

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

May 6, 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 May 6, 2013, at 7:00pm.

Shawn Hale, 3577 Maple Road – Special Permit

A continuation of a public hearing was held for a special permit to allow him to operate a business under a rural occupation. 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 construct. Per his application 40' X 60' of the building will be used for his business and 20' X 60' is for personal use. He will be removing the existing barn and place the new construction behind the location of the old barn. He has no plans for power or heat in the building. The existing driveway will be used. Mr. Hale submitted the driveway dimension and the driveway have been approved by the Town Highway Supervisor. The drawings submitted for the building and location are as accurate as he can be at this time. He has not purchased the plans as he is waiting for approval. He will have no employees and understands that if anything changes that does not meet the rural occupation requirements he will need to come before the ZBA. The building will be located outside of the power line easement. Jerry Wickett 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 special permit for a rural occupation as the project meets all the requirements as stated in our regulations; there are no employees and has no intention to have employees, he has the approved driveway permit, this is a daytime operation, there will be not heat and/or power in the building and the applicant will operate the business at

his primary residence. 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 Shawn Hale for a special permit for a rural occupation in an Agricultural Zone to allow him to operate a Dairy product business at his residence, 3577 Maple Road, Marietta, 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 May 6, 2013, 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 an Agricultural district: and

WHEREAS: There will be no undesirable change in the character of the neighborhood or detriment to nearby properties: and

WHEREAS: a public hearing was held by the Zoning Board of Appeals of the Town of Marcellus at the Town Hall of the Town of Marcellus, 24 E. Main Street, Marcellus, NY, on May6, 2013; 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 rear and front setbacks; and

THEREFORE BE IT RESOLVED that said special permit be granted upon the following condition:

1. There will be only one (1) truck delivery weekly
2. No employees
3. Daytime operation only
4. Applicant will operate the business at his primary residence
5. There will be no power and/or heat in the building
6. He will meet all regulations for a rural occupation

Travis Henn, 3598 West Seneca Turnpike – front yard variance

A public hearing was held for a 4' front yard reduction from 85' to 81' as measured from the center of the road. The secretary read the legal notice into the minutes. Mr. Henn would like to construct a second story bedroom on the back of the house and a porch off of the side of the house. Both projects require a front yard variance as the house sits too close to the road. The Chair, Michelle Bingham, asked if anyone would like to speak in favor of or in opposition to the project and there were none. A letter, dated May 6, 2013, from Bill Bell, Margaret Bell, and John Bell was read into the minutes stating they were in favor of the project. The project does not go any closer to the road and is on an existing nonconforming lot. The Chair, Michelle Bingham asked the Board to review the SEQR application and Chris Christensen made a motion for an unlisted negative declaration. Jerry Wickett seconded and the motion carried with the following vote:

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

Bob Ciota made a motion to adjourn the public hearing. Jerry Wickett 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 sent to OCPB for review.

Michelle Bingham, 2526 E. Maple Terrace – front yard area variance

Chairperson Michelle Bingham recused herself from this project as she is asking for a variance. Chris Christensen made a motion for Jerry Wickett to act as temporary Chairperson and Bob Ciota seconded. The motion carried with the following vote:

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

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A public hearing was held for a 7.2 reduction for a front yard variance from 35' to 27.8'. She would like to add a front porch onto her house. Ms. Bingham explained that the house is located on a cul-de-sac and feels it would have a minimum impact to the neighborhood. She presented pictures that indicated the porch would go no closer to the road than some of the neighboring properties. The Temporary Chairperson, Jerry Wickett, asked the Board to review the SEQR application and Chris Christensen made a motion for an unlisted negative declaration. Bob Ciota seconded and 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 adjourn 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

This project will be sent to OCPB for review.

The minutes of the April meeting stand as distributed.

The meeting was adjourned at 8:15 PM.

Respectfully submitted,

Karen Cotter
Secretary