

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

October 2, 2023

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

Absent:

Town Counsel: James 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 22 East Main St., Marcellus, New York, on October 2, 2023 at 6:30pm.

Public Hearing

Denis Donovan

2728 Otisco Valley Rd

Special Permit – 24' x 32' accessory structure

A public hearing was held for a special permit to allow construction of a 24' x 32' accessory building. The secretary Joanna Clarke read the legal notice into the minutes. Denis Donovan was present to discuss the project. The following was discussed with Mr. Donovan:

- Mr. Donovan plans to add onto the 24' x 40' building that is already in place.
- The proposed structure would be added to the back of the current building; same width of 24' adding 32' in length and 23' in height. Mr. Donovan plans to use the back of the current building as one (1) wall and construct an additional three (3) walls.
- Access points to the building – one (1) man door on the side and one (1) 10' x 12' overhead door at the back. No access point from the existing building.
- The new building will be used as cold storage for personal use only.

The Chair, Jerry Wickett, asked if there was anyone who would like to speak in favor or in opposition to the project and there was none. Scott Stearns 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

Kathy Carroll – aye

Chris Christensen – aye

Scott Stearns - aye

Special Permit Resolution:

Kathy Carroll made a motion to approve the special permit as a public hearing was held and no one spoke in favor or against. The new building will be attached to the existing structure, used as cold storage with no electricity, for personal use only. Ron Schneider seconded, and the motion carried with the following vote:

Jerry Wickett – aye

Ron Schneider – aye

Kathy Carroll – aye

Chris Christensen – aye

Scott Stearns - aye

The request of Denis Donovan for a special permit in an Agricultural zone to allow him to construct a 24' x 32' accessory structure at his residence, 2728 Otisco Valley Rd., 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, 22 E. Main Street, Marcellus, NY, on October 2, 2023, 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. Applicants 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 or in it.

William Veit

2719 Otisco Valley Rd

Special Permit - Critical Environmental Area

A public hearing was held for a special permit to allow construction near a Critical Environmental Area. The secretary Joanna Clarke read the legal notice into the minutes. Bill Veit was present with

Terry Horst, Landscape Architect. Previous discussions regarding the special permit are included under the Planning Board minutes with the simultaneous subdivision application. The Chair, Jerry Wickett, asked if anyone would like to speak regarding the special permit. Chris Christensen confirmed with Mr. Veit that the home will be used for a residence and not for a short-term rental.

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

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

Special Permit Resolution:

Kathy Carroll made a motion to approve the special permit as noted and in accordance with the presentation. Chris Christensen seconded subject to all of the restrictions/conditions listed below and Kathy Carroll agreed. The motion carried with the following vote:

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

The request of William Veit for a special permit in a Residential 2 zone to allow him to construct a three (3) bedroom single family residence near a Critical Environmental Area at 2719 Otisco Valley Rd., 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, 22 E. Main Street, Marcellus, NY, on October 2, 2023, 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 Residential 2 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 conditions:

1. Applicants must apply for a building permit that grants permission for construction.
2. Subject to approval and filing of the subdivision map combining Parcel A and Parcel B.
3. The applicant builds, at its own risk, with respect to OCWA’s deed restrictions.
4. Subject to information and documents submitted by the applicant and reviewed by the Town Engineer, TDK. Documents noted as follows:

DATE	DESCRIPTION
September 19, 2002	Quick Claim Deed between OCWA & Henry Veit. Filed under book 4756 page 785.
May 15, 2023	Onondaga County DOT Sight Distance Letter.
May 23, 2023	Overall Watershed Map; drawing no. L-1.0
June 5, 2023	Onondaga County DOT Drainage Ditch Letter.
August 21, 2023	Revised Survey/Subdivision – final map dated 10/24/23.
August 30, 2023	Revised Full Environmental Assessment Form with corrections adopted in the 9/7/23 PB meeting.
August 30, 2023	Revised Watershed Analysis Report.
August 30, 2023	Veit Property Site Plan; drawing no. L-1.1
January 4, 2023 April 4, 2023 July 21, 2023 May 24, 2023 September 6, 2023	Reviews and Comments from TDK.

5. Subject to construction details to reroute the water conveyed under Otisco Valley Road along with included dimensions and berms to preclude overflow onto the property to the North or the property to the South. Construction phase 1 and phase 2 must be completed sequentially with phase 1 fully completed and approved by the Codes Officer before proceeding, and phase 2 completed and approved before other construction begins.
6. Permits as may be required by DEC, Corps of Engineers, and OCWA must be obtained and copies of those provided must be supplied to the Town of Marcellus once approved and again when signed off.
7. Construction must be coordinated with the Codes Officer. Silt fencing as required must be installed, maintained, and moved as allowed as construction proceeds.
8. Work in relocating flow channel to the applicants property must be coordinated and agreed to by the neighbor to the North before commencing work and documented with the Codes Officer.
9. All new channels and berms must be maintained during construction and the property owner agrees to maintain them by mowing the drainage area and removing all

sediment on a continued basis going forward. Neither the County nor adjacent property owners have responsibility to do so.

10. No new construction in the Critical Environmental Area other than that approved without requesting an additional permit.

Discussion

Susan and Kate Harrington

2576 Cherry Valley Tpk.

Zoning Permitted Uses

Susan Harrington requested to be removed from the agenda.

Minutes

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

Jerry Wickett – aye

Ron Schneider – aye

Kathy Carroll – aye

Chris Christensen – aye

Scott Stearns - aye

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

Jerry Wickett – aye

Ron Schneider – aye

Kathy Carroll – aye

Chris Christensen – aye

Scott Stearns - aye

The meeting was adjourned at 8:20 PM.

Respectfully submitted,

Joanna Clarke

Secretary