

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

June 6, 2016

Present: Gerard Wickett, Bob Ciota, Chris Christensen
Absent: Chairperson Michelle Bingham 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 6, 2016 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:

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

Due to the July 4th holiday falling on Monday, Jerry Wickett made a motion to move the July meeting to Thursday, July 7, 2016 at 7:00PM Chris Christensen seconded and the motion carried with the following vote:

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

Marcellus Youth Soccer, Lawrence Rd – special permit/sign

A public hearing was held for a special permit to allow a sign on the property. The secretary, Karen Cotter, read the legal notice into the minutes and Patty White, Board Member of Marcellus Youth Soccer, was present to represent the project. She explained that they would like to place a 4' X 4' sign at the entrance of the fields in memory of Jerry Harkness, who was instrumental in making the fields possible. The sign meets all setback requirements but the application needs to be

corrected to indicate accurate setbacks. The Chair, asked if anyone would like to speak in favor or in opposition to the project and there were none. Bob Ciota made a motion to close the public hearing and Chris Christensen seconded. The motion carried with the following vote:

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

Bob Ciota made a motion to approve the project as presented as the sign will meet all our regulations and setback requirements; a public hearing was held and there was no one present in opposition to the project; the sign is consistent with what is allowed; and the applicant will modify the application to indicate correct setback dimensions. Jerry Wickett second and the motion carried with the following vote:

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

The request of Marcellus Youth Soccer for a special permit in a R1 zone to allow them to place a sign at 2238 Lawrence 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 6, 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 application be modified showing correct setbacks

Bob Brantner, 4337 Chilmark Drive – special permit/12’ X 16’ shed

A public hearing was held to allow a 12’ X 16’ shed be constructed on the applicants property. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Brantner explained that he would like a 12’ X 16’ shed for personal storage only. There will have no utilities in the shed and he will meet all setback requirements. The applicant was advised that he must meet all the covenant regulations on his property. Chris Christensen made a motion to close the public hearing and Bob Ciota seconded. The motion carried with the following vote:

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

Bob Ciota made a motion to approve the project as presented as a public hearing was held and there was no opposition; the shed will meet all setbacks; is consistent with the neighborhood; and is for personal use only. Chris Christensen seconded and the motion carried with the following vote:

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

The request of Bob Brantner for a special permit in a R1 zone to allow them to construct a 12’ X 16’ at his residence at 4337 Chilmark 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 6, 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.

Matt and Leigh Francis, 3006 Sevier Road – special permit/24’ X 24’ accessory building

A public hearing was held to allow a 24’ X 24’ accessory building be constructed on the applicants property. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Francis explained that he would like the building for personal storage only – no business shall be operated from it. There will be no utilities in the shed and he will meet all setback requirements Chris Christensen made a motion to close the public hearing and Bob Ciota seconded.

The motion carried with the following vote:

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

Bob Ciota made a motion to approve the project as presented as a public hearing was held and there was no opposition; the accessory building will meet all setbacks; is consistent with the neighborhood; and is for personal use only. Chris Christensen seconded and the motion carried with the following vote:

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

The request of Matt and Leigh Francis for a special permit in an Agricultural zone to allow them to construct a 24' X 24' accessory building at his residence at 3006 Sevier Road, Marietta, 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 6, 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 an Agricultural 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.

Discussion –

Dirt Bikes in an R1 zone – Interpretation request

An interpretation request regarding use of dirt bikes in a R1 zone was requested from Bill Reagan Town Attorney, Jim Gascon, stated that it is his opinion that this falls under the Health and Safety provision. There was discussion among Board members whether riding the dirt bikes on private property in an R1 zone is an allowable use and are their issues with noise as well as the health and safety of neighbors. The Codes Officer, John Houser, stated that his interpretation is that dirt bikes and snow mobiles are an incidental use in our town and are allowed under our zoning. Mr. Gascon stated that he will do some research and further discussion along with his motion will be presented at the July 7, 2016 meeting.

Sandy Masters, Bishop Hill Ventures – mining discussion

Jim Gascon will send a letter to the applicant advising that this is not an allowable use.

The May minutes stand as distributed.

The meeting was adjourned at 10:15 PM

Respectfully submitted,

Karen Cotter
Secretary

