

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

December 2, 2019

Present: Chairperson Jerry Wickett, Ron Schneider, Scott Stearns
Chris Christensen, Kathy Carroll

Absent:

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 December 4, at 7:00pm.

Bob Furnia, 2938 Marietta Rd. -zoning appeal

Jerry Wickett stated that this property has a pre-existing/non-conforming use of a storage building and over the years has had various businesses use the buildings for storage. Jerry Wickett advised that he and Chris Christensen met with Mr. Furnia in September. The Codes Officer had sent a compliance notice to Mr. Furnia that the current business is not compliant with the code. He would like to know what has to be done to allow the current boat repair and storage business in the R1 zone. The following was discussed:

- Originally the business started as boat repair with outdoor storage of the boats that were going to be repaired in the shop
- Currently the boat storage is larger and more involved where most of the property is filled with boats
- The original use of the building was for a sauerkraut factory with the outbuildings used to store grain in the 1900's
- It was then purchased by Mr. Furnia and used as a warehouse business for 20 years
- Mr. Furnia would like to sell the building and the current lessee is interested in purchasing it
- There are currently three (3) parcels – two (2) parcels on one (1) deed and

the other is separate deed – all located in a Residential 1 zone

- The area where boats are being stored is on a separate parcel
- The boat business is expanding the use
- Mr. Furnia explained that to turn the property over to residences or find something that would fit within the current zoning would be a hardship
- The intention is to remove the old warehouse and build or extend the existing building for indoor storage. There would still be outside boat storage
- Town Attorney, Jim Gascon, advised that a **use* variance was approved **by the ZBA* in 1985
- The **use* variance **ZBA approval resolution designated* the property **as* commercial property and indicated it would be a hardship to have the property find a use under the R1 zone
- The question was asked - can we expand a use variance as opposed to a non-conforming use
- Mr. Gascon feels this is a unique situation
- Jerry Wickett asked if there is a legal way to allow the expansion and still protect the zone and the people that live in the R1 zone.

Jim Gascon advised that in 1985 it was stated that it would be a hardship to convert the property to a residential 1 use. Jerry Wickett stated that this is no longer a grandfathered **non-conforming* use and therefore it could possibly expand under the *use* variance **designation*. It was suggested that they submit an application to alter the previous use variance and apply with the requested changes. They would then be required to submit a site plan for the business. Mr. Furnia will contact the current business owner and discuss these issues with him.

Minutes:

Jerry Wickett made a made a motion to waive the reading of the November minutes and accept as distributed. Chris Christensen seconded and the motion carried with the following vote:

Jerry Wickett - aye

Scott Stearns - aye

Ron Schneider – aye

Chris Christensen – aye

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter
Secretary

**indicates the modifications that were approved at the January 6, 2020 ZBA meeting*