

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

**May 6, 2019**

**Present:** Temporary Chairperson Chris Christensen,  
Ron Schneider, Scott Stearns, Kathy Carroll  
**Absent:** Jerry Wickett  
**Town Counsel:** Jim Gascon of Costello, Cooney, and Fearon (absent)  
**Town Engineer:** Joe Durand 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 May 6, 2019 at 7:00pm.

Scott Stearns made a motion to make Chris Christensen a temporary Chairperson of the ZBA. Ron Schneider seconded and the motion carried with the following vote:

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

**Daniel Ramsden, 2987 Route 20 – rear yard variance**

A public hearing was held for a 15' reduction for a rear yard variance from 35' to 20' for a pool and deck pool. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Ramsden explained that he needs to place the pool closer to the rear lot line due to the location of his water lines, leach fields and existing deck. The trailer that is indicated on the map has been removed. The Chair, Chris Christensen, asked if anyone would like to speak in favor or in opposition to the project and there were none. 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:

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

Kathy Carroll made a motion to approve the rear yard area variance with a reduction of 15' from 35' to 20' as a public hearing was held and there was no opposition and it's consistent with the neighborhood. Scott Stearns seconded and the motion carried with the following vote:

The appeal of Daniel Ramsden for a rear yard reduction of 15' from 35' to 20' in a R1 zone to allow a pool at his residence at 2987 Route 20, 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 May 6, 2019 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 2987 Route 20, Marcellus, New York
2. The subject premises are zoned R1 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 rear yard variance for a pool
4. No one appeared in favor or in opposition to the variance.

CONCLUSIONS OF LAW:

1. The project will comply with side and front 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 February 2, 1987 regarding runoff:

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

**Discussion:**

**Sue Harrington, Cherry Valley Turnpike**

Ms. Harrington advised that she is considering purchasing the Valley Inn building including the house and garage. She would like to move her existing business, Rummage II, on Route 20 into this property. The property is zoned Agricultural with a Highway Overlay Zone and the existing restaurant is a pre-existing, non-conforming use that is grandfathered. Her current business is located in the Light Industrial zone and the Rummage Barn is an allowable use. There was some discussion as to whether the Valley Inn and house is on one lot or two and she will need to look into that. The Restaurant is an allowable use under the Highway Overlay Zone but the rummage store is not. Ms. Harrington advised that she may reopen as a restaurant and the ZBA said that would be allowable but to make sure she checks with the health dept to see if there were any outstanding issues/problems.

The minutes of the May meeting stand as distributed.

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter  
Secretary