

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

Date: May 6, 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 (Absent)

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 6, 2024 at 6:30pm.

PUBLIC HEARING – Special Permit

Joshua & Meredith Johnson

3006 Cherry Valley Tpke

40' x 40' Accessory Building

A public hearing was held for a special permit for a 40' x 40' accessory building located at 3006 Cherry Valley Tpke. The secretary Joanna Clarke read the legal notice into the minutes. Joshua Johnson was present to discuss the application. Mr. Johnson stated the building would be 40' x 40' x 12' with one (1) garage door, one (1) person door, and six (6) windows. It will be one (1) story with no power for personal use only. The access point to the building would be off of the existing driveway. The proposed placement which is forward of the house to the East is the best option. The septic and leach field is on the East side located between the side and back of the house and Mr. Johnson would need to create an additional driveway if the building were placed to the West of the house.

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. Jerry Wickett made a motion to close the public hearing and Ron Schneider 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 building will have no electricity and will not be used for business purposes. 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 Joshua and Meredith Johnson for a special permit in an Agricultural zone to allow him to construct a 40' x 40' accessory building at his residence for 3006 Cherry Valley Tpke., Marcellus, NY.

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 May 6, 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 an Agricultural zone: 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.

DISCUSSION – Sign Ordinance

The Town Board is revising the sign law ordinance and asked the PB/ZBA Boards to review the changes and provide feedback. Councilor Terry Hoey was present for the discussions.

Town Counsel James Gascon gave a brief history behind the original sign law modification in 2022. The previous sign ordinance was in large part unconstitutional as it based sign

dimensions on the contents of the sign. To bring the sign law into compliance, the modifications made in 2022 allowed for a standard sign size of 4' x 8'. This year we had a business owner apply for a wall sign variance since he had purchased a sign that fits the scale of his building but far exceeds the size of 32 square feet. The variance was denied by the ZBA and the business owner approached the Town Board to re-look at the sign law and consider the building size when calculating the size of the sign as it's done in neighboring Towns.

Mr. Gascon stated the Town Board is proposing to change the wall sign wording to allow one square foot per linear foot of building frontage. Pre-existing signs would be grandfathered in. Scott Stearns suggested the Town place a maximum size on the wall sign. After discussions, Mr. Gascon proposed the maximum size of 56 square feet which was agreed on.

Councilor Hoey stated along with wall signs, there are a few other modifications they are proposing to change as follows:

- Section 235.26.1 (4) Signs allowed without a permit under A; added wording for corrugated plastic signs.
- Section 235.26.1 (4) Signs allowed without a permit under B; added wording for signs required by county, state, or federal law.

Scott Stearns added the following for consideration:

- Definitions should be placed with the others under the Definition section.
- Section 235.26.1 (2) Allowed locations and design specifications; add wording "All signs are specifically prohibited except as follows" before this section.
- Section 235.26.1 (2) under A subset (2) Computation of sign area; consider not including frames when calculating the sign area.
- Section 235.26.1 (2) under B; add (R1, R2, R3, R4) after Residential Zones.
- Section 235.26.1 (2) under B subset (1); add "per side" to the wording "Such signs shall consist of no more than sixteen(16) square feet in area."

Codes Officer John Houser was absent but submitted suggestions to be reviewed by the Town.

MINUTES

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

Scott Stearns – aye

Kathy Carroll – aye

Chris Christensen – aye

Ron Schneider – aye

Jerry Wickett – aye

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 7:30pm.

Respectfully submitted,

Joanna Clarke

Secretary