

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

June 7, 2010

Present: Chairperson Michelle Bingham, Gerard Wickett, Chris Christensen,
Bob Ciota
Absent: Robert Oliver
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 June 7, 2010, at 7:00pm.

The Chair, Michelle Bingham, made a motion to change the July meeting date to Thursday, July 8, 2010 due to the July 4th holiday. Jerry Wickett seconded and the motion carried with the following vote:

Chris Christensen – aye	Michelle Bingham – aye
Robert Oliver – aye	Bob Ciota – aye
Jerry Wickett – aye	

Bruce Byler, 2520 Platt Road – Area Variance

A public hearing was held for a side yard area variance. The secretary, Karen Cotter, read the legal notice into the minutes and advised the certified mailing receipts were on file. Chris Parker was present to represent the project. He advised that Mr. Byler would like to construct a 12' X 22' deck in the rear of the property. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project and there were none. Chris Christensen wanted to make sure that this would be 6' of the property line. According to the survey the sideline moves in. Mr. Parker stated that they would make sure they met the setback requested. Hearing no further questions Bob Ciota made a motion to close the public testimony and public hearing. Chris Christensen seconded and the motion carried with the following vote:

Chris Christensen – aye	Michelle Bingham – aye
Robert Oliver – aye	Bob Ciota – aye
Jerry Wickett – aye	

Jerry Wickett made a motion to approve the project as requested as it is an existing non-conforming lot and the project will have minimal impact and is consistent with the neighborhood.

Chris Christensen seconded and the motion carried with the following vote:

Chris Christensen – aye
Robert Oliver – aye
Jerry Wickett – aye

Michelle Bingham – aye
Bob Ciota– aye

The appeal of Bruce Byler for a side yard reduction of 9’ from 15’ to 6’ on an existing non-conforming lot in a R1 zone to allow a deck to be constructed at his residence on 2520 Platt 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 June 7, 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 2520 Platt 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 side yard variance for a deck
4. No one appeared in favor or in opposition to the variance.

CONCLUSIONS OF LAW:

1. The project will comply with front and rear and one 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

Gordon Amidon, 3002 Cherry Valley Turnpike – Special Permit

A public hearing was held for a special permit to allow an 8' X 20' storage container to be used while the house is being remodeled. The secretary, Karen Cotter, read the legal notice into the minutes. The applicant explained that they recently purchased the property and would like to have onsite storage while they remodel. 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. Bob Ciota seconded and the motion carried with the following vote:

Chris Christensen – aye
Robert Oliver – aye
Jerry Wickett – aye

Michelle Bingham – aye
Bob Ciota – aye

Bob Ciota made a motion to approve the special permit for the 8' X 20' container to be used as temporary storage during the construction stage as there was no one present in opposition.

Jerry Wickett seconded and the motion carried with the following vote:

Chris Christensen – aye
Robert Oliver – aye
Jerry Wickett – aye

Michelle Bingham – aye
Bob Ciota– aye

The request of Gordon Amidon for a special permit in a R1 zone to allow an 8' X 20' storage container to be used at his residence at 3003 Cherry Valley Turnpike, 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 June 7, 2010, commencing at 7:00pm, local time at which time and place the following Resolution was moved, seconded and passed.

WHEREAS: The applicant is located in a R1 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 rear, side, and front setbacks; and

THEREFORE BE IT RESOLVED that said special permit be granted upon the following condition:

1. Applicant must apply for a building permit that grants permission for construction.
2. The storage container is for personal use only and no business shall be operated from it.
3. The storage container must be removed when construction is completed and permit expires

Chris Farnett, 4701 North Street – discussion

Bill Reagan advised the ZBA that Chris Farnett had been in the office to get a building permit to construct a new garage. The size of the building is approximately 40' X 60' and Mr. Reagan wondered if he would need a variance due to the size.

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There was discussion regarding the location to the flood plain. The ZBA would like the applicant to have a designated driveway location. The building will meet all setbacks. It was decided that the applicant should complete an area variance and if it is within 100' of the CEA a special permit would be required.

The minutes of the May meeting stand as distributed.

The meeting was adjourned at 8:30pm

Respectfully submitted,

Karen Cotter
Secretary