

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

August 4, 2014

Present: Chairperson Michelle Bingham Bob Ciota, Gerard Wickett, Robert Oliver
Chris Christensen
Town Counsel: Terrance Walsh 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 August 4, 2014 at 7:00pm

Michelle Bingham made a motion to change the date of the September meeting to Thursday, September 4, 2014, due to the Labor Day Holiday. Chris Christensen seconded and the motion carried with the following vote:

Chris Christensen – aye	Michelle Bingham – aye
Bob Ciota– aye	Robert Oliver – aye
Jerry Wickett – aye	

Christopher and Melissa Stahl, 3240 Sevier Rd. – front yard variance

A continuation of a public hearing was held for a front yard area variance to allow construction of a new front entrance and additional living space. Mr. Stahl stated that he believes there was an old entrance way at the front of the house as there is a concrete pad and steps. The following was discussed:

- The existing wall of the house is built four (4) feet into the setback.
- The existing bushes would be removed and replaced
- Deck on side of house aligns with front wall – the deck is in setback but doesn't increase non-conformity
- Chris Christensen stated they need to protect setback from road for safety purposes

Jerry Wickett made a motion to close the public hearing and Bob Ciota seconded. The motion carried with the following vote:

Chris Christensen – aye	Michelle Bingham – aye
Bob Ciota– aye	Robert Oliver – aye
Jerry Wickett – aye	

Bob Ciota made a motion to approve the front yard variance as a public hearing was held and there was no opposition, the applicant would create a front entrance and also like to enlarge their living room. Jerry Wickett second the motion. Chris Christensen stated that he thought the project went too close to the road – the applicant presented their project as wanting to add a front entryway with the added living space being secondary. Mr. Christensen believes the entryway project could be completed another way and Jerry Wickett agreed. There was discussion among the Board members if this project is allowable according to our regulations – can this project be done another way without a front yard variance or a minimal variance on a busy town road. What is the minimum needed for the entrance, what can be justified, and is there another way to achieve this project? The applicant stated that they have considered and tried different configurations and this was the best way to accomplish what they needed. Bob Ciota stated that we are always very careful not to set a precedent on front yard variances and there are definite safety issues with going closer to the road. The Board suggested the applicant go back and look at the project and see if there is another way there request can be accomplished (to get the front entryway) without the large variance request. They should look at the neighborhood and see if there are homes that come as close to the road as what they are requesting. The Stahl's agreed to look for additional information to prove their case or possibly make the variance smaller. Jerry Wickett made a motion to reopen the public hearing and Bob Ciota seconded. The motion carried with the following vote:

Chris Christensen – aye
Bob Ciota– aye
Jerry Wickett – aye

Michelle Bingham – aye
Robert Oliver – aye

Bob Ciota withdrew his original motion and Jerry Wickett seconded. The motion was passed with the following vote:

Chris Christensen – aye
Bob Ciota– aye
Jerry Wickett – aye

Michelle Bingham – aye
Robert Oliver – aye

The July minutes will stand as distributed.

The meeting was adjourned at 7:45 PM.

Respectfully submitted,

Karen Cotter
Secretary

