

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

May 3, 2021

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

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 St., Marcellus, New York, on May 3, 2021 at 7:00pm.

PUBLIC HEARING - Area Variance and Special Permit

**James LaRose, 2889 Slate Hill Rd. – side yard variance/
special permit -28' X60' garage**

A public hearing was held for an area variance and special permit. The secretary, Karen Cotter, read the legal notice into the minutes and advised the certified mailing receipts are on file. Mr. LaRose explained that he has a small attached garage that he is going to eliminate and turn into living space. He would like to construct a new two (2) bay garage for his cars and for personal storage. He is requesting a variance due to the location of his well and some larger trees that he doesn't want to take down. Chris Christensen asked if there was a specific reason why he has 6' between the existing house and proposed garage? Mr. LaRose advised that, per the Codes Officer, there has to be a 6' break for fire separation between the house and garage. There will be no second floor on structure, no windows, and if any outdoor lights they must be downlighting. Mr. Christensen asked if he would consider attaching it to the house as then he wouldn't need as large of an area variance. Mr. LaRose stated that he doesn't want to do that due to combustion issues. The Chair, Jerry Wickett asked if anyone would like to speak in favor or opposition to the project and there was none. Jessica Miller, 2909 Slate Hill Rd. called our office on April 21, 2021 and advised the secretary, Karen Cotter

that she was in favor of the project. Hearing no further questions Kathy Carroll made a motion to close the public hearings for the area variance and special permit. 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

Area Variance –

Kathy Carroll made a motion to approve the variance as requested as a public hearing was held and there was no opposition and we had one (1) person in favor of the project; and the applicant will meet the six (6') foot fire code separation. Ron Schneider seconded and Chris Christensen stated that he was opposed to the project as he had not heard about issues with combustion and believes there is another location for the garage. He asked the motion be amended to include if any trees are removed or die the property owner will provide equivalent visual protection. Ms. Carroll agreed to that amendment. Jerry Wickett stated there is a difference between attached and separated garage and feels that is beyond what we should force on an applicant. The motion carried with the following vote:

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

The appeal of James LaRose for a side yard variance of 14' reduction from 20' to 6' in an Agricultural zone to allow a garage at 2889 Slate 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 May 3, 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 2889 Slate Hill Rd, Marcellus, New York
2. The subject premises are zoned Agricultural, 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
4. If any trees are removed or die the property owner will provide equivalent visual protection.

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.

Special Permit –

Kathy Carrol made a motion to approve the special permit as a public hearing was held and there was one (1) person in favor and no opposition; the building is for personal use only and no business shall be operated from or located in it; if any trees are removed or die the property owner will provide equivalent visual protection; and if any outdoor lighting they will be downlights.

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

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

The request of James LaRose for a special permit in an agricultural zone to allow him to construct a 28' X 60' garage at his residence at 2889 Slate 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 May 3, 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 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 accessory building is for personal use only and no business shall be operated from it.
3. If any trees are removed or die the property owner will provide equivalent visual protection.
4. If any outdoor lighting they will be downlights

Fritz Estlinbaum, Lee Mulroy Rd – area variance/special permit

See Planning Board minutes for discussion

Public Hearing – Special Permit

John and Anita Pawlewicz, 2522 Candlewick Lane – 12’ X 16’ gazebo

A public hearing was held for a special permit to allow construction of a 12’ X 16’ gazebo located on an existing deck. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Pawlewicz explained they have minimal trees and would use it for cover over an existing deck. The gazebo has no enclosed sides and will meet all setbacks. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or in opposition to the project and there were none. Hearing no further questions Chris Christensen made a motion to close the public hearing and Scott Stearns seconded. The motion carried with the following vote:

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

Chris Christensen made a motion to approve the project as presented as a public hearing was held and there was no opposition; there is no change of the footprint of the existing deck; it will meet all setbacks; and is 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 John and Anita Pawlewicz for a special permit in a Residential 4 zone to allow them to construct a 12' X 16' gazebo at their residence at 2522 Candlewick Lane. 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 May 3, 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 4 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.

-pg8-ZBA
May 3, 2021

2. The accessory building is for personal use only and no business shall be operated from it.

MINUTES -

Jerry Wickett made a made a motion to waive the reading of the May minutes and accept as distributed. Kathy Carroll seconded and the motion carried with the following vote:

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

Jerry Wickett made a motion to adjourn the meeting and Scott Stearns seconded. The motion passed with the following vote:

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

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter
Secretary