

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

Date: April 6, 2026

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

Board Members Absent:

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 April 6, 2026, at 6:30 pm at Town Hall, 22 East Main Street, Marcellus, New York.

PUBLIC HEARING – AREA VARIANCE

Paul Martini

4668 Howlett Hill Rd.

A public hearing was held for a two (2) story accessory building at 4668 Howlett Hill Road. The secretary read the legal notice into the minutes. Paul Martini appeared before the Board regarding his application. The following was discussed:

- The accessory building measures 24 feet by 30 feet (720 square feet), meets setback requirements, and includes a proposed second story for additional storage.
- The building was intentionally designed at a reduced size to remain subordinate to the primary residence. The proposed second story and dormers are intended to provide additional storage and to be architecturally consistent with the home.
- The proposed building will be located behind the residence, shielded by existing trees, and will not be visible from the road; it may be seasonally visible to two neighboring properties. Mr. Martini sent the required notifications and has not received any feedback.
- Access to the building will be via the existing driveway. The structure will include electricity, and any outdoor lighting will be directed downward. The exterior design will match the primary residence.
- The applications were amended as follows; changed “out building” to “accessory building” on the zoning appeal application and changed “detached garage” to “accessory building” on the building application. The tax map number was verified as 012.-03-95.4.
- Mr. Martini stated that the building plans were drawn up by his architect prior to the change in

regulations for two-story accessory buildings. The plans complied with all code requirements at the time. He attempted to revise the plans but determined that the original design was the most suitable.

Chairman Stearns asked if there was anyone who would like to speak in favor or in opposition to the area variance and there was none. Jerry Wickett made a motion to close the public hearing and Chairman Stearns 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 area variance as a public hearing was held and no one spoke in favor or opposition. The building will contain electricity, and any outdoor lighting will be directed downward. There will be no business conducted in or out of the building. Chris Christensen seconded, adding that the approval is based on the smaller size of the proposed building at 720 square feet, the second story is keeping with the nature of the property and does not infringe on the site line of any neighboring properties, and the overall height of the accessory building complies with the height requirements of the Town Code. The motion carried with the following vote:

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

The appeal of Paul Martini for a height variance in a Residential-1 zone to allow construction of a two (2) story accessory building at his residence on 4668 Howlett Hill Road, 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 East Main Street, Marcellus, NY, on April 6, 2026 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 is located at 4668 Howlett Hill Road, 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 height area variance for construction of a two (2) story accessory building.
4. No one appeared in opposition or in favor.
5. The building is smaller in size at 720 square feet and the height will not infringe on the site line of any neighboring property.
6. The building height complies with the height requirements of Town Code.

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.

MINUTES

Kathy Carroll made a motion to approve the March minutes as written, Jerry Wickett 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 adjourn the meeting and Jerry Wickett seconded. The motion carried with the following vote:

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

The meeting adjourned at 8:30 pm.

Respectfully submitted,
Joanna Clarke
Secretary