

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

September 5, 2019

Present: Chairperson Jerry Wickett, Ron Schneider, Scott Stearns
Absent: Chris Christensen, Kathy Carroll
Town Counsel: Jim Gascon of Costello, Cooney, and Fearon
Town Engineer: Joe Durand of TDK Engineering (absent)
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 5, 2019 at 7:00pm.

Stephen Casper, 3399 Bishop Hill Rd – side yard variance

A public hearing was held for a side yard variance to allow construction of a new garage. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Casper explained that he has no existing garage and this location makes the most sense for the layout of the house and existing driveway. The garage is for personal use only to store his cars and tools and will be located on the existing driveway. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or opposition to the project and there were none. A letter dated August 23, 2019 from Donald Krick and Monica Evans was received and read into the minutes. They are located adjacent to the side that the variance is being requested and asked that the variance be approved as they feel it will improve his property. Hearing no questions, Jerry Wicket made a motion to close the public hearing and Ron Schneider seconded. The motion carried with the following vote:

Jerry Wickett - aye
Scott Stearns - aye
Ron Schneider – aye

Scott Stearns made a motion to approve the side yard variance as requested as a public hearing was held and there was no opposition; a letter was received from a neighbor in favor of the project; it will be used for personal use only and it is

keeping with the character of the neighborhood. Jerry Wickett seconded and the motion carried with the following vote:

Jerry Wickett - aye
Scott Stearns - aye
Ron Schneider – aye

The appeal of Stephen Casper for a side yard reduction of 17’ from 20’ to 3’ in an Agricultural zone to allow a Garage at his residence on 3399 Bishop Hill 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 September 5, 2019 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 3399 Bishop Hill Road, Marcellus, NY
2. The subject premises are zoned Agricultural 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 side yard variance for a garage
4. No one appeared in favor or in opposition to the variance, one letter in favor of the project was submitted

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.

NOW THEREFORE in consideration of the above, the applicant's request for an area variance is hereby granted with the following contingencies:

1. Garage is for personal use only and no business shall be operated from there
2. Applicants must proceed to the Town Hall for a building permit and follow all Town Zoning Ordinance.
3. 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.
4. BE IT FURTHER RESOLVED that such approval is contingent upon compliance with: 1. Applicant complies with the Planning Board resolution of February 2, 1987 regarding runoff:

That in all developments in the Town of Marcellus, the peak runoff flow rate of discharge from a proposed site after development shall not exceed the peak runoff flow rate that prevailed prior to development. In general, this requirement will necessitate the design and construction of detention/retention facilities of various types. The design frequency should be that of a twenty-five year storm with an overflow facility to handle a one-hundred-year storm with no erosion.

Dennis Bellotti, 4949 Howlett Hill Rd – front yard variance

A public hearing was held for a front yard variance to allow a shed to be placed on the existing driveway. The secretary, Karen Cotter, read the legal notice into the

minutes. Mr. Bellotti is requesting a 27' reduction from 68' to 41' as measured from the center of the road. He also explained that due to the topography of his property and the location of his leach fields and septic this was the best location for the shed. The shed will go no closer to the road than his existing house and he does not have a garage on his property. The Chair, Jerry Wickett, asked the PB to review SEQR. Scott Stearns made a motion to approve SEQR as the proposed action will not result in any significant adverse environmental impact. Ron Schneider seconded and the motion carried with the following vote:

Jerry Wickett - aye
Scott Stearns - aye
Ron Schneider – aye

This project will be sent to OCPB for review.

William Hight, 2495 Falls Rd – special permit

A public hearing was held for a special permit to allow a 12' X 24' accessory structure. Mr. Hight advised that there will be no electric or plumbing in the building and it is to be used for personal storage only. There was a question if the property was one (1) or two (2) separate lots and after reviewing the deeds it was indicated that there is only one (1) lot and they were merged prior to 1986. Hearing no further questions Ron Schneider made a motion to close the public hearing and Scott Stearns seconded. The motion was carried with the following vote:

Jerry Wickett - aye
Scott Stearns - aye
Ron Schneider – aye

Scott Stearns made a motion to approve the special permit as a public hearing was held and there was no one present in favor and/or in opposition to the project; the building will be used for personal use only; it will meet all setback regulations; and it is consistent with the neighborhood.

Ron Schneider seconded and the motion carried with the following vote:

Jerry Wickett - aye
Scott Stearns - aye
Ron Schneider – 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 5, 2019, 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 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 construction.
2. The shed is for personal use only and no business shall be operated from it.

-pg6-ZBA
September 5, 2019

The minutes of the July meeting stand with a correction.

The minutes of the August meeting stand as distributed.

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter
Secretary