

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

October 5, 2020

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

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 Marcellus Town Hall for the Town of Marcellus, located at 24 East Main Street, Marcellus, New York, on October 5, 2020 at 7:00pm.

SPECIAL PERMITS

James & Amy LeRoy, 4280 Deer Path – 20' X 22' accessory building

A public hearing was held requesting a 20' X 22' accessory building. The secretary, Karen Cotter, read the legal notice into the minutes. Town Attorney, James Gascon, advised that he was friends with the applicant and had a conflict of interest if legal council was required. Mrs. LeRoy advised that they would like to remove the old existing 12' X 18' shed and replace it with a larger structure in the same location. The new building will meet all setbacks and is for personal storage and her husband's hobby woodworking shop. There will be no business operated from it. There will be power and she was advised that if there is outdoor lighting it must be down lighting and can not go onto neighboring properties. She advised it would most likely have a porch light only. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or opposition of the project and there were none. Hearing no further questions from the Board Scott Stearns made a motion to close the public hearing and Ron Schneider seconded.

The hearing was closed with the following vote:

Jerry Wickett - aye
Ron Schneider – aye
Scott Stearns – aye
Chris Christensen – aye
Kathy Carroll – aye

Kathy Carroll made a motion to approve the special permit for a 20' X 22' accessory building as it will be for personal use/personal storage only; a public hearing was held and there was no opposition and it is within the character of the neighborhood. Ron Schneider second and the motion carried with the following vote:

Jerry Wickett - aye
Ron Schneider – aye
Scott Stearns – aye
Chris Christensen – aye
Kathy Carroll – aye

The request of James and Amy LeRoy for a special permit in a Residential 1 zone to allow them to construct a 20' X 22' accessory building at their residence at 4280 Dear Path, 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 5, 2020, 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 zone: 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 accessory building is for personal use only and no business shall be operated from it or stored in it

AREA VARIANCE – PUBLIC HEARING

Joshua Kim, 4656 Aqua Dr – side yard

A public hearing was held for a side yard setback of 3' from 12' to 9' in a R4 zone. The secretary, Karen Cotter, read the legal notice into the minutes. Scott Stearns advised that he had a conflict of interest and recused himself on the project. Mr. Kim advised that the past owner remodeled the original garage and changed it to a mudroom. He would like to have a carport to protect his vehicles from the winter. It would be located on the existing driveway in an area that is already paved. Mr. Kim advised that there is an existing shed closer to the lot line than the carport would be. A letter, dated September 9, 2020, was submitted and read into the minutes. It stated that the surrounding neighbors understood what the project was and had no issue with the project. There was a total of five (5) signatures including the neighbor most effected by the project (4662 Aqua Dr.). The Chair, Jerry Wickett, asked if anyone would like to speak in favor or opposition to the project and there were none. Kathy Carroll made a motion to close the public hearing and Chris Christensen seconded.

The motion carried with the following vote:

Jerry Wickett - aye
Ron Schneider – aye
Scott Stearns – aye
Chris Christensen – aye
Kathy Carroll – aye

Kathy Carroll made a motion to approve the project as presented as a public hearing was held and there was no opposition; the requested carport is consistent with the neighborhood and a letter with neighboring signatures was submitted and in favor of the project. Ron Schneider seconded and the motion carried with the following vote:

Jerry Wickett - aye
Ron Schneider – aye
Scott Stearns – recused
Chris Christensen – aye
Kathy Carroll – aye

The appeal of Joshua Kim for a side yard variance of 3’ from 12’ to 9’ in a R4 zone to allow a carport at 4656 Aqua 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 October 5, 2020 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 4656 Aqua Dr, Marcellus, New York
2. The subject premises are zoned R4 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
4. No one appeared in favor or in opposition to the variance.

CONCLUSIONS OF LAW:

1. The project will comply with front, one side 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 Completed a Certificate of Occupancy is issued by the CEO.

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.

DISCUSSION:

Marietta Metal Fab – (Jeffrey Unger) 2590 Pleasant Valley Rd

There was discussion regarding special permits for the two (2) signs Mr. Unger would like to construct as well as a special permit for a storage container. The secretary, Karen Cotter, advised that the application was submitted too late to be able to advertise the special permits. A public hearing will need to be held in November. Mr. Unger was advised that the setback for the road sign is 15' from the road's edge or 50' from the center of the road. He was advised what the dimensions are for both a road sign and a sign that will be located on the building. Mr. Unger advised that he has no issues with meeting code requirements. There will be no lights on the road sign but the building sign will be lit. This project will be sent to a public hearing in November.

MINUTES -

Jerry Wickett made a motion to waive the reading of the October minutes and accept as distributed. Scott Stearns seconded and the motion carried with the following vote:

Jerry Wickett - aye
Ron Schneider – aye
Scott Stearns – recused
Chris Christensen – aye
Kathy Carroll – aye

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The meeting was adjourned at 8:30 PM

Respectfully submitted,

Karen Cotter
Secretary