

**The Town of Marcellus Zoning Board of Appeals
24 East Main Street
Marcellus, New York 13108**

April 5, 2010

Present: Chairperson Michelle Bingham, Gerard Wickett, Chris Christensen,
Robert Oliver, Bob Ciota
Town Counsel: Jim Gascon of Costello, Cooney, and Fearon
Town Engineer: Jeffrey Nadge of Barton & Loguidice (absent)
Codes Officer: William Reagan

The Zoning Board of Appeals of the Town of Marcellus met in regular session in the Town Hall for the Town of Marcellus, located at 24 E. Main Street, Marcellus, New York, on April 5, 2010, at 7:00pm.

Vince Murphy, 2259 Glover Road – front yard variance

A public hearing was held for Mr. Murphy for a front yard area variance to allow him to have a handicapped ramp. The secretary, Karen Cotter, read the legal notice into the minutes and advised that the certified receipts were on file. Mr. Murphy explained that his wife had some health issues including balancing problems and the ramp will help with that. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition and there were none. Hearing no questions from the ZBA Chris Christensen made a motion to close the public testimony and public hearing and Bob Ciota seconded. The motion carried with the following vote:

Bob Ciota - aye
Chris Christensen - aye
Robert Oliver - aye
Jerry Wickett - aye
Michele Bingham – aye

Jerry Wickett made a motion to approve the variance as presented as there was a medical need, it is a temporary structure, the risk of widening that location in the road is minimal, a public hearing was held and there was no opposition. Michelle Bingham seconded and the motion carried with the following vote:

Bob Ciota - aye
Chris Christensen - aye
Robert Oliver - aye
Jerry Wickett - aye
Michele Bingham – aye

The appeal of Vince Murphy for a front yard reduction of 15' from 35' to 20' in a R1 zone to allow a handicapped ramp at his residence on 2259 Glover 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, 24 E. Main Street, Marcellus, NY, on April 5, 2010 commencing at 7:00pm. 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 Section 267 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 2259 Glover Road, Marcellus, New York
2. The subject premises are zoned R1 district, pursuant to the zoning map, which is part of the Zoning Ordinance of the Town of Marcellus.
3. The relief sought is: Section 6a to allow a front yard variance for a handicapped ramp
4. No one appeared in favor or in opposition to the variance.

CONCLUSIONS OF LAW:

1. The project will comply with rear and side yard setback requirements according to the zoning ordinance
2. There will be no undesirable change in the character of the neighborhood or detriment to 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. Applicants 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: 1. Applicant complies 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.

Dean DeSantis, Abend Point – rear yard variance

Mr. DeSantis and his contractor, Jack Scalice, came before the ZBA to discuss the possibility of requesting a rear and side yard variance on an existing non-conforming lot to allow him to construct a garage. They would not be blocking the view from neighbor and the garage would be shorter than the neighbor's home. The ZBA didn't see where there would be an issue with the project and Mr. DeSantis will complete the paperwork and come before the Board officially in May.

Mobile Homes location

The question arose as to whether we count the houses located in another town if they are within 500' of a mobile home. Jim Gascon advised that the ordinance does not state they must be located in Marcellus and therefore should be counted.

Old Business –

Jerry Wickett advised that the Town Board would be meeting on April 22, 2010 to discuss the proposed sign ordinance.

The March minutes will stand as distributed.

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter
Secretary