

The Town of Marcellus
ZONING BOARD OF APPEALS
22 East Main Street
Marcellus, New York 13108

Date: November 4, 2024

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

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 on November 4, 2024, at 6:30pm in the Marcellus Town Hall located at 22 East Main St., Marcellus, New York.

PUBLIC HEARING– Area Variance

Robert Salsbery
4399 Limeledge Rd.

Front Yard

A public hearing was held for a front yard variance requesting a 3' to 5' reduction from 35'. The secretary read the legal notice into the minutes. Robert and Richard Salsbery were both present to discuss the variance request. Mr. Robert Salsbery stated they would like to build a handicap accessible front porch and ramp for his mother. The current concrete pad and sidewalk will be removed and replaced with the porch and ramp.

Jerry Wickett noted that neighboring properties have existing structures that are as close or closer to the road than this porch would be.

There was some discussion as to the correct setback measurement as Mr. Salsbery has two conflicting measurements. As such, he has requested a 3' to 5' variance in his application. Codes Officer John Houser verified the correct measurements and stated the face of the house is 77' from the center line of the road. This would make the property line 44' from the face of the house. The request for the 12' deck would require a 3' reduction from 35' to 32'.

Chairman Stearns asked if there was anyone who would like to speak in favor or in opposition to the variance approval and there was none. We received a letter of support from Karen and George Hanford of 2130 Old Seneca Turnpike, Marcellus. Jerry Wickett made a motion to close the public hearing and Chris Christensen seconded. The motion carried with the following vote:

S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

Kathy Carroll made a motion to approve the variance as a public hearing was held and no one spoke in favor or opposition, and we received a letter of support from George and Karen Hanford. Chris Christensen seconded adding that the application should reflect a 3' variance request. The addition

of the porch would fit within the character of the neighborhood as other buildings in the area are as close or closer to the road. The handicap ramp will only exist as needed. The motion carried with the following vote:

S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

The appeal of Robert Salsbery for a front yard reduction of 3' from 35' to 32' in a Residential 1 zone to allow construction of a handicap porch and ramp at his residence on 4399 Limeledge 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 November 4, 2024 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 Chapter 235 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 4399 Limeledge Rd, Marcellus, New York.
2. The subject premises is 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 235 Attachment 1 to allow a front yard variance for construction of a handicap porch and ramp.
4. No one appeared in favor or in opposition to the variance. One sent a letter in support.
5. Variance request is for a 3' reduction.
6. The handicap ramp shall only exist as long as needed.

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 the 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. Applicant 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 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.

Special Permit Modification

Sunset Ridge Golf Club

2814 W. Seneca Tpk.

Driving Range Barrier

No representative from Sunset Ridge was present to discuss the special permit modification. Chairman Stearns made a motion to move the application review to the December 2, 2024 meeting. Ron Schneider seconded and the motion carried with the following vote:

S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

MINUTES

Jerry Wickett made a motion to waive the reading of the October minutes and accept as distributed, Chris Christensen seconded. The motion carried with the following vote:

S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

Chairman Stearns made a motion to adjourn the meeting and Chris Christensen seconded. The motion carried with the following vote:

S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

The meeting was adjourned at 7:00pm.

Respectfully submitted,

Joanna Clarke

Secretary