

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

Date: September 4, 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

Codes Officer: John Houser

The Zoning Board of Appeals of the Town of Marcellus met in regular session on September 4, 2025 at 6:30pm in the Marcellus Town Hall located at 22 East Main Street, Marcellus, New York.

PUBLIC HEARING – AREA VARIANCE

Thomas Blake

4200 South Street Road

Rear yard setback variance

A public hearing was held for an area variance to allow a rear yard setback variance of 15 feet at 4200 South Street Road. The secretary read the legal notice into the minutes. Thomas Blake was present to discuss the application. Mr. Blake stated he is asking for a 15-foot rear yard variance from 35 feet to 20 feet to allow the installation of an inground pool. The proposed placement of the pool is in the SE corner of his property along the fence line. Mr. Blake explained there are multiple municipal sewer lines that prohibit the pool from being placed closer to the house. The size and the shape of the pool is the best option for his son who has special needs. Fencing will be placed around the pool and attached to a shed which will serve as the entry point to the pool area.

Chairman Stearns asked if there was anyone who would like to speak in favor or in opposition to the application and there was no opposition. Fred Richards of 2433 Parsons Drive, the neighbor South of Mr. Blake spoke in favor of the variance. Chris Christensen 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, no one spoke in opposition, and one neighbor spoke in favor. Jerry Wickett added that the sewer lines prevent the applicant from placing the pool closer to his home. 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 Thomas Blake for a rear yard setback reduction of 15 feet from 35 feet to 20 feet in a Residential-1 zone to allow construction of an inground pool at his residence on 4200 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 September 4, 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 4200 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 a rear yard setback variance for construction of an inground pool.
4. No one appeared in opposition and one neighbor appeared in favor.
5. Variance request is for a 15-foot reduction.
6. A municipal sewer line runs North to South through the middle of the property and East to West to the house.

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.

PUBLIC HEARING – SPECIAL PERMIT

Jonathan Whipple

3818 South Street Road

40' x 80' accessory building

A public hearing was held for a special permit to allow construction of a 40' x 80' accessory building at 3818 South Street Road. The secretary read the legal notice into the minutes. Jonathan Whipple was present to discuss the application. Mr. Whipple would like to build a 3200 square foot pole barn to use for personal storage of his camper, tractor, and farm implements. The placement would be towards the front part of the property 90 feet from the street line. Access will be from the current driveway with no additional road cut. The tree line along the street line will remain to be used to screen the building from the road.

Chairman Stearns asked if there was anyone who would like to speak in favor or in opposition to the application and there was none. Jerry Wickett made a motion to close the public hearing and 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 approve the Special Permit as a public hearing was held and no one spoke in favor or opposition. The building will be used for personal storage only and no additional driveway is allowed. Ron Schneider seconded and the motion carried with the following vote:

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

The request of Jonathan Whipple for a special permit in a Residential-1 zone to allow him to construct a 40' x 80' accessory building for his residence at 3818 South Street Road, 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 September 4, 2025 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 Residential 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 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 building is for personal use only and no business shall be operated from or in it.
3. No additional driveway cuts are permitted.

PUBLIC HEARING - SPECIAL PERMIT

Tim's Pumpkin Patch – Tim & Erica Leubner

2901 Rose Hill Rd.

Outdoor concerts

A public hearing was held for a Special Permit to allow outdoor concerts at Tim's Pumpkin Patch. The secretary read the legal notice into the minutes. Tim and Erica Leubner were present to discuss the application. Refer to the Planning Board minutes dated 09/04/25 for discussion and resolution.

MINUTES

Kathy Carroll made a motion to approve the August minutes as written, 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 adjourn the meeting and Jerry Wickett seconded. The motion carried with the following vote:

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

The meeting adjourned at 8:45 PM.

Respectfully submitted,
Joanna Clarke
Secretary