

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

May 2 2022

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

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 2 2022 at 6:30pm.

PUBLIC HEARING – SPECIAL PERMIT

Mark Oberlender, 3158 Falls Rd. – 14’ x 16’ accessory building

A public hearing was held for special permit to allow construction of a 14’ x 16’ accessory building. The secretary, Karen Cotter, read the legal notice into the minutes. Mr. Oberlender advised that he had tools and garden equipment that will be stored in the building. The building will have no power, no additional access or new driveway, no lighting, and no sign. The Chair, Jerry Wickett, asked if anyone would like to speak in favor of /or in opposition to the project and there was none. Hearing no further questions, Chris Christensen made a motion to close the public hearing. Ron Schneider second and the motion carried with the following vote:

Jerry Wickett – aye

Chris Christensen - aye

Ron Schneider – aye

Scott Stearns – aye

Kathy Carroll - aye

Kathy Carroll made a motion to approve the project as presented as a public hearing was held and no one was in opposition to the project; no business will be operated in and/ or from the building – it will be for personal storage only;

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there will be no lighting or sign or new driveway. Ron Schneider second the motion and it carried with the following vote:

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

The request of Mark Oberland or for a special permit in a R1 zone to allow him to construct a 14' x 16' accessory building at his at 3158 Falls Rd., Marcellus, NY.

The Zoning Board of Appeals of the Town of Marcellus met in Regular Session in the Town Hall of the Town of Marcellus, 22 E. Main Street, Marcellus, NY, on May 2 2022, commencing at 6:30 pm, 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 structure is for personal use only and no business shall be operated from and/or in it.

PUBLIC HEARING - AREA VARIANCE –

Matthew Ryan, 2210 Coon Hill Rd. – 40' X 60' garage

A public hearing was held for a garage that exceeds 1000 sq. ft. at 2210 Coon Hill Rd. The secretary, Karen Cotter, advised that the certified mailing receipts were on file. The following was discussed:

- the property owner has an existing attached garage that will he will remove once the new garage is completed
- this is for personal use only no business shall be operated in it/or from it.
- eventually the building will have power
- his well is located in the front yard with his leach fields in the rear yard
- he has an existing driveway and would like a new location - the old driveway must be removed and cannot be used if he constructs a new driveway as there cannot be two driveways on the residence

The Chair, Jerry Wickett, asked if anyone would like to speak in favor or in opposition to the project and there was none. Hearing no further questions Scott Stearns made a motion to close the public hearing. Chris Christensen second and the motion carried with the following vote:

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

Kathy Carroll made a motion to approve the area variance for a garage that will exceed 1000 square feet and is in a R1 zone at 2210 Coon Hill. A public hearing was held and there is no one present in opposition to the project; the existing driveway will be removed and a new driveway will be constructed, there is sufficient property to construct a 40' x 60' garage; the garage is for personal use

only – no business shall be operated in it/or from it; the existing garage attached to the house will be removed and/or closed off; the proposed garage is consisted with the neighborhood. Ron Schneider second and the motion carried with the following vote:

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

The Zoning Board of Appeals of the Town of Marcellus met in Regular Session in the Town Hall of the Town of Marcellus, 22 E. Main Street, Marcellus, NY, on May 2, 2022 commencing at 6:30 PM. 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 2210 Coon Hill Rd., Marcellus, NY
2. The subject premises are zoned Residential 1, 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 garage that will exceed 1000 square ft.
4. No one appeared in favor or in 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. 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 complied with and a Certificate of Occupancy is issued by the CEO.
3. 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 made a motion to waive the reading of the May minutes and accept as distributed. Scott Stearns seconded and the motion carried with the following vote:

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

The meeting was adjourned at 8:30 PM

Respectfully submitted,

Karen Cotter
Secretary