

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

December 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 December 2, 2015 at 7:00pm.

Daniel Stoughtenger, 4454 Dublin Road – Special permit

A public hearing was held to allow the applicant to construct a 20' X 40' garage that he would also like to do woodworking in. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Stoughtenger advised that the building will have no exterior lighting but will have power and a wood stove to heat the workshop area. He will drive on his lawn to access the garage 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 Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project and there were none. Jerry Wickett made a motion to close the public testimony and public hearing. Chris Christensen seconded and the motion carried with the following vote:

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

Bob Ciota made a motion to approve the 20' X 40' garage, as presented, as a public hearing was held and there was no opposition; at the November meeting the

applicant stated there would be no business operated from the garage and it's for personal use only; there will be no exterior lighting but will have power and a wood stove inside and is consistent with the neighborhood. Jerry Wickett seconded and the motion carried with the following vote:

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

The request of Daniel Stoughtenger for a special permit in a R1 zone to allow him to construct a 20' X 40' garage and workshop at his residence at 4454 Dublin 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 December 2, 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 be granted upon the following condition:

1. Applicant must apply for a building permit that grants permission for construction.
2. The shed is for personal use only and no business shall be operated from it.

Keith Spencer, 4809 Limeledge Road – 12’ X 20’ Storage Shed

A public hearing was held to allow construction of a 12’ X 20’ storage shed. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Spencer advised that he is storing small lawn tractor and lawn equipment in the shed. The shed will be located on an existing slab. Chris Christensen advised that this lot was legally subdivided several years ago. He will not operate a business in the building and it will meet all setbacks. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project. Jerry Wickett (a member of the ZBA) stated that he was a neighbor and was in favor of the project – there was no opposition. Jerry Wickett made a motion to close the public testimony and public hearing. Chris Christensen seconded and the motion carried with the following vote:

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

Jerry Wickett made a motion to approve the 12’ X 20’ storage shed, as presented, as a public hearing was held and one (1) person spoke in favor of the project but there was no opposition; the applicant stated there would be no business operated from the shed and it’s for personal use only; and is consistent with the neighborhood.

Chris Christensen seconded and the motion carried with the following vote:

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

The request of Keith Spencer for a special permit in a R1 zone to allow him to construct 12' X 20' storage shed at his residence at 4809 Limeledge 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 December 2, 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 be granted upon the following condition:

1. Applicant must apply for a building permit that grants permission for construction.

2. The shed is for personal use only and no business shall be operated from it.

Pat and Mary Ellen Koloski. 2756 West Seneca Turnpike – violation appeal

The applicant was appealing a citation issued by the Codes Officer, John Houser and asked for an interpretation of the zoning laws from the Zoning Board of Appeals. After much discussion the applicant, Pat Koloski, 2756 West Seneca Turnpike, and the Zoning Board agreed to the resolution prepared by the Town Attorney, James Gascon.

RESOLUTION
TOWN OF MARCELLUS ZONING BOARD OF APPEALS

Dated: December 2, 2015

The owner of Hillside Gardens, Patrick Koloski, having received a notice of violation from the Town of Marcellus Code Enforcement Officer and having appealed from said notice and having requested an interpretation of the Town of Marcellus Zoning Laws, upon due deliberation, upon the stipulation and agreement of the applicant and upon motion made by Bob Ciota and seconded by Chris Christensen, it is

Hereby the determination and interpretation of the Zoning Board of Appeals that the Zoning Laws permit the following conduct by Hillside Gardens:

Hillside is permitted to conduct the following business:

The sale of the usual and customary products and items sold at a greenhouse nursery including, but not limited to, the following items:

- Annual flowers
- Perennial flowers
- Nursery stock
- Fertilizers
- Soils/peat moss/compost
- Bulk and bag mulch
- Stone (gravel)
- Hard goods such as pots/trellises/gloves/small garden tools/garden

statuary

In addition to the foregoing, and solely as a result of the agreed upon site plan approval reached with the Town Planning Board, dated December 2, 2015, so long as it is operated by Mary Carlic the following is permitted at the Hillside Garden location, by and through the Wren's Den:

- Locally made soaps/lotions/jams/honey/syrup
- Eggs
- Reclaimed furniture/antiques
- Stationary
- Handmade jewelry
- Artwork
- Topiaries and Terrariums
- Spring and summer bulbs

The foregoing constitutes the findings and determination of the Town of Marcellus Zoning Board of Appeals.

Michele A. Bingham	Chair	Voted	Yes
Chris Christensen	Member	Voted	Yes
Robert Ciota	Member	Voted	Yes
Robert Oliver Jr.	Member	Voted	Yes
Gerard E. Wickett	Member	Voted	Yes

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The foregoing resolution was thereupon declared duly adopted.

Date: December 2, 2015

The November minutes stand as distributed.

The meeting was adjourned at 9:00PM

Respectfully submitted,

Karen Cotter
Secretary