

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

July 8, 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 July 8, 2010, at 7:00pm.

Chris Farnett, 4701 North Street – area variance/special permit

A public hearing was held for a side yard area variance and special permit to allow a garage. The secretary, Karen Cotter, read the legal notice and advised the mailing receipts were on file. Mr. Farnett advised that he would reduce the driveway area and will have only one (1) driveway cut. He will store only his personal items and it will not be used for any type of business. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition and Sherry Carter, 4677 North Street, stated that she had no issues with the project. Mr. Farnett stated the following:

1. The siding will match the house
2. The garage will have two (2) overhead doors and a man door.
3. He has plans to pave the driveway
4. There will be no additional excavation.
5. The building will have power and lights on building. Mr. Farnett was advised that the light must stay on site and he needs to use down lighting.
6. The property is not in the wetlands **nor within an adjacent area of wetlands..*

This property is located in a Critical Environmental Area therefore a SEQR is required. The ZBA reviewed the Full Environmental Assessment and Michelle Bingham made a motion for a negative unlisted declaration. A roll call vote was taken with the following results:

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

WHEREAS, Christopher Farnett has made application for an area variance located in a Critical Environmental Area at 4701 North Street in the Town of Marcellus, and

WHEREAS, the Zoning Board of Appeals of the Town of Marcellus has duly considered said application and the information presented at its regular scheduled meetings, and

WHEREAS, the Zoning Board of Appeals members had due notice of said meeting, and pursuant to Section 94 of the Public Officers law, said meeting was open to the general public, and

WHEREAS, Volume 6 N.Y.C.R.R., Part 617.5 of the regulations relating to Article VIII of the Environmental Conservation Law of the State of New York (SEQR) requires that as early as possible in a proposed action, an involved agency shall make a determination whether a given action is subject to SEQR.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals of the Town of Marcellus pursuant to Part 617, of the N.Y.C.R.R. hereby determines that the proposed action is a Type 1, the proposed action does not involve any Federal Agency, and the Marcellus Zoning Board of Appeals, a lead agency, has examined the Full Environmental Assessment Form, Part I and Part II and after analysis thereof has completed the determination in Part II.

BE IT FURTHER RESOLVED that the Zoning Board of Appeals of the Town of Marcellus hereby determines that the proposed action will not have a significant effect on the environment, and that this resolution shall constitute an Unlisted Negative Declaration for the purpose of Article 8 of the Environment Conservation Law of the State of New York and a Draft Environmental Impact Statement will not be prepared.

BE IT FURTHER RESOLVED that the Zoning Board of Appeals of the Town of Marcellus shall notify involved agencies of its intent to be a lead agency and its decision to issue a negative declaration and that a thirty day comment period shall be allowed

Michelle Bingham then made a motion to close the public testimony and hearing for the area variance and special permit requests and Chris Christensen seconded. Bob Ciota made a motion to approve the garage/storage building as presented as there was one (1) person in favor and no opposition, a Full EAF was completed and there will be no impact on the neighborhood. Chris Christensen seconded and the motion carried with the following vote:

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

The appeal of Christopher Farnett for an area variance in a R1 zone to allow construction of a garage/storage building at his residence on 4701 North Street, 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 July 8, 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 4701 North Street, 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 7a 1 to allow a variance for a garage/storage building
4. No one appeared in opposition to the variance.

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 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.

Bob Ciota made a motion to approve the special permit for the garage/storage building located in a critical environmental area as a Full EAF was completed and the building is for personal use only not for any type of business and any external lighting must be down lighting only and can not go off site. Jerry Wickett seconded and the motion carried with the following vote:

**Bob Ciota – aye*
Jerry Wickett – aye
Michelle Bingham – aye
Chris Christensen – aye

The request of Christopher Farnett for a special permit in a R1 zone to allow him to construct a garage/storage building at his residence at 4601 North Street, 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 July 8, 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

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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 all setback requirements.

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 garage/storage bldg is for personal use only and no business shall be operated from it.
3. Any external lighting must be down lighting only and cannot go off site.

Codes Officer, Bill Reagan commented on what a great job Mr. Farnett has done to clean up the property and renovate the existing house.

Minutes of the June ZBA meeting stand as distributed.

Meeting was adjourned at 7:50pm

Respectfully submitted,

Karen Cotter
Secretary