

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

September 7, 2017

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

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 asked if anything had changed regarding the Zoning regulations on number of doors in accessory buildings and if changes were going to be made then when could he expect that to happen. Michelle Bingham stated that a meeting was held in Jun and not everyone could attend. No changes have been decided on and if/when there are changes to the regulations both the Town Board and Onondaga County Planning would need to approve them. Jerry Wickett stated that the earliest this would be completed or approved is February, 2018. Mr. LaPlant asked if he could have two (2) on this project and he was advised that he could. A revised application will be submitted for review at our October meeting. Jerry Wickett made a motion to adjourn the project to October and Ron Schneider seconded. The motion carried with the following vote:

Jerry Wickett - aye
Michelle Bingham - aye
Ron Schneider – aye
Kathy Carroll – aye

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. Jim Gascon stated that the applicant's attorney just submitted a 70 page document that needs to be reviewed by the Board. We also want to give the public the opportunity to complete a FOIL request so they can review this as well. This project will be adjourned until the October meeting. Jim Gascon will contact Mr. Leja and advise that we need hard copies as well as information needs to be submitted in time to allow the Board a proper and complete review.

Regina Ruebsaman & James Barello, 4672 Howlett Hill Rd. – special permit

A public hearing was held for a special permit to allow a 12' X 20' accessory building. The secretary, Karen Cotter, read the legal notice into the minutes. Ms. Ruebsamen explained that they would use the building to store snow blower, lawn mower and equipment. This will not be visible from the road and/or neighbors and would have no power. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or opposition to the project and there were none. Jerry Wickett made a motion to close the public hearing and Michelle Bingham seconded. The motion carried with the following vote:

Jerry Wickett - aye
Michelle Bingham - aye
Ron Schneider – aye
Kathy Carroll – aye

Jerry Wickett made a motion to approve the special permit as a public hearing was held and there was no opposition; the project will not be visible from the road; will be used for personal storage only and will have no undesirable change to the neighborhood. Ron Schneider seconded and the motion carried with the following vote:

Jerry Wickett - aye
Michelle Bingham - 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 September 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 Residential 1 zone: 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.

Brendt & Jessica Johnson, 2552 Schuyler Rd – special permit

A public hearing was held for a 30' X 30' pavilion/carport to place their cars underneath it.. The secretary, Karen Cotter, read the legal notice into the minutes. The applicant was not present as they were stranded in Florida due to a hurricane. The Codes Officer, John Houser, explained that he had met with the applicant and explained they have a very long driveway with an existing two (2) car garage. They have turned a portion of the garage into a mudroom and can't put a vehicle into it. This will be used as a carport to park the vehicles underneath it. This is for personal use only and will have no signs, no posts and to change this into a garage they would need to remove the existing garage doors and meet all the building code requirements . The Chair, Michelle Bingham asked if anyone would like to

speak in favor or in opposition to the project and there were none. Kathy Carroll made a motion to close the public hearing and Jerry Wickett seconded. The motion carried with the following vote:

Jerry Wickett - aye
Michelle Bingham - 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 if it is ever converted to a garage they must proceed with the building permit process as well as remove the doors on the existing garage. Ron Schneider seconded and the motion carried with the following vote:

Jerry Wickett - aye
Michelle Bingham - aye
Ron Schneider – aye
Kathy Carroll – aye

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WHEREAS: The applicant is located in an Agricultural zone: 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. Any changes to make the carport into a garage will require the removal of the overhead doors on the existing garage and a building permit that grants permission for the construction of a new garage.

Norman & Lisa Wynn 4235 Browsing Lane – special permit

A public hearing was held for a special permit for a 12' 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 snow blower, ATV and garden equipment. It is for personal use only and will not have electricity. The Chair, Michelle Bingham, 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, Ron Schneider made a motion to close the public hearing and Kathy Carroll seconded. The motion carried with the following vote:

Jerry Wickett - aye
Michelle Bingham - aye
Ron Schneider – aye
Kathy Carroll – aye

Jerry Wickett 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
Michelle Bingham - 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 September 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.

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

A public hearing was held for a special permit to allow a 30,000 gallon propane tank to be placed on a concrete pad.

The Chair, Jerry Wickett asked if anyone would like to speak in favor or in opposition to the project.

- John McManus, 2570 Pleasant Valley Rd. – stated he was in opposition to the project. He advised that he has worked for 30 years with gas cylinders and teaching gas safety. He has researched these types of projects and discussed a situation in Toronto, Canada, where a cylinder tank exploded at a propane plant and it was the employees that caused the explosion. This was constructed near a residential area and the entire area had to be evacuated. He wondered if the town had some type of evacuation plan. He advised that he does not want the tank near his home and has concern for the safety of the people who use the park and the boy scout camp.
- Carol Kopecky, 2591 Pleasant Valley Rd. – opposition of the project – safety concerns
- Mark McManus, 2578 Pleasant Valley Rd. – in opposition of the project – he asked the Board if they had been to the site as he thinks the submitted maps are incorrect and stated if the map is wrong what else could be wrong with their submittal. He also stated that this use to be a landfill – concerned with what would happen if tank exploded. Also concerned that the Boy Scout camp is close to this property.

Jerry Wickett stated that the both the ZBA and PB job is to review the facts presented; if necessary, have the professionals that the Town has hired review and advise us on the projects; and make sure it meets all of our regulations. Town Engineer, Jason Kantak advised they have reviewed the submitted documents and have been in contact with Plumley Engineering.

See the Planning Board minutes for additional discussion on this project.

The public hearing will be carried over to the October meeting.

The August minutes stand as distributed.

The meeting was adjourned at 9:30 PM

Respectfully submitted,
Karen Cotter, Secretary

