

## **The Town of Marcellus Zoning Board of Appeals**

**24 East Main Street**

**Marcellus, New York 13108**

**March 6, 2023**

**Present:** Chairperson Jerry Wickett, Scott Stearns,  
Ron Schneider, Chris Christensen, 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 March 6, 2023, at 6:30pm.

### **Public Hearing – Special Permit**

#### **Johnny DeZenzio, 3809 SE Townline Rd 30' X 40' accessory bldg.**

A public hearing was held for a special permit to allow construction of a 30' X 40' accessory structure. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. DeZenzio advised that the building is for storage of personal household items; utility storage trailer and a plow blade; it will have no power or heat; no new access will be required – access will be through one (1) overhead door and the front of the building will be grass; and it will meet all setbacks. The existing dry well, indicated on the survey map, has been removed and the septic is located in the rear of the house. This accessory structure is for personal use only and no business will be operated in/from it. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or in opposition to the project and there was none.

-pg2-ZBA  
March 6, 2023

Hearing no further questions Scott Stearns 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  
Kathy Carroll – aye  
Scott Stearns – aye

Kathy Carroll made a motion to approve the 30' X 40' accessory building. A public hearing was held and there was no one present in opposition to the project; it is consistent with the neighborhood; and it will be for personal use only no business shall be operated from it or in it. Ron Schneider second the motion carried with the following vote:

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

The request of Johnny Dizenzo for a special permit in a Residential 1 zone to allow him to construct a 30' X 40' accessory building at his residence 3809 South East Townline 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 6, 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 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.

**Jess Welch, 3228 Route 174, 28' X 40' accessory bldg.**

A public hearing was held for a special permit to allow construction of a 28' X 40' accessory structure. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Welch advised that the building is for storage of personal items; it will have no power or heat; no new access will be required – access will be from the existing driveway.

-pg4-ZBA  
March 6, 2023

and it will meet all setbacks. The septic is located in the rear of the house; and at this time, he is not planning on removing any trees. This accessory structure is for personal use only and no business will be operated in/from it. Chris Christensen advised the applicant in 2009 that the Critical Environmental Area was established and goes along his property. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or in opposition to the project and there was none.

Hearing no further questions Scott Stearns 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  
Kathy Carroll – aye  
Scott Stearns – aye

Kathy Carroll made a motion to approve the 28' X 40' accessory building. A public hearing was held and there was no one present in opposition to the project; it is consistent with the neighborhood; and it will be for personal use only no business shall be operated from it or in it. Ron Schneider second the motion carried with the following vote:

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

-pg5-ZBA  
March 6, 2023

The request of Jess Welch for a special permit in Residential 1 zone to allow him to construct a 28' X 40' accessory building at his residence 3228 Route 174. 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 6, 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 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.

**Gary Brett, 4570 North West Townline Rd. – 30' X 44' accessory bldg**

A public hearing was held for a special permit to allow construction of a 30' X 44' accessory structure. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Bret explained that he has a woodworking shop in part of his existing garage as it is heated and has electricity. He would like an accessory building to store his tractor, camper, ATV, holiday decorations and other personal items. He is in the process of having the property surveyed but it will be at least 10-12 weeks before the surveyor can get to his property. The survey that was submitted indicates a 180' X 211' lot size and the building would be located on that parcel. However, the survey that was submitted indicates a larger piece of property may have been added on to this lot without benefit of subdivision. Mr. Brett understands that a subdivision may need to be completed and he is discussing this with his surveyor. Chris Christensen advised there were issues with neighboring properties, and this is similar as it is part of the Hyatt property which created several lots without benefit of subdivision. He also discussed County ROW on the property and wasn't sure of the dimensions. There was discussion regarding whether the building can meet setbacks and some confusion as to where the setbacks were measured from. The Codes Officer, John Houser, stated he is confident that it will meet setbacks.

Town Council, James Gascon, was concerned that we are using an older survey that may not be accurate and approving something that doesn't meet setbacks. He advised the ZBA that a new survey should be submitted before a decision is made on this project. Jerry Wickett stated that we have used older surveys in the past and that this building would meet the required setback. He asked for Board members thoughts and Chris Christensen, Ron Schneider and Scott Stearns all felt a new survey should be submitted. Kathy Carroll and Jerry Wickett thought the project should be approved as submitted. 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. Chris Christensen 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  
Kathy Carroll – aye  
Scott Stearns – aye

Jerry Wickett made a motion to approve the project as submitted as it was consistent with the neighborhood, it would be constructed on the original parcel and the Codes Officer agreed that the building would meet setbacks. Kathy Carroll seconded, and the motion was denied with the following vote:

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

The applicant was advised to submit a new survey to move forward with the project.

**Thomas and Noreen Schmidt, 2902 Slate Hill Rd – mobile home**

A public hearing was held for a special permit to allow a mobile home to be placed at 2902 Slate Hill Rd. The secretary, Karen Cotter, read the legal notice into the minutes. This project meets all the requirements listed in our zoning. Mr. Schmidt advised that it is a new construction ranch style home. It is in the Agricultural Zone which allows mobile homes. The Codes Officer, John Houser, advised that he measured the required 500' from adjacent buildings and they meet that requirement. It was explained to them that the special permit is for this home only and if two (2) more buildings are constructed they would not be able to replace the mobile home as it wouldn't meet zoning requirements. The applicants stated they understand. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or opposition to the project and there was none. Hearing no further questions Chris Christensen made a motion to close the public hearing. Ron Schneider seconded, and the motion passed with the following vote:

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

Kathy Carroll made a motion to approve the special permit as it is in an allowable zone; it meets all the criteria of the special permit regulations; and the Codes Officer, John Houser, provided distance measurements from the existing buildings and clarified some concerns; a public hearing was held and there was no opposition to the project;



and it is keeping with the neighborhood. Chris Christensen seconded, and the motion carried with the following vote:

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

The appeal of Thomas and Noreen Schmidt for a special permit in an A1 zone to allow him to have a mobile home at their residence at 2902 Slate 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 February 6, 2023, commencing at 6:30PM, local time at which time and place the following Resolution was moved, seconded and passed.

WHEREAS the applicant is located in an A1 district; and

WHEREAS the lot in question meets the threshold of 100 X 200 feet; and

WHEREAS an application has been duly filed requesting permission to occupy the existing mobile home on premises located at 2902 Slate Hill Rd., Marcellus, New York; and

WHEREAS the applicant agrees that there will be no enclosed structural additions more than eight feet in width, that this special permit is for members of the immediate family and the removal of the mobile home from premises terminates the permit; and

WHEREAS there are no more than four (4) existing residences within 500 feet of the mobile home; and

NOW, THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of Marcellus hereby grants said application, such approval being subject to the following condition:

1. The mobile home must be owner occupied by the existing owner, Thomas and Noreen Schmidt.

THEREFORE, BE IT RESOLVED that said special permit is granted.

**Lewis Loudermilk, 4663 Limeledge Dr. – 36' X 56' accessory bldg.**

See Planning Board minutes – Subdivision

**Marcellus Golf Course, 2814 West Seneca Tpk – special permit**

A public hearing was held to modify the existing special permit. The secretary, Karen Cotter, read the legal notice into the minutes and advised that mailing receipts were on file. Andrew Meyers and Doug Kless, owners, stated that they would like to be open year-round to operate golf simulators as well as have the restaurant be open when the simulators are operational. They requested that the stipulation of the property hours be removed, and they be allowed to operate all year round. The applicant submitted a business plan, and the following was discussed:

- Simulators would accommodate approximately 15-20 people per day
  - 1-4 people per simulator
  - They are self-contained with dark black out curtains drawn so minimal light impact

- When busy this would allow an additional 10-12 cars per day
- Restaurant would be open when simulators are operating – not past 9pm in the evening
  - They would like to continue fish fry on Friday evenings all year round
  - Also would like private parties such as showers, birthday parties, wakes – they advised there would be more events in the high season
  - In the summer the restaurant is open until 9:30PM – 10:00 pm and has never been open as late as midnight. They have no plans on keeping it open that late.
  - The restaurant can only be open during the golf season and when simulators are operational or for special events. It is secondary to the golf course. This is an R1 zone and on its own a restaurant is not an allowable use
- Cross Country skiing - snow shoeing – the PB said this is more difficult to monitor and the applicant said they would remove this from the plan

Mr. Meyers stated that due to climate change people are golfing earlier in the year through later months. Chris Christensen stated he has no issue with what they are planning to do but wants to make sure there is not a concern in the future with lighting and traffic. When the golf course was first presented there was concern from neighbors on how this would affect them and their properties. Codes Officer, John Houser, advised we have had no complaints regarding the golf course. Mr. Christensen also stated they need to be aware of the location of emergency parking and if they are trying to change that they should contact the fire department for comments.

The Chair, Jerry Wickett, asked if anyone would like to speak in favor of the project and the following spoke:

1. Don McNaulty, 3951 Aquinnah Heights asked what the simulators were and if there would be anything outside. Mr. Meyers answered his questions and Mr. McNaulty stated he had no concerns.
2. Brian Coon, 2842 W. Seneca Turnpike – in favor of the project as long as restaurant activity coincided with the golf simulators and not a separate business
3. Bob Kratz, 3942 Aquinnah Heights, in favor of the change, the new owners have had a positive affect in running the business
4. John Sullivan, 14 Bird Dr., Camillus NY – new owners have integrity
5. Kevin Berry, Onondaga Hill, very happy with owners and how business is handled
6. Alex Mosier, 4325 Aquinah Heights – no issues with business and doesn't feel this will affect the neighborhood
7. Pat Koloski, 2768 & 2756 West Seneca Turnpike – in favor of the new simulators but concerned if they allow 4 wheelers and snow mobiles onto the course and how it could affect his properties. Mr. Meyers advised neither are allowed onto the course.

The Chair, Jerry Wickett, asked if anyone would like to speak in opposition of the project and there was none. Mr. Wickett then asked if anyone would like to make a motion to close the public hearing. Kathy Carroll made a motion to close the public hearing and Chris Christensen seconded.

The motion carried with the following motion:

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

At the request of the Chair, Jerry Wickett, asked that the Town Attorney, Jim Gascon, draft a formal written resolution for the ZBA to approve. The golf course will be allowed to operate the simulators and restaurant until the April meeting when the resolution will be submitted and reviewed by the ZBA. Kathy Carroll made a motion to approve the temporary expansion through April, 2023 and Chris Christensen seconded. The motion carried with the following vote:

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

### **Minutes**

Jerry Wickett made a made a motion to waive the reading of the February minutes and accept as corrected.

-pg14-ZBA  
March 6, 2023

Scott Stearns seconded, and the motion carried with the following vote:

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

The meeting was adjourned at 8:30 PM

Respectfully submitted,

Karen Cotter  
Secretary