

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

October 4, 2021

Present: Chairperson Jerry Wickett, Ron Schneider,
Chris Christensen, Scott Stearns
Absent: Kathy Carroll
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 October 4, 2021 at 7:00pm.

PUBLIC HEARING – SPECIAL PERMIT

Kraig & JoAnne Satter, 2770 Rose Hill Rd – 40' X 80' garage

A public hearing was held and the secretary, Karen Cotter, read the legal notice into the minutes. Mr. Satter stated they have no existing garage and would like to construct one that would be large enough to store their RV along with their personal vehicles and storage. There will be no business operated from it. The building will be red with a black roof and two cupolas. It will have two (2) man doors, two (2) rear overhead doors, and no heat or electricity. Mr. Satter was advised if he had outdoor lights, they must be down lighting so it doesn't spill onto the neighbor's property or the road. Mr. Satter advised that he has spoken to his neighbors the Grinnell's and Luebner's and neither have an issue with his plan. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or opposition to the project and there was none. Hearing no further questions Ron Schneider 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
Scott Stearns – aye

Chris Christensen made a motion to approve the project as presented as a public hearing was held and there was no one present in favor and/or opposition to the project; the applicant advised that he had communication with his two (2) neighbors and they had no issues; this is in an Agricultural zone and is consistent with the neighborhood; there will be no heat or electricity and it will use the existing driveway. The garage is for personal use only and no business shall be operated from it. Ron Schneider seconded and the motion carried with the following vote:

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

The request of Kraig & JoAnne Satter, for a special permit in an Agricultural zone to allow them to construct a 40' X 52' garage at their residence at 2770 Rose 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 October 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 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 garage is for personal use only and no business shall be operated in it or from it.

David Morro, 4588 Howlett Hill Rd. – 14’ X 28 accessory building

A public hearing was held and the secretary, Karen Cotter, read the legal notice into the minutes. Mr. Morro advised that they have no basement and need additional storage. The accessory building is prebuilt to be delivered; it meets all setbacks and will have no power. He stated that the building is for personal use only and no business shall be operated from it. The Chair, Jerry Wickett, asked if anyone would like to speak in favor or opposition and there was none. 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
Scott Stearns – aye

Scott Stearns made a motion to approve the accessory structure as presented as a public hearing was held and there was no one present in favor and/or opposition; the project is located in a Residential 1 zone; the building is for personal use only; no business shall be operated from it; and it is in the character of the neighborhood.

Chris Christensen seconded and the motion carried with the following vote:

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

The request of David Morro for a special permit in a R1 zone to allow him a 14' X 28' accessory structure at his residence at 4588 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 October 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 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.

Robert Raymond, 2597 Seal Rd – solar panels

A public hearing was held and the secretary, Karen Cotter, read the legal notice into the minutes. Zac VanHelp from Halco Energy, 1286 State Rd., Webster, NY, was present to discuss the project. Mr. Raymond has six (6) acres of property and the panel will be located 240' from the house on a ground mount. The area is surrounded by trees and the panel can't be seen from the road; he has no plans to remove any of the trees and will keep them for screening; the main service panel will be located on the south side of the house; and the panel will be 8' X 60'. The Chair, Jerry Wickett, asked if anyone would like to speak in favor and/or opposition of the project and there was none. 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
Scott Stearns – aye

Scott Stearns made a motion to approve the solar panel as presented as a public hearing was held and there was no one present in favor and/or opposition; the panel meets our size criteria; and it will be screened and not seen. Chris Christensen seconded and the motion carried with the following vote:

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

The request of Robert Raymond for a special permit in a R1 zone to allow him an 8' X 60' solar panel at his residence at 2597 Seal 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 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 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.

PUBLIC HEARING - AREA VARIANCE –

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

A public hearing was held for an oversized garage that would be attached to the house. The secretary, Karen Cotter, read the legal notice into the minutes. 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. This project has been before the ZBA for several months for discussion. The Chair, Jerry Wickett, asked if anyone would like to speak in favor of the project and the following spoke:

Mary and David Bittel -2653 West Seneca Turnpike – no issue
Ryan Agricola – 2635 West Seneca Turnpike – no issue

The Chair, Jerry Wickett, then asked if anyone would like to speak in opposition to the project and there were none. Mr. Olzewski stated that he will have only one (1) heating/cooling system and one (1) boiler verses several systems if he was unable to construct the garage and had to construct an additional accessory building. There will be 12' walls with the peak to follow the pitch of the roof. The garage door entry will be from the west with the large door to the north. There will be screening around the area and at this time visibility is obscure as there is tree coverage on both sides of the property lines. There will be an overhead motion light on the garage. He was advised that the light could not spill onto the neighboring properties or into the road. Mr. Olszewski assured the ZBA that the use is for personal use, storage only and no business shall be operated from it. The applicant was made aware that if this property were to be sold or if something was to change this garage could be for personal use only. Hearing no further questions Chris Christensen 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
Scott Stearns – aye

Jerry Wickett made a motion to approve the project as requested as the total structure will meet setback; the design and color will blend with the proposed new house construction; this will be less intrusive than a separate large accessory building; this is for personal use only – no business now or in the future can be operated from the garage and if the property is sold the new owner can only use the garage for personal use – no business shall be operated from it; there were two (2) adjacent neighbors in favor of the project and no opposition to the project; he must maintain screening; no other auxiliary building will be requested by the applicant; this property is unique in the layout and screening. The Chair, Jerry Wickett, asked the ZBA if there was any other input and Scott Stearns stated that this is way beyond any other garage we have approved; Ron Schneider agreed with Scott Stearns but understands why the applicant wants only one (1) structure; Chris Christensen stated that he struggled with this project but considered the uniqueness of the location and the property configuration – this is a large garage with unique screening and the support of neighbors located on both sides of the property.

There was no one present in opposition to the project and the property around the land is owned by the neighbor who is in favor of the garage. Chris Christensen seconded and the motion carried with the following vote:

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

The appeal of Ed Olszewski for a size increase of a private garage in a R1 zone at his residence on 2645 West Seneca Turnpike, 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 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 2645 West Seneca Turnpike, 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 variance for an oversized garage
4. Two (2) adjacent neighbors appeared in favor of the project and there was no opposition to the variance.

CONCLUSIONS OF LAW:

1. The project will comply with all 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. No building permit shall be issued until approved by the Codes Officer
2. Applicants must proceed to the Town Hall for a building permit and follow all Town Zoning Ordinance.
3. 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.
4. The total structure will meet setback
5. The design and color will blend with the proposed new house construction
6. This will be less intrusive than a separate large accessory building; this is for personal use only – no business now or in the future can be operated from the garage and if the property is sold the new owner can only use the garage for personal use – no business shall be operated from it
7. There were two (2) adjacent neighbors in favor of the project and no opposition to the project
8. The screening must be maintained
9. No other auxiliary building will be requested by the applicant
10. This property is unique in the layout and screening.

11. 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.

MINUTES -

Jerry Wickett made a motion to waive the reading of the September minutes stand as corrected. Scott Stearns seconded and the motion carried with the following vote:

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

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter,
Secretary

