

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

November 4, 2013

Present: Chairperson Michelle Bingham, Gerard Wickett, Chris Christensen,
Robert Oliver
Absent: Bob Ciota
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 November 4, 2013, at 7:00pm.

Aaron & Rebecca Ganitillo, 2430 Glover Rd. – four family home

Attorney, Carol Zenzel, represented the property owner. She advised that when Mr. & Mrs. Gaitillo purchased this property it was listed in the tax records as a two (2) family home, even though it was a four (4) family. The issue in question, concerns rebuilding the property as is if there should be a fire or another type of disaster. Ms. Zenzel presented a notarized letter from Tom Lathrop stating that he delivered milk to the property over 60 years ago and it was a four (4) family home. Chris Christensen stated that he believes this to be a codes issue and wondered if there was ever any type of inspection done on the property that would prove this is an existing four (4) family dwelling. The Codes Officer, John Houser, advised that a fire inspection was done several years ago and at that time it was a four (4) family dwelling. Mr. Houser has done some research and he believes this was created prior to our zoning in 1954. Town Attorney, James Gascon stated that based on the evidence presented to the Planning Board in his opinion the property should be considered a legal pre-existing, non-conforming structure.

Michelle and Keith Doran, 3591 Bishop Hill Rd – special permit

Mr. & Mrs. Doran explained that they would like to replace an existing mobile home with another mobile home. It will meet all setbacks, be owner occupied and there are no more than four (4) residential structures within 500 feet of subject's mobile home at this time. They understand that if the mobile home is removed than the special permit shall terminate. Hearing no questions from the Board, Jerry Wickett made a motion to approve the project as presented as the mobile home will meet all setbacks, be owner occupied and there are no more than four (4) residential structures within 500 feet of subject's mobile home at this time.

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

The appeal of Keith and Michelle Doran for a special permit in an A1 zone to allow them to have a mobile home at their residence at 3591 Bishop Hill 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 November 4, 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 A1 district; and

WHEREAS; an application has been duly filed requesting permission to occupy the existing mobile home on premises located at 3591 Bishop Hill Rd., Marcellus, New York; and

WHEREAS; the applicant agrees that there will be no enclosed structural additions more than eight feet in width, that this special permit is for members of the immediate family and the removal of the mobile home from premises terminates the permit; and

WHEREAS; there are no more than four (4) existing residences within 500 feet of the double wide; and

NOW, THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of Marcellus hereby grants said application, such approval being subject to the following condition:

1. The mobile home must be owner occupied by Keith and Michelle Doran.

THEREFORE BE IT RESOLVED that said special permit is granted.

The minutes of the October meeting stand as distributed.

The meeting was adjourned at 8:30 PM.

Respectfully submitted,

Karen Cotter
Secretary