

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

August 1, 2016

Present: Temporary Chairperson Gerard Wickett, Bob Ciota,
Chris Christensen, Robert Oliver
Absent: Michelle Bingham
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 August 1, 2016 at 7:00pm.

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

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

Due to the Labor Day holiday, the Chair, Jerry Wickett, made a motion to change the next Planning Board meeting to Thursday, September 8, 2016. Chris Christensen seconded and the motion carried with the following vote:

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

Dirt Bikes in an R1 zone – Interpretation

After much discussion Bob Ciota made a motion to adopt the resolution presented to the ZBA by Town Attorney Jim Gascon. Jerry Wickett seconded and the motion carried with the following vote:

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

**RESOLUTION OF THE
TOWN OF MARCELLUS ZONING
BOARD OF APPEALS
August 1, 2016**

The following motion was made by Bob Ciota and seconded by Jerry Wickett,

WHEREFORE, Resident William Reagan having applied for an interpretation of the Town of Marcellus zoning laws pursuant to Section 25(b), and

WHEREFORE, the question presented to the Board for interpretation is whether the operation by town residents of motorized vehicles (such as dirt bikes, snowmobiles, go-carts, mini-bikes, golf carts and 4-wheelers) upon their property is a use which is customarily incidental to that of the principal use on the same premises pursuant to Section 7.B.5 of the zoning law,

WHEREFORE, the Board has received and reviewed the application of Mr. Reagan, as well as the documentation he has submitted, and

WHEREFORE, the Board has also received the opinion and interpretation of the zoning law provision from the Town code Enforcement Officer, John Houser, and upon due deliberation,

NOW, therefore, be it Resolved:

It is the opinion of the Zoning Board of Appeals that the residential/rural nature of the Town of Marcellus is such that the use of motorized vehicles upon private property is an accessory use that is customarily incidental to that of the principal use of the same premises, and it is

Further the opinion of the Zoning Board of Appeals that such use however must not become noxious or injurious to the health, safety, morals or general welfare of the community by reason of the production of emission of dust, smoke, noise, refuse matter, odor, gas, fumes, vibration or similar substances or conditions pursuant to Section 7.B.5 of the zoning law, and it is

Further the opinion of the Zoning Board of Appeals that such use of motorized vehicles must also comply with the health and safety requirements set forth in section 24(G) of the zoning law.

The foregoing resolution having been put to a vote and the Board members voted as follows:

Chair	Michelle Bingham	Absent
Member	Chris Christensen	Yes
Member	Robert Ciota	Yes
Member	Robert Oliver, Jr.	Yes
Member	Gerard E. Wickett	Yes

The July minutes stand as distributed.

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter
Secretary