

Agenda  
Zoning Board Meeting  
September 15, 2022  
6:30 PM

1. Virtual Meeting Instructions

Documents:

[9-15-22 Zoning Board Meeting Instructions.pdf](#)

2. Pledge Of Allegiance

3. Approval Of Minutes - August 18, 2022

Documents:

[8-18-22 Draft.pdf](#)

4. Appeal To The Manlius Zoning Board Of Appeals To Appeal The Issuance Of A Building Permit By The Code Enforcement Officer To Abundant Solar Power, LLC

5. Devon Cretaro, 6457 Fremont Rd., E. Syracuse NY

Will need one side yard variance of 10' to construct a 24' X 32 ' shed.

Documents:

[6457 Fremont Rd. - Packet.pdf](#)

6. Ryan Benjamin, 7771 Myers Rd., Kirkville NY

Will need one side yard variance of 14' and one rear yard variance of 34' to construct a 24' X 40' garage.

Documents:

[7771 Meyers Rd. - Packet.pdf](#)

7. Ragan Smith, 110 Brinan Fields Run, Manlius NY

Will need one side yard variance of 4' and one rear yard variance of 20' for a 16' X 30' inground pool.

Documents:

[110 Brinan Fields Run - Packet.pdf](#)

8. Rachael Auclair, 4787 Enders Rd., Manlius NY

Will need one side yard variance of 15' for a 10' X 20' shed.

Documents:

9. Other Business

10. Adjournment

This meeting is being recorded and live streamed. The recording will be broadcast live and will be posted to the town website at [www.townofmanlius.org](http://www.townofmanlius.org)



September 15, 2022 – 6:30PM  
Zoning Board Meeting Instructions

The easiest way to participate in the meeting is to use the link provided below. The meeting will be conducted on the ZOOM platform as a webinar. Please make sure that when you complete your attendee registration you enter your full name.

Click on the link or enter the meeting URL web address as listed below.

<https://us02web.zoom.us/j/893339479217?pwd=QjNsaXgvOVFoemRJQ2UxWmQweDIjZz09>

Password to join when prompted:

Password: **859574**

Enter your email address and name and join the meeting.

Join by telephone by dialing the number below:

(929) 436-2866

When prompted to enter the Webinar ID, use the number below followed by #

Webinar ID: 893 3947 9217

Press # again to skip the personal id and enter the password below followed by #

Password: **859574**

If this is your first time joining a ZOOM meeting you may practice using ZOOM meeting platform at <https://zoom.us/test>.





*application for a building permit which are part of the public file as well as the affirmation of the Code Enforcement Officer Tom Poitras. All documents required by Town code Chapter 59 were submitted by the applicant and subsequently appropriately reviewed by the Code Enforcement Officer. Accordingly, this Board finds that the Town Code Enforcement Officer properly issued the building permit to Abundant Solar on April 14, 2022. The application has brought up many, ancillary issues, most which relate to the Town Board's actions and passing legislation related to the approval of solar arrays, landfills as well as to its authorities to do so. However, the review of the ZBA is limited to the ministerial issuance of the building permit only. All other issues raised by the applicant are beyond the purview of this board and are not entertained here in. Those are matters that are properly left to the appropriate vendor.*

Board members discussed the motion and clarified as it states, the Code Enforcement Officer preformed his duties as an agent of the Town and completed his duties in a satisfactory manner.

Member KP Kelly asked Code Enforcement Officer Poitras if he is a certified Code Enforcement Officer and what his background is. Mr. Poitras answered that his certification is current, and asked Member KP Kelly how that is relevant to the issuance of the building permit? Member KP Kelly asked if Mr. Poitras had any other professional review the documents submitted such as an Engineer or another Code Enforcement Officer? Mr. Poitras answered no and stated the better question would be is someone else required to look at the documents which is not required. Mr. Poitras stated the plans provided were completed by a licensed Engineer.

Code Enforcement Office Poitras read aloud the steps he must follow for the review a submitted building permit application.

Member Linhart stated he is concerned that all the documents presented to the Code Enforcement Office had not been date stamped. Mr. Poitras stated there is no requirement to date stamp documents as they come in.

The ZBA Board confirmed by way of Town Board minutes that all the necessary documents had been submitted to the Town Board before the March 23, 2022, meeting and the permit application had been submitted on April 1, 2022.

Member K P Kelly made a motion, seconded by Member Linhart to open the public hearing at 7:01 PM and it was carried unanimously.

Attorney Dirk Oudemool representing Barbara Henry asked if the resolution was prepared by ZBA Counsel? Attorney Sutphen stated the resolution (motion) was prepared in conjunction with the Chair for an uncirculated draft. Attorney Oudemool made the follow comments:

1. Attorney Oudemool stated Attorney Sutphen should recuse herself because of an obvious conflict of interest in that her firm is contracted as Counsel for the Town of Manlius. Mr. Oudemool stated the ZBA Board should consider hiring their own independent Counsel.
2. Attorney Oudemool stated he disagrees with the proposed resolution (motion) read earlier. Attorney Oudemool stated in the Town code section 59-12 sub-paragraph C of which he focused on number 11 which says, application shall be made by the owner or agent of either the architect, engineer, or builder, deployed in connection with the proposed work. Attorney Oudemool stated he knows the application was made by

Abundant Solar and as stated in the code an application by a person other than the owner shall be accompanied by an affidavit of the owner thus providing authorization for the proposed work. Attorney Oudemool stated there is no such affidavit by the Town Board in the file.

3. Attorney Oudemool stated that the Code Enforcement Officer did not enforce the new statute which exempted this project from Planning Board Review.

Attorney Oudemool stated that there is more work to be done by the ZBA Board and that it would be a mistake to consider the adoption of the proposed resolution (motion) presented earlier.

Dave Taylor, 7303 Roumare Rd., E. Syracuse stated he is upset that the Planning Board was removed from the process for this application. Mr. Taylor stated he would like to look at the Building Permit file.

Tom Bassett, 7321 Barberry Lane, Manlius asked the following questions:

1. The proposed motion did not indicate that the Board is denying the Article 78. Attorney Sutphen stated the proposed motion has nothing to do with the Article 78.
2. Has the Code Enforcement Officer felt it necessary to seek the opinions of other professional resources prior to issuance of other solar facility building permits assuming that such other facilities have been permitted? Code Enforcement Officer Poitras is taking a ministerial act within his authority, is he being accused of malfeasance? Attorney Sutphen stated the only thing the Code Officer must do is follow the regulations and issue a permit.
3. Is there a responsive of pleading to the Article 78 petition and is it a matter of public record and who is representing the Town or is agents or employees in this litigation? Attorney Sutphen stated there has been no responsive pleading to her knowledge but there is an article 78 that is a matter of public record. Baldwin, Sutphen and Frateschi is representing the Town in the Article 78 proceeding.
4. Does Attorney Oudemool have an unlimited period to make a highly technical legal argument tonight before this board, without any opportunity for the Board to consult with its council? This is not the proper forum for this argument in the actual pending legal proceeding.

Mr. Bassett stated he wanted to know what the board is being asked to do tonight as he believed a motion had been approved. Chairman T. Kelly stated the motion was not approved and is still open for discussion. Mr. Bassett stated the purpose of the Article 78 proceeding is to appeal the issuance of the building permit. Chairman T. Kelly stated the appeal before the ZBA Board is, was the building permit filed correctly? Yes or No.

Attorney Oudemool stated he filed the Article 78 proceeding after he had exhausted all other remedies.

Mr. Bassett stated he believes Attorney Oudemool's objective for his client is to string the project out so the developer will lose interest and the solar array then never gets built.

John J Courcy, 7296 Roumare Rd. stated he did not like process the Town used for issuing Abundant Solar their building permit.

Member KP Kelly made a motion, seconded by Member Linhart to close the public hearing at 7:36 PM and it was carried unanimously.

Member Linhart stated he feels like he has the weight of Atlas on his shoulders and that this is not an easy decision. Member Linhart stated:

1. he listened to everyone.
2. made his comments about using a date stamp.
3. Code Officer Poitras stated he looked at everything and issued the building permit.
4. There is no requirement for a date stamp.

Chairman T. Kelly stated the board can vote on the proposed motion presented earlier or the Board can adjourn the matter pending further study of the issues raised.

The Board had a discussion with board counsel on the steps the court will take if the Zoning Board were to vote yes or no or do not decide at all. The Board decided to table the decision until the September 15<sup>th</sup> meeting as they wish to research questions that came up in the tonight's meeting. The Board did decide not to seek outside counsel.

### **Board Action**

Member Miller made a motion, seconded by Member KP Kelly to adjourn the proceeding for 30 days.

Ayes: Chairperson T. Kelly, Member Miller, Member KP Kelly, Member Linhart, Member Catalino.

Nayes: 0

All in Favor.

Motion Carries.

### **Legal Notices**

Member Linhart made a motion, seconded by Member Miller to waive the reading of the public notices and it was carried unanimously.

**Michael & Vanessa Gatmaitan, 4463 Swissvale Dr., Manlius NY (tax map #110.-11-05.0) requesting one variance to install a 18 X 30 inground pool. With an existing side yard setback of 10' they will need a variance of 10' to meet the required side yard setback of 20'.**

Mr. Gatmaitan stated they have a steep hill behind them and a tiered back yard and picked the best spot to fit the pool. Mr. Gatmaitan stated they will be adding a retaining wall and drainage. Mr. Gatmaitan stated there is already a fence for the yard and the pool will have alarms.

Member KP Kelly stated the location for the pool is reasonable.

Member Catalino asked if the neighbors had been notified. Mr. Gatmaitan stated he had talked to both his neighbors.

Member K P Kelly made a motion, seconded by Member Linhart to open the public hearing at 7:48 PM and it was carried unanimously.

Member KP Kelly made a motion, seconded by Member Linhart to close the public hearing at 7:56 PM and it was carried unanimously.

### **Board Questions**

Chairperson T. Kelly proceeded with the board through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered no as the chosen location is the most logical.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no
- 3) Whether the requested Variance is substantial? The board answered no not at 10 feet.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered no
- 5) Whether the alleged difficulty was self-created? The board answered yes, he wants a pool.

### **Determination of ZBA Based on the Above Factors:**

The ZBA, after taking into consideration the above five factors, finds that:

  X   The benefit to the applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

       The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is denied.

The ZBA further finds that a **side yard variance of 10'** is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The ZBA further **GRANTS** the variance as requested with the following conditions: None

### **SEQRA Review**

Chairperson T. Kelly determined the proposed project and action contemplated is comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

### **Board Action**

Member Miller made a motion, seconded by Member KP Kelly to grant an area variance to Michael & Vanessa Gatmaitan for the real property located at 4463 Swissvale Dr., Manlius NY. This variance is being granted for the sole purpose of permitting the construction of a 18 X 30 foot inground pool. Thereby modifying the 20-foot side yard set back to that of 10 feet leaving a variance of 10 feet.

Ayes: Chairperson T. Kelly, Member Miller, Member KP Kelly, Member Linhart, Member Catalino.

Nays: 0

All in Favor.

Motion Carries.

Member Miller made a motion, seconded by Member KP Kelly to grant an area variance to James & Marcia Morrison for the real property located at 5007 F-M Road, Manlius NY 13104. This variance is being granted for the sole purpose of permitting the construction of a 10 x 16 foot shed. There by modifying the 40-foot rear yard set back to that of ten feet leaving a variance of 30-feet.

**Melissa Yandon, 111 Kendall Dr. W., E. Syracuse NY (tax map # 062.-01-63.0) requesting one variance to install a 4' above ground pool. With an existing rear yard setback of 21' they will need a variance of 4' to meeting the requested rear yard setback of 25'.**

Member KP Kelly made a motion, seconded by Member Linhart to open the public hearing at 8:00 PM and it was carried unanimously.

Ms. Yandon stated they have had a pool in this location for fifteen years and it has a sand base which would be difficult to move. Ms. Yandon stated she was unaware of the requirement for a variance. Ms. Yandon stated she has spoken with her neighbors, and they have no issue with the location of the pool.

Member KP Kelly asked if they put the fence when the pool is not in use. Ms. Yandon stated that the stairs are locked in the shed when the pool is not in use.

Code Officer Poitras stated the pool was brought to their attention because it was observed by Code Officer Grevelding and not a neighbor complaint.

Member Linhart made a motion, seconded by Member KP Kelly to close the public hearing at 8:03 PM and it was carried unanimously.

### **Board Questions**

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered no as the pool is already existing.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no
- 3) Whether the requested Variance is substantial? The board answered no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? no
- 5) Whether the alleged difficulty was self-created? Yes, they wanted the pool.

### **Determination of ZBA Based on the Above Factors:**

The ZBA, after taking into consideration the above five factors, finds that:



- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered No.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered No.
- 3) Whether the requested Variance is substantial? Yes, the rear yard variance of 23-feet is substantial and the side yard variance of 15-feet is not substantial.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? No
- 5) Whether the alleged difficulty was self-created? The board answered yes, they want a shed.

**Determination of ZBA Based on the Above Factors:**

The ZBA, after taking into consideration the above five factors, finds that:

  X   The benefit to the applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

       The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is denied.

The ZBA further finds that a **side yard variance of 15-feet and a rear yard variance of 23-feet** is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The ZBA further **GRANTS** the variance as requested with the following conditions: None

**SEQRA Review**

Chairperson T. Kelly determined the proposed project and action contemplated is comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

**Board Action**

Member Miller made a motion, seconded by Member KP Kelly to grant two area variances to Andy & Brenda Daiss, for the real property located at 8022 Blaney Stone Way, Manlius NY. These variances are being granted for the sole purpose of permitting the construction of a 10 x 16 foot shed. There by modifying the 20-foot side yard set back to that of 5-feet leaving a variance of 15-feet and modifying the rear yard setback to that of 40-feet to that of 17-feet leaving a variance of 23-feet.

Ayes: Chairperson T. Kelly, Member Miller, Member KP Kelly, Member Linhart, Member Catalino.

Nays: 0

All in Favor.

Motion Carries.

**Adjournment**

With there being no other business, Member Linhart made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 8:20 PM

Respectfully submitted,  
Debi Witzel, Secretary  
Zoning Board of Appeals

DRAFT



**TOWN OF MANLIUS – ZONING BOARD OF APPEALS**

**APPLICANT / PROPERTY INFORMATION**

Date: 8/12/2022

1. Property Address: 6457 Fremont Road, E. Syracuse

Property Tax Map # 053.-01-08.0

The Applicants Purpose (new construction, alteration, extension, restoration, modification or other action) with respect to the subject property; \_\_\_\_\_

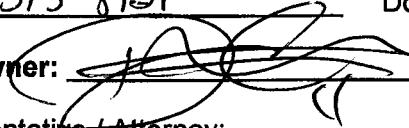
\_\_\_\_\_

2. Owner of Property: Devon J. Cretaro

Owner's Address: 6457 Fremont Road, E. Syracuse

Owner's E-Mail: Cretaro1994@yahoo.com

Owner's Phone #: 315-313-8121 Does Owners reside at property: yes

Signature of Property Owner: 

3. Applicant / Representative / Attorney:

Name: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**Below this line - For Office Use Only**

Application Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Payment Receipt #: \_\_\_\_\_

Date of Denial of Building Permit Application: \_\_\_\_\_ Current Property Zoning: \_\_\_\_\_

The subject property will be in conformity with all zoning use as outlined in Chapter 155 of the Town of Manlius Municipal Code, except as stated here by the Code Officer: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Application for Building Permit

Town of Manlius  
Department of Planning and Development  
301 Brooklea Drive, Fayetteville, NY 13066  
(315)637-8619 Fax: (315) 637-0713

Application is hereby made for the issuance of a Building Permit pursuant to the New York State Uniform Fire Prevention and Building Code for work herein described. The applicant agrees to comply with all laws, ordinances, regulations and revisions of the municipality in which the Permit is requested.

Name – Owner/Applicant: Devon CRETARO

Address of Proposed Work: 6457 Fremont Rd

Phone Number: 315 313 8121

Email Address: CRETARO1994 @ Yahoo . Com

Contractor Name & Address: Chris Cretaro 7215 MYERS Rd

Contractor Phone Number: 315 727 6942

Contractor Email Address: CCRETARO @ Gma. I

## **Proposed Work:**

- |                           |                               |                     |                    |
|---------------------------|-------------------------------|---------------------|--------------------|
| 1. Addition _____         | 2. Alteration _____           | 3. Demolition _____ | 4. Garage <u>X</u> |
| 5. Shed _____             | 6. Deck _____                 | 7. Pool _____       | 8. Sign _____      |
| 9. New Construction _____ | 10. Fireplace/Woodstove _____ | 11. Solar _____     |                    |
| 12. Renewal _____         | 13. Other _____               |                     |                    |

Construction Cost: \$ \$4,000

Size of Project: 24 FT x 32 FT

Description of Project: REBAR Shed

Residential - New Structure \_\_\_\_\_ Existing Structure \_\_\_\_\_

# of Bedrooms \_\_\_\_\_ # of Bathrooms \_\_\_\_\_ # of Fireplaces \_\_\_\_\_

Total Square Feet w/o Garage \_\_\_\_\_ Garage Square Foot \_\_\_\_\_

Other \_\_\_\_\_

Description \_\_\_\_\_

Commercial – New Structure \_\_\_\_\_ Existing Structure \_\_\_\_\_

Name of Business: \_\_\_\_\_ Total Square Feet: \_\_\_\_\_

Description of Property: \_\_\_\_\_

All Plumbing and Sanitary systems to be inspected by Onondaga County Department of Health.  
All Electrical systems will be inspected by a Third Party Electrical Inspector approved by the Town of Manlius.

I hereby agree that no building is to be occupied or used in whole or in part for any purpose what so ever until a Certificate of Occupancy or Compliance has been issued by the Code Enforcement Officer.

I hereby certify that the above information is true to the best of my knowledge. Permission is hereby granted to the Code Enforcement Officer or Authorized representative upon showing proper credentials to enter that above premises or buildings during reasonable working hours to discharge their duties.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

6/33/22

**CODE ENFORCEMENT USE ONLY**

Zoning: RA (F) 40 (R) 40 (S) 20 Flood Plain \_\_\_\_\_ Wetlands \_\_\_\_\_

Received By: B Receipt No.: 12290 Fee: \$ 81 Date: 6-23-22

Check #: 1204 Cash: \_\_\_\_\_ Credit Card: \_\_\_\_\_

Tax Map # 0530-01-08.0

Building Permit Number: \_\_\_\_\_

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_

Remarks:

6/28/2022 DENIED SIDE YARD VARIANCE REQUIRED  
PROPOSED 10' SIDE YARD SET BACK REQUESTING  
VARIANCE OF 10' TO MEET REQUIRED 20' SETBACK

[Signature]  
Signature of Code Enforcement Officer

**TOWN OF MANLIUS**  
**DISCLOSURE AFFIDAVIT**

This affidavit is a part of and must be completed and attached to every application, petition, request submitted for a *site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit.*

STATE OF NEW YORK       )  
                                      ) SS:  
COUNTY OF ONONDAGA    )

I Michelle Lee Cretaro, being duly sworn, deposes and says that (s) he is:  
                                      (Notary)  
Devon J. Cretaro  
                                      (applicant, petitioner, corporation officer, property owner, etc.)

II. That deponent has read and is familiar with the provisions of the General Municipal Law, Section 809 which states:

- A. Every application, petition or request submitted for a site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions or any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
- B. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when (s)he, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
- 1) is the applicant, or
  - 2) is an officer, director, partner or employee of the applicant, or
  - 3) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
  - 4) is a party to an agreement with such an applicant, express or implied, whereby (s) he may receive any payment or other benefit, whether or not for services rendered, or contingent upon the favorable approval of such application, petition or request.
- C. Ownership of less than five percent (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
- D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

III. That no Town of Manlius officer, employee or a relative of either, as defined in Section 809 General Municipal Law has any interest in this application.

-OR-

If a Town of Manlius officer, employee or relative of either as defined in Section 809 General Municipal law has any interest in this application, the full particulars are provided on an attached sheet.

Date: 08/12, 20 22

Devon J. Cretaro  
(Print Name of 1<sup>st</sup> Applicant)

[Signature]  
(Signature of 1<sup>st</sup> Applicant)

\_\_\_\_\_  
(Entity Name)

By (Officer) \_\_\_\_\_ (Title)

6457 Fremont Road  
(Mailing Address of 1<sup>st</sup> Applicant)

E. Syracuse, NY 13057

315-313-8121  
(Telephone Number)

Date: \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
(Print Name of 2<sup>nd</sup> Applicant)

\_\_\_\_\_  
(Signature of 2<sup>nd</sup> Applicant)

\_\_\_\_\_  
(Entity Name)

By (Officer) \_\_\_\_\_ (Title)

\_\_\_\_\_  
(Mailing Address of 2<sup>nd</sup> Applicant)

\_\_\_\_\_  
(Telephone Number)

### ACKNOWLEDGEMENTS

STATE OF NEW YORK )

) SS:

COUNTY OF ONONDAGA )

On this 12 day of August in the year 2022 before me, the undersigned, a notary public in and for said state, personally appeared Devon J. Cretaro  
(1<sup>st</sup> Applicants Name)

, and \_\_\_\_\_ personally known to me or proved to me on the basis  
(2<sup>nd</sup> Applicants Name)

of satisfactory evidence to be the individual whose name is subscribed to the within Petition and acknowledged to me the he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the Petition, the individual or the persons upon behalf of which the individual acted executed the instrument.

Michelle Lee Cretaro  
Notary Public

SEAL

MICHELLE LEE CRETARO  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01CR6427647  
Qualified in Onondaga County  
Commission Expires January 03, 2024

Town of Manlius

Zoning Board of Appeals Application

Cretaro, Devon J.

6457 Fremont Road, East Syracuse

Tax Map # 053.-01-08.0

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method?  
NO
2. Whether the Variance will result in an undesirable change in the character of the neighborhood?  
NO
3. Whether the requested Variance is substantial?  
NO
4. Whether the Variance will have an adverse effect on physical or environmental conditions?  
NO
5. Whether the alleged difficulty was self-created?  
NO

Jerry Prosonic ar  
(Reputed  
TAX MAP N  
L.4173

L.4978 P.217

Timothy F

AREA=1.25+/- acres

N82°11'00"W 571+/-'

S82°11'00"E 514+/-'

from Easterly Creek Bank to E

1.8'  
Encroachment

Neighbor's Fence

Gar

Ho#  
6453

2.6'  
Encroachment

1 Sty Fr. Ho.  
House #6457

32'  
24'

44.3'

49.2'

Giacomo Crisafulli  
(Reputed Owner)  
TAX MAP  
NO. 53-01-7.0  
L.4731 P.011

Conc. Blocks

ROAD BOUNDARY

IPF

24.75'

24.75'

P.O.B.

S07°35'00"W

← 479.00' to SE  
of L668 P40

← 100.00'

FREMONT RD.  
(formerly Polkville

REBY  
URATE  
MPLETED

Chris - Pole barn  
24'

1/4" scale

36 mD

32'

10' 10" 0' 10"







# 645 / Fremont Rd.





TOWN OF MANLIUS – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: 8/12/2022

1. Property Address: 7771 Myers Rd Kirkville NY 13082

Property Tax Map # \_\_\_\_\_

The Applicants Purpose (new construction, alteration, extension, restoration, modification or other action) with respect to the subject property; new construction

2. Owner of Property: Ryan Benjamin

Owner's Address: 7771 Myers Rd Kirkville NY 13082

Owner's E-Mail: R1wonder@yahoo.com

Owner's Phone #: 315 651 2564 Does Owners reside at property: yes

Signature of Property Owner: Ryan Benjamin

3. Applicant / Representative / Attorney:

Name: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Below this line - For Office Use Only

Application Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Payment Receipt #: \_\_\_\_\_

Date of Denial of Building Permit Application: \_\_\_\_\_ Current Property Zoning: \_\_\_\_\_

The subject property will be in conformity with all zoning use as outlined in Chapter 155 of the Town of Manlius Municipal Code, except as stated here by the Code Officer: \_\_\_\_\_

Print

Application for Everything except Single Family Homes and Commercial Projects - Submission #2082

Date Submitted: 7/26/2022

Instructions After you submit the building permit application, you have three (3) business days to bring in the following: 1- Two (2) complete sets of plans 2- Building permit fee (which is based on the cost of the project or if it is a new single-family home, based on the square footage. Refer to the fee schedule on our webpage. 3- Survey of the property 4- Workers compensation form or BP-1 waiver form (either form can be e-mailed to lbeeman@townofmanlius.org) Failure to deliver the above paperwork to the Planning and Development Department within the three (3) business day deadline will make your application null and void. All paperwork must be submitted at one time, not separately. The application will not be reviewed until all necessary documents are received.

Application is hereby made for the issuance of a building permit pursuant to the New York State Uniform Fire Prevention and Building Code for work herein described. I hereby agree to comply with all laws, ordinances, regulations and revisions of the municipality in which the permit is requested. \*\*

☒ I agree

Owner/Applicant - Name \*

Ryan Benjamin

Phone Number\*

3156572564

Address of Proposed Work\*

7771 Myers Rd Kirkville NY 13082

Email Address\*

R1wonder@yahoo.com

Contractor Name and Address \*

RLS structures inc 11407 southard rd , Cato NY 13033

Phone Number\*

3156262244

Proposed Work Type\*

Garage

Description of Project\*

24x40 garage

Construction Costs\*

27000

Size of Project\*

24x40

I hereby certify that no building is to be occupied or used in whole or part for any purpose whatsoever until a Certificate of Occupancy or Compliance has been issued by the Code Enforcement Officer. I hereby certify that the above information us true to the best of my knowledge. Permission is hereby granted to the Code Enforcement Officer or authorized representative upon showing proper credentials to enter the above premises or buildings during reasonable working hours to discharge their duties.\*

☒ I agree

Zoning: RA (F) 40 (R) 40 (S) 20 Flood Plain \_\_\_\_\_ Wetlands \_\_\_\_\_  
Received By: JB Receipt No.: 12660 Fee: \$ 173 Date: 8-5-22  
Check #: 235 Cash: — Credit Card: —  
Tax Map # 049.-01-01.0  
Building Permit Number: \_\_\_\_\_  
Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_

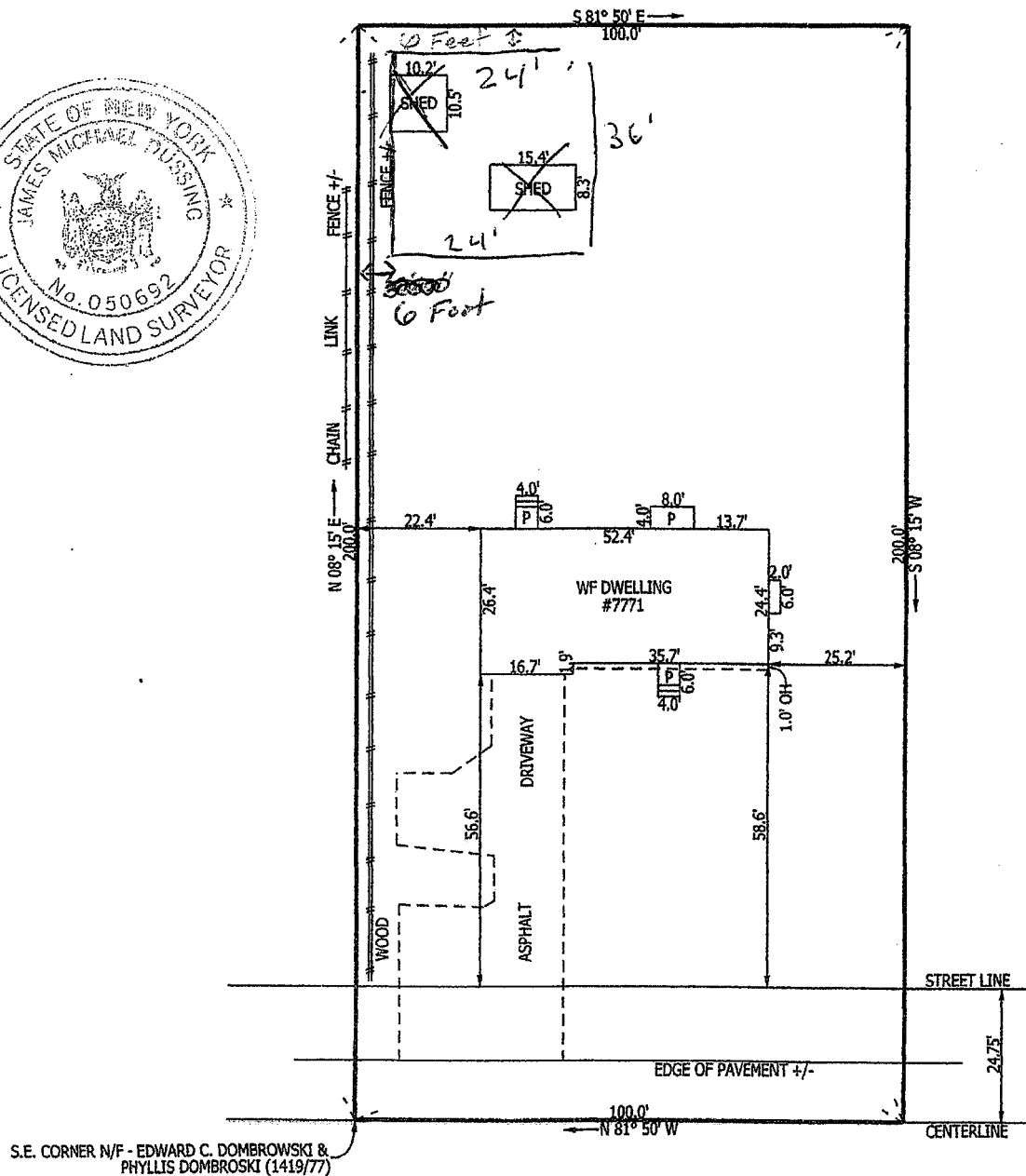
Remarks:

REMARKS: BUILDING PERMIT DENIED 8/9/2022

1. APPLICANT SEEKING 6' SIDE YARD SETBACK, WILL NEED 1' VARIANCE TO PROVIDE RELIEF FROM 20' REQUIRED SIDEYARD SETBACK
2. APPLICANT SEEKING 6' REAR YARD SETBACK, WILL NEED 3/4 VARIANCE TO PROVIDE RELIEF FROM 40' REQUIRED REAR YARD SETBACK

Signature of Code Enforcement Officer

**SUBJECT TO EASEMENTS, ROWS, RESTRICTIONS  
& EXCEPTIONS OF RECORD WHICH AN UPDATED  
ABSTRACT WOULD SHOW.**



# MYERS ROAD

PROPERTY CORNERS NOT SET IN THIS SURVEY UNLESS SHOWN.  
OFFSETS FROM PROPERTY LINES MEASURED TO FOUNDATION WALLS UNLESS OTHERWISE  
INDICATED.  
THE UNDERSIGNED HEREBY CERTIFIES THAT THIS IS A CORRECT MAP MADE FROM AN ACT  
STUDY.



**JAMES M. DUSSING SR. LIC. NO. 050692**

**SCALE: 1" = 30'**

**SCALE: 1" = 30'**

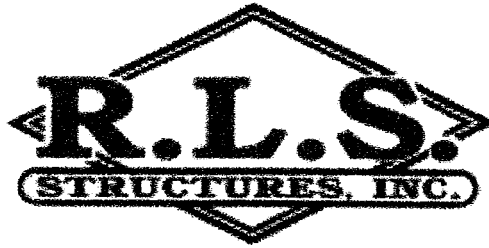
1. NO . Septic System and leech field is on the other side of property
2. NO
3. NO
4. NO
5. YES



# /// 1 Myers Rd.







Permit Packet for  
Ryan Benjamin

Terry Snow

Sales Manager

RLS Structures Inc.

315-626-2244



**RLS STRUCTURES INC.**  
**11407 SOUTHARD RD**  
**CATO, NY 13033**

Voice: **(315) 626-2244**  
 Fax: **(315) 626-3255**

# Proposal

Quote Number

13073

Quote Date

Aug 1, 2022

Good Thru:

8/11/22

Sales Rep:

TJ

**Quoted To:** RYAN BENJAMIN  
7771 MYERS RD.  
KIRKVILLE, NY 13082

**Phone #:** 315-657-2564

**Fax #:**

## **Ship To:**

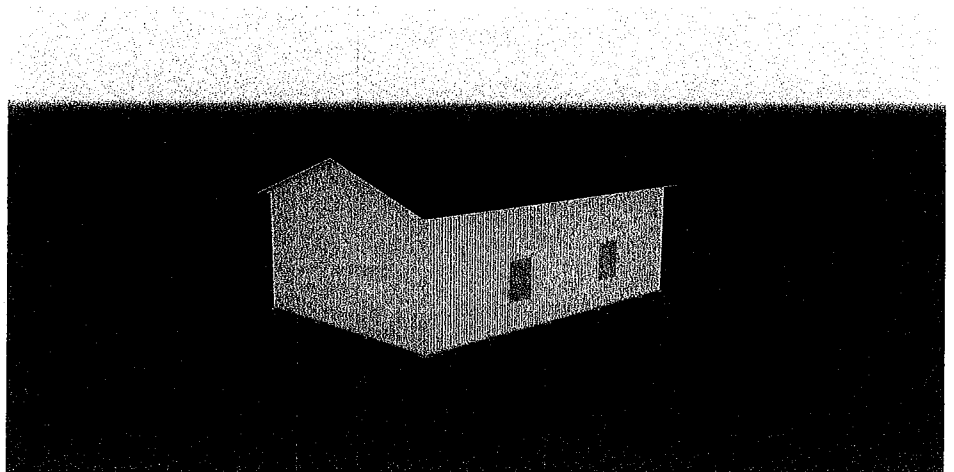
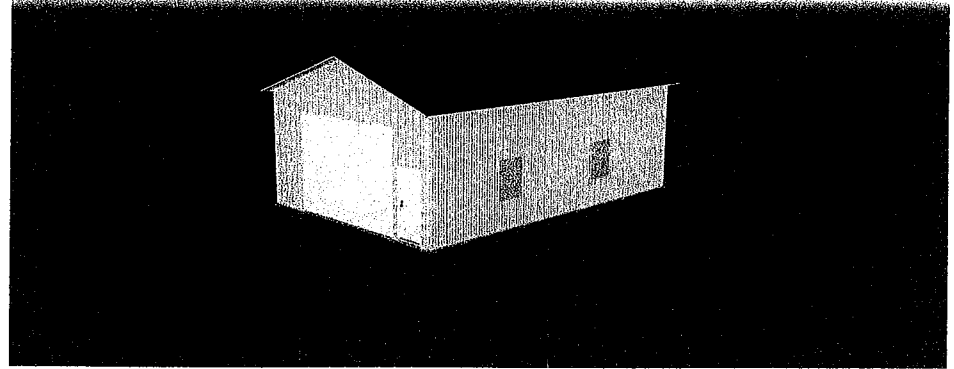
24 X 36 X 12' POST FRAME  
 KIRKVILLE, NY 13082

| Description                                                                                    |
|------------------------------------------------------------------------------------------------|
| ALL LABOR, MATERIALS AND EQUIPMENT REQUIRED TO CONSTRUCT A 24 X 36 X 12' POST FRAME STRUCTURE. |
| STRUCTURE TO INCLUDE:                                                                          |
| .                                                                                              |
| - 3 PLY - 2 X 6" LAMINATED PRESSURE TREATED POLES SET ON CONCRETE FOOTERS.                     |
| - 2 X 4" - WALL AND ROOF PURLINS ON 2' CENTERS.                                                |
| - 2 X 6" - PRESSURE TREATED SPLASHBOARD AROUND PERIMETER.                                      |
| - 29 GAUGE, PREMIUM PAINTED STEEL ROOF, WALLS AND TRIM WITH PAINTED SCREW FASTENERS.           |
| - 50# GROUND SNOW LOAD STANDARD TRUSSES ON 4' CENTERS WITH 4:12 PITCH.                         |
| - 1' OVERHANG ON ALL FOUR SIDES.                                                               |
| - VENTED RIDGE AT THE PEAK AND VENTED SOFFIT AT EAVES.                                         |
| - ( 4 ) 3' X 4' SINGLE HUNG WINDOWS WITH INSULATED GLASS, SCREENS AND GRIDS.                   |
| - ( 1 ) 3068 BLANK HEAVY DUTY WALK DOOR WITH LOCK SET.                                         |
| - ( 1 ) 14 X 10' FLUSH, INSULATED OVERHEAD DOOR.                                               |
| .                                                                                              |
| - SITE WORK AND PERMITS BY OWNER.                                                              |

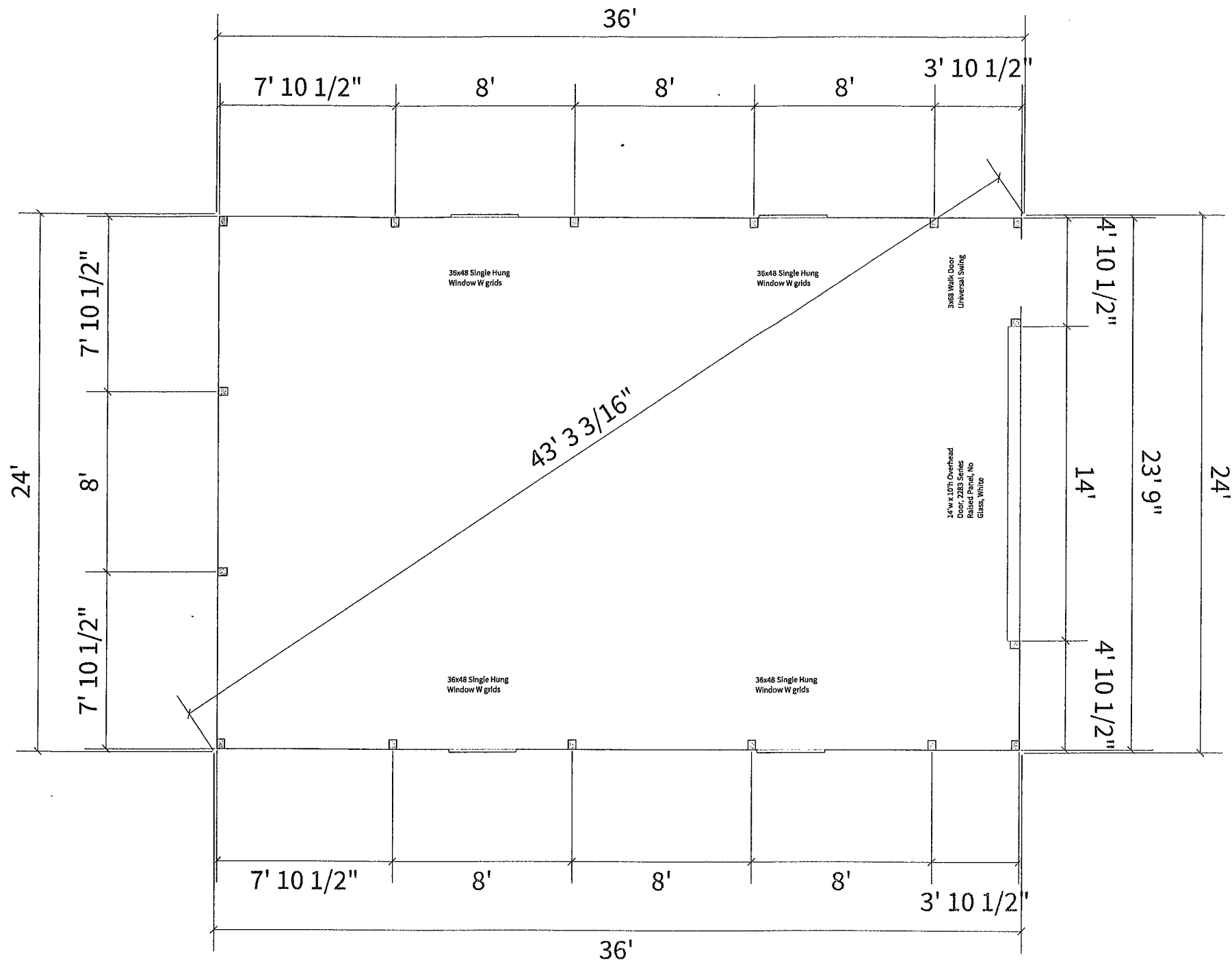
## Cover Sheet

| Summary        |                    |
|----------------|--------------------|
| Width          | 24'                |
| Length         | 36'                |
| Ceiling Height | 12'                |
| Slab Depth     | 0.333333333333333' |
| Overhangs      | 4                  |
| Roof Pitch     | 4/12               |

| Job Information  |               |
|------------------|---------------|
| Project Name     | Ryan Benjamin |
| Company Name     | RLS           |
| Contact          |               |
| Email            |               |
| Phone            |               |
| Delivery Address |               |
| ZIP code         |               |
| Desired Date     |               |
| Comments         |               |

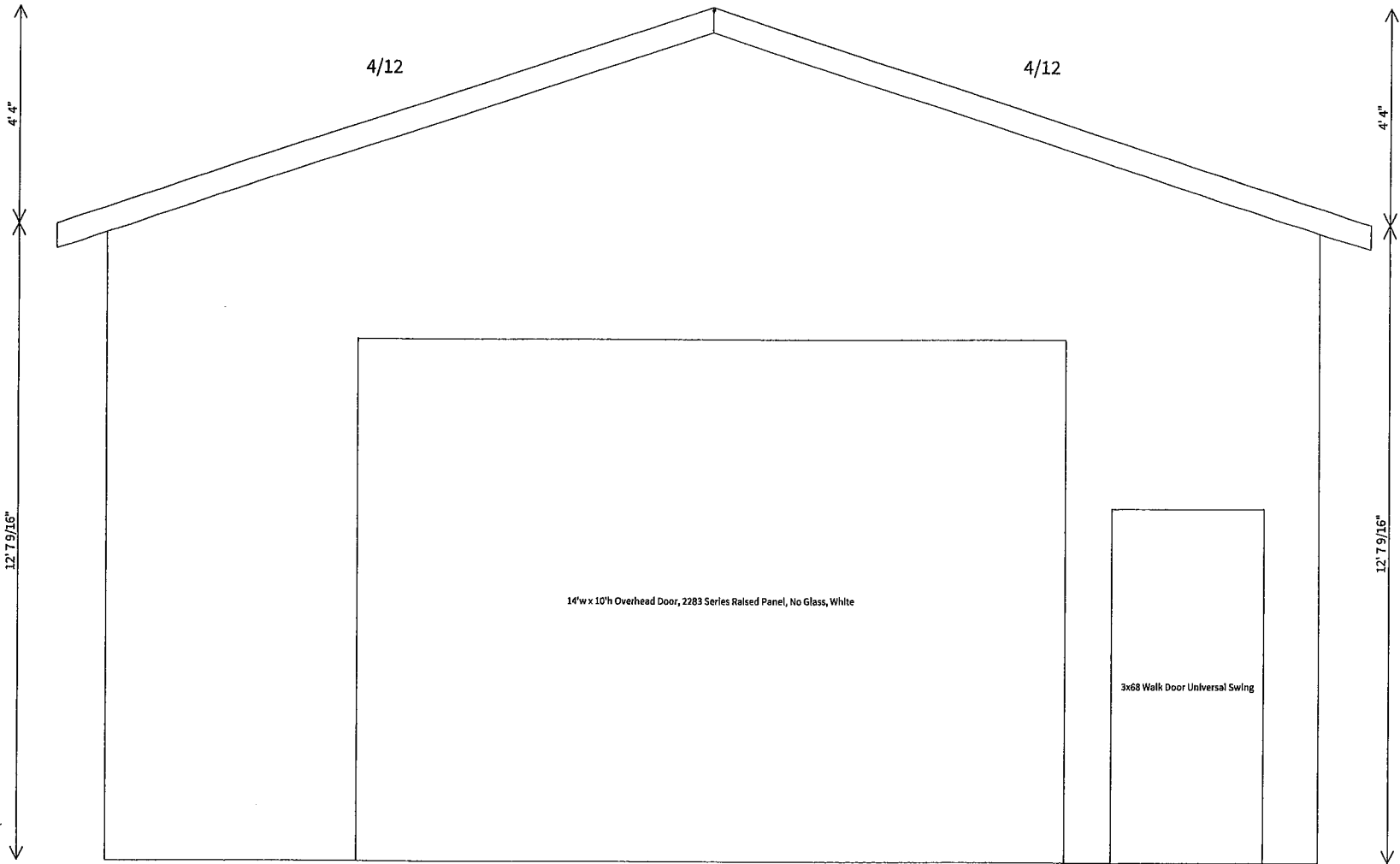


## Post Layout



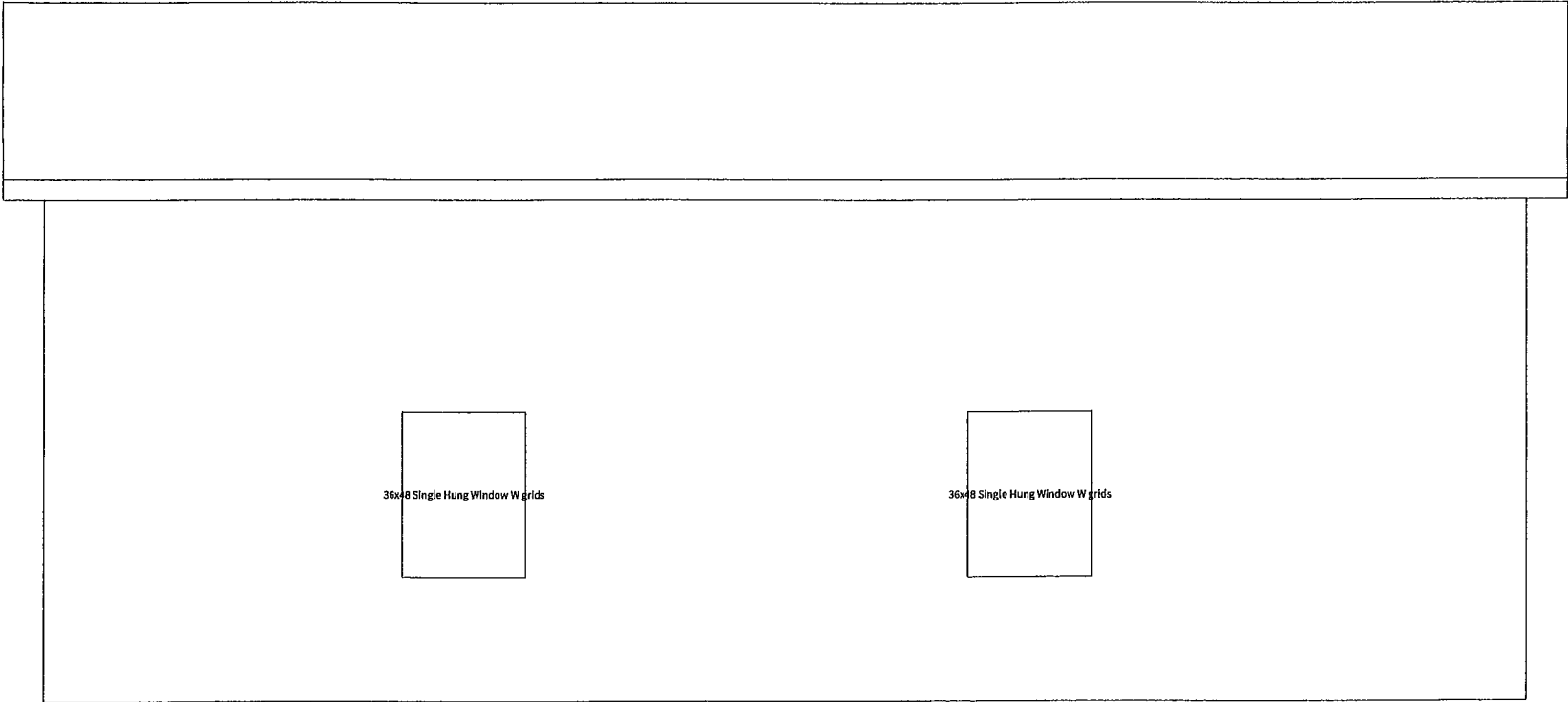
Job: Ryan Benjamin  
Date: 8/4/2022  
Time: 7:15 AM

Front Elevation



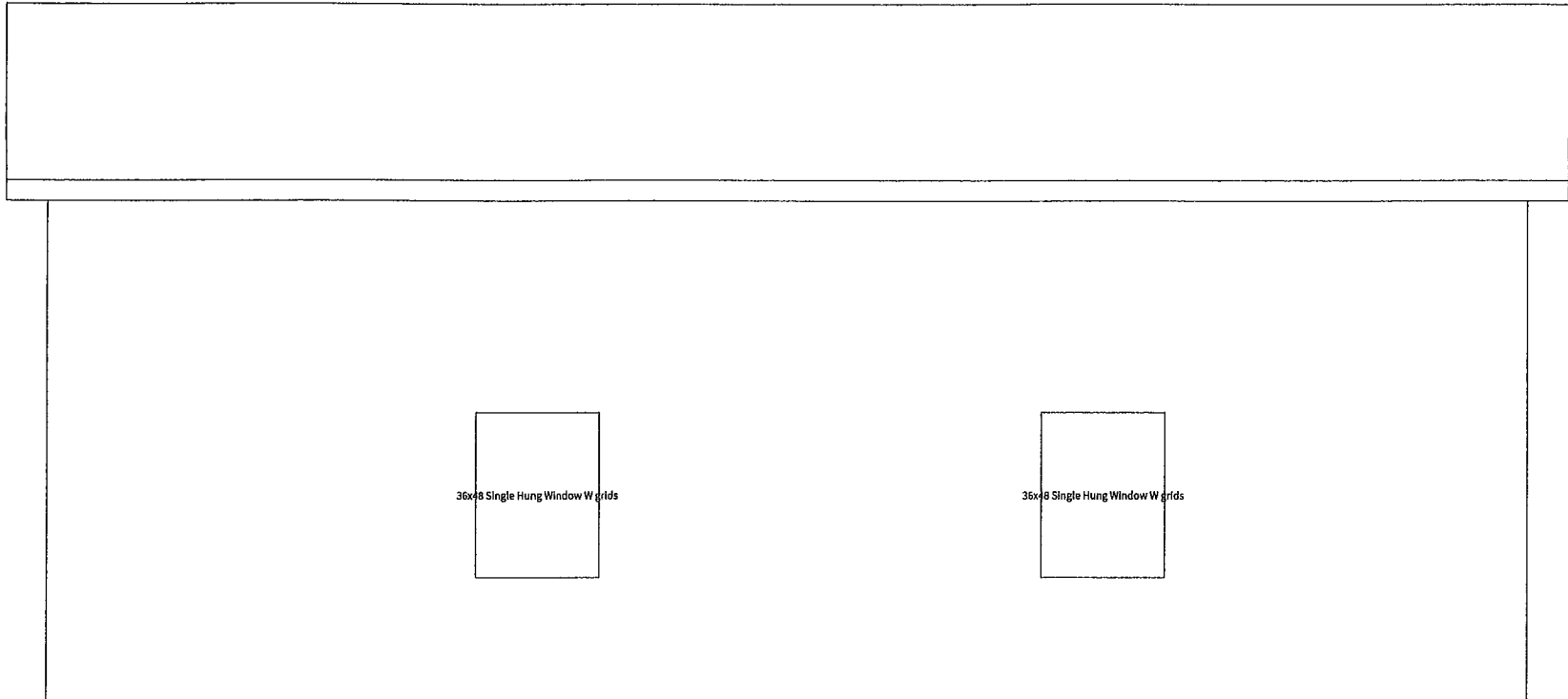


Left Elevation



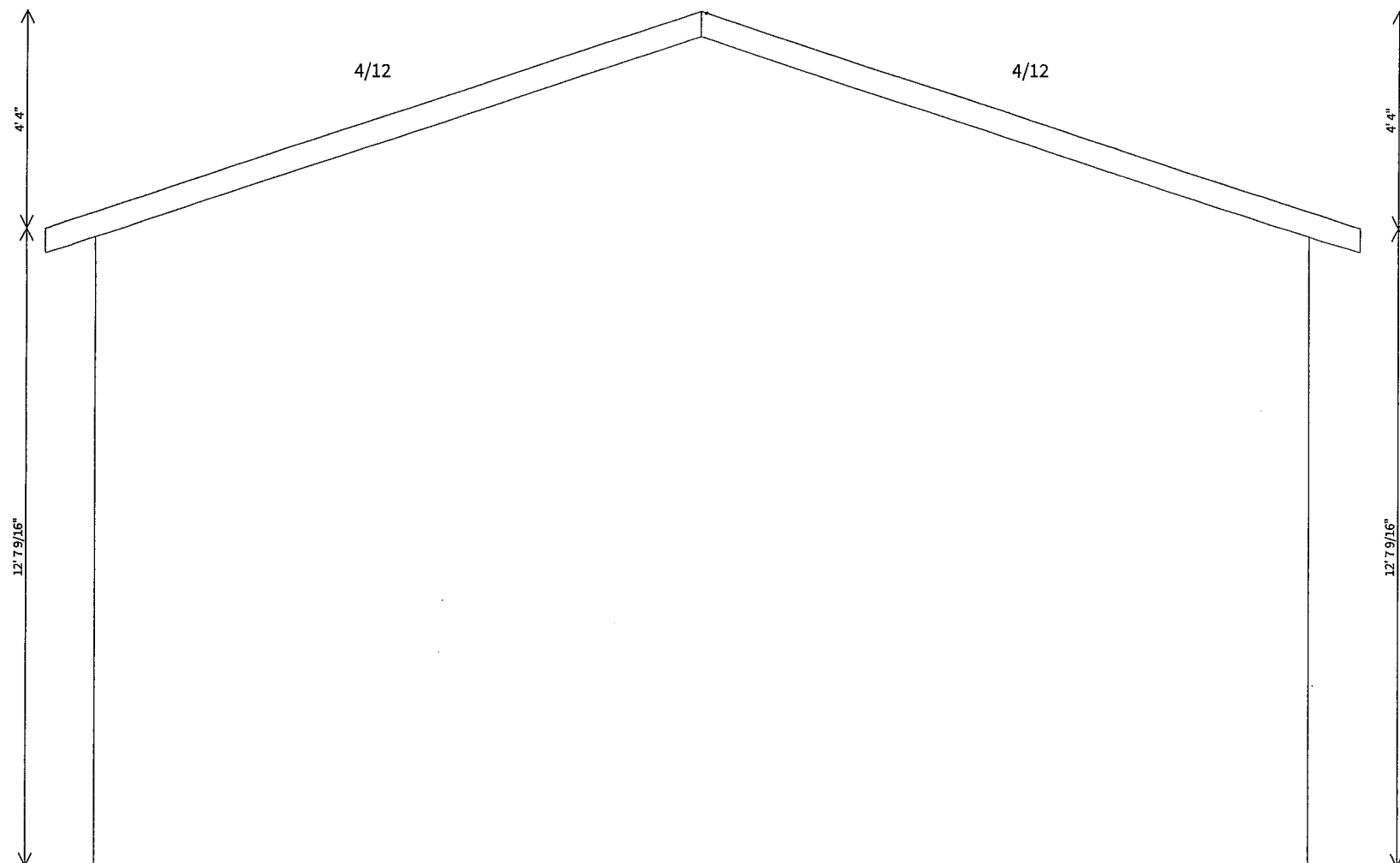
Job: Ryan Benjamin  
Date: 8/4/2022  
Time: 7:15 AM

## Right Elevation



Job: Ryan Benjamin  
Date: 8/4/2022  
Time: 7:15 AM

## Back Elevation



Job: Ryan Benjamin  
Date: 8/4/2022  
Time: 7:15 AM

Cross Section - EXT-1

ROOF MATERIAL: Matte Black PREMIER STANDARD RID PANEL 36"

PURLINS: 2x4 Flat

WALL MATERIAL: Arctic White PREMIER STANDARD RID PANEL 36"

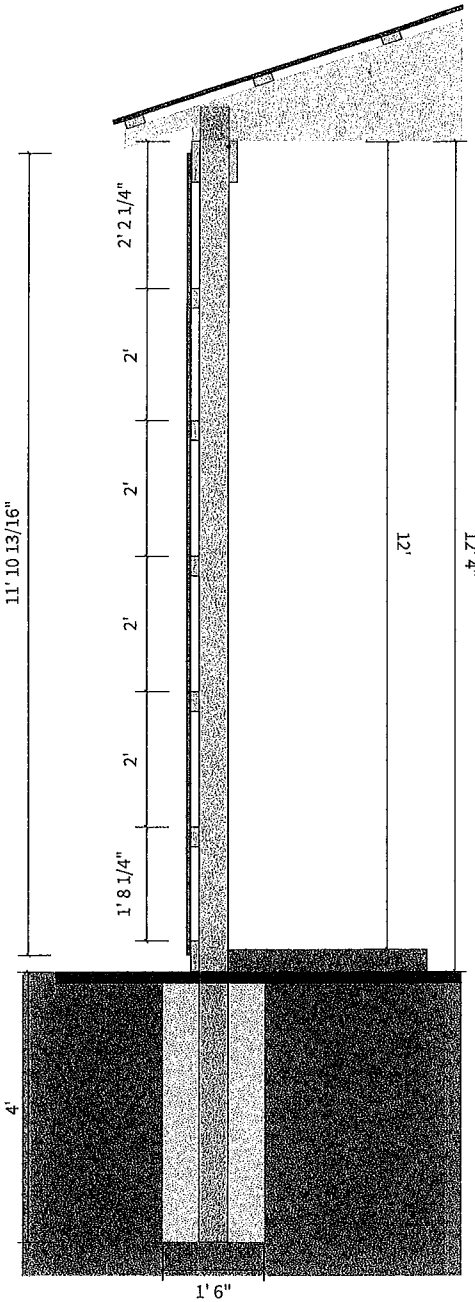
EXTERIOR CARRIER: 2x8

EXTERIOR WALL GIRTS: 2x4

CORNER POSTS: 2x6 3/PLY Glulam  
INTERMEDIATE POSTS: 2x6 3/PLY Glulam

EXTERIOR SKIRT BOARD: 2x6PT  
BOTTOM IS AT GRADE

SIDING BEGINS 0' 3" ABOVE GRADE



4.0/12 TRUSS SYSTEM  
HEEL HEIGHT: 0' 6"  
TRUSS SPACING: 48 IN. O. C.

BRACE PER TRUSS MANUFACTURER'S RECOMMENDATIONS

INTERIOR CARRIER: 2x8

SLAB DEPTH 0' 4"

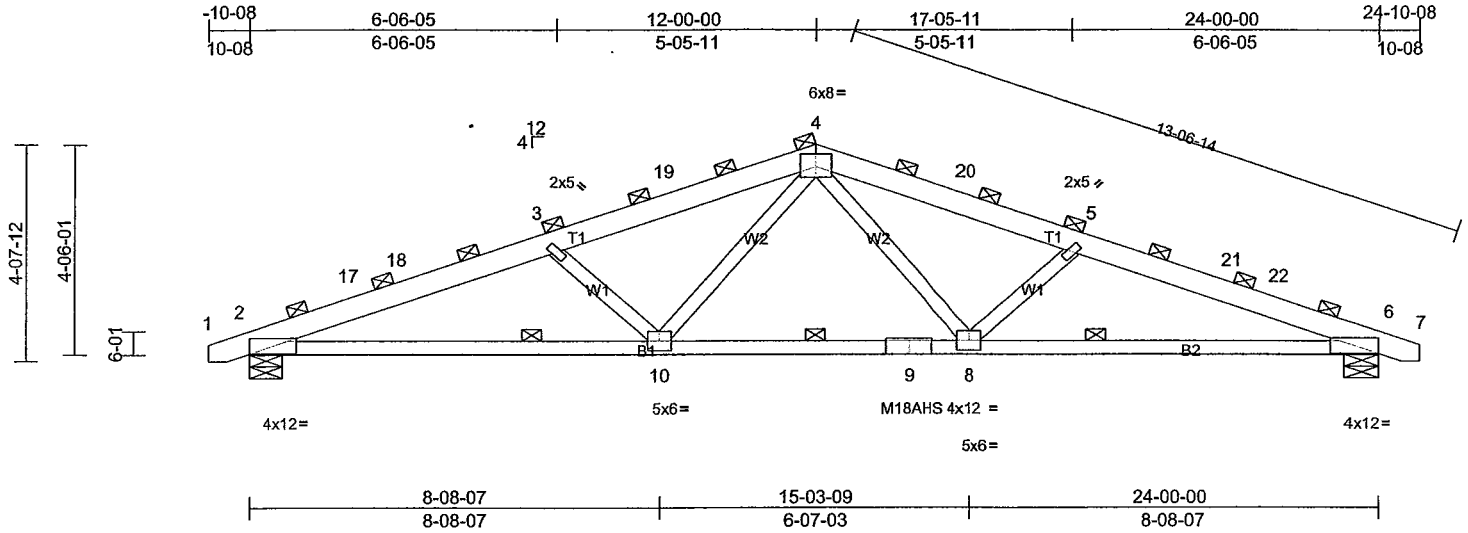
FOUNDATION NOTES:  
POST HOLE: 4' X 1' 6" DIAMETER  
FASTENER: (none)  
BASE: 16" X 6" CONCRETE FOOTER BLOCK  
UPLIFT: (none)

|           |       |            |     |     |                          |
|-----------|-------|------------|-----|-----|--------------------------|
| Job       | Truss | Truss Type | Qty | Ply | Job Reference (optional) |
| 22080304B | T01   | COMMON     | 10  | 1   |                          |

UFP Site Built, LLC, UFP SE Engineering

Run: 8.51 S Oct 22 2021 Print: 8.510 S Oct 22 2021 MiTek Industries, Inc. Wed Aug 03 07:16:34  
ID:4PlnqnYNVsDRM7qhrBaETyyreYA-CA6672vCR4?Ayk7ScU6GhHS3pvmF9FJVHgMjTyreXi

Page: 1



Scale = 1:47.6

|                      |       |                 |                 |            |      |             |       |       |        |     |               |             |
|----------------------|-------|-----------------|-----------------|------------|------|-------------|-------|-------|--------|-----|---------------|-------------|
| <b>Loading</b>       | (psf) | <b>Spacing</b>  | 4-00-00         | <b>CSI</b> |      | <b>DEFL</b> | in    | (loc) | l/defl | L/d | <b>PLATES</b> | <b>GRIP</b> |
| TCLL                 | 50.4  | Plate Grip DOL  | 1.15            | TC         | 0.63 | Vert(LL)    | -0.36 | 8-10  | >804   | 240 | MT20          | 197/144     |
| (Ground Snow = 60.0) |       | Lumber DOL      | 1.15            | BC         | 0.97 | Vert(CT)    | -0.43 | 8-10  | >670   | 180 | M18AHS        | 142/136     |
| TCDL                 | 5.0   | Rep Stress Incr | NO              | WB         | 0.49 | Horz(CT)    | 0.15  | 6     | n/a    | n/a |               |             |
| BCLL                 | 0.0   | Code            | IBC2018/TPI2014 | Matrix-MS  |      |             |       |       |        |     |               |             |
| BCDL                 | 5.0   |                 |                 |            |      |             |       |       |        |     |               |             |
|                      |       |                 |                 |            |      |             |       |       |        |     | Weight: 95 lb | FT = 20%    |

#### LUMBER

TOP CHORD 2x6 SPF 2100F 1.8E  
BOT CHORD 2x4 SPF 2100F 1.8E  
WEBS 2x4 SPF No.2

#### BRACING

TOP CHORD 2-0-0 oc purlins (3-3-5 max.)  
(Switched from sheeted: Spacing > 2-0-0).  
BOT CHORD 6-11-0 oc bracing.

REACTIONS (size) 2=8-08, (min. 4-01), 6=8-08, (min. 4-01)

Max Horiz 2=104 (LC 17)  
Max Uplift 2=578 (LC 8), 6=578 (LC 9)  
Max Grav 2=3185 (LC 19), 6=3185 (LC 20)

#### FORCES

(lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.

TOP CHORD 2-17=-7080/1462, 17-18=-6903/1466,  
3-18=-6895/1477, 3-19=-5672/1280,  
4-19=-5467/1291, 4-20=-5467/1291,  
5-20=-5672/1280, 5-21=-6895/1477,  
21-22=-6903/1466, 6-22=-7080/1462

BOT CHORD 2-10=-1273/6541, 9-10=-784/4289,  
8-9=-784/4289, 6-8=-1273/6541

WEBS 3-10=-2040/455, 4-10=-292/1979,  
4-8=-293/1979, 5-8=-2040/456

#### NOTES

- 1) Wind: ASCE 7-16; Vult=115mph (3-second gust)  
Vasd=91mph; TCDL=3.0psf; BCDL=3.0psf; h=24ft; Cat.  
II; Exp B; Partially Enclosed; MWFRS (envelope)  
exterior zone and C-C Exterior(2E) -0-8-3 to 2-3-13,  
Interior (1) 2-3-13 to 9-0-0, Exterior(2R) 9-0-0 to 15-0-0,  
Interior (1) 15-0-0 to 21-8-3, Exterior(2E) 21-8-3 to  
24-8-3 zone; cantilever left and right exposed; end  
vertical left and right exposed; C-C for members and  
forces & MWFRS for reactions shown; Lumber  
DOL=1.60 plate grip DOL=1.60
- 2) TCLL: ASCE 7-16; Pg= 60.0 psf; Pf=50.4 psf (Lum  
DOL=1.15 Plate DOL=1.15); Is=1.0; Rough Cat B;  
Partially Exp.; Ce=1.0; Cs=1.00; Ct=1.20; IBC 1607.11.2  
minimum roof live load applied where required.
- 3) Unbalanced snow loads have been considered for this  
design.

- 4) This truss has been designed for greater of min roof live  
load of 20.0 psf or 2.00 times flat roof load of 50.4 psf on  
overhangs non-concurrent with other live loads.
- 5) Dead loads shown include weight of truss. Top chord  
dead load of 5.0 psf (or less) is not adequate for a  
shingle roof. Architect to verify adequacy of top chord  
dead load.
- 6) All plates are MT20 plates unless otherwise indicated.
- 7) This truss has been designed for a 10.0 psf bottom  
chord live load nonconcurrent with any other live loads.
- 8) Provide mechanical connection (by others) of truss to  
bearing plate capable of withstanding 578 lb uplift at  
joint 2 and 578 lb uplift at joint 6.
- 9) This truss is designed in accordance with the 2018  
International Building Code section 2306.1 and  
referenced standard ANSI/TPI 1.
- 10) Graphical purlin representation does not depict the size  
or the orientation of the purlin along the top and/or  
bottom chord.

LOAD CASE(S) Standard

This design is based upon parameters shown, and is for an individual building component to be installed and loaded vertically. Applicability of design parameters and proper incorporation of component is responsibility of the Building Designer. Building Designer shall verify all design information on this sheet for conformance with conditions and requirements of the specific building and governing codes and ordinances. Building Designer accepts responsibility for the correctness or accuracy of the design information as it may relate to a specific building. Certification is valid only when truss is fabricated by a UFPI plant. Bracing shown is for lateral support of truss members only and does not replace erection and permanent bracing. Refer to Building Component Safety Information (BCSI) for general guidance regarding storage, erection and bracing available from SBCA and Truss Plate Institute.



TOWN OF MANLIUS – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: 08-22-22

1. Property Address: 110 BRINAN FIELDS RUN MANLIUS, NY 13104

Property Tax Map # ~~00000~~ 117.2-04-06.0

The Applicants Purpose (new construction, alteration, extension, restoration, modification or other action) with respect to the subject property; NEW CONSTRUCTION INGROUND POOL

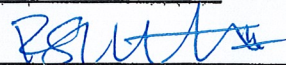
2. Owner of Property: REGAN M SMITH 2ND

Owner's Address: 110 BRINAN FIELDS RUN MANLIUS, NY 13104

Owner's E-Mail: rkjsmith@icloud.com

Owner's Phone #: 607-316-0669

Does Owners reside at property: YES

Signature of Property Owner: 

3. Applicant / Representative / Attorney:

Name: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: 7

4. The Town of Manlius ZBA Board requires that owners of neighboring properties be contacted by the applicant with respect to the proposed variance application. Please see attached instructions and form.

**Below this line - For Office Use Only**

Application Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Payment Receipt #: \_\_\_\_\_

Date of Denial of Building Permit Application: \_\_\_\_\_ Current Property Zoning: \_\_\_\_\_

The subject property will be in conformity with all zoning use as outlined in Chapter 155 of the Town of Manlius Municipal Code, except as stated here by the Code Officer: \_\_\_\_\_



4. A fee of \$100.00 for a residential area variance, \$200.00 for a Commercial use variance, \$350.00/\$450.00 for a use variance, checks are to be made payable to the Town of Manlius.

The 9 application packets will need to be delivered to the department of Planning & Development by **file by date**.

**\*Area Variances – 5 Criteria Questions**

If the applicant requests an area variance from the Town of Manlius Municipal Code, the applicant must consider the 5 criteria questions and be prepared to respond to the ZBA Board if requested to.

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method?
2. Whether the Variance will result in an undesirable change in the character of the neighborhood?
3. Whether the requested variance is substantial?
4. Whether the Variance will have an adverse effect on physical or environmental conditions?
5. Whether the alleged difficulty was self-created?

**Use Variances:**

If the applicant requests to use the subject property for purposes which are not allowed or are prohibited by the Town of Manlius Municipal Code, the applicant must demonstrate unnecessary hardship. To prove unnecessary hardship, the applicant must submit evidence to demonstrate that:

1. The applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.
2. The alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood.
3. That the request use variance, if granted, will not alter the essential character of the neighborhood; and
4. That the alleged hardship has not been self-created.

Use the space below or submit a separate documentation to present the necessary proof. Opportunity will also be given to present proof at the public hearing.

1. NO

2. NO

3. NO

4. NO

5. YES



**TOWN OF MANLIUS**  
**DISCLOSURE AFFIDAVIT**

This affidavit is a part of and must be completed and attached to every application, petition, request submitted for a *site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit.*

STATE OF NEW YORK       )  
                                          ) SS:  
COUNTY OF ONONDAGA    )

I Deborah Witzel, being duly sworn, deposes and says that (s) he is:  
                                          (Notary)  
  
Regan M Smith  
                                          (applicant, petitioner, corporation officer, property owner, etc.)

II. That deponent has read and is familiar with the provisions of the General Municipal Law, Section 809 which states:

- A. Every application, petition or request submitted for a site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions or any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
- B. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when (s)he, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
  - 1) is the applicant, or
  - 2) is an officer, director, partner or employee of the applicant, or
  - 3) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
  - 4) is a party to an agreement with such an applicant, express or implied, whereby (s) he may receive any payment or other benefit, whether or not for services rendered, or contingent upon the favorable approval of such application, petition or request.
- C. Ownership of less than five percent (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
- D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.



III. That no Town of Manlius officer, employee or a relative of either, as defined in Section 809 General Municipal Law has any interest in this application.

-OR-

If a Town of Manlius officer, employee or relative of either as defined in Section 809 General Municipal law has any interest in this application, the full particulars are provided on an attached sheet.

Date: 08-23, 20 22

REGAN SMITH  
(Print Name of 1<sup>st</sup> Applicant)

[Signature]  
(Signature of 1<sup>st</sup> Applicant)

\_\_\_\_\_  
(Entity Name)

By (Officer) \_\_\_\_\_ (Title)

110 BRINAN FIELDS RUN  
(Mailing Address of 1<sup>st</sup> Applicant)

MANLUS, NY 13104

607-316-0669  
(Telephone Number)

Date: \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
(Print Name of 2<sup>nd</sup> Applicant)

\_\_\_\_\_  
(Signature of 2<sup>nd</sup> Applicant)

\_\_\_\_\_  
(Entity Name)

By (Officer) \_\_\_\_\_ (Title)

\_\_\_\_\_  
(Mailing Address of 2<sup>nd</sup> Applicant)

\_\_\_\_\_  
(Telephone Number)

### ACKNOWLEDGEMENTS

STATE OF NEW YORK     )  
                                          ) SS:  
COUNTY OF ONONDAGA    )

On this 23rd day of August in the year 20 22, before me, the undersigned, a notary public in and for said state, personally appeared Regan M. Smith  
(1<sup>st</sup> Applicants Name)

, and \_\_\_\_\_ personally known to me or proved to me on the basis  
(2<sup>nd</sup> Applicants Name)

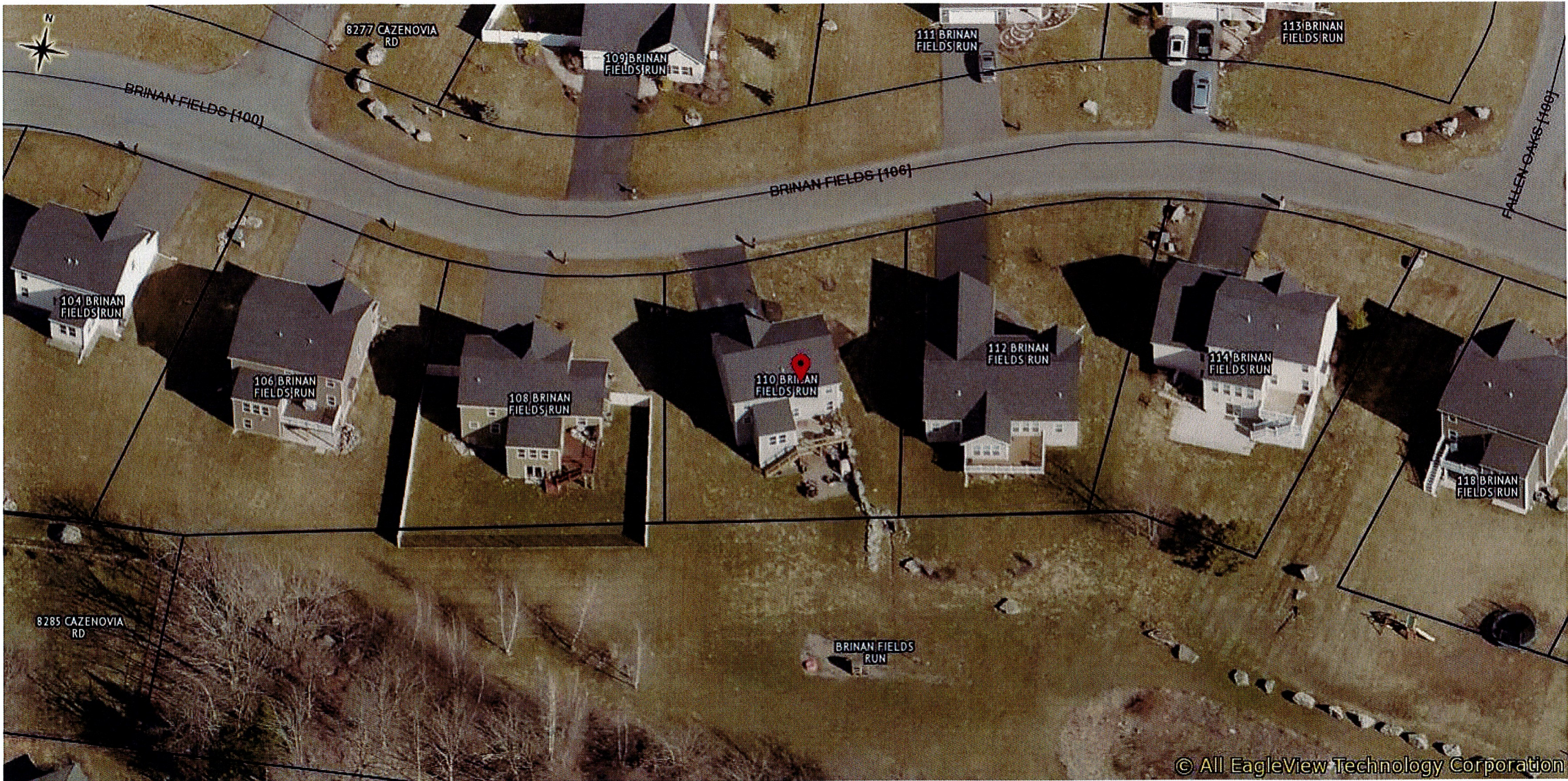
of satisfactory evidence to be the individual whose name is subscribed to the within Petition and acknowledged to me the he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the Petition, the individual or the persons upon behalf of which the individual acted executed the instrument.

[Signature]  
Notary Public

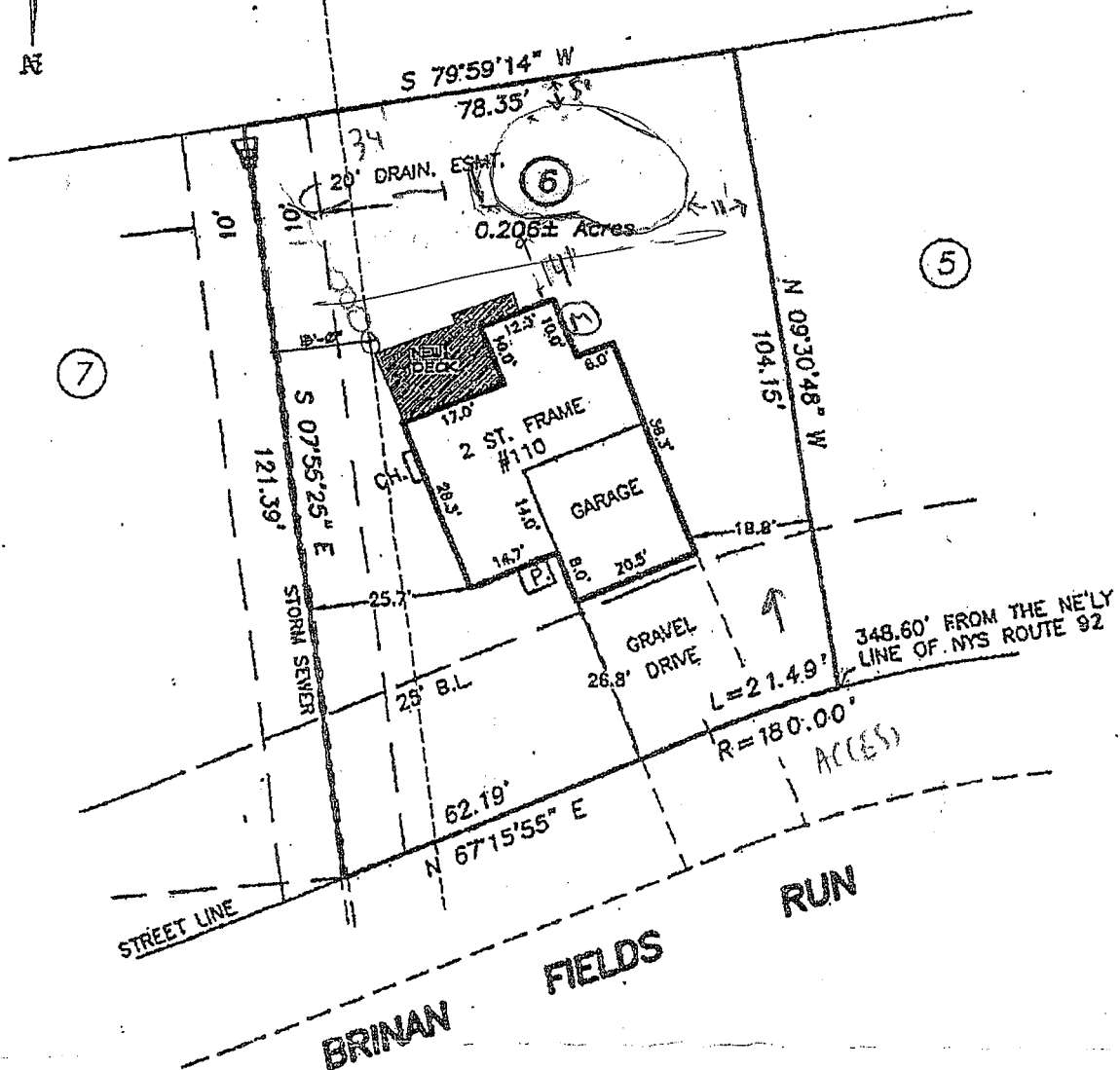
DEBORAH J WITZEL  
Notary Public, State of New York  
No. 01W16162236  
Qualified in Onondaga County  
Commission Expires March 5, 2023



# 110 Brinan Fields Run







The undersigned surveyor hereby certifies that this map was made from an actual field survey completed on Dec. 18, 2014, using the references and evidence shown hereon.

*Forrest L. SeGuin*

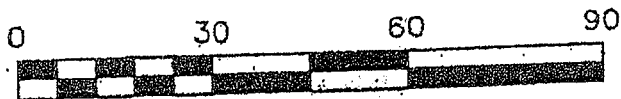
Forrest L. SeGuin, PLS - N.Y.S. LIC. NO. 050384

Only survey maps with the surveyor's embossed seal are genuine, true and correct copies of the surveyor's original work and opinion.

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of sect. 7209, subsection 2, of the New York State Education Law.

The certification is limited to the persons for whom the survey map is prepared and on his behalf to the title company, governmental agency, and the lending institution listed hereon. Certification are not transferable to additional institutions or subsequent owners.

The location of underground improvements, including but not limited to, is shown by



# Application for Building Permit

Town of Manlius  
Department of Planning and Development  
301 Brooklea Drive, Fayetteville, NY 13066  
(315)637-8619 Fax: (315) 637-0713

Application is hereby made for the issuance of a Building Permit pursuant to the New York State Uniform Fire Prevention and Building Code for work herein described. The applicant agrees to comply with all laws, ordinances, regulations and revisions of the municipality in which the Permit is requested.

Owner/Applicant - Name and Phone Number:

REGAN SMITH 607-316-0669

Address of Proposed Work: 110 BRINNAN FIELDS RUN MANLIUS

Contractor Name & Address & Phone Number: CANNON POOLS

5210 WEST TAFT RD NORTH SYRACUSE, NY 13212

Proposed Work: \_\_\_\_\_

- |                           |                               |                     |                 |
|---------------------------|-------------------------------|---------------------|-----------------|
| 1. Addition _____         | 2. Alteration _____           | 3. Demolition _____ | 4. Garage _____ |
| 5. Shed _____             | 6. Deck _____                 | 7. Pool <u>X</u>    | 8. Sign _____   |
| 9. New Construction _____ | 10. Fireplace/Woodstove _____ | 11. Solar _____     |                 |
| 12. Renewal _____         | 13. Other _____               |                     |                 |

Construction Cost: \$ 37,850

Size of Project: 16' X 30' INGROUND POOL

Description of Project:

\_\_\_\_\_  
\_\_\_\_\_

Residential - New Structure \_\_\_\_\_ Existing Structure ✓

# of Bedrooms 3 # of Bathrooms \_\_\_\_\_ # of Fireplaces \_\_\_\_\_

Total Square Feet w/o Garage \_\_\_\_\_ Garage Square Foot \_\_\_\_\_

Other \_\_\_\_\_

Description \_\_\_\_\_



Commercial – New Structure \_\_\_\_\_ Existing Structure \_\_\_\_\_

Name of Business: \_\_\_\_\_ Total Square Feet: \_\_\_\_\_

Description of Property: \_\_\_\_\_

All Plumbing and Sanitary systems to be inspected by Onondaga County Department of Health. All Electrical systems will be inspected by a Third Party Electrical Inspector approved by the Town of Manlius.

I hereby agree that no building is to be occupied or used in whole or in part for any purpose what so ever until a Certificate of Occupancy or Compliance has been issued by the Code Enforcement Officer.

I hereby certify that the above information is true to the best of my knowledge. Permission is hereby granted to the Code Enforcement Officer or Authorized representative upon showing proper credentials to enter that above premises or buildings during reasonable working hours to discharge their duties.

Signature: K. Gutierrez Date: 08-21-22

**CODE ENFORCEMENT USE ONLY**

Zoning: R-3(F) 30 (R) 25 (S) 15 Flood Plain \_\_\_\_\_ Wetlands \_\_\_\_\_

Received By: OW Receipt No.: 2022206 Fee: \$ 100 Date: 8.22.22

Check #: \_\_\_\_\_ Cash: ✓ Credit Card: \_\_\_\_\_

Tax Map # 117.2-04-06.0

Building Permit Number: \_\_\_\_\_

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_

Remarks:

DENIED 8/23/2022 APPLICANT SEEKING A 11' SIDE YARD SETBACK, WILL  
NEED 4' VARIANCE TO PROVIDE RELIEF FROM 15' SIDEYARD SETBACK.  
APPLICANT SEEKING A 5' REAR YARD SETBACK, WILL NEED A 20' VARIANCE  
TO PROVIDE RELIEF FROM 25' REAR YARD SETBACK

[Signature]  
Signature of Code Enforcement Officer

TOWN OF MANLIUS – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: Aug 25 2022

1. Property Address: 4787 ENDERS Rd MANLIUS Ny 13104

Property Tax Map # \_\_\_\_\_

The Applicants Purpose (new construction, alteration, extension, restoration, modification or other action) with respect to the subject property; Add a New Shed to the  
Property

2. Owner of Property: ENDERS Rd LLC / Rachael Auclair

Owner's Address: 5607 MUSCovy LN MANLIUS Ny 13104

Owner's E-Mail: Rachael\_Auclair@Comcast.net

Owner's Phone #: 717881 0086 Does Owners reside at property: NO

Signature of Property Owner: [Signature]

3. Applicant / Representative / Attorney:

Name: Rachael Auclair Company: ENDERS Rd LLC

Address: 5607 MUSCovy LN MANLIUS Ny 13104

Phone: 717881 0086 E-Mail: Rachael\_Auclair@comcast.net

Below this line - For Office Use Only

Application Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Payment Receipt #: \_\_\_\_\_

Date of Denial of Building Permit Application: \_\_\_\_\_ Current Property Zoning: \_\_\_\_\_

The subject property will be in conformity with all zoning use as outlined in Chapter 155 of the Town of Manlius Municipal Code, except as stated here by the Code Officer: \_\_\_\_\_

4. A fee of \$100.00 for a residential area variance, \$200.00 for a Commercial use variance, \$350.00/\$450.00 for a use variance, checks are to be made payable to the Town of Manlius.

### Area Variances – 5 Criteria Questions

If the applicant requests an area variance from the Town of Manlius Municipal Code, the applicant must consider the 5 criteria questions and be prepared to respond to the ZBA Board if requested to. These questions must be answered on a separate sheet of paper and submitted with your application.

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method? NO
2. Whether the Variance will result in an undesirable change in the character of the neighborhood? NO
3. Whether the requested variance is substantial? NO
4. Whether the Variance will have an adverse effect on physical or environmental conditions? NO
5. Whether the alleged difficulty was self-created? No<sup>err</sup> yes

### Use Variances:

If the applicant requests to use the subject property for purposes which are not allowed or are prohibited by the Town of Manlius Municipal Code, the applicant must demonstrate unnecessary hardship. To prove unnecessary hardship, the applicant must submit evidence to demonstrate that:

1. The applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.
2. The alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood.
3. That the request use variance, if granted, will not alter the essential character of the neighborhood; and
4. That the alleged hardship has not been self-created.

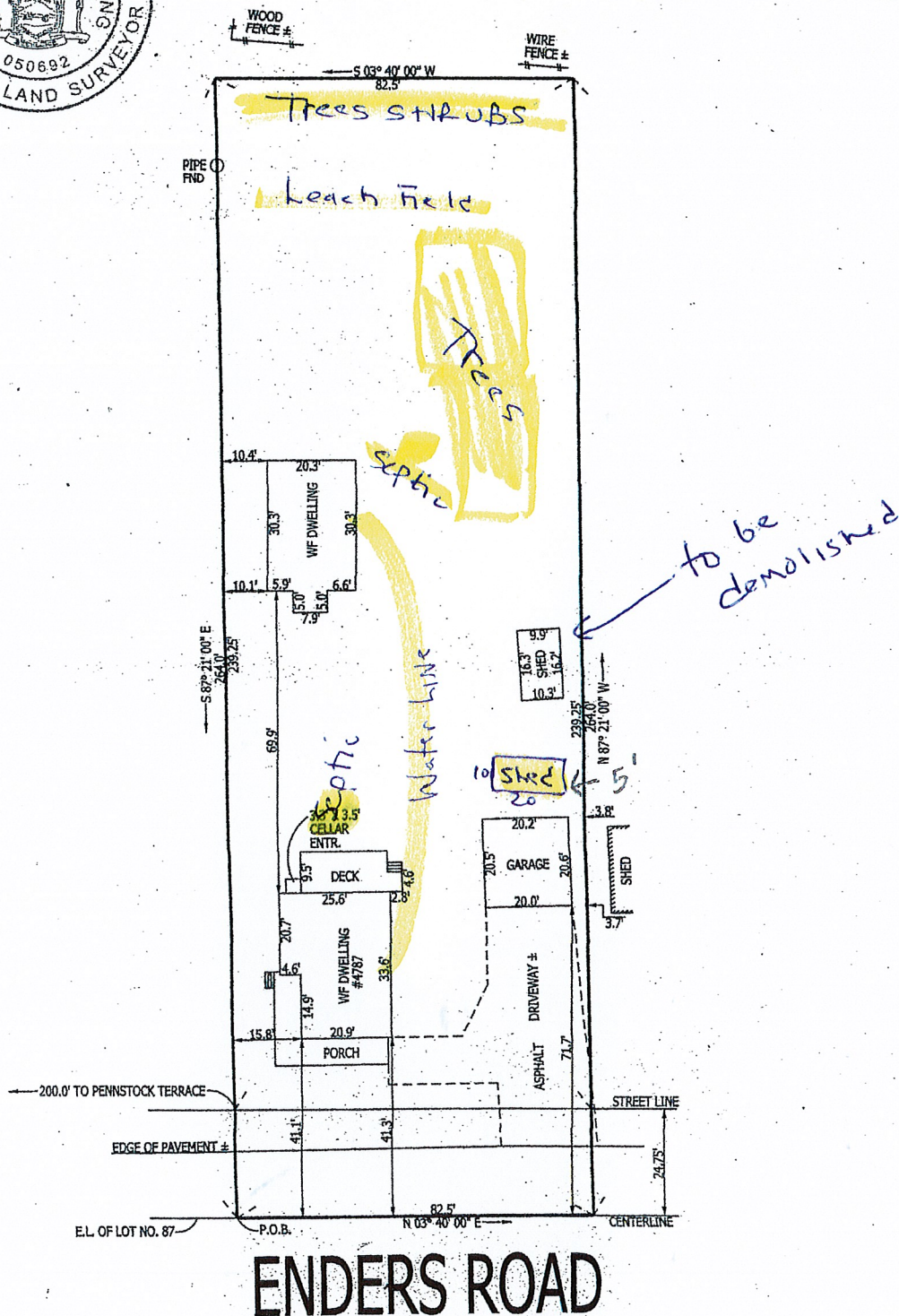
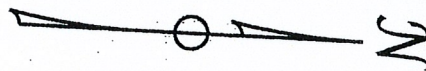
Use the space below or submit a separate documentation to present the necessary proof. Opportunity will also be given to present proof at the public hearing.

Due to Substantial trees, septic, leach field and preexisting water line locations the request for this shed can not be placed within the code requirements. This request will not alter the character of the neighborhood nor has the hardship been self created.



NO ABSTRACT PROVIDED AT TIME OF SURVEY.

SUBJECT TO EASEMENTS, ROWS, RESTRICTIONS  
& EXCEPTIONS OF RECORD WHICH AN UPDATED  
ABSTRACT WOULD SHOW.



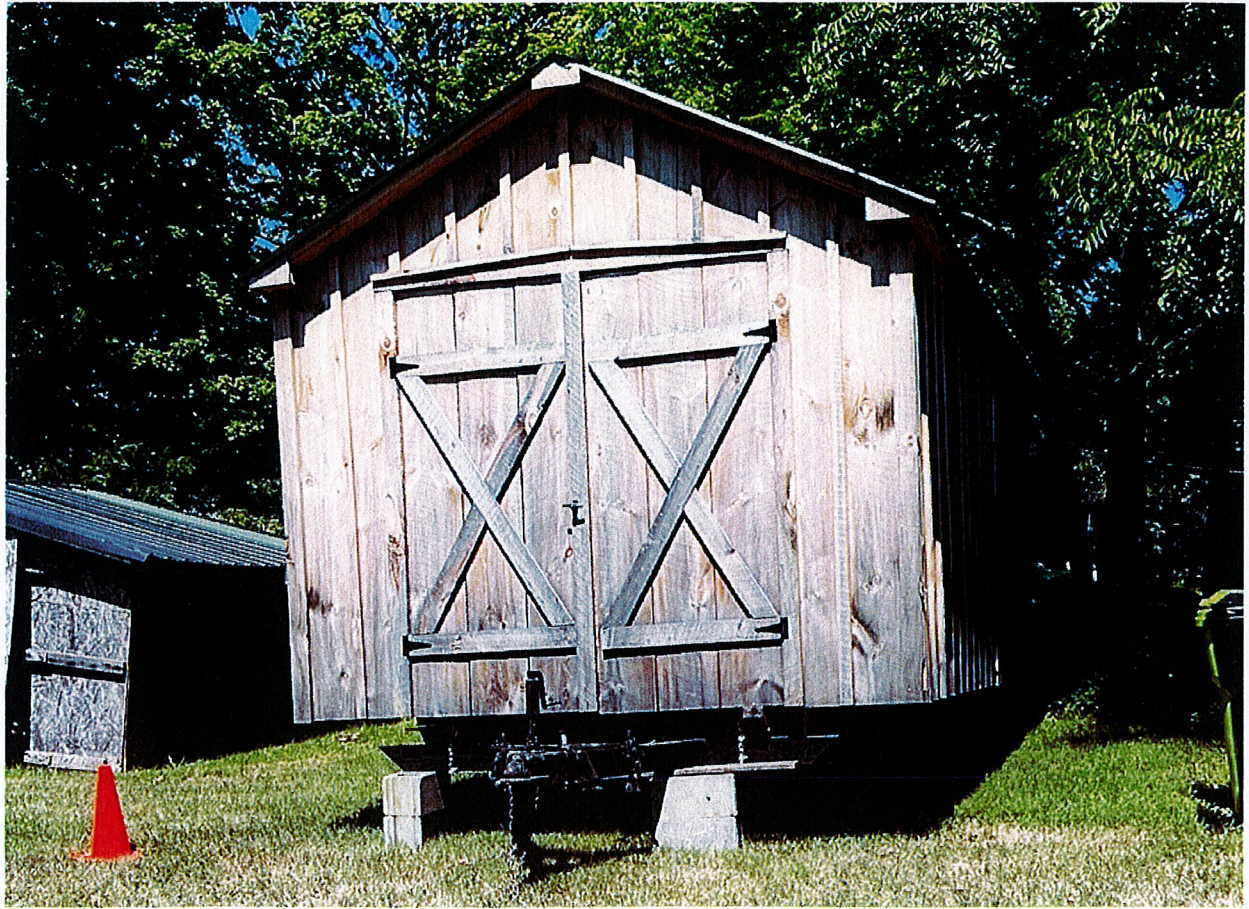
|                                                                                                                                                  |  |                                                             |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------|--|
| <b>CERTIFIED TO</b><br>Stewart title<br>Pricet. & Silky, LLP                                                                                     |  | <b>LOCATION SURVEY FOR: 4787 ENDERS ROAD</b>                |  |
| PROPERTY CORNERS NOT SET IN THIS SURVEY UNLESS SHOWN.<br>THE UNDERSIGNED HEREBY CERTIFIES THAT THIS IS A CORRECT MAP MADE FROM AN ACTUAL SURVEY. |  | <b>LOT: — TRACT: PART OF LOT NO. 87</b>                     |  |
| N.Y.S. LICENSED LAND SURVEYOR NO. 050692                                                                                                         |  | <b>TOWN OF MANLIUS COUNTY OF ONONDAGA STATE OF NEW YORK</b> |  |
| <b>DUSSING LAND SURVEYING, LLC</b>                                                                                                               |  | <b>DATE: 6/9/22</b>                                         |  |
| <b>JAMES M. DUSSING SR. LIC. NO. 050692</b>                                                                                                      |  | <b>SCALE: 1" = 30'</b>                                      |  |
| <b>SYRACUSE, NEW YORK</b>                                                                                                                        |  | <b>FILE NO.: 22-490</b>                                     |  |
| <b>PHONE: 315-256-5372</b>                                                                                                                       |  |                                                             |  |



# 4787 Enders Rd.







4787 Enders Rd



**TOWN OF MANLIUS**  
**DISCLOSURE AFFIDAVIT**

This affidavit is a part of and must be completed and attached to every application, petition, request submitted for a *site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit.*

STATE OF NEW YORK       )  
                                          ) SS:  
COUNTY OF ONONDAGA    )

I Alison Weber, being duly sworn, deposes and says that (s) he is:  
(Notary)

Rachael Auclair  
(applicant, petitioner, corporation officer, property owner, etc.)

II. That deponent has read and is familiar with the provisions of the General Municipal Law, Section 809 which states:

- A. Every application, petition or request submitted for a site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions or any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
- B. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when (s)he, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
  - 1) is the applicant, or
  - 2) is an officer, director, partner or employee of the applicant, or
  - 3) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
  - 4) is a party to an agreement with such an applicant, express or implied, whereby (s) he may receive any payment or other benefit, whether or not for services rendered, or contingent upon the favorable approval of such application, petition or request.
- C. Ownership of less than five percent (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
- D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.



III. That no Town of Manlius officer, employee or a relative of either, as defined in Section 809 General Municipal Law has any interest in this application.

-OR-

If a Town of Manlius officer, employee or relative of either as defined in Section 809 General Municipal law has any interest in this application, the full particulars are provided on an attached sheet.

Date: Aug 25, 2022

Date: \_\_\_\_\_, 20\_\_\_\_

Enders R LLC Rachel Auclair  
(Print Name of 1<sup>st</sup> Applicant)

\_\_\_\_\_  
(Print Name of 2<sup>nd</sup> Applicant)

[Signature]  
(Signature of 1<sup>st</sup> Applicant)

\_\_\_\_\_  
(Signature of 2<sup>nd</sup> Applicant)

\_\_\_\_\_  
(Entity Name)

\_\_\_\_\_  
(Entity Name)

By (Officer) \_\_\_\_\_ (Title)

By (Officer) \_\_\_\_\_ (Title)

5607 Muscady LN  
(Mailing Address of 1<sup>st</sup> Applicant)

\_\_\_\_\_  
(Mailing Address of 2<sup>nd</sup> Applicant)

MANLIUS NY 13104

717 891 0086  
(Telephone Number)

\_\_\_\_\_  
(Telephone Number)

### ACKNOWLEDGEMENTS

STATE OF NEW YORK )

) SS:

COUNTY OF ONONDAGA )

On this 25<sup>th</sup> day of August in the year 2022, before me, the undersigned, a notary public in and for said state, personally appeared Rachel Auclair

(1<sup>st</sup> Applicants Name)

, and \_\_\_\_\_ personally known to me or proved to me on the basis  
(2<sup>nd</sup> Applicants Name)

of satisfactory evidence to be the individual whose name is subscribed to the within Petition and acknowledged to me the he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the Petition, the individual or the persons upon behalf of which the individual acted executed the instrument.

[Signature]  
Notary Public

SEAL

Allison A. Weber  
Notary Public, State of New York  
No. 01WE6191206  
Qualified in Onondaga County  
Commission Expires August 04, 2024



Print

Application for Everything except Single Family Homes and Commercial Projects - Submission #2141

Date Submitted: 8/16/2022

Instructions After you submit the building permit application, you have three (3) business days to bring in the following: 1- Two (2) complete sets of plans 2- Building permit fee (which is based on the cost of the project or if it is a new single-family home, based on the square footage. Refer to the fee schedule on our webpage. 3- Survey of the property 4- Workers compensation form or BP-1 waiver form (either form can be e-mailed to lbeeman@townofmanlius.org) Failure to deliver the above paperwork to the Planning and Development Department within the three (3) business day deadline will make your application null and void. All paperwork must be submitted at one time, not separately. The application will not be reviewed until all necessary documents are received.

Application is hereby made for the issuance of a building permit pursuant to the New York State Uniform Fire Prevention and Building Code for work herein described. I hereby agree to comply with all laws, ordinances, regulations and revisions of the municipality in which the permit is requested. \*\*

☒ I agree

Owner/Applicant - Name \*

Rachael Auclair / Enders Road LLC

Phone Number\*

7178810086

Address of Proposed Work\*

4757 Muscovy Lane  
4787 Enders Rd  
Manlius

Email Address\*

rachael\_aclair@comcast.net

Contractor Name and Address \*

Rachael Auclair

Phone Number\*

7178810086

Proposed Work Type\*

Shed



Description of Project\*

Shed Placement

Construction Costs\*

0

Size of Project\*

10x20

I hereby certify that no building is to be occupied or used in whole or part for any purpose whatsoever until a Certificate of Occupancy or Compliance has been issued by the Code Enforcement Officer. I hereby certify that the above information is true to the best of my knowledge. Permission is hereby granted to the Code Enforcement Officer or authorized representative upon showing proper credentials to enter the above premises or buildings during reasonable working hours to discharge their duties.\*

☒ I agree

**CODE ENFORCEMENT USE ONLY**

Zoning: R1 (F) 40 (R) 40 (S) 20 Flood Plain        Wetlands       

Received By: JB Receipt No.: 12761 Fee: \$ 75 Date: 8-17-22

Check #:        Cash:        Credit Card: ☒ 48

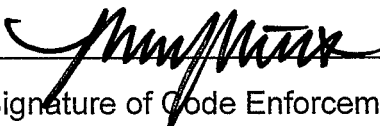
Tax Map # 114.-02-18.0 ENDD RD LLC

Building Permit Number:       

Approved:        Disapproved: X Date: 8-24-22

Remarks:

PERMIT DENIED APPLICANT SEEKING A 5' SIDE YARD SETBACK, WILL  
NEED A 15' VARIANCE TO PROVIDE RELIEF FROM THE 20' REQUIRED  
SIDE YARD SETBACK. 8/24/2022

  
Signature of Code Enforcement Officer

Rachael Auclair  
Enders Road LLC  
5706 Muscovy Lane  
Manlius NY 13104  
717.881.0086

8/16/22

Building permit submitted on 8/16/22

Plan:

I would like to install a 10x20 shed behind the garage. I plan to demolish the existing shed.

The placement of the shed behind the garage is due to the following:

- 1 Water line noted in the drawing
- 2 Septic Tanks / Leach Field location on the property
- 3 Existing Tree(s) location on the property

Regards,

Rachael Auclair

There will be a gravel Pad  
Under the Shed for Drainage