TOWN OF MARCELLUS
ZONING BOARD OF APPEALS
22 East Main Street
Marcellus, New York 13108

Date:	**October 5, 2026**
Board Members Present:	Scott Stearns, Chairperson Kathy Carroll Chris Christensen Ron Schneider Jerry Wickett
Board Members Absent:	
Town Counsel:	James Gascon
Town Engineer:	TDK Engineering (Absent)
Codes Officer:	John Houser

The Zoning Board of Appeals of the Town of Marcellus met in regular session on October 5, 2026, at 6:30 pm at Town Hall, 22 East Main Street, Marcellus, New York.

APPOINT LEGAL COUNSEL

Jerry Wickett explained that the Town Board had voted to retain Costello, Cooney & Fearon as its legal counsel. Under Town Law, the ZBA has the authority to select its own legal counsel. Jerry Wickett then made a motion to appoint James Gascon of Mackenzie Hughes to represent the Zoning Board of Appeals through December 31, 2026. Kathy Carroll seconded the motion, which carried by the following vote:
S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

PUBLIC HEARINGS – SPECIAL PERMITS

30' x 40' Accessory Buildings

Anthony Dubar	**Dean & Mary DeSantis**	**James Brown**
2614 Abend Pt.	**2620 Abend Pt.**	**2632 Abend Pt.**

40' x 60' Accessory Building
Joseph Sacco
2602 Abend Pt.

Public hearings were held on applications for three 30' x 40' accessory buildings and one 40' x 60' accessory building, all located on Abend Point. The Secretary read each legal notice into the minutes. Anthony Dubar appeared on behalf of all applicants and stated that he was the contractor for the proposed pole barns. The 30' x 40' pole barns proposed for the DeSantis and

Brown properties will each include one 10-foot-by-16-foot overhead door and a shed-roof overhang extending 10 to 12 feet. The 30' x 40' pole barn proposed for Mr. Dubar's property will be similar to the other two but will not include the shed-roof overhang.
The pole barn proposed for the Joseph Sacco property will be larger, measuring 40' x 60', and will include two overhead doors. All four buildings will be designed to match the existing homes on their respective properties. The buildings on the Dubar and Sacco properties will not have electricity at this time; the buildings on the DeSantis and Brown properties will.
The Board discussed the pole barns and drainage for each lot in detail. Code Officer John Houser noted that he has been working with Mr. Dubar to address any drainage issues.
Chris Christensen noted the square footage on Joseph Sacco's application should be amended from 1200 square feet to 2400 square feet.

Chairman Stearns asked whether anyone wished to speak in favor of or in opposition to any of the applications. Mary Menapace of 2600 Abend Point spoke and offered suggestions for green infrastructure to address drainage.

Jerry Wickett made motions to close the public hearings for all of the applications, and Kathy Carroll seconded the motions. The motions carried by the following vote:
S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

Kathy Carroll made a motion to approve Anthony Dubar's special permit application for 2614 Abend Point for a 30' x 40 ' accessory building. No one spoke in favor of or in opposition to the application; one person offered suggestions regarding green infrastructure for drainage. The building will not have electricity at this time and will be used for personal, not business, purposes. Jerry Wickett seconded the motion, which carried by the following vote:
S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

The request of Anthony Dubar for a special permit in a Residential-2 zone to construct a 30' x 40' accessory building for his residence at 2614 Abend Point, Marietta, 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 October 5, 2026 commencing at 6:30pm local time at which time and place the following Resolution was moved, seconded, and passed.

WHEREAS, the applicant is located in a Residential R-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 building is for personal use only and no business shall be operated from or in it.
3. No additional driveway cuts are permitted.

Kathy Carroll made a motion to approve Joseph Sacco's special permit application for 2602 Abend Point for a 40' x 60' accessory building. No one spoke in favor of or in opposition to the application; one person offered suggestions regarding green infrastructure for drainage. The building will not have electricity at this time and will be used for personal, not business, purposes. Jerry Wickett seconded the motion, which carried by the following vote:
S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

The request of Joseph Sacco for a special permit in a Residential-2 zone to allow him to construct a 40' x 60' accessory building for his residence at 2602 Abend Point, 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 October 5, 2026 commencing at 6:30pm local time, at which time and place the following Resolution was moved, seconded, and passed.

WHEREAS, the applicant is located in a Residential R-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 building is for personal use only and no business shall be operated from or in it.
3. No additional driveway cuts are permitted.

Kathy Carroll made a motion to approve Dean and Mary Desantis's special permit application for 2620 Abend Point for a 30' x 40' accessory building. No one spoke in favor of or in opposition to the application; one person offered suggestions regarding green infrastructure for drainage. The building will have electricity and will be used for personal, not business, purposes. Jerry Wickett seconded the motion, which carried by the following vote:
S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

The request of Dean and Mary DeSantis for a special permit in a Residential-2 zone to construct a 30' x 40' accessory building for their residence at 2620 Abend Point, Marietta, 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 October 5, 2026 commencing at 6:30pm local time, at which time and place the following Resolution was moved, seconded, and passed.

WHEREAS, the applicant is located in a Residential R-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 building is for personal use only and no business shall be operated from or in it.
3. No additional driveway cuts are permitted.

Kathy Carroll made a motion to approve James Brown's special permit application for 2632 Abend Point for a 30' x 40' accessory building. No one spoke in favor of or in opposition to the application; one person offered suggestions regarding green infrastructure for drainage. The building will have electricity and will be used for personal, not business, purposes. Jerry Wickett seconded the motion, which carried by the following vote:
S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

The request of James Brown for a special permit in a Residential-2 zone to allow him to construct a 30' x 40' accessory building for his residence at 2632 Abend Point, 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 October 5, 2026 commencing at 6:30pm local time, at which time and place the following Resolution was moved, seconded, and passed.

WHEREAS, the applicant is located in a Residential R-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 building is for personal use only and no business shall be operated from or in it.
3. No additional driveway cuts are permitted.

PUBLIC HEARING – SPECIAL PERMIT

Deborah O'Brien

4000 Bishop Hill Rd.

Mobile Home

A public hearing was held on the application for a mobile home at 4000 Bishop Hill Road. The Secretary read the legal notice into the minutes. Seth and Debby O'Brien were present to discuss the application. Mr. O'Brien explained that they had submitted a preliminary subdivision application to separate the lot from the quarry. The proposed mobile home will contain 1,475 square feet, with three bedrooms and two bathrooms, and will be placed on a concrete pad. The septic plan has been approved by Onondaga County, and a well has been drilled. Mr. O'Brien stated that the mobile home would arrive in two sections.

Chairman Stearns asked whether anyone wished to speak in favor of or in opposition to the application. No one spoke. Jerry Wickett made a motion to close the public hearing, and Kathy Carroll seconded. The motion carried by the following vote:
S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

Kathy Carroll made a motion to approve the special permit for the mobile home, contingent upon approval of the subdivision, noting that no one had spoken in favor of or in opposition to the application. Chris Christensen seconded the motion and added that there are no more than four residential structures within 500 feet of the proposed mobile home. The motion carried by the following vote:
S. Stearns, K. Carroll, C. Christensen, R. Schneider, J. Wickett – AYE

The request of Deborah O'Brien for a special permit to construct a 1,475-square-foot mobile home on her property at 4000 Bishop Hill Road, Marcellus, New York, in an Agricultural A-1 zone. The Zoning Board of Appeals of the Town of Marcellus met in regular session at the Town Hall, 22 East Main Street, Marcellus, New York, on October 5, 2026, commencing at 6:30pm local time, at which time and place the following resolution was moved, seconded, and adopted.

WHEREAS, the applicant is located in an Agricultural A-1 district: and

WHEREAS, there will be no undesirable change in the character of the neighborhood or detriment to nearby properties; and

WHEREAS, there will be no more than four residential structures within 500 feet of the subject mobile home at the time of issuance of permit; 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 conditions:

1. Applicants must apply for a building permit that grants permission for construction.
2. The mobile home shall be occupied only by the property owner or members of his/her immediate family.
3. No enclosed structural additions shall be permitted more than eight feet in width.

4. The removal of the mobile home from the premises shall terminate the special permit.

MINUTES

Kathy Carroll made a motion to approve the September minutes as written, and 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 7:40 pm.

Respectfully submitted,
Joanna Clarke
Secretary