

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

November 7, 2016

Present: Temporary Chair 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
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 7, 2016 at 7:00pm.

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

Bob Ciota - aye
Chris Christensen - aye
Jerry Wickett - aye

Tuscarora Golf Club, Howlett Hill Road – special permit

See Planning Board minutes for the discussion

Center for Nature Education – 4007 Bishop Hill Road - special permit 36' X 44" pole barn

See Planning Board minutes for the discussion and resolution

Debbie Russo, 4860 Northwest Townline Road – special permit and area variance for a 12' X 25' shed

A public hearing was held for a special permit for a 12' X 24' shed and a rear yard area variance of 25' reduction from 35' to 10'. The shed is for personal storage

only and the area variance is needed so the shed will not be in the middle of the yard. The property backs up to the quarry. Hearing no questions from the Board 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

Area Variance –

Bob Ciota made a motion to approve the rear yard area variance as a public hearing was held and there was no opposition; the property backs up to a quarry so there is no impact to the neighbors and is consistent with the neighborhood. Chris Christensen second and the motion carried with the following vote:

Bob Ciota - aye
Chris Christensen - aye
Jerry Wickett - aye

The appeal of Debbie Russo for a rear yard reduction of 25' from 35' to 10' in a R1 zone to allow a 12' X 24' shed at her residence on 4860 Northwest Townline 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 November 7, 2016 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 4860 Northwest Townline Road, 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 rear yard variance for a 12' X 24' shed
4. No one appeared in favor or in opposition to the variance.

CONCLUSIONS OF LAW:

1. The project will comply with all 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 permit shall be issued until the original filing receipts are submitted to the Planning Board.
2. The building is for personal use only – no business shall be operated from it.

Special Permit –

Bob Ciota made a motion to approve the special permit for a 12' X 24' shed as a public hearing was held and there was no opposition; the shed is for personal use only – no business shall be operated from it and it 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

The request of Debbie Russo for a special permit in a R1 zone to allow her to construct a 12' X 24' shed at her residence at 4860 Northwest Townline 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 November 7, 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 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, and rear setbacks.

THEREFORE BE IT RESOLVED that said special permit is 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 – no business shall be operated from it

Matthew Calley, 3275 Hayden Road – mobile home – special permit

A public hearing was held for a special permit to allow the applicant to place a mobile home on an existing slab. This replaces a mobile home that was approved via special permit by the former land owner. The project meets all zoning specifications/restriction and Mr. Calley understands what the zoning requirements are for a mobile home and is in agreement with them. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or in opposition and there were none. 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

Chris Christensen made a motion to approve the special permit for a mobile home as the project meets all zoning requirements as well as the limits on houses within 500' of the mobile home; and a mobile home was located at this site prior but has been removed. Bob Ciota seconded and the motion carried with the following vote:

Bob Ciota - aye
Chris Christensen - aye
Jerry Wickett - aye

The request of Matthew Calley for a special permit in an Agricultural zone to allow a mobile home at his residence at 3275 Hayden 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

November 7, 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 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 is granted upon the following condition:

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

The October minutes stand as distributed.

The meeting was adjourned at 10:00 PM

Respectfully submitted,

Karen Cotter
Secretary

