

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

September 4, 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 September 4, 2014 at 7:00pm

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. The applicant stated that there is not a lot of traffic on this road and they provided additional information showing similar houses and accessory buildings that are closer to the road - demonstrating that this is not out of character with the neighborhood. Mr. Stahl has spoken to the neighbors on either side of the house and they have no issues with the project. Currently the only access to the house is either through the garage or the sliding door through the rear of the house. The door will face the driveway not the road and the existing bushes will be removed but new landscaping will be installed. The Stahls' decreased the original application by two (2) feet. The house already is four (4) feet within the existing setback. Bob Ciota and Kathy Carroll drove by the property and stated there are several existing homes in the neighborhood that are within the front yard setback. Bob Ciota stated that although the information submitted indicated McClurg Construction was doing the work they are not and also his son is a Principal of McClurg Construction. Mr. Ciota has no conflict or financial interest in the project.

The following was discussed:

- Sevier Road is a rural road, not a thru road
- We always are looking at the amount of traffic and speed/this house is located on a straight passage
- We have granted front yard setbacks in the past to other properties with similar neighborhoods – mostly porches
- This project doesn't change the character of the neighborhood – approx 40%-50% do not meet setback

Jerry Wickett 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

Bob Ciota moved to approve the front yard 14' variance to allow an additional living space and a new front entrance on an existing non- conforming house as a public hearing was held and there was no one present in favor or in opposition; it is located in a low traffic area and doesn't pose to be a safety issue; documentation was submitted indicating a large number of the houses in the neighborhood are non- conforming and is consistent with the neighborhood. Michelle Bingham seconded the motion and the motion carried with the following vote:

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

The appeal of Christopher and Melissa Stahl for a front yard reduction , as measured from the center of the road, of 14' from 68' to 54' in a R1 zone to allow an addition and front entrance to be constructed at their residence at 3240 Sevier 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 September 4, 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 3240 Sevier Road, 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 construction of a front entrance and addition
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. No building permit shall be issued until the original filing receipts are submitted to the Planning Board.

Donald Weber, 4415 Lathrop Dr – special permit 16' X 24' shed

A public hearing was held to allow a 16' X 24' shed be constructed in the rear corner of his property. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Weber advised the shed will be for personal use only and no business shall be operated from it. He will store lawn equipment, snow blower and household items. There will be no power or water and it is located behind trees so it is not visible to the neighbors. Hearing no questions from the Board 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

Jerry Wickett made a motion to approve the 16' X 24' shed as a public hearing was held and there was no one present in favor or in opposition to the project; there will be no power or electric in the building and it is for personal storage only.

Michelle Bingham seconded and the motion carried with the following vote:

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

The request of Donald Weber for a special permit in a R1 zone to allow him to construct a 16' X 24' shed at his residence at 4415 Lathrop 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 September 4, 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.

The August minutes will stand as distributed.
The meeting was adjourned at 8:30 PM.

Respectfully submitted,

Karen Cotter, Secretary

