

## **The Town of Marcellus Zoning Board of Appeals**

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

**April 1, 2013**

**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  
**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 April 1, 2013, at 7:00pm.

### **Shawn Hale, 3577 Maple Road – Public Hearing/Special Permit**

A public hearing was held for a special permit to allow him to operate a business under a rural occupation. The secretary, Karen Cotter, read the legal notice into the minutes. The applicant explained that he has purchased a large dairy supply business and he would like to operate it from a new 60' X 60' barn that he would be constructing. A portion of the barn would also be used for his personal storage. He will be removing the existing barn and place the new construction behind the location of the old barn. The existing driveway will be used. Mr. Hale submitted pictures of the current warehouse that he is using. The following was discussed:

- There will be no employees only himself
- Mr. Hale's residence is on the same parcel as the proposed building. He understands he must live there to operate the business from the barn.
- No plan for power and/or heat
- If he sold the business and/or the property the barn could be used for personal use only
- He is registered with the state of NY and is in the process of getting a hazemat license and an EPA number.
- He will use a fork lift to load the products and the fork lift will be stored inside the barn when not in use.
- There will be no signs
- No Retail sales done onsite. Mr. Hale will deliver the product directly to the farmers
- There will be one (1) delivery truck (tractor trailer) (1) time a week and it will back up to a loading dock with a 9' door.
- The new building will be no closer to the lot line than what is indicated on map

The following information needs to be submitted for further review:

- Is there an approved driveway and if not an application will need to be filed and approved.
- Will the Building be outside of the power line easement? Mr. Hale has not spoken to NYSEG to see if additional poles are needed

- We will need more detailed measurements of driveway and dimensions.
- The Codes Officer advised that stamped architectural drawings for construction will need to be submitted to his office for a building permit.
- Access needs to be indicated on map

Jerry Wickett made a motion to close the public testimony and adjourn the 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

This project will be carried over to the May meeting to enable the applicant to submit the information requested.

**Matt Kehoe, 2559 Falls Road – Discussion for a farm stand**

Bruce Thorpe is the actual owner of the property and is present. Mr. Kehoe explained that he would like to grow and sell crops as well as start a co-op on Mr. Thorpe's property. This property consists of 42 acres and an existing barn and is located in a Residential 1 zone. The public would come on site to pick up and purchase the vegetables as well as Mr. Kehoe delivering them. Chris Christensen advised that there could be an issue with the property as it looks like the lots were divided up and created through an estate sale and never legally subdivided. If they want to use the barn to sell the vegetables then the product must be grown on that parcel only. If he wanted to use the parcel across the street to grow his vegetables then he could not sell them from the barn. There is also the issue of getting driveway approval. Before the project can move forward the applicant must sort out the subdivision issues.

The minutes of the March meeting stand as distributed.

The meeting was adjourned at 8:15 PM.

Respectfully submitted,

Karen Cotter  
Secretary

