

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

**Date:** June 2, 2025

**Present:** Chairperson Scott Stearns, Chris Christensen, Ron Schneider, Jerry Wickett  
**Absent:** Kathy Carroll  
**Town Counsel:** James Gascon 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 June 2, 2025 at 6:30pm in the Marcellus Town Hall located at 22 East Main St., Marcellus, New York.

**PUBLIC HEARING – SPECIAL PERMIT & AREA VARIANCE**

**Brian Fellows**

**2557 Dublin Ct.**

***30' x 40' accessory building & rear yard variance***

A public hearing was held for a special permit for a 30' x 40' accessory building and for a rear yard variance for a 20' reduction from 35' to 15'. The secretary read both legal notices into the minutes.

Brian Fellows was present and the following was discussed:

- Mr. Fellows would like to build a pole barn that includes a 12' shed roof to be used for personal storage. At this time Mr. Fellows has no plans for electricity or heating.
- Mr. Fellows is requesting a rear yard variance to place the building closer to the property line in order to maintain proper drainage. The yard slopes upwards towards the back and Mr. Fellows feels that the building placement further back is best to keep water flowing to the drain tiles and away from the center of his property.
- Chris Christensen discussed the discharge of the drainage tiles and the capacity of the street ditches. The outflow should be monitored for any future problems.
- The back part of the property is wooded and Jerry Wickett noted that further back towards the rear property line would help shield this building from the neighbors.
- Access would be from the East side of the property and Mr. Fellows understands an additional driveway is not allowed.
- It was clarified that the shed roof is subject to the setbacks, not the roof overhang.
- The Special Permit application was corrected to add the height dimension of the building – up to 12' and the side 2 dimension changed from 46' to 33'.

Chairman Stearns asked if there was anyone who would like to speak in favor or in opposition to the applications and there was none. Jerry Wickett made a motion to close both public hearings and Chris Christensen seconded. The motion carried with the following vote:

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

K. Carroll - Absent

Jerry Wickett made a motion to approve the area variance as a public hearing was held and no one spoke in favor or opposition. The applicant stated the variance is necessary due to drainage issues in the middle of his property. The placement further back will also help shield the building from the neighbor to the West. Ron Schneider seconded, and the motion carried with the following vote: S. Stearns, C. Christensen, R. Schneider, J. Wickett – AYE  
K. Carroll - Absent

The appeal of Brian Fellows for a rear yard variance with a reduction of 20' from 35' to 15' in a Residential 1 zone to allow construction of an accessory building at his residence on 2557 Dublin Court, 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, 22 E. Main Street, Marcellus, NY, on June 2, 2025 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 Chapter 235 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 2557 Dublin Court, Marcellus, New York.
2. The subject premises is 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 235 Attachment 1 to allow a rear yard variance for construction of an accessory building.
4. No one appeared in favor or in opposition to the variance.
5. Variance request is for a 20' rear yard setback reduction due to drainage issues in the middle of the property.
6. The placement further back will help shield the building from the neighbor to the West.

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 the 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. Applicant 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 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.

Jerry Wickett 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 be for personal storage only, will have access from the grass with no additional driveway, and the application updated to include a height of up to 12' and side 2 distance to 33'. Ron Schneider seconded, and the motion carried with the following vote:

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

K. Carroll - Absent

The request of Brian Fellows for a special permit in a Residential-1 zone to allow him to construct a 30' x 40' accessory building at their residence for 2557 Dublin Court, 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 2, 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 building is for personal use only and no business shall be operated from or in it.
3. The accessory buildings access will be from the East side of the property with no additional driveway.

4. The application was updated to add the height of up to 12' and correct the side 2 dimension to 33'.

#### **MINUTES**

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

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

K. Carroll - Absent

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

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

K. Carroll – Absent

The meeting adjourned at 7:45 PM.

Respectfully submitted,

Joanna Clarke

Secretary