

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

June 2, 2014

Present: Chairperson Michelle Bingham, Bob Ciota, Gerard Wickett, Chris Christensen
Absent: Robert Oliver
Town Counsel: James 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 June 2, 2014 at 7:00pm.

Christopher Duke, 3939 Aquinnah Heights – special permit

A public hearing was held to allow the applicant to construct a 20' X 20' shed in their pool area. The secretary, Karen Cotter, read the legal notice into the minutes. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition and there was none. Mr. Duke advised that the existing fence, around the existing pool, will connect to the proposed shed. The shed will be used to store pool and garden supplies. Power exists for the pool and there is an existing subpanel. There will not be a bathroom and the shed is for personal use only. Chris Christensen moved to close the public testimony and public hearing and Bob Ciota seconded the motion. The motion carried with the following vote:

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

Bob Ciota made a motion to approve the special permit for the 20' X 20' shed, a public hearing was held and there was no opposition and it is consistent with what is in the neighborhood. Chris Christensen seconded the motion and it carried with the following vote:

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

The request of Christopher Duke for a special permit in a R1 zone to allow him to construct a 20' X 20' shed at his residence at 3939 Aquinnah Heights, 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 2, 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.

Timothy Crysler, 4498 Sage Meadows Dr – special permit/area variance

A public hearing was held for both an area variance and public hearing. The secretary, Karen Cotter, read the legal notices into the minutes and advised that certified mailing receipts were on file. This is a corner lot and the shed has already been placed in a location that does not meet corner setback. The shed was placed without the benefit of a building permit. Mr. Crysler advised that the shed is 12' X 16' and was placed 32' from the side lot line. The Chair, Michelle Bingham, asked if anyone would like to speak in opposition to the project and there were none. She then asked if anyone would like to speak in favor of the project and Lydia O'Brien, who resides at the property, was in favor of the project. A letter was received from James Lynch, 4465 Rustlers Rd, Marcellus, NY and he was also in favor of the project. Chris Christensen asked Mr. Crysler if the developer ever discussed setbacks or the drainage easement with him and Mr. Crysler said he did not. Mr. Christensen stated that he would like to make sure more information is passed along from the developer to the home owners. Jerry Wickett made a motion to close the public testimony and public hearing and Chris Christensen seconded.

The motion carried with the following vote:

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

Bob Ciota made a motion to approve the area variance as a public hearing was held and there was no opposition; a letter from Jim Lynch, dated May 19, 2014, was in favor of the project, and it is consistent with the neighborhood. Chris Christensen seconded and the motion carried with the following vote:

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

The appeal of Timothy Crysler for a side yard reduction on a corner lot of 3' from 35' to 32' in a R1 zone to allow a 12' X 16' shed at his residence 4498 Sage Meadows Dr., 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 May 5, 2014 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 4498 Sage Meadows Dr., 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 corner side yard variance for a shed
4. A letter was received from Jim Lynch in favor of the project

CONCLUSIONS OF LAW:

1. The project will comply with front, rear and one (1) side yard 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. No building permit shall be issued until a building permit is issued
2. Building is for personal use only

Bob Ciota made a motion to approve the special permit for a 12' X 16' shed. A public hearing was held and there was no one in favor or in opposition to the project and shed is consistent with the neighborhood. Chris Christensen seconded and the motion carried with the following vote:

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

The request of Timothy Crysler for a special permit in a R1 zone to allow him to construct a 12' X 16' shed at his residence at 4498 Sage Meadows Dr., 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 2, 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 one 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.
3. The shed is for personal use only and no business shall be operated from it.

The minutes of the May 5, 2014 meeting stand as distributed.

The meeting was adjourned at 7:20 PM.

Respectfully submitted,

Karen Cotter
Secretary