

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

September 8, 2011

Present: Chairperson Gerard Wickett, Chris Christensen, Michelle Bingham
Absent: Bob Ciota, Robert Oliver
Town Counsel: Jim Gascon of Costello, Cooney, and Fearon
Town Engineer: Jeffrey Nadge of Barton & Loguidice
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 September 8, 2011, at 7:00pm.

Daniel & Amy Button, 2180 Cherry Valley Turnpike – special permit 14' X 24' Shed

A public hearing was held for a special permit to allow a 14' X 24' shed be placed at 2180 Cherry Valley Turnpike. The walls will be dark green and purchased from the Amish. There will be no electricity and it is to be used for personal storage. The Chair, Michelle Bingham, asked if anyone would like to speak in favor of or in opposition to the project and there were none. Chris Christensen asked if there will be outside lighting attached to the building as there was some concern of light shining onto Route 20. Mrs. Button advised there would be no outdoor lighting. Jerry Wickett made a motion to close the public hearing and Chris Christensen seconded. The motion carried with the following vote:

Chris Christensen - aye
Robert Oliver - aye
Jerry Wickett - aye
Michele Bingham - aye

Jerry Wickett then made a motion to approve the project as presented as there was no one present in opposition, no business will be operated from the shed and it is in the character of the neighborhood. Michelle Bingham seconded and the motion carried with the following vote:

Chris Christensen - aye
Robert Oliver - aye
Jerry Wickett - aye
Michele Bingham - aye

The request of Daniel and Amy Button for a special permit in a R1 zone to allow them to have a 14' X 24' shed at their residence at 2180 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 September 8, 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. No business shall be operated from the shed.

Linda Cole, 3250 Brewer Road – special permit for a mobile home

A public hearing was held to allow Ms. Cole to replace an existing 1974 mobile home with a smaller two (2) bedroom 2012 mobile home. She is moving the home approximately 30' east of where it exists to comply with all of our zoning regulations. The Chair, Michelle Bingham, asked if anyone would like to speak in favor of or in opposition to the project and there were none. Ms. Cole will live in the mobile home and understands that the special permit goes with the property owner and only the owner or family member can live there. If the property is sold the new owners would have to reapply for a new special permit and must meet all of the regulations. There will be no additions wider than eight feet which is stated in our zoning regulations. Chris Christensen made a motion to close the public hearing and Michelle Bingham seconded.

The motion carried with the following vote:

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

Jerry Wickett made a motion to approve the special permit as the project meets all the criteria in our zoning ordinance, there will be no enclosed structural additions larger than eight (8) feet wide, the mobile home will be owner occupied and there are no more than four (4) residential structures within five hundred feet from mobile home, the removal of the mobile home shall terminate the special permit and if the mobile home is sold the special permit is no longer valid. the Michelle Bingham seconded and the motion carried with the following vote:

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

The appeal of Linda Cole for a special permit in an A1 zone to allow her to have a mobile home at her residence at 3250 Brewer Road., Marietta, 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 August 8, 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 an A1 district; and

WHEREAS; an application has been duly filed requesting permission to occupy the existing mobile home on premises located at 3250 Brewer Road, Marietta, New York; and

WHEREAS; the applicant agrees that there will be no enclosed structural additions more than eight feet in width, that this special permit is for members of the immediate family and the removal of the mobile home from premises terminates the permit; and

WHEREAS; there are no more than four (4) existing residences within 500 feet of the double wide; and

NOW, THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of Marcellus hereby grants said application, such approval being subject to the following condition:

1. The mobile home must be owner occupied by the existing owner, Linda Cole
2. There will be no enclosed structural additions larger than eight (8) feet wide
3. The mobile home will be owner occupied
4. There are no more than four (4) residential structures within five hundred feet from
5. the removal of the mobile home shall terminate the special permit and if the mobile home is sold the special permit is no longer valid.
6. The applicant must get a building permit

THEREFORE BE IT RESOLVED that said special permit is granted.

Ken Phillips, 2483 Masters Road – special permit

This project was discussed during a confidential meeting with the Town Attorney regarding several legal matters.

The Board is waiting for a copy of the transcript for the Phillips project before the August minutes can be reviewed and voted on.

The meeting was adjourned at 9:15 PM.

Respectfully submitted,

Karen Cotter
Secretary