

# Zoning Board of Appeals

The Town of Marshall

Minutes of the Public Hearing of the Zoning Board of Appeals on 24 January 2024

A Public Hearing of the Zoning Board of Appeals (ZBA) of the Town of Marshall, County of Oneida, and the State of New York was held at the Town Hall, 2651 State Rt 12B, Deansboro NY, on this 24<sup>th</sup> day of January - 6:00 PM 2024

**Present:** J. McNair, D. Zweifel-Yaciuk, S. Marrone

**Absent:/Excused:**

**Others Present:** David Koester, Janet Dangler, Thad Mrriman, Dan Williams, Melissa Williams, John J. Marzocchi, Deb Turner, Sue McConnell

This hearing was called to order by J. McNair at 18:00 by J. McNair.

After calling the meeting to order, J. McNair asked for a review of the Minutes of the November 2023 hearing. The meeting minutes were revised to correct spelling errors in the names of participants.

On a motion by D. Zweifel-Yaciuk and seconded by S. Marrone, the following resolution was

**ADOPTED:** Ayes: 3, D. Zweifel-Yaciuk, S. Marrone, J. McNair, Nays: 0

**RESOLVED** that the Zoning Board of Appeals approved the minutes, as amended, from the January 24, 2024 public hearing.

The Board then heard testimony from those in attendance

1. J. Marzocchi addressed the Board and identified himself as the counsel representing Dan Williams in this appeal. Mr. Marzocchi restated his client's position regarding the appeal with the same information that was shared via a letter, which is included as an official part of the record of this hearing. The information that he shared included the following:
  - a. A request that his letter be included as an official part of the record of the hearing.
  - b. His position that there was never any 'official written decision' made by the ZEO regarding Mr. Williams request to operate a Country Club and as such there was nothing that could be appealed to the ZBA.
  - c. His assertion that the 'verbal agreement' that Mr. Williams acquired from the ZEO could operate as a Country Club was made in January of 2023, and as such if the members of the ZBA decided that the hearing was permissible, that the appeal was made outside of the 60 days from the date of a decision for an appeal to be made. As such it was Mr. Marzocchi's assertion that the appeal should not be heard on this ground as well.
  - d. Mr. Marzocchi also presented the Board with a copy of the "Danimal Holdings LLC Country Club Operations Agreement and a short summary of the structure of the agreement. Mr. Marzocchi's assertion is that the Country Club Operations Agreement allows a number of individual lots, each with a unique tax map ID to be leased from the land owner (Dan and Melissa Williams) and operate under one 'Country Club' umbrella, thereby demonstrating that the 'Country Club' does have more than the minimum 75 Acres required for the operation of a Country Club as a use by right in the A1 zone of the Town of Marshall. Upon questioning, Mr. Marzocchi indicated that the document he provided was signed and executed in January of 2023.
  - e. Mr. Marzocchi indicated that all of the lots that were going to be included in the 'Country Club' were disclosed to Gary Schreppel at the time.
  - f. Mr. Williams indicated as a part of the questions about the various lots that there are

bike paths that cross property lines.

2. Debra Turner shared the following information:
  - a. A print out from the Blueberry Brook Farm Resort web page that there new structures on the property as well as a proposed '4 season space' to include a new large events structure.
  - b. D. Turner questioned the Board about the reasonableness or legality of a Country Club Operations Agreement that allows any land use to occur under the umbrella of 'Country Club' even if the use doesn't align with the Town Ordinance. She also questioned whether this Country Club Operations Agreement would allow the 'Country Club' to operate with other land uses on property in different locations within the Town.
  - c. S. Marrone asked Deb Turner if she had record of when she had first attended a Town Board meeting to inquire about the operation of a 'Country Club' at Blueberry Brook.
  - d. Ms. Turner restated her concern that no written document was ever provided to Mr. Williams to attest to the ZEO's agreement that Mr. Williams could operate as a 'Country Club'.
  
3. Sue McConnell commented that she felt that there was no need for the hearing as 'Dan Williams applied for a permit, and got permission and so what is all this about'
  
4. Thad Merriman commented with the following question: 'If you can start a country club with only a verbal agreement, how is anyone supposed to know when the clock would start for a citizen to file an appeal to that decision'

The Board discussed the information that was shared, and determined that without more information from the previous ZEO Dan Ford and the current ZEO Gary Schreppel, it would not be possible to render a correct decision. The Board decided that J. McNair would contact both Mr. Ford and Mr. Schreppel to seek information and the Board would need to reconvene the hearing to conclude their work.

On a motion by J. McNair and seconded by D. Zweifel-Yaciuk , the following resolution was

**ADOPTED:** Ayes: 3, D. Zweifel-Yaciuk, S. Marrone, J. McNair, Nays: 0

**RESOLVED** that the Zoning Board of Appeals agrees to adjourn the Public Hearing originally held on November 28, 2023 and reconvened on January 24, 2024 would reconvene again on Wednesday, February 7, 2024 at 6 PM in the Marshall Town Hall.

### **Executive Session**

#### **Executive Session:**

No executive session was held.

Meeting adjourned 18: 51

Initials: jm

Date: 1/24/24

Cc: ZBA board/website/town board