

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

**May 7, 2018**

**Present:** Chairperson Michelle Bingham, Kathy Carroll  
Chris Christensen, Ron Schneider  
**Absent:** Jerry Wickett  
**Town Counsel:** James Gascon of Costello, Cooney, and Fearon  
**Town Engineer:** Shane O'Connor 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 May 7, 2018 at 7:00pm.

**Calvert and Patricia Jones, 3242 Smith Hollow Road – special permit**

A public hearing was held for a special permit to allow a storage container that already exists on the property. The Secretary, Karen Cotter, read the legal notice into the minutes. Mr. Calvert explained they were doing construction and they were using the container to store furniture during this process. They did not realize a special permit was required. The project will be completed within three (3) months. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project. Chris Christensen made a motion to close the public hearing and Ron Schneider seconded. The motion carried with the following vote:

Michele Bingham – 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 one present opposed to the containers; and the containers will be removed within the three month time limit.

Chris Christensen seconded and the motion carried with the following vote:

Michele Bingham – aye  
Chris Christensen - aye  
Ron Schneider – aye  
Kathy Carroll – aye

The request of Calvert and Patricia Jones for a special permit in an Agricultural zone to allow them to place a storage container on their residence at 3242 Smith Hollow Rd., Marietta, New York. The container will be used during the construction process to store furniture and must be removed within three (3) months of the approval.

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 May 7, 2018, 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 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 the storage container.

-pg3-ZBA  
May 7, 2018

2. The container is for personal storage only, during the construction Process, and must be removed within three (3) months from approval.

**Chocolate Pizza/Richard Shea/Ultimate Goal/Wags, Lee Mulroy Rd – special permit**

A public hearing was held to allow a sign to represent all the businesses located along the properties at 3774 Lee Mulroy Road. The Secretary, Karen Cotter, read the legal notice into the minutes. Ryan Novak, Owen Morgan Enterprises (Chocolate Pizza), submitted a plan showing all of the businesses on the sign as well as an agreement signed by all of the property and business owners. Jim Gascon reviewed and approved the submitted paperwork. He stated that it was similar to the maintenance agreement for these properties. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project and there were none. Mr. Novak stated they will have down lighting on the sign. John Houser has been out to the site and measured the location of the sign so there will be no site distance issues and it will not block the vision from people pulling in/out of Lee Mulroy Rd. The sign is larger than our regulations allow – he will remove the top of the sign that reads Mulroy Commons and just have the business names on it. Mr. Novak will provide a corrected drawing of the sign. There was also discussion regarding putting the sign in the state's right of way. Mr. Novak was advised that placing the sign at that location is at their own risk and Chris Christensen advised him that the NYSDOT made the business across the street (McClurg) remove the sign from its location in the right of way. Chris Christensen made a motion to close the public hearing and Kathy Carroll seconded. The motion carried with the following vote:

Michele Bingham – aye  
Chris Christensen - aye  
Ron Schneider – aye  
Kathy Carroll – aye

Chris Christensen made a motion to approve the special permit for the requested sign with the contingency that the applicant will amend the drawing and submit a corrected drawing with the dimensions that meet our zoning regulations.

Kathy Carroll seconded and the motion carried with the following vote:

Michele Bingham – aye  
Chris Christensen - aye  
Ron Schneider – aye  
Kathy Carroll – aye

The request of Owen Morgan Enterprises, for a special permit, in a Light Industrial zone, to allow them to place a sign at 3774 Lee Mulroy 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 May 7, 2018, 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 Light Industrial 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 the sign.

-pg5-ZBA  
May 7, 2018

2. Applicant must submit revised drawings of the sign showing corrected dimensions that meets our zoning regulations.

The minutes of the April meeting stand as corrected.

The meeting was adjourned at 9:30 PM

Respectfully submitted,

Karen Cotter  
Secretary