

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

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

Scott Stearns made a motion to change the April 2024 ZBA meeting from Monday April 1, 2024 to Thursday April 4, 2024. Jerry Wickett seconded, the motion carried with the following vote:

Scott Stearns – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Jerry Wickett – aye

PUBLIC HEARING – AREA VARIANCE, continued

Applicant: David & Elizabeth Doebert
2930 Davis Grove
Rear Yard Variance

A continuation of a public hearing was held for a rear yard variance with a 15' reduction from 35' to 20'. David and Elizabeth Doebert were present to discuss the variance needed to construct their garage. Mr. Doebert presented additional information about the septic system and additional pictures of the views from the neighbor's home.

Mr. Doebert stated the updated survey includes the accurate placement and dimensions of the septic system. The septic map from Onondaga County was correct with respect to the septic field only. The proposed placement of the garage will be within the distance requirements of the septic system.

Mr. Doebert provided many photos that depict the garage placement and the views that will remain once the garage is built. The neighbors to the East, John and Tom Decker, were present at the March meeting and expressed concern over the obstruction of views. Mr. Doebert stated he met with them, and all agreed the garage would not be an issue. Part of the lake will still be visible from the neighbors window.

The Chair, Scott Stearns, asked if there was anyone who would like to speak in favor or in opposition to the variance and there was none. Kathy Carroll made a motion to close the public hearing and Jerry Wickett seconded. The motion carried with the following vote:

Scott Stearns – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Jerry Wickett – aye

Kathy Carroll made a motion to approve the project as submitted as a public hearing was held and no one spoke in favor or opposition at this meeting. Ron Schneider seconded, and the motion carried with the following vote:

Scott Stearns – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Jerry Wickett – aye

The appeal of David and Elizabeth Doebert for a rear yard reduction of 15' from 35' to 20' in a Residential 2 zone to allow construction of a garage at their residence on 2930 Davis Grove, Marietta, 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 March 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 is located at 2930 Davis Grove, Marietta, New York.
2. The subject premises is Residential 2, 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 rear yard variance for construction of a garage.
4. No one appeared in favor or in opposition to the variance.

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 applicants 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.
3. BE IT FURTHER RESOLVED that such approval is contingent upon compliance with: 1. Applicant complies 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.

PUBLIC HEARING – SPECIAL PERMIT

Applicant: Marcellus LLC – Mark Welch
4331 Slate Hill Rd.
Storage Container

A public hearing was held for a special permit for a permanent storage container located on 4331 Slate Hill Rd. The secretary Joanna Clarke read the legal notice into the minutes. Guy Donahoe, R.A. was present representing Marcellus LLC-Mark Welch. Mr. Donahoe is requesting a special permit for the container to comply with the regulations. The container has been painted the same color as the other buildings and fits with aesthetics of the property. Refer to the PB minutes for the site plan discussion and public hearing.

The Chair, Scott Stearns, asked if there was anyone who would like to speak in favor or in opposition to the special permit and there was none. Kathy Carroll made a motion to close the public hearing and Jerry Wickett seconded. The motion carried with the following vote:

Scott Stearns – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Jerry Wickett – aye

Kathy Carroll made a motion to approve the special permit as a public hearing was held and no one spoke in favor or opposition. The storage container is present and has been on site at this property. Ron Schneider seconded, and the motion carried with the following vote:

Scott Stearns – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Jerry Wickett – aye

The request of Marcellus LLC – Mark Welch for a special permit in a B-1 zone to allow a permanent storage container on his property located at 4331 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 March 4, 2024, 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 B-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 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. The container is for storage only.

PUBLIC HEARING – AREA VARIANCE

Applicant: Just Joe's – Joe Owen
2650 Pleasant Valley Rd.
Wall Sign

A public hearing was held for an area variance for a wall sign that will exceed 32 sq ft. The secretary Joanna Clarke read the legal notice into the minutes. Joe Owen was present to discuss the variance. The following was discussed with Mr. Owen:

- Mr. Owen purchased a 54 sq ft sign to be placed directly over the office door and windows. Mr. Owen noted he would have applied for the variance regardless of the purchase as he believes that size is in proportion to the building.
- The sign cannot be modified in any way.
- Mr. Owen noted other Towns use a percentage of the building to calculate the appropriate size of the sign.
- The Town of Marcellus regulations have been changed and this sign does not fit with the most current guidelines.

- Under the Town regulations, the measurement for this sign would be from the outer dimensions of the frame.

Chris Christensen made a motion to deny the application for the variance as the sign is substantially larger than the regulations allow, and it is considered a self-created hardship. Jerry Wickett seconded, and the motion carried with the following vote:

Scott Stearns – aye

Kathy Carroll – nay

Chris Christensen – aye

Ron Schneider – aye

Jerry Wickett – aye

The application of Just Joe's, Joe Owen for an area variance in an Agricultural zone to allow a 54 square foot wall sign located at 2650 Pleasant Valley 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 March 4, 2024 commencing at 6:30pm, local time at which time and place the following Resolution was moved, seconded, and passed.

WHEREAS, notice of public hearing for the above 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 is located at 2650 Pleasant Valley Rd., New York.
2. The subject premises is Agricultural, pursuant to the zoning map, which is part of the Zoning Ordinance of the Town of Marcellus.
3. The relief sought is: Section 235-26.1 to allow a wall sign variance of 22 square feet. from 32 square feet to 54 square feet.
4. No one appeared in favor or in opposition to the variance.

CONCLUSIONS OF LAW:

1. The sign does not comply with the requirements according to the Zoning Ordinance.

NOW THEREFORE in consideration of the above, the applicant's request for an area variance is hereby denied:

1. The applicant purchased a sign that is significantly larger than the regulations allow prior to obtaining a permit and therefore considered a self-created hardship.

MINUTES

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

Scott Stearns – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Jerry Wickett – aye

Adjournment

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

Scott Stearns – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Jerry Wickett – aye

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Joanna Clarke, Secretary