

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

**Date:** February 3, 2025

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

**Absent:**

**Town Counsel:** James Gascon of Costello, Cooney, and Fearon

**Town Engineer:** TDK Engineering (Absent)

**Codes Officer:** John Houser

The Zoning Board of Appeals of the Town of Marcellus met in regular session on February 3, 2025 at 6:30pm in the Marcellus Town Hall located at 22 East Main St., Marcellus, New York.

**DISCUSSION – PERMITTED USES**

Oliver’s Produce – Robby Oliver  
4857 Frank Gay Rd.

Robby Oliver was present to discuss expanding his produce business. Mr. Oliver stated their business has grown tremendously and they have outgrown their current farm stand. At this time they are focused on building a new farm store and building a space to house their workers. Ideally they would include living space in the new store but understands the zoning limitations in the R-1 zone. In the future Mr. Oliver would like to expand and add a kitchen, bakery, and other activities tied to Agritourism. The farm contains approximately 100 acres and has plenty of room to build a store/housing and could be placed far enough away from neighboring properties. In the 30 years of selling produce, Mr. Oliver has received very few complaints and believes this expansion would be a welcoming addition for the community.

Housing for staff is needed from May 1<sup>st</sup> – November 1<sup>st</sup>. Mr. Oliver stated a big part of their success is because of his staff and it’s important to have them housed on the farm.

Chris Christensen noted the property is in the Onondaga County Agricultural District, but in an R-1 zone in the Town of Marcellus. Mr. Christensen stated a country store is not listed as a permitted use in the R-1 zone but could be considered if it falls under the Agriculture and Markets Law. Living space for Mr. Oliver’s workers that is part of the country store would not be allowed under the R-1 zone. Use variances along with Ags and Markets Law may allow Mr. Oliver to accomplish some of his requests. The water district should also be a consideration if Mr. Oliver would like to utilize the public water lines.

Town Counsel Jame Gascon offered options to the Board to consider for the applicant. Mr. Oliver does have the option to subdivide a lot and build a house for his farm workers. Under the Ags and Market law the local municipality cannot unreasonably restrict farming activities, and the applicant could apply for a special use permit and site plan amendment to allow farm market activities.

**MINUTES**

Kathy Carroll made a motion to waive the reading of the January minutes and accept as distributed and corrected, Jerry Wickett seconded. The motion carried with the following vote:

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

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

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

The meeting was adjourned at 7:00 PM.

Respectfully submitted,

Joanna Clarke  
Secretary