

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

**Date:** September 5, 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 on September 5, 2024 at 6:30pm in the Marcellus Town Hall located at 22 East Main St., Marcellus, New York.

**PUBLIC HEARING– Special Permit**

Gordon & Linda McCaffer  
4985 N.E. Townline Rd.  
*30' x 40' Accessory Building*

A public hearing was held for a special permit for a 30' x 40' accessory building. The secretary read the legal notice into the minutes. Gordon and Linda McCaffer were both present to discuss the special permit application. Following was discussed with the McCaffer's:

- The pole barn will be used for personal storage only. Many of the items currently stored outside will be moved to the pole barn.
- The property behind the McCaffer's is an open field used for Agricultural purposes.
- The building would match the color of the house and include one overhead door, one man door, and windows on each side. Walls would be 12 feet high and have electricity inside.
- No driveway or gravel would be needed for access.
- One (1) tree may need to be removed to build the pole barn. The remaining trees would shield the structure and would not be visible from the road. The structure would be most noticed by the direct neighbors on either side of the McCaffer's.
- There is a shed on the property that is not shown on the survey.

There was much discussion on the size of the building in relation to the lot size. Chris Christensen was concerned with this fitting in with the character of the neighborhood as well as the impact on the direct neighbors. Jerry Wickett stated the pole barn would be well screened by the tree's and there isn't anything in our current regulations that supports the denial of this application. Codes Officer John Houser did review the plans and did not have any concerns. Chairman Stearns requested the McCaffer's return with a scaled drawing that includes the shed and any other permanent structures.

Chairman Stearns asked if there was anyone who would like to speak in favor or in opposition to the special permit and there was none. Rob Petrie of 1140 Stevens Rd., Tully asked questions in relation to

the Town zoning regulations. Chairman Stearns made a motion to adjourn the public hearing to the October meeting and Jerry Wickett seconded. The motion carried with the following vote:  
S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett - AYE

### **DISCUSSION**

Sunset Ridge Golf Club  
2814 W. Seneca Tpke  
*Driving Range Barrier*

Andy Myers and Phil Kless were present to discuss a proposed barrier along the driving range on the Eastern border of the property. Per the provisions of the Site Plan and Special Use Permit, a barrier is to be constructed if the owners of the properties to the East find errant golf balls to be problematic. Codes Officer John Houser received complaints of house damage in August of 2023. Town Counsel James Gascon advised the golf course of the complaints by letter dated August 25, 2023 and gave them one year to construct the barrier. Mr. Gascon sent a follow-up letter dated August 16, 2024 noting the barrier has not been constructed and the Special Use Permit is at risk if the Golf Course does not comply with the terms. Mr. Gascon stressed that this situation is not legal liability between the homeowner and the golf course. This condition is part of their Special Use Permit, and the Planning Board has the legal authority to enforce the terms of the Special Use Permit.

Mr. Myers stated they tried to work with the neighbor to alleviate the problem but could not come to a resolution. They are proposing a barrier that will consist of three (3) poles 34' in height and span approximately 75 yards along the Eastern border behind the houses of the homeowners who submitted complaints. Nylon netting will be hung from a cable that will be strung across the tops of the poles. Mr. Myers stated he anticipates balls may still get through, but the netting should protect against line drive balls. The netting would also need to be replaced every 7 to 10 years depending on damage from the weather. The Board agrees that the proposed barrier is reasonable and understands it cannot stop every ball. The next step is to submit applications for a Site Plan and Special Permit modification.

### **DISCUSSION – SOLAR ENERGY SYSTEMS**

Proposed updates to the Solar Energy Systems local law were distributed last month for the Board to review and comment. Mr. Gascon suggested a separate meeting with Counsel to discuss feedback from all of the Board members. Mr. Gascon stated his secretary will coordinate the meeting.

### **MINUTES**

Chairman Stearns made a motion to waive the reading of the August minutes and accept as distributed, Ron Schneider seconded. The motion carried with the following vote:  
S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett - AYE

Chris Christensen made a motion to adjourn the meeting and Ron Schneider seconded. The motion carried with the following vote:  
S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett - AYE

The meeting was adjourned at 8:10pm.  
Respectfully submitted,  
Joanna Clarke, Secretary