

The Town of Marcellus Zoning Board of Appeals

**24 East Main Street
Marcellus, New York 13108**

May 2, 2011

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

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 May 2, 2011, at 7:00pm.

Richard Wright, 4809 North Street – front yard variance

The continuation of a public hearing was held for a front yard variance of 12' reduction from 35' to 23' to allow construction of a garage. New survey maps were left at the office but the ZBA has not had a chance to review them. There was some question as to whether the flood plain elevations were correct. Karen Cotter advised that she had left a message for the surveyor but had not received a return phone call. Mr. Wright submitted a letter to the ZBA requesting the project be continued for another month. Chris Christensen made a motion to continue the public hearing until the May meeting and Michelle Bingham seconded. The motion carried with the following vote:

Chris Christensen - aye
Michele Bingham - aye
Bob Ciota – aye

Michael Van Ryn, 4221 Deer Path – area variance/special permit

A continuation of a public hearing was held for an area variance and special permit. Bob Eggelson, architect, was present to represent the project. He explained that Mr. Van Ryn's mother-in-law will be moving into the area and would like to have an in-law accessory apartment. They are requesting a front yard variance due to the setback requirements of the Folksway subdivision. The project will meet the 35' setback required by the Town but not the 50' setback required by the subdivision. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project and there were none. The OCPB resolution #Z-11-137, dated April 27, 2011 was read into the minutes. Hearing questions from the Board Bob Ciota made a motion to close the public testimony and public hearing for the variance and special permit. Chris Christensen seconded and the motion carried with the following vote:

Chris Christensen - aye
Michele Bingham - aye
Bob Ciota – aye

Chris Christensen then made a motion to approve the area variance as presented as a special permit is also being requested, there was no opposition and it fits in with the character of the neighborhood. Bob Ciota seconded and the motion carried with the following vote:

Chris Christensen - aye
Michele Bingham - aye
Bob Ciota – aye

The appeal of Michael Van Ryn for a front yard reduction of 17' from 50' to 33' in a R1 zone to allow an accessory in-law apartment at his residence on 4221 Deer Path 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 May 2, 2011 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 4221 Deer Path 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 an accessory in-law-apartment
4. No one appeared in favor or in opposition to the variance.

CONCLUSIONS OF LAW:

1. The project will comply with side and rear 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. Applicant must apply for a building permit that grants permission for construction.

Chris Christensen then made a motion to approve the special permit as the area variance was approved for setback purposes, there was no opposition and the current property owner was advised and acknowledged that this can only be used as an accessory in-law apartment. It cannot be used as an apartment for current or future property owners and Mr. Van Ryn agreed. Michelle Bingham seconded and the motion carried with the following vote:

Chris Christensen - aye
Michele Bingham - aye
Bob Ciota – aye

The request of Michael Van Ryn for a special permit in a R1 zone to allow him an accessory in-law apartment at his residence at 4221 Dear Path Rd., 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 May 2, 2011, 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 side yard, and rear setbacks.

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

1. Applicant must apply for a building permit that grants permission for construction.
2. An area variance was approved for a front yard set-back
3. The property owner understands and agrees that this can only be used as an accessory in-law apartment cannot be used as an apartment for current or future property owners

James Stapelton, 3821 Rockwell Road – special permit

A public hearing was held for a special permit to allow the applicant to construct a 30' X 30' storage building with an overhang on one (1) side. The shed will be for personal storage/use and no business will be operated from it. There are no plans for a driveway; access will be through the grass. The Chair, Michelle Bingham asked if anyone would like to speak in favor or in opposition and there were none. Bob Ciota made a motion to adjourn the public testimony and close the public hearing. Chris Christensen seconded and the motion carried with the following vote:

Chris Christensen - aye
Michele Bingham - aye
Bob Ciota – aye

Bob Ciota then made a motion to approve the project as presented as a public hearing was held, there was no one present in opposition to the project, no business will be operated from the shed it is for personal storage only and there will be no adverse impact on the neighborhood. Chris Christensen seconded and the motion carried with the following vote:

Chris Christensen - aye
Michele Bingham - aye
Bob Ciota – aye

The request of James Stapelton for a special permit in a R1 zone to allow him to construct a 30' X 30' shed at his residence at 3821 Rockwell Rd., 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 May 2, 2011, 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 side yard, front and rear setbacks.

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

1. Applicant must apply for a building permit that grants permission for construction.
2. The shed is for personal use only and no business shall be operated from it.

Willie and Bev Werner, 4163 Bishop Hill Road – side yard area variance

A public hearing was for a 3' reduction of a side yard variance from 15' to 12' to allow the applicant to construct a deck and pergola. A letter was received from their neighbor, Mr. Bruce Bayne, 4169 South Street Road, dated April 26, 2011, stating that he had no issue with the project. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project and there were none. 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
Michele Bingham - aye
Bob Ciota – aye

Bob Ciota made a motion to approve the variance as it aligns with the existing non-conforming house, the project will not make the non-conformity any larger than what exists and a letter was submitted by a neighbor in favor of the project. Michelle Bingham seconded and the motion carried with the following vote:

Chris Christensen - aye
Michele Bingham - aye
Bob Ciota – aye

The appeal of Willie and Bev Werner for aside yard reduction of 3' from 15' to 12' in a R1 zone to allow a deck and pergola at his residence on 4163 Bishop Hill Road, Marcellus, New York.

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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 4163 Bishop Hill 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 deck and pergola

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4. No one appeared in favor or in opposition to the variance – one (1) letter was received in favor of the project.

The minutes of the May meeting will stand as distributed.

The meeting was adjourned at 7:25PM.

Respectfully submitted,

Karen Cotter
Secretary