

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

June 6, 2011

Present: Chairperson Gerard Wickett, Chris Christensen, Bob Ciota, Robert Oliver
Absent: Michelle Bingham
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 6, 2011, at 7:00pm.

Jerry Wickett made a motion to change the July Zoning Board of Appeals meeting to Thursday, July 7, 2011, due to the 4th of July holiday. Chris Christensen seconded and the motion carried with the following vote:

Bob Ciota - aye
Chris Christensen - aye
Robert Oliver - aye
Jerry Wickett - aye

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. The maps still need to indicate the elevation and exact location of the garage. The flood plain information was received late this afternoon via fax and has not been reviewed by the ZBA. Chris Christensen suggested trying to set up a meeting with Mr. Wright prior to the next meeting to get the correct information. Jerry Wickett made a motion to adjourn the public hearing until the June meeting and Chris Christensen seconded. The motion carried with the following vote:

Bob Ciota - aye
Chris Christensen - aye
Robert Oliver - aye
Jerry Wickett - aye

Matt Moses, 4262 Deer Path – special permit

A public hearing was held to allow a 12' X 20' shed to be located near their existing pool to be used for personal storage and a changing room for the pool. The shed will have a cupola and siding similar to the existing house. It will be part of the fence around the pool but will not have access from outside the fence. It will be placed approximately 60' from the side yard line and will be blocked by existing trees. There will be minimal visibility during the summer. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or opposition to the project and there were none. 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

Chris Christensen made a motion to approve the shed as a public hearing was held and there was no opposition, the size of the building is within the character of the neighborhood and it is far enough off the lot line that there will be no impact to the neighborhood. Bob Ciota seconded and the motion carried with the following vote:

Bob Ciota - aye
Chris Christensen - aye
Robert Oliver - aye
Jerry Wickett - aye

The request of Matt Moses for a special permit in a R1 zone to allow him to construct a 12' X 20' shed at his residence at 4985 4262 Deer Path, 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 6, 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 be 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.

William Stuart, 4944 Frank Gay Road – front yard variance

A public hearing was held for a front yard reduction of 6' from 35' to 29' on an existing non-conforming house to allow them to extend the roofline beyond the existing chimney. This would help to alleviate some drainage issues and enlarge an existing bedroom. The variance request does not go any further than what already exists. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or in opposition to the project and there were none. Chris Christensen explained that when the property went through the subdivision process the house originally met the setback requirements but when Onondaga County DOT enlarged the road they created the non-conforming house. 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

Bob Ciota made a motion to approve the area variance as a public hearing was held and there was no opposition, this is an existing non-conforming setback, the project will not increase the non-conformity. Chris Christensen seconded and the motion carried with the following vote:

Bob Ciota - aye
Chris Christensen - aye
Robert Oliver - aye
Jerry Wickett - aye

The appeal of William Stuart for a front yard reduction of 6' from 35' to 29' in a R1 zone to allow allow them to extend the roofline and enlarge an existing bedroom at his residence on 4944 Frank Gay 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 6, 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 4944 Frank Gay 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 expansion of the roof Line and enlarge an existing bedroom
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

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.

Ken Phillips, 2483 Masters Road – special permit firewood processing business

See the information under site plan review in the June PB minutes.

The minutes of the May meeting will stand as distributed.

The meeting was adjourned at 8:10 PM.

Respectfully submitted,

Karen Cotter
Secretary