

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

Date: **October 6, 2025**

Present: Chairperson Scott Stearns, Kathy Carroll, Chris Christensen, Ron Schneider, and 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 October 6, 2025 at 6:30pm in the Marcellus Town Hall located at 22 East Main Street, Marcellus, New York.

PUBLIC HEARING – AREA VARIANCE

Jonathan Whipple

3818 South Street Road

Accessory building height variance

A public hearing was held for an area variance to allow a height variance of 2 feet at 3818 South Street Road. The secretary read the legal notice into the minutes. Jonathan Whipple was present to discuss the application. Mr. Whipple received a Special Permit for his accessory building at the September 4, 2025 meeting and is now requesting a 2-foot height variance for that building; from 12 feet to 14 feet. Originally Mr. Whipple planned for 14-foot doors with 12-foot walls but realized he would need 14-foot walls to comfortably fit his camper. Mr. Whipple noted that the gravel entry from the road to the site of the accessory building is temporary and will be removed once the building is completed.

Chairman Stearns asked if there was anyone who would like to speak in favor or in opposition to the application 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:

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

Kathy Carroll made a motion to approve the area variance as no one spoke in favor or opposition. Ron Schneider seconded, and the motion carried with the following vote:

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

The appeal of Jonathan Whipple for a height variance of 2 feet from 12 feet to 14 feet in a Residential-1 zone to allow construction of an accessory building at his residence on 3818 South Street Road, 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 East Main Street, Marcellus, NY, on October 6, 2025 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 3818 South Street Road, 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 an accessory building height of 14 feet.
4. No one appeared in favor or opposition.
5. Variance request is for 2 feet.

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.

MINUTES

Jerry Wickett made a motion to approve the September minutes as written, Kathy Carroll 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 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 adjourned at 7:25 PM.

Respectfully submitted,

Joanna Clarke

Secretary