

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

**April 4, 2022**

**Present:** Chairperson Jerry Wickett, Chris Christensen Scott Stearns,  
Ron Schneider  
**Absent:** Kathy Carroll  
**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 4, 2022 at 6:30pm.

**PUBLIC HEARING – SPECIAL PERMIT**

**John Thompson, 3020 Route 174 – 28’ x 36’ accessory building**

A public hearing was held for special permit to allow construction of a 28’ x 36’ accessory building. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Thompson advised that he has a pontoon boat, trailer, and garden equipment that will be stored in the building

The following was discussed:

- no additional trees are being removed
- there is an existing farm cut that was indicated on the map as a driveway – this will be removed from the submitted map
- at this time, he has no plans for power
- the trees that were removed OCWA cut down
- the building will be for personal storage only no business will be operated from it
- access to the building will be along the side property line

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

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

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

Scott Stearns 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; the second driveway indicated on the submitted map will be removed from the map. Chris \**Christensen* second the motion and it carried with the following vote:

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

The request of John Thompson for a special permit in a R1 zone to allow him to construct a 28' x 36' accessory building at his residence for 3020 Route 174, 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, 22 E. Main Street, Marcellus, NY, on April 4 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.
3. The applicant will remove the driveway from the submitted map

**George Lecates, 2051 Old Seneca Turnpike – 50’ x 60’ accessory building special permit/area variance**

A public hearing was held for a special permit to allow a 50’ x 60 ‘accessory building and for an area variance as the accessory structure will exceed 75% of the square footage of the primary structure at 2051 Old Seneca Turnpike. The secretary, Karen Cotter, 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. Lecates explained that he will be storing a tractor, lawnmower, and his car collection. The following was discussed:

- there will be no power in the building
- there will be an outside light - he was advised there could be no floodlights – all lights must be down lighting
- the existing shed will remain
- he will access the building along the side of the property

Hearing no further questions Ron Schneider made a motion to close the public hearings for both the special permit and area variance.

Scott Stearns second and the motion passed with the following vote:

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

**SPECIAL PERMIT -**

Scott Stearns 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; any outdoor lighting must be down lighting. Ron Schneider second the motion and it carried with the following vote:

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

The request of George Lecates for a special permit in a R1 zone to allow him to construct a 50' x 60' accessory building at his residence 2051 Old Seneca Turnpike 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, 22 E. Main Street, Marcellus, NY, on April 4, 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.
3. Any outdoor lighting will be down lighting

**AREA VARIANCE -**

Scott Stearns 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 a R1 zone at 2051 Old Seneca Turnpike a public hearing was held and there is no one present in opposition to the project; a special permit was approved; accessory building is 50' x 60'. Ron Schneider second and the motion carried with the following vote:

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

The appeal of George Lecates for an accessory structure that will exceed 75% of the square footage of the primary structure at their residence 2051, Old Seneca Turnpike, 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, 22 E. Main Street, Marcellus, NY, on April 4 2022 commencing at 6:30 PM. 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 2051 Old Seneca Turnpike, Marietta, NY
2. The subject premises are zoned Residential 1, 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 made a made a motion to waive the reading of the February and March minutes and accept as distributed. Scott Stearns seconded and the motion carried with the following vote:

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

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

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter  
Secretary

*\*Spelling corrected at the May 2, 2022 meeting*