

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

February 2, 2015

Present: Chairperson Michelle Bingham, Gerard Wickett, Robert Oliver,
Chris Christensen

Absent: Bob Ciota

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 February 2, 2015 at 7:00pm

Oliver Farms, LLC, Frank Gay Rd. – front yard area variance

A public hearing was held for Oliver Farms to allow an addition on the front of an existing farm building in a Residential 1 zone. The secretary, Karen Cotter, read the legal notice and advised mailing receipts were on file. They are asking for a 59' reduction from 100' to 41'. Bob Oliver recused himself from the ZBA as he is requesting the variance. He explained that the existing farm stand is going to be removed and they would like to construct an addition onto an existing farm building. The addition will be used to sell vegetables, ect. The Chair, Michelle Bingham asked if there was anyone present in favor or in opposition to the project. Karen Cotter advised that she had received a phone message, on January 30, 2015, from Jim Sheridan, 2920 & 2822 Falls Road stating he was in favor of the project. The Chair, Michelle Bingham, read the OCPB resolution #Z15-7, dated January 21, 2015, into the minutes. Referencing the modification from OCPB –

1. Access will remain the same. There is enough existing space for parking and for allowing vehicles to turn around without backing up onto Frank Gay Rd.
2. Signage will remain the same and is seasonal

The ZBA did not feel the comments received from OCP applied to this project. They are using an existing spring service. Both ZBA and PB have concerns with what seems to have become “blanket” comments and remarks from OCP as they do not apply to projects that we have submitted. They will try and discuss this with someone at the Federation training in March.

The Chair, Michelle Bingham, asked the ZBA to review the Short SEQR form. Questions 1-11 were all no responses. Jerry Wickett made a motion to for a negative unlisted declaration and Michelle Bingham seconded. The motion carried with the following vote:

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

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

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

Jerry Wickett made a motion to approve the variance as requested as a public hearing was held and there was a favorable comment from a neighbor; it is consistent with the neighborhood and will have no impact on the neighbors; and it is an agricultural project on an active, working farm, and the new construction will only be approximately 4’ closer to the road than an existing farm house. Michelle Bingham seconded and the motion carried with the following vote:

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

The appeal of Oliver Farms, LLC for a front yard reduction of 59' from 100' to 41' 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 February 2, 2015 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 Frank Gay 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 front yard variance for an addition to a farm structure.

-pg4-ZBA
February 2, 2015

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.
3. The applicant will be removing the existing freestanding farm stand

McClurg Construction, Lee Mulroy Rd. – special permit - sign

Brian Ciota (not present) submitted paperwork requesting authorization to construct a new sign on their site at Lee Mulroy Rd. After some discussion the Board felt it met the zoning requirements. A public hearing will be held in March for the project.

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Karen Cotter
Secretary