

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

**January 5, 2015**

**Present:** Chairperson Michelle Bingham Bob Ciota,  
Gerard Wickett, Robert Oliver, Chris Christensen  
**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 January 5, 2015 at 7:00pm

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

This project was originally approved, in error, at the December 1, 2014 Zoning Board of Appeals meeting. Per our regulations, this project was not sent to OCPB for review. The Chair, Michelle Bingham, read the OCPB resolution, dated December 30, 2014, #Z-14-445 into the minutes. There was a modification from County Planning stating the applicant needed to contact the Onondaga County Health Dept. regarding the septic system. Town Attorney, Jim Gascon, stated he didn't understand why the OCPB would request this as it seems unfair to the applicant. The Codes Officer, John Houser, stated that OCHD advised him that most projects should be sent to them for review. Jason Kantak advised at the December meeting he felt this was probably the best location for the garage so as to not encroach on the leach fields. Chairperson, Michelle Bingham, asked the ZBA to review SEQR. Jerry Wickett moved for a negative, unlisted declaration and Michelle Bingham seconded. The motion carried with the following vote:

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

Bob Ciota made a motion to approve the project as modified as a public hearing was held and there was no one present in favor or in opposition to the project. This project will meet the side yard setback that was a concern of the neighbors Joyce and Steve Potuchuk; the project is consistent with other structures in the neighborhood; will improve vehicle access; and the applicant agrees to remove the overhead door from the existing garage which will no longer be used as a garage; the OCPB resolution was read into the minutes and the ZBA disagreed with the modification. Jerry Wickett seconded the motion. Chris Christensen abstained stating since he was not present at the December meeting he did not want to vote to approve or deny the project but felt the applicant's map should have indicated the location of the leach fields, setback of the house and the road. Mr. Christensen also said that he had no proof that the applicant couldn't go back further on the property. The motion carried with the following vote:

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

The appeal of Ronald & Cynthia Dumond for a front yard reduction of 24' from 68' to 44' , as measured from the center of the road, in a R1 zone to allow a garage to be constructed at his residence on 3860 South Street 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 December 1, 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 3860 South Street 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. The applicant agrees to remove the overhead door on the existing garage and it will no longer be used as a garage.

**CONCLUSIONS OF LAW:**

1. The project will comply with both sides and rear 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.

**Discussion:**

**Rob Oliver, Oliver Farms LLC, Frank Gay Road – area variance**

Rob Oliver (member of the ZBA/PB) explained that he would like to construct a 20 X 20' addition on the front of an existing farm building. The new construction would require an area variance but would only go approximately four (4) feet closer to the road than the existing house. He would be removing the existing farm stand. The Board didn't see any issues and advised that he move forward with the application.

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The meeting was adjourned at 8:30 PM.

Respectfully submitted,  
Karen Cotter, Secretary