

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

January 4, 2021

Present: Chairperson Jerry Wickett, Ron Schneider, Scott Stearns
Chris Christensen
Absent: Kathy Carroll
Town Counsel: Jim Gascon of Costello, Cooney, and Fearon
Town Engineer: Joe Durand of TDK Engineering
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 St., Marcellus, New York, on January 4, 2021 at 7:00pm.

SPECIAL PERMITS – PUBLIC HEARINGS

Scott Stearns, 2891 Sevier Rd. – 40' X 50' Accessory Building

Mr. Stearns is a member of the Zoning Board and recused himself from any discussion or motions on this project. A continuation of a public hearing was held. He explained that this would be a cold storage building with no power, no electricity and no heat. It will be used for personal storage of items such as snow mobiles, tractor, backhoe etc. Mr. Stearns has five (5) acres and the building will meet all setbacks. He is not sure if the building will have one (1) large overhead garage door or if it will be a swing door. There was a question last month regarding the distance from the tributary and it will be over 135' away from the proposed building. Hearing no further questions, the Chair, Jerry Wickett made a motion to close the public hearing and Ron Schneider seconded.

The motion carried with the following vote:

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

Kathy Carroll made a motion to approve the special permit as there was a public hearing held and there was no opposition; the building will be for personal use only and no business shall be operated from it and; it is in the character of the neighborhood. Ron Schneider seconded and the motion carried with the following vote:

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

The request of Scott Stearns for a special permit in an Agricultural zone to allow him to construct a 40' X 50' accessory building at his residence at 2891 Sevier Rd., Marietta, 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 January 4, 2021, 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 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

William Daily, 2612Howlett Hill Rd – 28’ X 25’ and 22’ X 30’ accessory bldg.

A public hearing was held for an accessory structure that will be used for a pool house and storage. The secretary, Karen Cotter, read the legal notice in to the minutes. Mr. Daily explained that the building meets all zoning requirements and will be used as a pool house for changing but it will not have a bathroom facility. The plumbing, heater and filter for the pool will all be located inside the building with underground utilities. There will be down lighting so that the lights don’t spill onto the neighboring properties. It will also have a 15’ open fireplace and an 18’ X 36’ pool. The Chair, Jerry Wickett, asked if anyone present would like to speak in favor or in opposition to the project and there were none. Hearing no further questions Jerry Wickett made a motion to close the public hearing and Ron Schneider 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 special permit as there was a public hearing held and there was no opposition; the building will be for personal use only and no business shall be operated from it and; it is in the character of the neighborhood. Ron Schneider seconded 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 William Daily for a special permit in a Residential 1 zone to allow him to construct a 22' X 30' and 28' X 25' accessory building (Different dimensions on one (1) building at his residence at 2612 Howlett Hill 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 January 4, 2021, 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

Kristin and Bill Stuart, 4944 Frank Gay Rd – side yard variance

A public hearing was held for a side yard variance from 15' to 7' for an 8' reduction for a new residential garage. The secretary, Karen Cotter, read the legal notice into the minutes and advised the mailing labels are on file. Mrs. Stuart explained they have an existing current barn that is falling down and they would like to replace it with a new garage. The new garage would be located in the same location as the existing barn but would go deeper into the lot and would be used for personal use only. Their survey map indicates a drainage easement but that is located on the neighboring property. The garage doors would be located on the north side of the building and there will be a second story for storage and a workshop. The Chair, Jerry Wickett, asked if anyone present would like to speak in favor or in opposition to the project and there was not. Neighbor, Anthony DeDenato, 4938 Frank Gay Road, called our office and advised that he has no issue with the project. Hearing no questions from the Board, Jerry Wickett 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 side yard variance as a public hearing was held and there was no opposition and our office received notice of an approval of the project; they currently have no garage and this will be in character of the neighborhood. Ron Schneider seconded and the motion carried with the following vote:

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

The appeal of Kristin and Bill Stuart for a side yard variance of 8’ reduction from 15’ to 7’ in a Residential 1 zone to allow a garage at 4944 Frank Gay 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 January 4, 2021 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 4944 Frank Gay Rd, Marcellus, New York
2. The subject premises are zoned R1 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
4. No one appeared in favor or in opposition to the variance but a phone call was Received in favor of the project

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.
3. The garage is for personal use only and no business shall be operated from the

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.

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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.

MINUTES -

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

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

The meeting was adjourned at 8:00 PM

Respectfully submitted,

Karen Cotter
Secretary