

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

May 2, 2016

Present: Chairperson Michelle Bingham Gerard Wickett,
Robert Oliver, Bob Ciota, Chris Christensen

Absent:

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 2, 2016 at 7:00pm.

Thomas & Maureen LaVoy, 4588 Limeledge Rd. – Special Permit

A public hearing was held for Thomas and Maureen LaVoy for a 12' X 20' accessory building. The secretary, Karen Cotter, read the legal notice into the minutes. It will have wood siding to match the house and two (2) doors that swing out in the front. The building will be for personal storage only and will have no business operated from it. They will have no electric and/or heat and it will meet all setbacks. The Chair, Michelle Bingham, asked if anyone would like to speak in favor of/or in opposition to the project and there were none. Chris Christensen made a motion to close the public hearing and Michelle Bingham seconded. The motion carried with the following vote:

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

Bob Ciota made a motion to approve the 12' X 20' accessory building as a public hearing was held and there was no opposition; the building will be used for personal use only and no business shall be operated from it.

Jerry Wickett seconded and the motion carried with the following vote:

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

The request of Thomas and Maureen LaVoy for a special permit in a R1 zone to allow them to construct a 12' X 20' accessory building at his residence at 4588 Limeledge 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 May 2, 2016, 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 Residential 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 building will be used for personal use only and no business shall be Operated from it.

Mark Hole, 4576 Limeledge Rd – Special Permit

A public hearing was held to allow Mark Hole to construct a 36' X 28' accessory building. The secretary, Karen Cotter, read the legal notice into the minutes. The applicant is in the process of constructing a new house and two (2) bay garage - he would like to build this structure concurrently. This will be for personal use only and no business shall be operated out of it. All setbacks will be met and it will have (one) 1 small (9' X 8') overhead door as well as (one) 1 large (16' X 8') overhead door. The Chair, Michelle Bingham, asked if anyone would like to speak in favor of/or in opposition to the project and there were none. Jerry Wickett explained to Mr. Hole that historically, we have not allowed structures with multiple overhead doors. After some additional discussion Mr. Wickett stated that he sees no reason to change what has always been done and this project is no different than others that have been requested but not approved. Mr. Hole asked for an informal vote of the ZBA to see if there is any support of this project from the Board. The following informal vote was taken:

Jerry Wickett - no
Michele Bingham – no
Robert Oliver – has no problem with the presented project
Chris Christensen - no
Robert Ciota - no

The ZBA has no issue with his building size but they will not approve the project with the number of overhead doors that have been requested. Mr. Hole stated that he would change the project to have one (1) overhead door and one (1) man door. The Chair, Michelle Bingham, asked if anyone would like to make a motion to close the public hearing. Bob Ciota made the motion and Jerry Wickett seconded.

The motion carried with the following vote:

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

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Bob Ciota made a motion to approve the amended request of Mark Hole for a 36' X 28' accessory structure with one overhead door and one man door as all the setbacks were met; there was no one present in favor or in opposition to the project; it is consistent with the neighborhood and what has been approved in the past; and there will be no business operated from the building. Jerry Wickett seconded and the motion carried with the following vote:

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

The request of Mark Hole for a special permit in a R1 zone to allow them to construct a 36' X 28' accessory building at his residence at 4576 Limeledge 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 May 2, 2016, 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 Residential 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.

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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 building will be used for personal use only and no business shall be Operated from it.
3. The applicant agrees to the modification of his application that the building will have only one overhead door.

Discussion –

Sandy Masters, Bishop Hill Ventures – mining discussion

Mrs. Masters explained that this property has been in her family for several generations and was mined until her father passed away in 1994. At that time her mother did not want to handle the operation and it has not been used since that time. The family has formed an LLC and would like to start mining the property again. The location is next to Baltimore Woods. They are looking for a letter from the ZBA stating that mining is authorized and acceptable practice on this property. All of the DEC permits have been obtained and they have a reclamation bond. Chris Christensen stated that there is nothing in our zoning that allows mining. Jim Gascon stated that this has just been presented to the Board at the meeting and they will need time to investigate the regulations. Mr. Gascon advised that we will call Mrs. Masters with more information.

The May minutes stand as distributed.

The meeting was adjourned at 9:40 PM

Respectfully submitted,

Karen Cotter
Secretary

