

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

August 7, 2017

Present: Temporary Chairperson Jerry Wickett,
Ron Schneider, Kathy Carroll
Absent: Chris Christensen, 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 7, 2017 at 7:00pm.

Ron Schneider made a motion to appoint Jerry Wickett as temporary Chairperson of the ZBA. Kathy Carroll seconded and the motion carried with the following vote:

Jerry Wickett - aye
Chris Christensen - aye
Ron Schneider – aye
Kathy Carroll – aye

Due to the Labor Day holiday, the Chair, Jerry Wickett, made a motion to change the date of our September meeting to Thursday, September 7, 2017. Ron Schneider seconded and the motion carried with the following vote:

Jerry Wickett - aye
Chris Christensen - aye
Ron Schneider – aye
Kathy Carroll – aye

Edward & Gina LaPlant, 3671 Slate Hill Road – special permit

A continuation of a public hearing was held to request construction of an accessory

building. Mr. LaPlant did not attend the meeting. We did not receive a response from Mr. LaPlant and will try contacting him again.

Bishop Hill Ventures, 3995 Bishop Hill Rd. – zoning interpretation

A continuation of a public hearing was held for a zoning interpretation to decide if the gravel bed has continued as an active non-conforming use. The following letters were received and read into the minutes:

- Timothy and Kaye Fenlon, 2142 Lawrence Rd. received in our office on July 19, 2017- not in favor of project
- Bill Branson, 2103 Lawrence Rd. – not in favor of the project

Jim Gascon stated that the applicant's attorney requested additional time to present case law regarding this project. This project will be adjourned until the September meeting.

Jennifer Cruz, 3244 Brewer Road – special permit

A continuation of a public hearing was held for a special permit to allow a 50' X 40' accessory building. Ms. Cruz modified her application indicating the fabric will now cover the structure. She advised that she could not find any new information regarding snow load but there is a farmer on Bussy Road, in the Town of Onondaga, that has a similar structure and covering and it has lasted between 15 & 18 years. They have had no issue with snow and it has not collapsed. John Houser stated that he likes that the structure will cover the flat surface and he will make sure it can meet code for snow load. The following was discussed:

- She advised that they will paint the structure the color of the house
- it will be either fenced or landscaped so the containers are not visible to neighbors – if landscaping is done it must be with items that will block the view now and not in a few years.
- We want to make sure there is minimum impact to the neighbors
- They must submit a modification of exactly what the project will look like and any issues with the design must be discussed with the Codes Officer.

Jerry Wickett made a motion to close the public hearing and Kathy Carroll seconded. The motion carried with the following vote:

Jerry Wickett - aye
Chris Christensen - aye
Ron Schneider – aye
Kathy Carroll – aye

Kathy Carroll made a motion to approve the special permit as a public hearing was held and there was no opposition; the property is located in an agricultural zone with minimal neighbors; the applicant must submit a modified drawing to our office showing the changes that were discussed – that the fabric will incorporate all of the storage units; the units will be painted the same color as the house; and they will screen around the storage units with either fencing and/or landscaping that is tall enough so that it blocks the actual containers from view. Ron Schneider seconded and the motion carried with the following vote:

Jerry Wickett - aye
Chris Christensen - aye
Ron Schneider – aye
Kathy Carroll – aye

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 August 7, 2017, 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 front, 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 building is for personal use only.
3. The applicant must submit a modified drawing to our office showing the changes that were discussed – that the fabric will incorporate the entire storage unit.
4. The units will be painted the same color as the house
5. They will screen around the storage units with either fencing and/or landscaping that is tall enough so that it blocks the actual containers from view

Mark Hole, 4576 Limeledge Road – special permit

A public hearing was held for a 12' X 24' accessory building to store a large tractor and yard equipment that can't fit in his garage. The secretary, Karen Cotter, read the legal notice into the minutes. The building will meet all setbacks, has no electricity or heat, be painted the same color as his garage and is for personal use only. Jerry Wickett asked if anyone would like to speak in favor or in opposition to the project and there were none. Hearing no questions from the ZBA, Jerry Wickett made a motion to close the public hearing and Ron Schneider seconded. The motion carried with the following vote:

Jerry Wickett - aye
Chris Christensen - aye
Ron Schneider – aye
Kathy Carroll – aye

Kathy Carroll made a motion to approve the project as presented as a public hearing was held and there was no opposition; the building will meet all setback requirements and will be for personal use only – no business shall be operated from it; and it is consistent with the neighborhood.

Ron Schneider seconded and the motion carried with the following vote:

Jerry Wickett - aye
Chris Christensen - aye
Ron Schneider – aye
Kathy Carroll – aye

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 August 7, 2017, 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 front, 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.
1. The building is for personal use only.

Jeff Shirtz, 3971 Sate Hill Road – special permit

A public hearing was held for a special permit for a 10' X 20' accessory building. The secretary, Karen Cotter, read the legal notice into the minutes. The applicant explained the building would be used to store pool accessories, is for personal use

only and will not have electricity. He has an existing shed on his property and is not sure whether he will remove it or keep it. Jerry Wickett asked if anyone would like to speak in favor or in opposition to the project and there were none. Hearing no questions from the ZBA, Jerry Wickett made a motion to close the public hearing and Ron Schneider seconded. The motion carried with the following vote:

Jerry Wickett - aye
Chris Christensen - aye
Ron Schneider – aye
Kathy Carroll – aye

Kathy Carroll made a motion to approve the project as presented as a public hearing was held and there was no opposition; the building will meet all setback requirements and will be for personal use only – no business shall be operated from it; and it is consistent with the neighborhood. Ron Schneider seconded and the motion carried with the following vote:

Jerry Wickett - aye
Chris Christensen - aye
Ron Schneider – aye
Kathy Carroll – aye

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 August 7, 2017, 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 front, 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 building is for personal use only.

Jim & Gretchen Brown, 2632 Abend Point – area variance

A public hearing was held for an addition of a two (2) car garage and master suite on his existing house. The secretary, Karen Cotter, read the legal notice into the minutes and advised that the mailing receipts are on file. Guy Donahoe, Architect, explained the project and advised that he is requesting a rear yard reduction of 28' from 35' to 7'. (See additional information in Planning Board minutes) Jerry Wickett asked if anyone would like to speak in favor or in opposition to the project and there were none. Hearing no questions from the ZBA, Jerry Wickett made a motion to close the public hearing and Ron Schneider seconded. The motion carried with the following vote:

Jerry Wickett - aye
Chris Christensen - aye
Ron Schneider – aye
Kathy Carroll – aye

Kathy Carroll made a motion to approve the project as presented as the required subdivision was approved; the project is consistent with the neighborhood and a public hearing was held and there was no opposition.

Ron Schneider seconded and the motion carried with the following vote:

Jerry Wickett - aye
Chris Christensen - aye
Ron Schneider – aye
Kathy Carroll – aye

The appeal of Jim and Gretchen Brown for a rear yard reduction of 28’ from 35’ to 7’ in a Residential 2 zone to allow an n addition of a garage and master suite at their residence on 2632 Abend Point, 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 August 7, 2017 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 2632 Abend Point, Marietta, New York
2. The subject premises are zoned Residential 2 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 an addition of a garage and master suite

CONCLUSIONS OF LAW:

1. The project will comply with front, rear and side yard 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 construction shall begin without an approved building permit
2. The subdivision must be approved and maps signed and filed with the County and our office prior to getting a building permit

Glider Oil Co., Lee Mulroy Road – special permit/site plan

See Planning Board minutes

The July minutes stand as distributed.

The meeting was adjourned at 9:30 PM

Respectfully submitted,

Karen Cotter\
Secretary

