

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

**November 3, 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 November 3, 2014 at 7:00pm

State Assemblyman, Gary Finch, was present at our meeting. He thanked the Board for all their hard work and explained about his position on some of the projects in the state. State Legislature, Mike Plochoki, was also present and talked about the aqueduct vote that was just held. He was also present to discuss his father-in-law's subdivision.

**Steven Walker, 3930 Aquinnah Heights - special permit 12' X 24' bldg**

A public hearing was held for Steven Walker who is requesting a special permit to allow a 12' X 24' storage building to be constructed on his property. The secretary, Karen Cotter, read the legal notice into the minutes. The building is for personal use only to store lawn/garden furniture, lawn mower ect. There will be no power or water and the building is not near the driveway. There will be no business operated from it. Chris Christensen advised that this is a five (5) sided lot and wondered if he would be willing to place it 35' from where the property line is located and the applicant said he would have no issue with the relocation. The Chair, Michelle Bingham asked if anyone would like to speak in favor or in opposition to the project and there were none. The chair, Michelle Bingham, asked if anyone would like to make a motion to close the public hearing for the special permit. Jerry Wickett made a motion to close the 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 made a motion to approve the 12' X 24' storage building s a public hearing was held and there was no opposition, the applicant agreed to modify the location to meet the rear setback

requirement of 35' and the project is consistent with the neighborhood. Chris Christensen seconded the motion and the motion carried with the following vote:

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

The request of Steven Walker for a special permit in a R1 zone to allow him to construct a 12' X 24' accessory building at his residence at 3930 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 November 3, 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 both side yard, front and rear setbacks.

THEREFORE BE IT RESOLVED that said special permit is granted upon the following condition:

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

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

A continuation of 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 the ZBA secretary, Karen Cotter, via a phone call that he is in the process of locating a surveyor and is

hoping to have maps completed by the December meeting. Jerry Wickett made a motion to adjourn the public hearing and Micelle Bingham seconded. The motion carried with the following vote:

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

**Jason Hubbard, 4569 Limeledge Road – rear yard area variance/ special permit**

A public hearing was held for both a rear yard area variance and special permit to allow the applicant to construct a 24' X 13' accessory building on his property. The secretary, Karen Cotter, read the legal notices into the minutes. The applicant explained that a variance is requested due to the location of his leach fields. Mr. Hubbard advised that the stone pad already exists as he didn't realize a variance/special permit was required. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project. Patrick Campbell, 4567 Limeledge Road (located south of the property) was in favor of the project. Mr. Campbell also advised that he had a verbal conversation with George and Karen Hanford and they had no objection with the project either. A letter, dated November 3, 2014, was received from Richard Krenzer, 4568 Limeledge Road and he is also in favor of the project. Mr. Hubbard advised that there was an existing shed approximately 4' from the property line that was removed as it was falling down. Chris Christensen advised that this is a corner lot and we would treat this project as a side yard variance not a rear yard variance. Therefore the applicant would only require a one (1') variance. Mr. Hubbard was in agreement with the change. Jerry Wickett made a motion to close the public hearing for the area variance and Michelle Bingham 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 amended making this a side yard variance with a 1' reduction from 15' to 14'. A public hearing was held and there were two neighbors 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 Jason Hubbard for a side yard reduction of 1' from 15' to 14' in a R1 zone to allow an accessory building at his residence on 4569 Limeledge 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 November 3, 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 4569 Limeledge Rd. 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 side yard variance for an accessory building
4. One person appeared in favor and a letter was received in favor of the project .

CONCLUSIONS OF LAW:

1. The project will comply with side, rear, and front 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 the original filing receipts are submitted to the Planning Board.

Bob Ciota made a motion to approve the special permit for a 24' X 13' accessory building as it will be used for personal storage only, no business shall be operated from the building 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 request of Jason Hubbard for a special permit in a R1 zone to allow him to construct a 24' X 13' accessory building at his residence at 4569 Limeledge Rd., Marcellus, New York.

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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 both side yard, front and rear setbacks.

THEREFORE BE IT RESOLVED that said special permit is granted upon the following condition:

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

The October minutes will stand as corrected.

The meeting was adjourned at 8:30 PM.

Respectfully submitted,

Karen Cotter  
Secretary