

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

June 1, 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 (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 June 1, 2015 at 7:00pm.

Paul Sanford, 4704 Falls Road – side yard area variance

A public hearing was held for Paul Sanford who is requesting a side yard variance of 10' from 15' to 5' to allow construction of a 22' X 24' garage. The secretary, Karen Cotter, read the legal notice into the minutes. The applicant advised that he does not have a garage and is requesting the variance as he would like to use the existing driveway. A letter from David and Patricia Peck, 4702 Falls Rd., was read into the minutes and stated that they were in favor of the project. The Chair, Michelle Bingham, asked if anyone would like to speak in favor in opposition to the project. Tom Estiguard, 4698 Falls Road was present and advised that he was in favor of the project. Bob Ciota made a motion to close the public testimony and public hearing. Chris Christensen seconded and the motion closed with the following vote:

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

Bob Ciota made a motion to approve the project as presented as it is consistent with and no detriment to the neighborhood; there is no existing garage and he will

be using his existing driveway. Chris Christensen seconded and the motion carried with the following vote:

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

The appeal of Paul Sanford for a side yard reduction of 10' from 15' to 5' in a R1 zone to allow a handicapped ramp at his residence on 4704 Falls Road, 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 June 1, 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 4704 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 side yard variance for garage
4. One person appeared and one letter was received in favor of the variance.

CONCLUSIONS OF LAW:

1. The project will comply with front, rear and one side 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. Applicants must proceed to the Town Hall for a building permit and follow all Town Zoning Ordinance.
2. No use or occupancy is to be permitted until all conditions/and/or codes are Complied with and a Certificate of Occupancy is issued by the CEO.
3. BE IT FURTHER RESOLVED that such approval is contingent upon compliance with: 1. Applicant complies with the Planning Board resolution of February 2, 1987 regarding runoff:

That in all developments in the Town of Marcellus, the peak runoff flow rate of discharge from a proposed site after development shall not exceed the peak runoff flow rate that prevailed prior to development. In general, this requirement will necessitate the design and construction of detention/retention facilities of various types. The design frequency should be that of a twenty-five year storm with an overflow facility to handle a one hundred year storm with no erosion.

The May minutes stand as distributed
The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Karen Cotter

Secretary