

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

**May 4, 2015**

**Present:** Chairperson Michelle Bingham, Gerard Wickett,  
Chris Christensen, Bob Ciota  
**Absent:** Robert Oliver  
**Town Counsel:** James Gascon of Costello, Cooney, and Fearon  
**Town Engineer:** Jason Kantak of TDK Engineering  
**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 May 4, 2015 at 7:00pm.

**Tim Cebeniak, 3152 Sevier Rd – Appeal Codes Officer decision**

Mr. Cebeniak explained that he applied for a building permit to construct a 40' X 40' accessory building. The Codes Officer, John Houser, denied the permit stating that it was not subordinate to the principal structure and that he would only approve something that was 75% or less subordinate. Mr. Cebeniak stated that the building is smaller than his house, and he understands that it isn't that much smaller, but there is nothing in our regulations that gives a percentage. The building will be used to store personal items such as a boat, RV, ATV, lawn mower and other similar items. He understands that it cannot be used for any type of business and no one can live in it – that it is for storage only. He chose the location for the building (in the front, close to the road), due to the steepness of his driveway to the house and also because his rear lot is all wooded with farmland and wetlands. Mr. Houser gave him permission to construct a 30' X 40' building with an attached lean-to but it will be more expensive to construct and he does not want his items left outside. Jerry Wickett made a motion to approve the appeal by the applicant and overturn the decision by the codes officer based on the fact that the proposed accessory building is subordinate (per the definition) to his house as our regulations do not specify an actual percentage or dimension and he meets our existing regulations. Michelle Bingham seconded and the motion carried with the following vote:

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

The April minutes stand as distributed

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Karen Cotter  
Secretary