

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

**April 5, 2021**

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

**Absent:**

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

**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 Marcellus Town Hall for the Town of Marcellus, located at 24 East Main St., Marcellus, New York, on April 5, 2021 at 7:00pm.

**PUBLIC HEARING – Special Permit**

**Michael McDonald, 3067 Brewer Rd. – 30' X 40' accessory building**

A public hearing was held for a 30' X 40' accessory building. The walls will be 14' high and the building will be located 96' from the road and 46' off of the west side line. The building is to be used for personal storage in it and not for business purposes. Kathy Carroll asked why he couldn't place the structure closer to the side of the house and the applicant advised it would make for easier access where he has located it. There is an easement on the property for an artisan well located on his property than is used by the neighbor. There was discussion making sure the well is not disturbed and that water does not flow to it. A berm may be necessary but Mr. McDonald advised he plans on placing tile and pipe around the structure to the satisfaction of the Marcellus Codes Office. Chris Christensen wants to make sure water doesn't pool at the bottom of the ditch and create an ice issue. Hearing no further discussion, the Chair, Jerry Wickett, made a motion to close the public hearing Ron Schneider seconded.

The Motion carried with the following vote:

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

Chris Christensen made a motion to approve the special permit as requested with a neighboring well located on the property with an easement and the property owner has made a provision to handle the surface water and to carry it away from the well in accordance and approval of the codes officer. Scott Stearns seconded and the motion carried with the following vote:

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

The request of Michael McDonald for a special permit in an Agricultural zone to allow him to construct a 30' X 40' accessory building at his residence at 3067 Brewer Rd., Marietta, 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 April 5, 2021, 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 an Agricultural 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 accessory building is for personal use only and no business shall be operated from it.

**Timothy and Suzanne Rake, 4612 Limeledge Rd – 12’ X 20’ accessory bldg.**

A public hearing was held for a 12’ X 20’ accessory structure. The applicant explained that this is for storage of a lawn mower and garden items and for personal use only, no business shall be operated from it. Hearing no questions from the Board Jerry Wickett made a motion to close the public hearing and Chris Christensen seconded. The motion carried with the following vote:

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

Kathy Carroll made a motion to approve the special permit as a public hearing was held and there was no opposition to the project; they meet all setbacks; and it is for personal use only and no business shall be operated from it.

Ron Schneider seconded and the motion carried with the following vote:

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

The request of Timothy and Suzanne Rake for a special permit in a Residential zone to allow them to construct a 12' X 20' accessory building at their residence at 4612 Limeledge 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 April 5, 2021, 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 be granted upon the following condition:

1. Applicant must apply for a building permit that grants permission for construction.

2. The accessory building is for personal use only and no business shall be operated from it.

### **Special Permit and Area Variance**

#### **James LaRose, 2889 Slate Hill Rd. – side yard variance/28’ X60’ garage**

The applicant explained that he has a small attached garage that he is going to eliminate and turn into living space. He would like to construct a new two (2) bay garage for his cars and for personal storage. He is requesting a variance due to the location of his well and some larger trees that he doesn't want to take down. The following was discussed:

- Two (2) garage doors/two (2) man doors/two (2) windows
- Red metal garage
- 12’ side wall with 4’ trusses – 16’ to peak – nothing upstairs
- Discussion about attaching the garage to house but he wants to keep the garage separate from main residence – there is a minimum 6’ fire separation required
- For personal use only no business operated from it
- Spoke to neighbor and he has no issue with the garage location

This project will be sent to a public hearing for the May meeting.

#### **Fritz Estlinbaum, Lee Mulroy Rd – area variance/special permit**

See Planning Board minutes for discussion

### **MINUTES -**

Jerry Wickett made a motion to waive the reading of the April minutes and accept as distributed.

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Kathy Carroll seconded and the motion carried with the following vote:

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

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter  
Secretary