

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

August 6, 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 August 6, 2018 at 7:00pm.

Due to the Labor Day holiday Michelle Bingham made a motion to change the date of the September Planning Board meeting to Thursday, September 6, 2018. Chris Christensen seconded and the motion carried with the following vote:

Michelle Bingham – aye

Chris Christensen - aye

Ron Schneider – aye

Kathy Carroll – aye

Jerry Wickett – aye

Volles Realty/Norris Homestead, 3225 Cherry Valley Turnpike – side yard variance

A public hearing was held for a ½' reduction on a side yard setback from 20' to 19 ½' on lot one (1) and lot two (2) on the newly created lots. The secretary, Karen Cotter, read the legal notices for both lots into the minutes. These lots were created through a subdivision application and approved at the August 6, 2018, Planning Board meeting. The barns exist and it would have been a hardship to configure the lots differently. Hearing no further questions from the ZBA, Chris Christen made a motion to close both of the public hearings and Kathy Carroll seconded.

The motion carried with the following vote:

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

Chris Christensen made a motion to approve the project as presented for lot one (1) as a public hearing was held and there was no one present in opposition; and this was a minor lot revision and both the Planning Board and Zoning Board felt this was the best approach for the applicant to create the lots; and contingent upon completion of the Volles/Norris Homestead Subdivision. 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 Volles Realty for a side yard reduction of 1/2' from 20' to 19 1/2' in an Agricultural zone to allow for an existing barn at the newly created, via subdivision, lot one (1) at 3225 Cherry Valley Turnpike.

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 6, 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 3225 Cherry Valley Turnpike (lot one 1), Marcellus, New York
2. The subject premises are zoned Agricultural, 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 legitimize existing building
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.
3. The approved subdivision, on August 6, 2018 must be completed.

Chris Christensen made a motion to approve the project as presented for lot two (2) as a public hearing was held and there was no one present in opposition; and this was a minor lot revision and both the Planning Board and Zoning Board felt this was the best approach for the applicant to create the lots; and contingent upon completion of the Volles/Norris Homestead Subdivision. Ron Schneider 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 Volles Realty for a side yard reduction of 1/2' from 20' to 19 1/2' in an Agricultural zone to allow for an existing barn at the newly created, via subdivision, lot two (2) at 3225 Cherry Valley Turnpike.

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 6, 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 3225 Cherry Valley Turnpike (lot two (2) Marcellus, New York
2. The subject premises are zoned Agricultural, pursuant to the zoning map, which is Part of the Zoning Ordinance of the Town of Marcellus.
 1. The relief sought is: Section 6a to allow a side yard variance for an existing barn
3. 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.
3. The approved subdivision, on August 6, 2018 must be completed.

Alanna Nemier, 2359 Glover Rd. – special permit

A public hearing was held for a special permit to construct a 12' X 20' storage shed. The secretary, Karen Cotter, read the legal notice into the minutes. Paul Lohnes was present to represent the project and he advised that the shed will meet all setbacks and be placed at the rear of the property.

It will have no power and no business shall be operated out of it. The shed will be for personal storage only. 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 Chris Christensen 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 special permit for a 12' X 20' shed as it is for personal use only; a public hearing was held and there was no one present in favor or opposition to the project. Chris Christensen 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 request of Alanna Nemier for a special permit in an Agricultural zone to allow them to place a 12' X 20' shed on her residence at 2359 Glover 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 August 6, 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.

Kenneth Sweeney, 2403 Cherry Valley Turnpike – special permit

A public hearing was held for a 16' X 20' storage building. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Sweeney advised that this is for personal use only, no business will be operated from it and there will be power. The building will meet all setback requirements. He would like to store his lawnmower and garden equipment in it. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or opposition to the project and there were none. Hearing no further questions Chris Christensen made a motion to close the public hearing and Ron Schneider seconded. The motion carried with the following vote:

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

Chris Christensen made a motion to approve the special permit for a 16' X 20' shed as it is for personal use only; a public hearing was held and there was no one present in favor or opposition to the project.

Ron Scheider 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 request of Kenneth Sweeney for a special permit in an Agricultural zone to allow them to place a 16' X 20' shed on his residence at 2403 Cherry Valley Turnpike, 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 August 6, 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.

Eric Klaben, 4486 Limeledge Rd – special permit

A public hearing was held for a ground mount solar panel. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Klaben advised that the panels will be aimed toward the south; he will make sure there is no glare that goes off site; and the panels are not visible from the road or to neighboring properties. The Chair, Michelle Bingham, asked if anyone would like to speak in favor or in opposition and there was none. Jerry Wickett made a motion to close the public hearing and Chris Christensen seconded. The motion carried with the following vote:

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

Kathy Carroll made a motion to approve the special permit for a ground solar panels as public hearing was held and there was no one present in favor or opposition to the project and they will comply with the solar regulations in New York State.

Ron Scheider 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 request of Eric Klaben for a special permit in a Residential 1 zone to allow him to place ground solar panels on his residence at 4486 Limeledge Rd., 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 August 6, 2018, commencing at 7:00pm, local time at which time and place the following Resolution was moved, seconded and passed.

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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.

The meeting was adjourned at 10:00 PM

Respectfully submitted,

Karen Cotter
Secretary

