

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

July 2, 2018

Present: Chairperson Michelle Bingham, Kathy Carroll
Chris Christensen, Ron Schneider, Jerry Wickett

Absent:

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 July 2, 2018 at 7:00pm.

Kristy Kudlick, 2553 Dublin Court – front yard area variance

A continuation of 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'. 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, read the OCPB resolution #Z-18-171, dated June 13, 2018 into the minutes. Hearing no further questions from the ZBA, Kathy Carroll made a motion to close the public hearing and Jerry Wickett seconded. The motion carried with the following vote:

Michelle Bingham – aye

Chris Christensen - aye

Ron Schneider – aye

Kathy Carroll – aye

Jerry Wickett – aye

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Kathy Carroll made a motion to approve the project as presented as there was no one present in opposition. Jerry Wickett seconded and the motion carried with the following vote:

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

The appeal of Kristy Kudilick for a front yard reduction of 6’ from 35’ to 29’ 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 July 2, 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 front yard variance for front porch
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.

Owen Morgan Enterprises, 3774 Lee Mulroy Rd – area variance – sign

A public hearing was held for an area variance to allow a larger sign at this property. Ryan Novak, owner of Chocolate Pizza, was present to represent the project. He stated that they have seven (7) individual businesses on the property and doesn't feel our regulations take into consideration of more than 2-3 businesses on one sign. Nowhere in the town is there a property with that many businesses located on it. The exterior dimensions will remain the same as what our ordinance states. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or opposition to the project and there were none. Jerry Wickett asked the codes officer if having a sign lower will have any visual impact and John

Houser said no as it is well beyond the setback and state easement for that road. Chris Christensen stated he has reviewed other Towns signs and we didn't really consider that many businesses at one location for one sign. We don't have another property similar to this in Town. Jerry Wickett made a motion to close 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
Jerry Wickett – aye

Jerry Wickett made a motion to approve the area variance for the submitted sign extension as it doesn't change any of the outside regulations, just the interior; and the ZBA feels it would cause undue hardship to the businesses because the hardship is unique and not shared as there are no others similar to this in the community. He stated that the sign is staying within the spirit of the zoning law. Michelle Bingham seconded and the motion carried with the following vote:

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

The appeal of Owen Morgan Enterprises for a sign size increase from 48' to 80' in a Light Industrial zone 3774 Lee Mulroy Rd, Marcellus, New York.

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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 3774 Lee Mulroy Rd, Marcellus, New York
2. The subject premises are zoned Light Industrial 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 Sign extension
4. No one appeared in favor or in opposition to the variance.

CONCLUSIONS OF LAW:

1. The project will comply with all 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.

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Welch Construction, 4331 Slate Hill Rd

No one was present

The minutes of the July meeting stand as corrected.

The meeting was adjourned at 9:30 PM

Respectfully submitted,

Karen Cotter
Secretary