

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

**September 3, 2015**

**Present:** Gerard Wickett, Chris Christensen, Bob Ciota, Robert Oliver  
**Absent:** Michelle Bingham  
**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 September 3, 2015 at 7:00pm.

Chris Christensen made a motion to appoint Jerry Wickett as temporary Chairperson and Bob Ciota seconded. The motion carried with the following vote:

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

**Kevin Higgins, 2717 Pleasant Valley Road – special permit**

A public hearing was held for a special permit to allow a 35' X 60' accessory building. The secretary, Karen Cotter, read the legal notice into the minutes. The applicant explained that the building will go on the existing footprint of a barn that is no longer there. There is an existing trailer that will be removed and a small house will be constructed on the same lot. He restores cars as a hobby and will keep them in the new building. There will be no cars stored outside on this lot or the neighboring lot. He is replacing a building that was used for the same intent. He plans on constructing the new house immediately. No business shall be operated from the building and they will meet all setback requirements. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or in opposition to the project and there were none. Hearing no questions from the Board Bob Ciota made a motion to close the public hearing and Chris Christensen seconded.

The motion carried with the following vote:

Bob Ciota - aye

Chris Christensen - aye

Jerry Wickett - aye

Robert Oliver – aye

Bob Ciota made a motion to approve the special permit for a 35' X 60' accessory building as presented as a public hearing was held and there was no opposition, the project meets all setback requirements, no business shall be operated from the accessory building/it is for personal use only, the new structure will replace a previously existing pole barn and will be constructed in the same footprint, and there will be no impact on the neighborhood. Chris Christensen seconded and the motion carried with the following vote:

Bob Ciota - aye

Chris Christensen - aye

Jerry Wickett - aye

Robert Oliver – aye

The request of Kevin Higgins for a special permit in a R1 zone to allow him to construct a 35' X 60' accessory building at his residence at 2717 Pleasant Valley 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 September 3, 2015, 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 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.

**Marcellus Golf Course, West Seneca Turnpike – Site Plan Modification/Sign**

A public hearing was held for a special permit and area variance to add an additional sign at the golf course. Karen Cotter, read the legal notices into the minutes. Michael Morshausers read a letter from the property owner, DJ Van Keuern, requesting an area variance for the additional sign for Pipino's Restaurant. They realize the existing sign does not meet regulations think it looks nice and is important to have Pipino's be recognized in the community. Jerry Wickett stated they spent approximately four years going through the ordinance, reviewing and updating and we use the sign restrictions for businesses all over the Town. This includes the Business and Light Industrial area where more than one business may be involved. They must realize there is only one business and the restaurant is not a separate entity. The food service is a secondary business to the golf course and if any changes are to be made they would need to modify the exiting special permit. Both Chris Christensen and Jerry Wickett have met with Mr. Van Kueren and he has been told that on several different occasions. For future reverence - if they are looking to modify the existing site plan by adding cross country skiing, snowshoeing ect., they need to incorporate this all in one sign. Jerry Wickett asked if anyone would like to speak in favor or in opposition to the special permit and area variance and there were none. Bob Ciota made a motion to deny the area variance and special permit as the sign exceeds our maximum size regulation Chris Christensen seconded and the motion carried with the following vote:

Bob Ciota - aye

Chris Christensen - aye

Jerry Wickett - aye

Robert Oliver – aye

(See Planning Board minutes for additional information on this property)

The June minutes stand as distributed

The meeting was adjourned at 10:00 PM.

Respectfully submitted,

Karen Cotter  
Secretary