

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

**June 3, 2019**

**Present:** Chairperson Jerry Wickett, Chris Christensen,  
Ron Schneider, Scott Stearns, Kathy Carroll

**Absent:**

**Town Counsel:** Jim Gascon of Costello, Cooney, and Fearon

**Town Engineer:** Joe Durand 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 June 3, 2019 at 7:00pm.

Jerry Wickett made a motion to change the August meeting from Monday August 5, 2019 to Thursday, August 1, 2019. Chris Christensen seconded and the motion carried with the following vote:

Jerry Wickett - aye

Chris Christensen - aye

Ron Schneider – aye

Scott Stearns – aye

Kathy Carroll - aye

**David and Elizabeth Doeber, 2930 David Grove – rear yard variance**

A public hearing was held for a 20' reduction for a rear yard variance from 35' to 15' for an addition to the existing house. The secretary, Karen Cotter, read the legal notice into the minutes and advised the certified receipts were on file. Mr. Doeber explained that the camp was built in the late 1800's and changes were made in the 1980's. They are in the process of remodeling the camp and the construction that requires and area variance is the bathroom. They have to go outside to reach the bathroom and the changes would allow them to reach the bathroom from inside the camp. The project does not go any closer to the property line than what exists in a different part of the camp and believe the changes would

improve the appearance of the camp. Four (4) letters in favor of the project were received from the following neighbors:

Bob Picciott  
2900 Davis Grove

Tom & Frieda  
2918 Davis Grove

Paul & AnnMarie Clark  
Davis Grove

Bruce & Cheryl Boyea  
2912 Davis Grove

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

Chris Christensen made a motion to approve the rear yard variance with a reduction of 20' from 35' to 15' as a public hearing was held and there was no one in opposition to the project; four (4) letters from the neighbors were received that are in favor of the project; the property has a very unique geometry due to the road; and the project is in keeping with the neighborhood. Ron Schneider seconded and the motion carried with the following vote:

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

The appeal of David and Elizabeth Doebert for a rear yard reduction of 20' from 35' to 15' in a R2 zone to allow an addition at their residence at 2930 Davis Grover, Marietta, NY.

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 June 3, 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 2930 Davis Grove, Marietta, New York
2. The subject premises are zoned R2 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 an addition
4. No one appeared in opposition and four (4) letters were received in favor 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.

**Mary Marsden, 4580 Dublin Rd. – special permit**

A public hearing was held for a special permit to allow construction of a 12' X 32' shed. They will remove the existing shed that is falling down and location the new shed where it will meet with all setbacks. Nathan Abbott advised that it will have no power or heat and is to be used for personal storage. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or in opposition to the project and there were none. Hearing no questions from the Board, Kathy Carroll made a motion to close the public hearing and Scott Stearns seconded.

The motion carried with the following vote:

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

Kathy Carroll made a motion to approve the special permit as presented as a public hearing was held and there was no opposition; the building is for personal use only; and is consistent with the neighborhood. Ron Schneider seconded and the motion carried with the following vote:

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

The request of Mary Marsden for a special permit in a R1 zone to allow her to construct a 12' X 32' shed at his residence at 4580 Dublin 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 June 3, 2019, 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 R1 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.

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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 shed is for personal use only and no business shall be operated from it.

**Minutes –**

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

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

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter  
Secretary