

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

**June 5, 2023**

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

**Absent:**

**Town Counsel:** James 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 22 East Main St., Marcellus, New York, on June 5, 2023, at 6:30pm.

**Public Hearing – Special Permit**

**Donald Evans, 4225 Deer Path – 24’ x 24’ Accessory Building:**

A public hearing was held for a special permit to allow construction of a 24’ x 24’ accessory building. The secretary Joanna Clarke read the legal notice into the minutes. The following was discussed with Mr. Evans:

- The building will be used for personal storage, including tools.
- Mr. Evans plans to eventually add electrical.
- The outside will include siding that looks similar to the cedar siding on the house to keep with the character of the neighborhood.
- The colors of the building and house will eventually be painted the same color.
- The side yard dimensions reported were measured using the scale on the map.

The Chair, Jerry Wickett, asked if there was anyone who would like to speak in favor or in opposition to the project and there was none. Kathy Carroll made a motion to close the public hearing and Ron Schneider seconded. The motion carried with the following vote:

Jerry Wickett – aye

Scott Stearns - aye

Chris Christensen – aye

Kathy Carroll - aye

Ron Schneider – aye

Kathy Carroll made a motion to approve the project as submitted as a public hearing was held and there was no opposition; it will be used for personal storage and no business will be operated in and/or from the building. Ron Schneider seconded, and the motion carried with the following vote:

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

The request of Donald Evans for a special permit in a Residential 1 zone to allow him to construct a 24' x 24' accessory building at his residence for 4225 Deer Path, 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 June 5, 2023, 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 Residential 1 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. Applicants 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 or in it.

**Ian Daly, 2900 Davis Grove – 12’ x 28’ Accessory Building**

A public hearing was held for a special permit to allow construction of a 12’ x 28’ accessory building. The secretary Joanna Clarke read the legal notice into the minutes. Mr. Daly would like to replace the current 11’ x 27’ shed that is falling and dangerous to use. The new building will be slightly larger, and he plans to utilize the same gravel base. The building will be used for personal storage and does plan to keep the electricity that’s already in place.

The Chair, Jerry Wickett, asked if there was anyone who would like to speak in favor or in opposition to the project and there was none. Kathy Carroll made a motion to close the public hearing and Ron Schneider seconded. The motion carried with the following vote:

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

Kathy Carroll made a motion to approve the project as submitted as a public hearing was held and there was no opposition; there is currently electrical where the structure will be, it will be used for personal storage and no business will be operated in and/or from the building. Ron Schneider seconded, and the motion carried with the following vote:

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

The request of Ian Daly for a special permit in a Residential 2 zone to allow him to construct a 12’ x 28’ accessory building at his residence for 2900 Davis Grove, Marietta, 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 June 5, 2023, 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 Residential 2 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. Applicants 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 or in it.

### **Discussions**

Kristen and Mike VanRyn of 4221 Deer Path were present to discuss the special permit request from Donald Evans. Mr. & Mrs. VanRyn entered the meeting after the special permit was approved and had additional questions regarding the project. Mrs. VanRyn inquired if the proposed building fits in with the character of the neighborhood, if the setbacks were met, or if there was a storm water runoff study done. Jerry Wickett explained it was approved since it met all the requirements for a special permit. If that subdivision has covenants that indicate specific requirements for accessory buildings, it will have to be addressed by a homeowner's association or by the residents. The Town does not conduct studies for storm water runoff with regards to special permits for accessory buildings. If there is by chance a runoff issue it would be addressed between the neighbors.

### **Minutes**

The Chair, Jerry Wickett, made a motion to waive the reading of the May minutes and accept as distributed. Ron Schneider seconded, and the motion carried with the following vote:

Jerry Wickett – aye

Scott Stearns - aye

Chris Christensen – aye

Kathy Carroll - aye

Ron Schneider – aye

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

Jerry Wickett – aye

Chris Christensen – aye

Ron Schneider – aye

Scott Stearns - aye

Kathy Carroll - aye

The meeting was adjourned at 7:45 PM.

Respectfully submitted,

Joanna Clarke

Secretary