

**The Town of Marcellus**  
**ZONING BOARD OF APPEALS**  
**22 East Main Street**  
**Marcellus, New York 13108**

**Date:** April 7, 2025  
**Present:** Chairperson Scott Stearns, Kathy Carroll, Chris Christensen, Ron Schneider, Jerry Wickett  
**Absent:**  
**Town Counsel:** Jeffrey Eaton of Costello, Cooney, and Fearon  
**Town Engineer:** TDK Engineering (Absent)  
**Codes Officer:** John Houser

The Zoning Board of Appeals of the Town of Marcellus met in regular session on April 7, 2025 at 6:30pm in the Marcellus Town Hall located at 22 East Main St., Marcellus, New York.

**PUBLIC HEARING - SPECIAL PERMITS**

Justin Phillips

4419 Sage Meadows Dr.

*12' x 20' accessory building*

A public hearing was held for a special permit for a 12' x 20' accessory building. The secretary read the legal notice into the minutes. Justin Phillips was present to discuss the application. Mr. Phillips stated he would like to build a shed with no electricity to be used for personal storage. The proposed placement of the shed which would be on the side yard North of his home is the best area of his property for the building. This will leave room for access to the detention pond in the back and the septic system and leach field on the side of the house. Mr. Phillips spoke with his neighbor to the North of his property who had no issues with the placement.

Chairman Stearns asked if there was anyone who would like to speak in favor or in opposition to the special permit and there was none. Jerry Wickett made a motion to close the public hearing and Ron Schneider seconded. The motion carried with the following vote:

S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

Kathy Carroll made a motion to approve the special permit as a public hearing was held and no one spoke in favor or opposition but stated by the applicant that his neighbor was in favor. The building will contain no electricity and will not be used for business purposes. Ron Schneider seconded, and the motion carried with the following vote:

S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

The request of Justin Phillips for a special permit in a Residential-1 zone to allow him to construct a 12' x 20' accessory building at their residence for 4419 Sage Meadows Drive, 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 April 7, 2025 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.

Nathan VanDeusen

4749 Howlett Hill Rd.

*24' x 48' accessory building*

A public hearing was held for a special permit for a 24' x 48' accessory building. The secretary read the legal notice into the minutes. Nathan VanDeusen was present to discuss the application. Mr. VanDeusen would like to construct a pole barn for personal storage. The previous owner received a Special Permit approved on August 8, 2001 for a 36' x 24' building but was never built. The accessory building approved in 2001 was to be placed towards the front of the property facing the road in the Southeast corner off of the driveway. Mr. Vandeusen is requesting a larger building to be located in the same area but closer to one of the lot lines. The building would face the driveway and have electricity inside only. There was discussion as to what setbacks to apply since this is a uniquely shaped lot. The property at the road line is around 110 feet wide then narrows for approximately 240 feet before the property opens up (resembles a square wooden mallet). Codes Officer John Houser and Chris Christensen noted that our current regulations define front setback based off street line which would make the property line facing the road in the SE corner a side yard with a minimum 15' setback. Mr. VanDeusen plans to be between 15 and 18 feet of that line since drainage pipes were placed around the same area off of the driveway.

Chairman Stearns asked if there was anyone who would like to speak in favor or in opposition to the special permit and there was none. Jerry Wickett made a motion to close the public hearing and Kathy Carroll seconded. The motion carried with the following vote:

S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

Kathy Carroll made a motion to approve the special permit as a public hearing was held and no one spoke in favor or opposition. The building will fall within the minimum setback requirements, will be for personal use only, and will contain electricity inside only. Ron Schneider seconded, and the motion carried with the following vote:

S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

The request of Nathan VanDeusen for a special permit in a Residential-1 zone to allow him to construct a 24' x 48' accessory building at their residence for 4749 Howlett Hill Road, 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 April 7, 2025 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:

3. Applicants must apply for a building permit that grants permission for construction.
4. The accessory structure is for personal use only and no business shall be operated from or in it.

#### **DISCUSSION – REFERRAL FROM TOWN BOARD**

Lando's Property Group, Anthony Dubar

2930 Marietta Rd.

Duplex Structure in R-1 Zone

Anthony Dubar was present to discuss the referral from the Town Board. Mr. Dubar approached the Town Board at their March 19, 2025 meeting with a request to include duplexes in R-1 zoning. The Town Board referred the request to the Zoning Board for review. Mr. Dubar understands zoning changes will be implemented with the new Comprehensive Plan and wishes to expedite the process with regard to duplexes. Mr. Dubar was informed that the Zoning Board will not recommend spot zoning and is actively working through the changes needed based on the new Comprehensive Plan. Duplexes will be considered with these changes.

#### **MINUTES**

Chairman Stearns made a motion to waive the reading of the March minutes and accept as distributed, Ron Schneider seconded. The motion carried with the following vote:

S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

Jerry Wickett made a motion to adjourn the meeting and Kathy Carroll seconded. The motion carried with the following vote:

S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

The meeting adjourned at 7:20 PM.

Respectfully submitted,

Joanna Clarke

Secretary