

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

**March 7, 2022**

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

**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 March 7, 2022 at 6:30pm.

**PUBLIC HEARING – SPECIAL PERMIT**

**Ronald Russo, 4478 Limeledge Rd. – 24' x 30' accessory building**

A public hearing was held for special permit to allow construction of a 24' x 30' accessory building. The Chairperson, Jerry Wickett, read the legal notice into the minutes. Mr. Russo advised that he has recently married and needs more space. The following was discussed:

- This will be for personal storage only – no business shall be operated from and /or in it.
- He will store his southern car in the building.
- The door will be located on the southwest side and is 10' x 8'
- The side walls are 12 feet.
- No office space or extra bedrooms will be located in the building
- The septic system is located in the front yard. The new building will be located in the backyard.

The chair, Jerry Wickett, asked if anyone would like to speak in favor of /or in opposition to the project and there was none.

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Scott Stearns made a motion to close the public hearing and Ron Schneider second. The motion carried with the following vote:

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

Kathy Carroll made a motion to approve the project as presented as a public hearing was held and no one was in opposition to the project; no business will be operated in and/ or from the building – it will be for personal storage only; no additional driveway will be required. Ron Schneider second the motion and it carried with the following vote:

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

The request of Ronald Russo for a special permit in a R1 zone to allow him to construct a 24' x 30' accessory building at his residence for 4478 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 March 7, 2022, commencing at 6:30 pm, 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. 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 structure is for personal use only and no business shall be operated from and/or in it.

**Richard and Joanne Myles, 3257 Rose Hill Rd. – 50’ x 50’ accessory building special permit/area variance**

A public hearing was held for a special permit to allow a 50’ x 50’ accessory building and for an area variance as the accessory structure will exceed 75% of the square footage of the primary structure at 3257 Rose Hill Rd. The chair, Jerry Wickett, read the legal notices for both into the minutes. The accessory building will be for personal use only and no business shall be operated in it or from it. Mr. Myles explained that he will be storing a tractor, lawnmower, a southern car and other similiar items. The building is actually 40’ x 40’ with a 10’ X 10’ covered, wrap around porch. There will be no second-story and it will have an overhead door either 10’ or 12’ high that will face the East. The applicant lives at this property. Hearing no further questions Scott Stearns made a motion to close the public hearings for both the special permit and area variance. Ron Schneider second and the motion passed with the following vote:

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

**SPECIAL PERMIT -**

Kathy Carroll made a motion to approve the project as presented as a public hearing was held and no one was in opposition to the project; no business will be operated in and/or from the building – the use is for personal storage only; no additional driveway will be required; the accessory building is 40’ x 40’ with a wraparound deck that is 10’ x 10’ making the total project 50’ x 50’. Ron Schneider second the motion and it carried with the following vote:

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

The request of Richard and Joanne Myles for a special permit in an agricultural zone to allow him to construct a 40’ x 40’ accessory building with a 10’ x 10’ wraparound deck at his residence for 3257 Rose Hill Rd. 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 March 7, 2022, commencing at 6:30 pm, 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 structure is for personal use only and no business shall be operated from and/or in it.

**AREA VARIANCE -**

Kathy Carroll made a motion to approve the area variance for an accessory structure that will exceed 75% of the square footage of the primary structure and is in an agricultural zone at 3257 Rose Hill Rd. A public hearing was held and there is no one present in opposition to the project; a special permit was approved; and the actual structure of the building is 40' x 40' with a 10' x 10' wraparound deck. Ron Schneider second and the motion carried with the following vote:

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

The appeal of Richard and Joanne Myles for an accessory structure that will exceed 75% of the square footage of the primary structure at their residence 3257 Rose Hill 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, 22 E. Main Street, Marcellus, NY, on March 7, 2022 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 3257 Rose Hill Rd. Marcellus, New York
2. The subject premises are zoned agricultural, 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 an accessory structure that will exceed 75% of the square footage of the primary structure
4. No one appeared in favor or 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. Applicants must proceed to the Town Hall for a building permit and follow all Town Zoning Ordinance.
2. 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.

3. 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.

**MINUTES -**

Jerry Wickett advised the February minutes would not be reviewed until the April meeting.

Jerry Wickett made a motion to adjourn the meeting and Scott Stearns seconded. The motion passed with the following vote:

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

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter\*  
Secretary

Susan Dennis attended the March 7, 2022 meeting and took notes. The minutes were prepared from those notes by Karen Cotter (who did not attend the meeting).

