

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

November 2, 2015

Present: Chairperson Michelle Bingham Gerard Wickett, Chris Christensen,
Bob Ciota, 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 November 2, 2015 at 7:00pm.

Michelle Bingham made a motion to change the December Zoning Board of Appeals meeting to Wednesday, December 2, 2015. Jerry Wickett seconded and the motion carried with the following vote:

Chris Christensen – aye
Bob Ciota– aye

Michelle Bingham – aye
Jerry Wickett – aye

Robert Togni, 4426 Limerick Street – side yard variance

A public hearing was held for a side yard variance to allow the applicant to construct a bedroom so he doesn't have to go upstairs. The secretary, Karen Cotter, read the legal notice and advised that the certified mailing receipts are on file. The contractor, Bill Senicle, explained that he would construct a 12' X 13' bedroom addition and is requesting a one (1) foot side yard reduction from 15' to 14'. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project and there were none. . Hearing no questions Jerry Wickett 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
Michele Bingham – aye

Bob Ciota made a motion to approve the side yard area variance for a 12' X 13' bedroom addition to make it more accessible to the home owner. A public hearing was held and there was no opposition, it conforms to other structures and is not a detriment to the neighborhood. Chris Christensen second and the motion carried with the following vote:

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

The appeal of Robert Togni for a side yard reduction of 1' from 15' to 14' in a R1 zone to allow a bedroom addition at his residence on 4426 Limerick Street, 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 November 2, 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 4426 Limerick Street, 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 a bedroom
4. One appeared in favor and no opposition to the variance.

CONCLUSIONS OF LAW:

1. The project will comply with front, rear, and 1 sideyard 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. No building shall be constructed without a building permit.

Daniel Stoughtenger, 4454 Dublin Road – Special permit

The applicant does not have a garage and would like to construct a 20' X 40' garage that he would also like to do woodworking in. The exterior will have no lighting but the interior will have power and a wood stove. He will drive on his lawn to access it during the spring/summer/fall but not in the winter. He will not operate a business in the building and it will meet all setbacks. The project will be sent to a public hearing in December.

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Marcellus Golf Course – West Seneca Turnpike

See November Planning Board minutes

The October minutes stand as distributed.

The meeting was adjourned at 9:00PM PM.

Respectfully submitted,

Karen Cotter
Secretary