

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

September 9, 2021

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

Absent:

Town Counsel: Jim Gascon of Costello, Cooney, and Fearon (phone call in)

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 September 9, 2021 at 7:00pm.

PUBLIC HEARING – SPECIAL PERMIT

James and Patricia Prioletti, 2690 Dunbar Woods – 29’ X 40’ accessory bldg.

A public hearing was held and Jerry Wickett read the legal notice into the minutes. Mr. Prioletti stated that the building is for personal use only and no business shall be operated from it. They will have electric, gas and down lighting in/on the building. Hearing no further questions Jerry Wickett 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
Chris Christensen – aye
Kathy Carroll – aye
Scott Stearns – aye

The request of James and Patricia Prioletti for a special permit in a R1 zone to allow them to construct a 29’ X 40’ accessory building at their residence at 2690 Dunbar Woods, 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 September 9, 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 R1 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 in it or from it.

Richard Pinkowski, 3807 Bishop Hill Rd. – 20' X 48' accessory building

A public hearing was held and Jerry Wickett read the legal notice into the minutes. Mr. Pinkowski advised that he would like to have an addition to his existing pole barn. They used to have horses but no longer house them there. The new portion of the building will be used as a work shop and the older part of the building will be used for storage. He stated that the building is for personal use only and no business shall be operated from it. He will be demolishing the existing shed. Hearing no further questions Scott Stearns 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
Chris Christensen – aye
Kathy Carroll – aye
Scott Stearns – aye

The request of Richard Pinkowski for a special permit in a R1 zone to allow him to construct a 29' X 40' addition to his existing pole barn at his residence at 3807 Bishop 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 September 9, 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 R1 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 in it or from it.

Henry Dul & Katie Amar-Fox, 2884 Shamrock Rd – Rural Occupation
Henry Dul & Katie Amar-Fox, 2884 Shamrock Rd –25.4 X 50.8 accessory

A public hearing was held for a special permit for a rural occupation to have a wood working and metal shop to be housed in the proposed 25.4 X 50.8 accessory building. The following was discussed:

- The building will be divided with a portion of the building to be used for wood working and the other area to be used for manufacturing of metal
- He needs two (2) separate doors for safety – they will face the tree line and vegetation
- The building will be made of block
- No employees
- Online sales with very few (if any) customers coming into the shop
- Some deliveries from his provider
- Applicant understands if there are any complaints regarding noise, he will need to mitigate the issue and address it with the codes officer
- Applicant agrees that if there are any changes to his rural occupation he will need to come before the ZBA for modification of special permit

Hearing no further questions Scott Stearns 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
Chris Christensen – aye
Kathy Carroll – aye
Scott Stearns – aye

Kathy Carroll made a motion to approve the special permit for a rural occupation and a 25.4 X 50.8 accessory building based on the narrative presented and; noting that the applicant has no employees and; any changes to his business or if there are noise complaints the applicant must come back to the ZBA for a modification of his permit.

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 request of Henry Dul and Kati Amar-Fox for a special permit for a rural occupation and a 25.4 X 50.8 accessory building in an Agricultural Zone to allow them to operate a wood working business and manufacture medal and their residence, 2884 Shamrock 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 September 9, 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: a public hearing was held by the Zoning Board of Appeals of the Town of Marcellus at the Town Hall of the Town of Marcellus, 24 E. Main Street, Marcellus, NY, on September 9, 2021; 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 and rear and front setbacks; and

THEREFORE, BE IT RESOLVED that said special permit be granted upon the following condition:

1. There will be no employees – if this changes, he will need to come back To the ZBA to modify his special permit
2. If there are noise issues/complaints they must be either mitigated by the Codes Officer or he must come back to the ZBA to modify his special permit
3. Any lighting will be down lighting only
4. At this time there is only a sign on the building, no free-standing sign
5. Applicant must apply for a building permit that grants permission for construction.

AREA VARIANCE –

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

Mr. Olzewski 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. At this time, he is planning a 15' setback but could go back further if required. Mr. Wickett advised that the Town Attorney was on the phone as he could not attend in person. This is a very unique lot with a massive building – he was asked if he could downsize the garage and he said he could not. Hearing no further questions Jerry Wickett made a motion to send this project to a public hearing in October and Mark Taylor 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 made a motion to waive the reading of the August minutes stand as corrected. 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

(Minutes were taken at the meeting by Kathy Carroll and Deputy Town Clerk, Sue Dennis. Karen Cotter prepared the minutes but was absent at the September meeting)