

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

October 6, 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 October 6, 2014 at 7:00pm

Roy Orr, 3042 Falls Road – side yard area variance/special permit 24’ X 24’ bldg

A public hearing was held for Roy Orr who is requesting a side yard variance and a special permit to allow a 24’ X 24’ storage building to be constructed on his property. The building is for personal use only to store lawn/garden furniture, lawn mower and a hobby car. There will be no business operated from it. He will have pavers in front of the door, it will not connect to the driveway, it will be placed on a pad, no water, he is running a conduit line to the building but at this time he is not installing power. Mr. Orr is requesting the variance due to drainage issues and topography. He explained that during a hard rain he has drainage issues in his back yard and it runs right through where the setback would be. Mr. Orr also stated that he could probably move the building 10’ from the property line instead of the original request of 8’ Bob Oliver farms behind his property and stated that there are definite drainage issues with the applicant’s property that could affect the placement of the storage building. The Chair, Michelle Bingham asked if anyone would like to speak in favor or in opposition to the project. The chair, Michelle Bingham, asked if anyone would like to make a motion to close the public hearing for the variance and special permit. Jerry Wickett made a motion to close the hearing and Michelle Bingham seconded. The motion carried with the following vote:

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

Jerry Wickett moved to approve the side yard variance with the amended distance to a 10’ reduction to allow construction of a 24’ X 24’ storage barn as a public hearing was held and there was no one present in favor or in opposition, there are issues with drainage that would

cause hardship to meet the required setback and a special permit must be approved . 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
Bob Oliver - aye

The appeal of Roy Orr for a side yard reduction of 5' from 15' to 10' in a R1 zone to allow construction of a 24' X 24' storage building at their residence at 3042 Falls 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 6, 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 3042 Falls 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 storage building

4. No one appeared in favor or in opposition to the variance.

CONCLUSIONS OF LAW:

1. The project will comply with one side, front 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.
2. A special permit must be approved for the 24' X 24' storage building.

Jerry Wickett made a motion to approve the special permit as the building will be used for personal storage only and no business shall be operated from there, the structure will match the characteristic of 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
Bob Oliver - aye

The request of Roy Orr for a special permit in a R1 zone to allow him to construct a 24' X 24' shed at his residence at 3042 Falls 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 October 6, 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.

Ronald & Cynthia Dumond, 3860 South Street Rd – Front yard variance

A public hearing was held for Ronald & Cynthia Dumond to request a front yard area variance to allow construction of a 2 car garage. The applicant advised that it needs to be placed in this location due to the location of his leach fields and the topography of his property (his house sits on a hill). They have an existing garage that is too narrow to park a car in it. They will remove the garage doors and replace it with french doors. The driveway would stay as is with an additional area to drive up to the new garage. The garage would be a standard two (2) car garage - 25' X 75'. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project. Joyce Potuchek, 3832 South Street isn't for or against the project but she wants to make sure that he meets the 15' side yard setback. There was no one present in opposition. The survey submitted was not able to answer the questions presented from the ZBA:

- What is the road right of way
- Will construction impede the leach fields – we do not want to create an issue with the OCHD
- Are there other ways to rotate the garage so that such a large variance is not needed

Bob Ciota advised that we understand the issues but before anyone approves a front yard variance on this road we want to make sure know what exists. Jerry Wickett stated that before the applicant spends the money to have a new survey done he would like to have an informal poll of the ZBA. Bob Ciota, Michelle Bingham and Jerry Wickett all stated that if the project does not encroach into the ROW and/or leach fields and the project does not come any closer to what already exists they would be in favor of the project as it would provide a safer ingress/egress off the property. Chris Christensen stated that he believes the safety issue could be accomplished without construction of a garage and we need to look carefully before we give them approval. The applicant will contact a surveyor and provide the ZBA with an accurate survey of the property. Chris Christensen made a motion to adjourn the public hearing and Jerry Wickett seconded.

The motion carried with the following vote:

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

Discussion –

John Houser advised that he would like the ZBA to request the Town Board to require property owners, in the Agricultural District, to change accessory buildings to meet the same standards as in the Residential 1 zone. This would require a special permit for any accessory building over the size of 160 feet. The building would be an accessory to a principal building and for non-farm operations only. Jim Gascon will prepare the requested change and submit it to the ZBA for their review and agreement and it would then be sent to the Town Board for their approval.

The September minutes will stand as corrected.

The meeting was adjourned at 8:00 PM.

Respectfully submitted,

Karen Cotter
Secretary