

The Town of Marcellus Zoning Board of Appeals

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

August 6, 2012

Present: Chairperson Michelle Bingham, Bob Ciota, Gerard Wickett, Chris Christensen
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 August 6, 2012, at 7:00pm.

David Schultz, 2728 Otisco Valley Road – special permit

A public hearing was held for a special permit to allow the applicant to construct a 12' X 16' shed in a R1 zone. The secretary, Karen Cotter, read the legal notice into the minutes. The applicant advised that he owns approximately 14 acres and the shed will be located behind his house and pool. He will remove the existing 12' X 7' shed/chicken coop. The proposed shed is to be used to store pool furniture and garden equipment. There will be no water or electricity. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project and there were none. Jerry Wickett made a motion to close the public testimony and public hearing. Chris Christensen seconded and the motion carried with the following vote:

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

Chris Christensen made a motion to approve the project as presented as a public hearing was held and there was no opposition, the shed is consistent with the character of the neighborhood and it is for personal use only, there will be no business operated from it. Michelle Bingham seconded and the motion carried with the following vote:

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

The request of David Schultz for a special permit in a R1 zone to allow him to construct a 12' X 16' shed at his residence at 2728 Otisco Valley 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 August 6, 2012, 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.

Sandy and Judy Battaglia, 4672 Limeledge Rd – special permit

A public hearing was held for a special permit to allow the applicant to construct an 18' X 18' pole barn in a R1 zone. The secretary, Karen Cotter, read the legal notice into the minutes. The applicant advised that he owns approximately 32 acres. The building will store a tractor with a front loader and other garden equipment. The proposed building won't be seen from the road or by the neighbors. The access will be from the existing driveway and it will have no power, no water and no attic. It is for personal use only and will not be used for a business. Bob Ciota made a motion to close the public hearing and Chris Christensen seconded.

The motion carried with the following vote:

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

Jerry Wickett made a motion to approve the project as presented as a public hearing was held and there was no opposition, the building is consistent with the structures in the neighborhood and it is for personal use only, there will be no business operated from it. Chris Christensen seconded and the motion carried with the following vote:

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

The request of Sandy and Judy Battaglia for a special permit in a R1 zone to allow them to construct an 18' X 18' storage building at their residence at 4672 Limeledge 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 August 6, 2012, 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 storage building is for personal use only and no business shall be operated from it.

Kate Humiston, 2119 Old Seneca Turnpike – front yard area variance

A public hearing was held for a front yard area variance to allow a 6' fence in the front yard. The secretary, Karen Cotter, read the legal notice into the minutes. The applicant submitted a deed and it indicated that the lot was created legally in 1981. There were some questions as to whether the buildings meet setback on either lot and the applicant (who was not present) did not have a survey to provide that information. Chris Christensen made a motion to close the public testimony and adjourn the public hearing. Michelle Bingham seconded the motion and it carried with the following vote:

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

The project will be carried over to the September meeting.

Andrew and Beth Aupperle, 4399 Annapolis Way – special permit

Mr. Aupperle advised that he owned approximately 1.9 acres and would like to place an 18' X 30' pool house behind his existing house. The intent of the building is to have a place to sit outside on the porch, near the pool. It would be used primarily in the summer, allowing for a place where his small children could nap and/or play while they are at the pool. It would have heat and could be used year round. The ZBA stated their concern is that this will turn into a guest house and that is not an allowable use. Mr. Aupperle stated that it would be used for his family and guests but they would not stay in it. He was advised that he needed to include the porch and that would change the size to 28' X 30'. He will need to modify the existing permit. He has already made provisions for surface runoff. Any outdoor lighting will be down lights and not spill off site and onto Seneca Turnpike. This project will be sent to a public hearing at the September meeting.

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The minutes of the July meeting stand as distributed.

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Karen Cotter
Secretary