

The Town of Marcellus Zoning Board of Appeals

24 East Main Street

Marcellus, New York 13108

April 3, 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

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 April 3, 2023, at 6:30pm.

Public Hearing – Special Permit

Gary Brett, 4570 NorthWest Townline Rd –30’ X 44’ accessory bldg

A continuation of a public hearing was held for a special permit to allow construction of a 30’ X 44’ accessory structure. Mr. Gary submitted an updated survey that gave more details and amended his original application. The new survey indicates he meets setbacks which was an original concern of some Board members. Mr. Gary and Mr. Christensen met at our office the morning of April 3, 2023, and Mr. Gary answered the questions Mr. Christensen had on the project. 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. Jerry Wickett 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

Scott Stearns made a motion to approve the project as submitted as a public hearing was held and there was no opposition; the project meets all setback requirements; the use is for personal storage only; no business shall be operated from or in the building; and it was consistent with the neighborhood. Ron Schneider seconded, and the motion was approved with the following vote:

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

The request of Brett Gary for a special permit in Residential 1 zone to allow him to construct a 30' X 44' accessory building at his residence 4570 North West 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, and April 3, 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 1 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.

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

A continuation of a public hearing was held for a 36' X 56' accessory building. Guy Donahoe, Architect, was present to represent the project. He advised this building is to replace an older barn that was destroyed during a storm.

The building will meet all setbacks and will have no separate driveway. The submitted map needs to be changed to show the correct setback and one (1) of the driveways shall be removed. The building is for personal use only, no business will be operated in it or from it. Hearing no further questions, Jerry Wickett made a motion to close the public hearing and Ron Schneider seconded. 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 project as submitted as a public hearing was held and there was no opposition; the project meets all setback requirements; the use is for personal storage only; no business shall be operated from or in the building; the map will be amended by Guy Donahoe, removing the second driveway and amending the setback; it was consistent with the neighborhood. Chris Christensen seconded, and the motion was approved with the following vote:

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

The request of Lewis Loudermilk for a special permit in Residential 1 zone to allow him to construct a 36' X 56' accessory building at his residence 4663 Limeledge Rd., Marcellus New York.

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WHEREAS: The applicant is located in a Residential 1 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 Viet, 2179 Otisco Valley Rd – special permit - CEA

See Planning Board minutes

Marcellus Golf Course, 2814 West Seneca Tpk – special permit

**RESOLUTION OF THE ZONING BOARD OF APPEALS
FOR THE TOWN OF MARCELLUS
EXPANDING THE SPECIAL USE PERMIT OF
SUNSET RIDGE GOLF COURSE**

Dated: April 3, 2023

Board Member Jerry Wickett made the following motion, which was seconded by Board Member Scott Stearns regarding the application for an expansion of the Special Use Permit of the Sunset Ridge Golf Course located at 2814 West Seneca Turnpike:

WHEREAS, the Sunset Ridge Golf Course is located in a R-1 District and enjoys the benefit of a Special Use Permit dated May 5, 1997; and

WHEREAS, the Special Use Permit limited certain activities of the golf course, including but not limited to, limiting the hours of operation of the facility and the dates that the facility may operate during the calendar year, as well as limiting the recreational use of the facility to outdoor golfing; and

WHEREAS, the owners of the golf course have applied to the Town for expansion of the facility to permit year-round activities of the facility consisting of both outdoor golf and indoor simulated golf; and

WHEREAS, the applicants have also requested an expansion of the restaurant facility to also be open year-round to provide food to the residents of the community and to provide banquet facilities for weddings, funerals and other gatherings; and

WHEREAS, the applicants have also requested a modification to the Special Use Permit to expand the hours of operation of the restaurant; and

WHEREAS, a Public Hearing was duly convened and conducted regarding said application; and

WHEREAS, several members of the public spoke in favor of the way the facility is currently operated as well as the requested expansion; and

WHEREAS, the Town Code Officer reported no complaints have been made about the facility; and

UPON DUE DELIBERATION by the Zoning Board of Appeals, it is hereby

RESOLVED, the application for expansion of the Special Use Permit is hereby granted to include the following:

A. The facility is hereby permitted to operate year-round provided that either outdoor golf or indoor simulated golf is provided to patrons.

B. The facility may operate a restaurant and banquet facility provided that either outdoor golf or indoor simulated golf continue to be provided to patrons, while the restaurant and banquet facilities are in operation.

C. The hours of operation of the restaurant and banquet facilities are limited to 9:00 a.m. to 10:00 p.m. during outdoor golf season, and 9:00 a.m. to 9:00 p.m. during the winter months.

D. There shall be no outdoor music, including but not limited to, bands Live music; and it is further

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RESOLVED, the expansion of the special permit as listed in A-D are conditioned on the owners obtaining the most current applicable site plan and the drainage and sprinkling plans which are a part of the special permit and bringing the golf course into compliance in a reasonable agreed upon time or request modifications if desired. Outdoor music or bands are still not approved. All other special permit requirements and conditions remain in effect.

Wherein the matter of this Resolution was passed upon the following vote:

Chairman	Gerard E. Wickett	aye
Member	Chris Christensen	aye
Member	Ron Schneider	aye
Member	Kathy Carroll	aye
Member	Scott S. Stearns	aye

Said Resolution was duly adopted.

Dated: April 3, 2023

Minutes

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

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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