

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

August 2, 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 August 2, 2021 at 7:00pm.

AREA VARIANCE –

Sam Coffey, 2927 Amber Rd. – Rear yard area variance

A public hearing was held for an area variance for a rear yard reduction of 25' from 35' to 10' to replace an existing above ground pool. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Coffey explained that the original pool has an approved building permit from 2004 but no area variance. He would like to use the same location for the new pool as the electric and deck already exist in that location and he doesn't want to have to cut down any of his mature trees. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or objection of the project. Richard Niles, 2935 Smith Rd., was concerned if he was removing trees and bushes and who is responsible for taking care of them. He has no issue with the pool. Hearing no further questions, 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
Chris Christensen – aye
Kathy Carroll – aye
Scott Stearns – aye

Kathy Carroll made a motion to approve the area variance as there was one (1) neighbor present who was concerned with landscaping and the issues were addressed; he is replacing an existing pool in the same location that had an existing building permit but no area variance. Ron Schneider seconded and the motion carried with the following vote:

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

The appeal of Sam Coffey for a rear yard reduction of 25’ from 35’ to 10’ in an *Agricultural** zone to allow a above ground pool at his residence on 2927 Amber 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 August 2, 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 2927 Amber Rd., Marietta, New York
2. The subject premises are zoned Agricultural 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 rear yard variance for an above Ground pool
4. No one appeared in favor and one (1) person was present to discuss trimming Of trees and brush.

CONCLUSIONS OF LAW:

1. The project will comply with all front and side yard 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. Applicant 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 complied with and a Certificate of Occupancy is issued by the CEO.

SPECIAL PERMIT –

Ed Olszewski, 2645 West Seneca Turnpike – 50' X 80' attached garage

Mr. Olszewski stated the reason he would like such a large garage is he has several personal items that need storing and he would like to do so on his property verses paying for storage. He doesn't want to have an additional accessory building and would rather have an oversized garage. The structure will be larger than the house he is planning on building. Mr. Olszewski advised that he has already spoken to his neighbors Mr. Agricola and Mr. Bittel, and they have no issues with the structure. The following was discussed:

- The garage will be used to store 2 drag cars, 1964 old convertible, pontoon boat and other personal items
- There would be two (2) overhead doors. The height of the building from bottom of roof will be 16'
- North door height – 12' with 12' sidewall
- Width of door is 16'
- West door height will be 8'
- There is an entrance from the garage to go into the house
- No entrance from the deck
- Windows on the East and West side no windows on the north side of house and no door on east side of house
- Led light on rear garage door – typical house light on west side
- He will be using the deeded ROW not the original driveway – he understands that ROW could someday be a formal road
- There are no streams or water issues on site
- There is a large trench along the east side of the property that goes to the road
- The garage will be for personal storage only – no business shall be operated from it.

Chris Christensen stated that this is a very large building in a R1 zone and we have not approved anything like this in the past. He is uncomfortable with the building size as the parcel is a deep, narrow lot.

Town Attorney, Jim Gascon, advised he wanted to spend more time reviewing this project before any decision is made. He advised Mr. Olszewski should apply for an area variance and not a special permit. Jerry Wickett made a motion to table the project until September and Chris Christensen seconded. The motion carried with the following vote:

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

MINUTES -

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

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

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

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

The meeting was adjourned at 9:00 PM
Respectfully submitted,

Karen Cotter, Secretary

**Corrected*