

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

January 5, 2017

Present: Chairperson Michelle Bingham (arrived late), Gerard Wickett, Chris Christensen, Robert Oliver

Absent:

Town Counsel: James Gascon of Costello, Cooney, and Fearon (Nick Cortese present in place of James Gascon)

Town Engineer: Jason Kantak of TDK Engineering (absent)

Codes Officer: John Houser

The Zoning Board of Appeals of the Town of Marcellus met in regular session in the Town Hall for the Town of Marcellus, located at 24 E. Main Street, Marcellus, New York, on January 5, 2017 at 7:00pm.

Chris Christensen made a motion to nominate Jerry Wickett as temporary Chairperson and Rob Oliver seconded. The motion carried with the following vote:

Jerry Wickett - aye

Chris Christensen - aye

Robert Oliver - aye

Tuscarora Golf Club, Howlett Hill Road – special permit

See Planning Board minutes for the discussion

Deborah O'Brien, 4000 Bishop Hill Road – special permit

A public hearing was held to allow the applicant to construct a 60' X 80' accessory building. The secretary, Karen Cotter, read the legal notice into the minutes. Seth O'Brien advised that they own the 60 acres that houses the gravel bed. The building will be used for storage of their vehicles and will allow them to do maintenance work on them while out of the elements. There will be power as well as lights on the south side of the building. This property is located across from

Baltimore Woods and the ZBA advised that it can only be down lighting as we do not want to add light to the night sky. It was also discussed possibly putting the lights on a timer and the applicant had no issue with that. Chris Christensen stated that this building is to be used as an accessory to the mining operation. If at the end of the operation the building is still in use any conversion of the building would require an additional special permit. Both Debbie O'Brien and Seth O'Brien were in agreement. Jerry Wickett asked if anyone would like to speak in favor or in opposition to the project and there was none. Chris Christensen made a motion to close the public hearing and Michelle Bingham seconded. The motion carried with the following vote:

Jerry Wickett - aye
Michele Bingham – aye
Chris Christensen - aye
Robert Oliver - aye

Chris Christensen made a motion to approve the 60' X 80' accessory building at location on the submitted map; it will be used for equipment storage and repair for the preexisting, nonconforming gravel business, the use is for the gravel mine only and any changes of use must be approved by the ZBA. Jerry Wickett seconded and the motion carried with the following vote:

Jerry Wickett - aye
Michele Bingham – aye
Chris Christensen - aye
Robert Oliver – aye

The request of Debbie O'Brien for a special permit in a R1 zone to allow her to construct a 60' X 80' accessory building at a pre-existing, non-conforming gravel bed;

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 January 5, 2017, 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

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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 building is only for repair and storage of vehicles for a pre-existing, non-conforming gravel bed. Any other use will require the property owner to come back to the ZBA for approval.

The December minutes stand as distributed.

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter
Secretary

