

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

June 4, 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: 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 June 4, 2018 at 7:00pm.

Christopher & Shelly Peters, 2359 Lawrence Rd – special permit

A public hearing was held for a special permit to allow a 12' X 24' shed. The Secretary, Karen Cotter, read the legal notice into the minutes. Mr. Peters explained they purchased the shed and asked the owners of the company whether a permit is required and he was told no. The shed has already been delivered and they use the shed to store their lawn tractor and accessories. The roof has solar panels, there is no electricity or power and it meets all setback requirements. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition to the project and there were none. 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

Chris Christensen made a motion to approve the project as presented as a public hearing was held and there was no one present; it is consistent to what is in the neighborhood; and no business will be operated from it.

Michelle Bingham seconded and the motion carried with the following vote:

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

The request of Christopher and Shelly Peters for a special permit in an Agricultural zone to allow them to place a 12' X 24' shed on their residence at 2539 Lawrence Rd, Marcellus, New York. The shed will be used for personal use only and no business shall be operated from it.

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 June 4, 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
2. The shed is for personal use only; no business shall be operated from it.

Kristy Kudlick, 2553 Dublin Court – rear yard area variance

A public hearing was held for a rear yard variance to locate an above ground pool. They are requesting a 20' reduction from 35' to 15'. The secretary, Karen Cotter, read the legal notice into the minutes and advised that mailing receipts are on file. Mrs. Kudlick advised that she owns the property to the rear of the pool but it is on a separate deed. 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 Board, Kathy Carroll made a motion to close the public hearing. Chris Christensen seconded and the motion carried with the following vote:

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

Kathy Carroll then made a motion to approve the project as presented. A public hearing was held and there was no opposition; the applicant owns the property behind the pool that would be most affected by the variance. Chris Christensen seconded and the motion carried with the following vote:

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

The appeal of Kristy Kudlick for a rear yard reduction of 20' from 35' to 15' in a R1 zone to allow an above ground pool at their residence on 2553 Dublin Court, 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 June 4, 2018 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 2553 Dublin Court, 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 an above ground pool
4. No one appeared in favor or in opposition to the variance.

CONCLUSIONS OF LAW:

1. The project will comply with both sides and rear 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. Applicants must proceed to the Town Hall for a building permit and follow all Town Zoning Ordinance.
2. No use or occupancy is to be permitted until all conditions/and/or codes are complied with and a Certificate of Occupancy is issued by the CEO.

Kristy Kudlick, 2553 Dublin Court – front yard area variance

A public hearing was held for a front yard variance to construct a front porch. They are requesting a 6' reduction from 35' to 29'. The secretary, Karen Cotter, read the legal notice into the minutes and advised that mailing receipts are on file. Mrs. Kudlick explained that they have no protection from the weather as they enter into the house. The steps will be located in the front of the porch but will not be covered. They feel it is consistent with the neighborhood as a front yard variance was approved for a neighbor that is just a few houses away from them. The Chair, Michelle Bingham, asked the Board to review SEQR. Kathy Carroll made a determination that the proposed action will not result in any significant, adverse environmental impact. Ron Schneider seconded and the motion carried with the following vote:

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

Chris Christensen made a motion to adjourn the public hearing and Michelle Bingham seconded. The motion carried with the following vote:

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

The project will be sent to OCPB for review and will be placed on the July agenda.

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The minutes of the May meeting stand as corrected.

The meeting was adjourned at 9:30 PM

Respectfully submitted,

Karen Cotter
Secretary