

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

**October 7, 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 October 7, 2019 at 7:00pm.

**Dennis Bellotti, 4949 Howlett Hill Rd – front yard variance**

A continuation of a public hearing was held for a front yard variance to allow a shed to be placed on the existing driveway. 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, read the OCPB resolution dated September 18, 2019, #19-26-9 into the minutes. He then asked if anyone would like to speak in favor or opposition to the project and there were none. There was discussion regarding the comment from OCPB referencing the width of the driveway. Mr. Wickett stated that it is incidental to the placement of the shed. Chris Christensen asked if the trailer/truck was going to remain and Mr. Belotti stated it will be moved for the winter. Hearing no further questions Kathy Carroll 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  
Kathy Carroll – aye  
Chris Christensen – aye

Kathy Carroll made a motion to approve the variance as presented as the shed is for personal use only and 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  
Kathy Carroll – aye  
Chris Christensen – aye

The appeal of Dennis Bellotti for a front yard reduction of 27’ from 68’ to 41’ as measured from the center of the road in a Residential 1 zone to allow a shed at his residence on 4949 Howlett 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 October 7, 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 4949 Howlett Hill Road, Marcellus, NY
2. The subject premises are zoned Residential 1 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 a shed
4. No one appeared in favor or in opposition to the variance

CONCLUSIONS OF LAW:

1. The project will comply with all rear and side yard 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. Shed 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.

**Nathan Kranes, 2742 Slate Hill Rd. – special permit**

A public hearing was held for a special permit to allow a 44' X 32' garage in a Residential 1 zone. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Kranes explained that the garage will be located on the existing driveway and will have electric but no heat. The upstairs will be used for personal storage only and will not have any type of office or business operated from it. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or opposition to the project and there were none. Hearing no further questions from the Board Chris Christensen moved 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  
Kathy Carroll – aye  
Chris Christensen – aye

Kathy Carroll made a motion to approve the special permit as presented as a public hearing was held and there was no one present in opposition; it is for personal use and storage only – no business will be operated from it; and it will have electric in the building. Chris Christensen seconded and the motion carried with the following vote:

Jerry Wickett - aye  
Scott Stearns - aye  
Ron Schneider – aye  
Kathy Carroll – aye  
Chris Christensen – 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 October 7, 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 garage is for personal use only and no business shall be operated from it.

The minutes of the September meeting stand with a correction.

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter  
Secretary