

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

June 3, 2013

Present: Chairperson Michelle Bingham, Bob Ciota, Gerard Wickett,
Chris Christensen
Absent: 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 June 3, 2013, at 7:00pm.

Travis Henn, 3598 West Seneca Turnpike – front yard variance

A continuation of a public hearing was held for a 4' front yard reduction from 85' to 81' as measured from the center of the road. 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 within the front yard setback. The project does not go any closer to the road and is on an existing nonconforming lot. The Chair, Michelle Bingham, read the OCPB resolution # Z-13-139, dated May 22, 2013, into the minutes. Hearing no questions from the Board Chris Christensen made a motion to close the public hearing and Michelle Bingham 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 project as presented as the property is an existing non-conforming lot and will not increase the non-conformity. Chris Christensen seconded and the motion passed with the following vote:

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

The appeal of Travis Henn for a front yard reduction of 4' from 85' to 81' , as measured from the center of the road, in a R1 zone to allow a second story bedroom on the rear of the house and

a porch on the side of the house at his residence on 2598 West Seneca Turnpike, 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 3, 2013 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 2598 West Seneca Turnpike, 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 front yard variance for a second story bedroom and side porch.
4. No one appeared in favor or in opposition to the variance but a letter was read into the minutes from the neighbor, Mr. William Bell, stating he was in favor of the project.

CONCLUSIONS OF LAW:

1. The project will comply with both side and rear 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. Applicants must proceed to the Town Hall for a building permit and follow all Town Zoning Ordinance.
2. 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.
3. BE IT FURTHER RESOLVED that such approval is contingent upon compliance with:
 1. Applicant complies with the Planning Board resolution of February 2, 1987 regarding runoff:

That in all developments in the Town of Marcellus, the peak runoff flow rate of discharge from a proposed site after development shall not exceed the peak runoff flow rate that prevailed prior to development. In general, this requirement will necessitate the design and construction of detention/retention facilities of various types. The design frequency should be that of a twenty-five year storm with an overflow facility to handle a one hundred year storm with no erosion.

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
Jerry Wickett - aye
Michele Bingham - aye

A continuation of 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 will 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, read the OCPB resolution #Z-13-140, dated May 22, 2013, into the minutes. Hearing no further questions from the Board Bob Ciota made a motion to close the public hearing. Chris Christensen seconded and the motion carried with the following vote:

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

Chris Christensen moved to approve the project as presented as there was no opposition to the project, the house is located on a cul-de-sac that has no future plans for expansion and is

consistent with the neighborhood. Jerry Wickett seconded and the motion carried with the following vote:

Bob Ciota - aye

Chris Christensen - aye

Jerry Wickett - aye

The appeal of Michelle Bingham for a front yard reduction of 7.2' from 35' to 27.8' , in a R1 zone to allow a porch on the front of the house at her residence on 2526 East Maple Terrace 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 3, 2013 commencing at 7:00pm. local time at which time and place the following Resolution was moved, seconded and passed.

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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 2526 East Maple Terrace, 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 front yard variance for a front porch.
4. No one appeared in favor or in opposition to the variance

CONCLUSIONS OF LAW:

1. The project will comply with both side and rear 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. Applicants must proceed to the Town Hall for a building permit and follow all Town Zoning Ordinance.
2. 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.
3. BE IT FURTHER RESOLVED that such approval is contingent upon compliance with:
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Discussion –

Jim Gascon presented a proposed local law to allow cemeteries in our town. The Board had no issues with what was presented and recommended that Mr. Gascon present this to the Town Board for their review.

The minutes of the May meeting stand as distributed.

The meeting was adjourned at 9:30 PM.

Respectfully submitted,

Karen Cotter
Secretary