

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

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

**April 7, 2014**

**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 Katak 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 7, 2014 at 7:00pm.

### **Kurt Michael and Juliet Konieczny, 2258 Cherry Valley Turnpike - 10' X 20' barn- special permit**

A public hearing was held to allow a 10' X 20' building to be constructed and used as a goat barn. The secretary, Karen Cotter, read the legal notice into the minutes. A notarized letter was submitted to allow their son, Michael Konieczny, to represent the project. The barn will have a loft for hay but no power. There is a smaller shed on site that is being used as the current goat barn. This will either be removed or used as a chicken coop. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition and there were none. Chris Christensen made a motion to close the public testimony and public hearing and Bob Ciota seconded. The motion carried with the following vote:

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

Jerry Wickett made a motion to approve the project as presented as it meets all setbacks, there will be no power, no business will be operated from the building and there will be no significant or adverse effect to the neighborhood.

The request of Kurt Michael and Juliet Konieczny for a special permit in a R1 zone to allow them to construct a 10' X 20' shed at their residence, 2258 Cherry Valley 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 April 7, 2014, 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 be granted upon the following condition:

1. Applicant must apply for a building permit that grants permission for construction.
2. The shed is for personal use only and no business shall be operated from it.

### **Discussion**

#### **Cell Tower/coverage**

John Houser, Codes Officer, discussed that he is now responsible for dealing with cell towers and the coverage issues. Our zoning ordinance indicates that the cell tower companies must come before the zoning board and complete a special permit. This is no longer required per new federal regulations. Mr. Houser would like the zoning book to be corrected.

#### **Shed size**

John Houser, Codes Officer, advised that he would like to see shed sizes increased in the R1 zone from 150 square feet to 160 square feet and in the R2 and R4 zone from 100 square feet to 120 square feet. Over the past several years we have had a large number of requests for sheds larger than what has been allowable. The ZBA was in agreement of the changes

Bob Ciota made a motion to approve the changes in the shed sizes and amend section 6a as discussed as well as amend section 24E2. Jerry Wickett seconded and the motion carried with the following vote:

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

- Jim Gascon will draft a resolution asking the Town Board to comply with tax relief act 2012 and amend section 24E2 in our zoning ordinance. Jim Gascon will also draft a resolution asking the Town Board to approve changes in the zoning law section 6a as discussed.
- Mike Villa, Dublin Rd – per Jim Gascon an area variance on a non-conforming lot is not required.

The minutes of the March meeting stand as distributed.

The meeting was adjourned at 8:50 PM.

Respectfully submitted,

Karen Cotter  
Secretary