

The Town of Marcellus Zoning Board of Appeals

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

October 1, 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 October 1, 2012, at 7:00pm.

Charlotte Warzecha (Chunco) 4450 Dublin Road – Special Permit 40’ X 60’ Pole Barn

A public hearing was held for a 40’ X 60’ pole barn to store antique cars. The secretary, Karen Cotter, read the legal notice into the minutes. There were also two (2) letters received from neighbors Mary Jane and Michael Ossit, 4448 Dublin Rd. and Shannon Cunningham 4452 Dublin Rd. Both letters were read into the minutes and were in favor of the project. There was discussion as to the size of the building and that the building can be only used for personal use - no business can be operated from it. They will extend their existing driveway to the barn, there will be underground power, outside lighting for security purposes but it will have no heat. There will be storage upstairs but no office. There is to be no outside storage. The applicant has no intention of buying and selling vehicles from the barn. It will have a door in the front and also in the rear of the building. Chris Christensen made a motion to close the public hearing and Michelle Bingham second. The motion carried with the following vote:

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

Bob Ciota made a motion to approve the project as presented with the stipulation that this building is to never be used as a business, it is for personal storage only, there was no one present in opposition to the project, two (2) letters from the neighbors were received in favor of the project and it will have no impact in the neighborhood.

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

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

The request of Charlotte Warzecha (Chunco) for a special permit in a R1 zone to allow them to construct a 40' X 60' pole barn at her residence at 4450 Dublin 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 October 1, 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 pole barn is for personal use only and no business shall be operated from it.
3. There can be no outside storage
4. No selling/repairing vehicles

American Tower, 4011 Rockwell Road – site plan modification

George Francis was present to represent the project. They would like to install an 8 kilowatt emergency generator. The generator will run one time a week – at this time it is scheduled for Wednesday at 12:00 noon. It will be inspected two times a year. The size will be 7' X 14' prefab pad and all equipment will be set on the pad. There are currently approximately 3500 of these generators across the country. It is diesel and the tanks are enclosed in the generator. In an emergency situation this will operate for one (1) week before it needs to be refueled. We have not received an annual inspection report for the tower. This will need to be submitted to our office as part of the permit approval. We want to make sure the tower is still safe. Jerry Wickett made a motion to modify the existing special permit as the project will have minimum impact and will benefit the community for emergency situations. Chris Christensen seconded and the motion carried with the following vote:

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

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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.

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.

WHEREAS: The amendment to the special permit is for the use specified on the application. Any change of use is subject to approval by the Zoning Board of Appeals.

THEREFORE BE IT RESOLVED that said amendment to the American Tower special permit be granted upon the following conditions:

1. The Board must be notified prior to any changes that take place.
2. Safety inspection reports must be submitted to our office annually

3. Applicant must apply for a building permit, which grants permission for construction.

Jon Agricola, 2635 West Seneca Turnpike – modification of special permit

Mr. Agricola came before the ZBA and advised that he cannot meet the 60' setback approved for his new garage at the September 6, 2012 meeting. He requested that the setback on the east side be 50'. Hearing no questions from the ZBA Bob Ciota made a motion to modify the existing special permit from a 60' setback to a 50' setback along the east side of the property. Chris Christensen seconded and the motion carried with the following vote:

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

The minutes of the September meeting stand as corrected.

The meeting was adjourned at 7:40 PM.

Respectfully submitted,

Karen Cotter
Secretary