

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

**November 7, 2011**

**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 November 7, 2011, at 7:00pm.

**John Scanlon, 3902 Slate Hill Road – Area Variance/Special Permit**

A public hearing was held for both an area variance and special permit to allow Mr. Scanlon to construct a 38' X 50' storage barn to store a recreational vehicle and lawn equipment. The secretary, Karen Cotter, read the legal notices into the minutes and advised the certified mailing receipts are on file. Mr. Scanlon explained that he had an existing barn that was destroyed and he has also removed two original sheds. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project and there were none. The applicant submitted letters from neighbors Carl Nye, 3905 Slate Hill Road and Joseph Krenzer, 3900 Slate Hill Road, stating they were in favor of the project. The other neighboring properties are farm land and or wooded lots. It would be an issue to locate the barn in a different location due to the hillside on his property. The proposed new building will be farther from the lot line than what originally existed and will be for personal use only. There will be power but no heat. Jerry Wickett made a motion to close the public hearing for the area variance and special permit and Chris Christensen seconded. The motion carried with the following vote:

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

Jerry Wickett then made a motion to approve the area variance as requested as it reduces an existing non-conforming setback and there is no impact the neighborhood and we received two (2) letters in favor of the project.

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

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

The appeal of John Scanlon for a front yard reduction of 25' from 35' to 10' and a side yard reduction of 10' from 15' to 5' in a R1 zone to allow a storage barn at his residence on 3902 Slate Hill 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 November 7, 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 3902 Slate 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 rear and side yard variance for an accessory building

4. No one appeared in favor or in opposition to the variance; two (2) letters were submitted in favor of the project.

CONCLUSIONS OF LAW:

1. The project will comply with one side and rear 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. No construction is permitted until a building permit is issued by the Codes Officer
2. Building is for personal storage only; no business shall be operated from building.

Jerry Wickett made a motion to approve the special permit as there was no opposition, there will be no negative impact to the neighborhood, the building will be for personal storage only and no business will be operated from it and two (2) letters were received from neighbors in favor of the project. Chris Christensen seconded and the motion carried with the following vote:

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

The request of John Scanlon for a special permit in a R1 zone to allow him to construct a 38' X 50' accessory building at his residence at 3902 Slate Hill 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 November 7, 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.

**Ken Phillips, 2483 Masters Road – special permit**

A continuation of a public hearing was held for a special permit. There was no one present to represent the project. Town Attorney, Jim Gascon, advised that a letter, dated October 20, 2011, was sent to the applicant's attorney, Scott Chatfield. Bill Reagan advised that Scott Chatfield had spoken to him and told Mr. Reagan that they did not want a special permit on this project. There has been no further contact from either Mr. Phillips or his attorney, Scott Chatfield. There has been no new or additional information submitted to our office for review. The Chairperson, Michelle Bingham, asked if anyone would like to make a motion to close the public testimony and public hearing. Chris Christensen made a motion to close the public testimony and public hearing and Jerry Wickett seconded the motion. The motion carried with the following vote:

Chris Christensen – aye  
David Peatfield – aye  
Jerry Wickett – aye

Bob Ciota– aye  
Michelle Bingham – aye  
Kathy Carroll – aye

The Chairperson, Jerry Wickett, then asked if anyone would like to make a motion on the project. Chris Christensen made a motion to disapprove the special permit submitted by Ken Phillips of 2483 Masters Road *\* in that a public hearing was held and the application was forwarded to the town engineer for review and comment, and the matter was forwarded to the Marcellus Planning Board to address a required site plan for special permit, and that several concerns were raised by the town engineer, and that no feedback was received from the applicant or his representative to address the concerns which was required by the Board in order to consider the application complete and since a required site plan was disapproved by the Marcellus Planning Board. Since open issues with neighbors, Onondaga County Planning and the Marcellus Town Engineer have not been addressed by the applicant and a required site plan was disapproved by the Planning Board and the applicant has not been present at the meeting or submitted any new or additional paperwork to respond to the open issues nor have they*

*responded to a letter from the town attorney advising them so the Zoning Board of Appeals cannot consider this a completed application. The Zoning Board of Appeals does not have an approved site plan from the Planning Board and therefore we disapproves the applicant's request.*

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

Chris Christensen – aye

Bob Ciota– aye

David Peatfield – aye

Michelle Bingham – aye

Jerry Wickett – aye

Kathy Carroll – aye

Town Attorney, Jim Gascon, advised the Codes Officer, Bill Reagan that he is officially informed by the Zoning Board of Appeals to deny any permit. The Zoning Board of Appeals requests that the Town Attorney send a letter to the applicant advising him that the project has been denied.

The minutes of the October meeting stand as distributed.

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Karen Cotter  
Secretary

*\*corrected at the December mtg*