

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

**December 5, 2016**

**Present:** Chairperson Michelle Bingham, Robert Oliver, Bob Ciota,  
Chris Christensen  
**Absent:** Gerard Wickett  
**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 October 3, 2016 at 7:00pm.

Michelle Bingham made a motion due to the New Year's Holiday we will change the January meeting to Thursday, January 5, 2017. Bob Ciota seconded and the motion carried with the following vote:

Chris Christensen – aye	Michelle Bingham – aye
Bob Ciota – aye	Robert Oliver – aye
Kathy Carroll – aye	

**Tuscarora Golf Club, Howlett Hill Road – special permit**

See Planning Board minutes for the discussion

**Joseph Owen, 3941 South Street Road – special permit**

A public hearing was held for a 24' X 32' accessory building. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Owen explained he would like to store his trailers and personal storage in the building. There will be no business operated from the building. He still is planning on moving forward with the subdivision that was discussed at a prior meeting but at this time he is just

requesting approval on a special permit. Chris Christensen made a motion to close the public hearing and Bob Ciota seconded. The motion carried with the following vote:

Chris Christensen – aye  
Bob Ciota – aye  
Kathy Carroll – aye

Michelle Bingham – aye  
Robert Oliver – aye

The request of Joseph Owen for a special permit in an Residential 1 zone to allow him to construct a 24' X 32' accessory building at his residence 3941 South Street 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 December 5, 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 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.

**David Bailey, 4300 Gypsy Road – special permit**

A public hearing was held to allow three (3) solar panels to be constructed on his property in the front yard. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Bailey explained that due to the trees in the rear of the property and the orientation of the house they can't be placed in the rear of the property. There will be three (3) poles with all of the panels facing south. The three poles with the panels are approximately 13' X 15' wide and there is about three (3') feet between the poles. They will meet all of the setback requirements. He advised that when the leaves are out it will not be visible to the neighbors. The temporary Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project and there was none. Chris Christensen asked if there is any glare from the panels and Mr. Bailey said there is not. Chris Christensen made a motion to close the public hearing and Michelle Bingham seconded. The motion carried with the following vote:

Chris Christensen – aye  
Bob Ciota – aye  
Kathy Carroll – aye

Michelle Bingham – aye  
Robert Oliver – aye

Bob Ciota made a motion to approve the special permit as there was no one present in opposition to the project and the installation is consistent with the town zoning ordinance in regards to solar panels and will have no adverse impact on the neighbors. Michelle Bingham seconded and the motion carried with the following vote:

Chris Christensen – aye  
Bob Ciota – aye  
Kathy Carroll – aye

Michelle Bingham – aye  
Robert Oliver – aye

The request of David Bailey for a special permit in a Residential 1 zone to allow him to place three (3) poles and solar panels at his residence 4300 Gypsy 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 December 5, 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 1 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.

*Discussion -*

**Debora O'Brien, Seth O'Brien, 4000 Bishop Hill Road – storage bldg**

They explained that they would like to construct a storage building at the gravel bed site to work on tractors and equipment. This would allow them to move equipment inside and be able to work on the trucks out of the elements. There are no other buildings, except the house, on the property and they are not expanding. The life of the gravel bed is at least 40 years. The purpose of the building is for storage and maintenance only. There will be electricity in the building and access will be from the rear on the south side. The Board sees no issues with their request and the applicant will submit a special permit application for the January meeting.

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December 5, 2016

The November minutes stand as distributed.

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter  
Secretary