if anyone would like to speak in favor or opposition to the project and there were none. Kathy Carroll made a motion to close the public hearing and Chris Christensen seconded. The motion carried with the following vote:

Scott Stearns - aye  
Chris Christensen - aye  
Ron Schneider – aye  
Kathy Carroll – aye  
Jerry Wickett – aye

Kathy Carroll made a motion to approve the special permit for a 24' X 36' storage barn as a public hearing was held and there was no one present in favor or opposition to the project; and the building will have no power or heat and meets all setbacks; the application will need to be amended to indicate the height change in the side walls from 10' to 14'. Ron Schneider seconded and the motion carried with the following vote:

Scott Stearns – aye  
Chris Christensen - aye  
Ron Schneider – aye  
Kathy Carroll – aye  
Jerry Wickett – aye

The request of Otisco Lake Rod and Gun Club for a special permit in a Residential zone to allow them to place a 24' X 36' pole barn on their property at 3015 Otisco Valley Rd., Marcellus, New York.

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 October 1, 2018, 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 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 is granted upon the following condition:

1. Applicant must apply for a building permit
2. Applicant must modify the side wall heights on their special permit application from 10' to 14'

**Chris Parker, 2877 Pleasant Valley Rd – side and rear yard variance**

A public hearing was held for a side yard area variance with a reduction of 18' from 20' to 3' and a rear yard reduction of 32' from 35' to 3' to construct a residential three (3) bay garage. The secretary, Karen Cotter, read the legal notice into the minutes and advised that the mailing receipts are on file. Mr. Parker explained that the lot has several huge pine trees that they would like to keep as well as a creek running through the property. The Chair, Jerry Wickett asked if anyone would like to speak in favor of the property and Mark Hutchin, 2891 Pleasant Valley Rd. stated that Mr. Parker has been a great neighbor has improved the property – he would like to see the variance approved. Mr. Parker stated that they have also spoken to Josh and Amanda LaDuke, 2869 Pleasant Valley Rd. and they had no issues with the project. There was no opposition to the project. Hearing no further questions Kathy Carroll made a motion to close the public hearing and Ron Schneider seconded.

The motion carried with the following vote:

Scott Stearns – aye  
Chris Christensen - aye  
Ron Schneider – aye  
Kathy Carroll – aye  
Jerry Wickett – aye

Chris Christensen made a motion to approve the project as presented as a public hearing was held and one of two neighbors spoke in support; there was no opposition; the property has no potential for future subdivision and; it is conducive to the neighborhood. Ron Schneider seconded and the motion carried with the following vote:

Scott Stearns – aye  
Chris Christensen - aye  
Ron Schneider – aye  
Kathy Carroll – aye  
Jerry Wickett – aye

The appeal of Chris Parker for a side yard reduction of 18’ from 20’ to 3’ and a rear yard reduction of 32’ from 35’ to 3’ in a Agricultural zone to allow a residential three (3) bay garage at his residence on 2877 Pleasant Valley Rd, Marcellus, New York.

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 October 1, 2018 commencing at 7:00pm. local time at which time and place the following Resolution was moved, seconded and passed.

WHEREAS, notice of public hearing for the above captioned project was duly published in the official newspaper of the Town of Marcellus at least five (5) days prior to the date of such public hearing, and an affidavit of such publication was produced at the beginning of said public hearing and was ordered to be filed: and

WHEREAS, all additional notice thereof was given as required by Section 267 of the Town Law and Marcellus Zoning Ordinance: and

WHEREAS, the ZBA duly held the public hearing thereon at the time and place aforesaid and all persons desiring to be heard having been heard; and

WHEREAS, all Zoning Board of Appeals members had due notice of said public hearing and meeting, and, that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place thereof was duly given as required by law.

NOW THEREFORE BE IT RESOLVED that upon the application and upon the proofs and proceedings offered at the public hearing, which was or is hereby closed, the ZBA hereby makes the following:

**FINDINGS OF FACT:**

1. The subject premises are located at 2877 Pleasant Valley Rd, Marcellus, NY
2. The subject premises are zoned Agricultural district, pursuant to the zoning map, which is part of the Zoning Ordinance of the Town of Marcellus.
3. The relief sought is: Section 6a to allow a side and rear yard variance
4. One person appeared in favor and no one spoke in opposition to the variance.

**CONCLUSIONS OF LAW:**

1. The project will comply with all setback requirements according to the zoning Ordinance
2. There will be no undesirable change in the character of the neighborhood or detriment to nearby properties.

NOW THEREFORE in consideration of the above, the applicant's request for an area variance is hereby granted with the following contingencies:

1. No building permit shall be issued until the original filing receipts are submitted to the Planning Board.
2. Applicants must proceed to the Town Hall for a building permit and follow all Town Zoning Ordinance.
3. No use or occupancy is to be permitted until all conditions/and/or codes are complied with and a Certificate of Occupancy is issued by the CEO.
4. BE IT FURTHER RESOLVED that such approval is contingent upon compliance with: 1. Applicant complies with the Planning Board resolution of October 19, 2009 regarding runoff:

That in all developments in the Town of Marcellus, the peak runoff

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flow rate of discharge from a proposed site after development shall not exceed the peak runoff flow rate that prevailed prior to development. In general, this requirement will necessitate the design and construction of detention/retention facilities of various types. The design frequency should be that of a twenty-five year storm with an overflow facility to handle a one hundred year storm with no erosion.

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter  
Secretary