

The Town of Marcellus Zoning Board of Appeals

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

June 4, 2012

Present: Temporary Chairperson Bob Ciota, Gerard Wickett, Chris Christensen
Absent: Michelle Bingham, Robert Oliver
Town Counsel: Jim Gascon of Costello, Cooney, and Fearon
Town Engineer: Jason Kantak of TDK Engineering (Absent)
Codes Officer: John Houser

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 4, 2012, at 7:00pm. Jerry Wickett made a motion to nominate Bob Ciota as temporary Chairperson and Chris Christensen seconded. The motion carried with the following vote:

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

Michael Loperfido, 4456 Frank Gay Road – rear yard setback

A public hearing was held for a rear yard variance for a 20' reduction from 35' to 15'. The secretary, Karen Cotter, read the legal notice into the minutes and advised the mailing receipts are on file. Mr. Loperfido explained that he would like to place a 12' X 20' shed on their property to store garden tools and a lawn tractor. The shed will match the color of the house and have shutters. He will have no electric and it is for personal use only. Due to the location of his septic system and leach fields he needs to place the building closer to the lot line. The Chair, Bob Ciota, asked if anyone would like to speak in favor or in opposition to the project and there were none. Chris Christensen made a motion to close the public testimony and public hearing and Jerry Wickett seconded. The motion carried with the following vote:

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

Jerry Wickett made a motion to approve the variance as a public hearing was held and there was no opposition; there will be no impact to the neighborhood; and the applicant must get an approved special permit. The motion carried with the following vote:

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

The appeal of Michael Loperfido for a rear yard reduction of 20' from 35' to 15' in a R1 zone to allow a 12' x 20' shed at his residence on 4456 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 4, 2012 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 4456 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 rear yard variance for a 12' X 20' shed
4. No one appeared in favor or in opposition to the variance.

CONCLUSIONS OF LAW:

1. The project will comply with front, and both side 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 building permit shall be issued until the original filing receipts are submitted to the Planning Board.
2. Applicants must proceed to the Town Hall for a building permit and follow all Town Zoning Ordinance.
3. 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.
4. No business shall be operated from the shed
5. A special permit must be approved for the shed

Michael Loperfido, 4456 Frank Gay Road – Special Permit

A public hearing was held to allow the applicant to place a 12' X 20' shed on his property at 4456 Frank Gay Road. The secretary, Karen Cotter, read the legal notice into the minutes. The Chair, Bob Ciota, asked if anyone would like to speak in favor or in opposition to the project and there were none. Mr. Loperfido has already received approval for an area variance for this shed. Chris Christensen made a motion to close the public testimony and public hearing. Jerry Wickett seconded and the motion carried with the following vote:

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

Jerry Wickett made a motion to approve the special permit as a public hearing was held and there was no opposition; the project is consistent with the neighborhood; no business shall be operated from the shed and the location is based an area variance approval. Chris Christensen seconded and the motion carried with the following vote:

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

The request of Michael Loperfido for a special permit in a R1 zone to allow him to construct a 12' X 20' shed at his residence at 4456 Frank Gay 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 July 2, 2001, 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 front 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.
3. All conditions of the area variance must be followed

The minutes of the May meeting stand as distributed.

The meeting was adjourned at 8:30 PM.

Respectfully submitted,

Karen Cotter
Secretary.