

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

May 1, 2023

Present: Chairperson Jerry Wickett, Scott Stearns, Ron Schneider,
Kathy Carroll
Absent: Chris Christensen
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 May 1, 2023, at 6:30pm.

Public Hearing – Area Variance

Elmer Richards & Sons, 2101 Cherry Valley Tpk – front yard

A public hearing was held for a front yard variance with a 44' reduction from 100' to 56'. The secretary Joanna Clarke read the legal notice into the minutes. Marcus Richards was present to represent Elmer Richards & Sons. Mr. Richards explained the following:

- He would like to build an addition onto the front of an existing barn. This addition will be used to store milk and its associated cooling equipment and allow them to be more efficient in their milk handling and cooling.
- The extra storage of milk will allow Byrne Dairy to take full loads of milk and reduce the number of trucks that are sent daily, from 4 trucks to 2 trucks.
- There is an existing barn to the left of the proposed addition that will continue to be approximately 19 feet closer to the road than this building will be after the addition.
- The horseshoe driveway on the property will still be used and maintained.
- There will be no new road cuts and the driveway will continue to be used as a turnaround for school buses and snowplows.
- No trucks will need to back up onto Rt 20. They will continue to pull in, load, and drive out of the opposite direction.

- The Chair, Jerry Wickett verified that this was not an extension of an existing variance.
- Mr. Wickett also noted that there are no maps available for this property from Mr. Richards or from Onondaga County. The overhead pictures that were provided represent the most accurate layout from the records that exist for this farm.

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. Kathy Carroll 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

Scott Stearns – aye

Chris Christensen - absent

Kathy Carroll made a motion to approve the project as submitted as a public hearing was held and there was no opposition; the new addition will not come any closer to the roadway than the existing barn on the property, will not interfere in any way with existing traffic, will reduce large vehicle usage by 50 percent, and no trucks will need to back up onto Rt 20. Ron Schneider seconded, and the motion was approved with the following vote:

Jerry Wickett – aye

Ron Schneider – aye

Kathy Carroll – aye

Scott Stearns – aye

Chris Christensen – absent

The appeal of Elmer Richards and Sons for a front yard reduction of 44' from 100' to 56' in an Agricultural and Residential 1 zone to allow an addition to an existing building at 2101 Cherry Valley Tpk., 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 May 1, 2023

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 2101 Cherry Valley Tpk., Marcellus, New York.
2. The subject premises are Agricultural and Residential 1 zone, pursuant to the zoning map which is part of the Zoning Ordinance of the Town of Marcellus.
3. The relief sought is: Section 235, attachment one to allow a front yard variance for an accessory structure.
4. No one appeared in favor or in opposition to the variance.
5. No trucks will back up onto Rt 20.

CONCLUSIONS OF LAW:

1. The project will comply with rear and side yards 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.

Ian Daly, 2900 Davis Grove – 12' X 28' Accessory Building

See Planning Board minutes - Subdivision

July Zoning Board Meeting

Date Change for the July meeting due to holiday - July 3, 2023 to July 6, 2023.

Jerry Wickett made a motion to change the July meeting from Monday July 3, 2023 to Thursday July 6, 2023. Ron Schneider seconded, and the motion was approved with the following vote:

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

Minutes

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

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

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

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

The meeting was adjourned at 8:30 PM.

Respectfully submitted,

Joanna Clarke
Secretary