

Agenda
Zoning Board Meeting
February 16, 2023

1. Virtual Meeting Instructions - February 16, 2023

Documents:

[2-16-23 Zoning Board Meeting Instructions.pdf](#)

2. Pledge Of Allegiance

3. Approval Of Minutes - January 19, 2023

Documents:

[1-19-23 Draft.pdf](#)

4. Don & Marijane Warner, 7865 & 7869 Peck Rd., Kirkville NY (Tax Map #'s 042.-01-32.1 And 042.-01-32.4

Will need seven variances to subdivide and combine parcels to improve frontage and to make residential lots conforming and to separate out potential solar project property.

Documents:

[7869 Peck Road - Survey.pdf](#)

[7869 Peck Road Proposed Subdivision \(002\).pdf](#)

[Disclosure Affidavit.pdf](#)

[Cover letter and 5 Criteria Questions - 7865 and 7869 Peck Rd..pdf](#)

[ZBA Application - Horizon.pdf](#)

5. Part 2 - Don & Marijane Warner, 7865 & 7869 Peck Rd., Kirkville NY (Tax Map #'s 042.-01-32.1 And 042.-01-32.4

Documents:

[Peck Rd..jpg](#)

6. Other Business

7. 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



February 16, 2023 – 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/85642942249?pwd=MTI2RURlQjRRRGi5ZGJVMGV5Tlp0QT09>

Password to join when prompted:

Password: **788748**

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: 856 4294 2249

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

Password: **788748**

If this is your first time joining a ZOOM meeting you may practice using ZOOM meeting platform at

<https://zoom.us/test>.

Monira Alozaime, 7153 Coventry Rd. S., E. Syracuse NY (tax map # 075.-04-20.0) for one area variance for the installation of a 16' X 32' inground pool, with an existing rear yard setback of 20' they will need a variance of 5' to meet the required 25' setback.

Member Catalino made a motion, seconded by Member KP Kelly to open the public hearing at 6:36 PM and it was carried unanimously.

Ms. Alozaime is requesting the 5-foot variance to give room between the deck and the pool.

Member Linhart asked if the neighbors had any issues with the variance request. Ms. Alozaime stated she had spoken to her neighbors on either side, and they were fine with the project.

Chairman T. Kelly stated that on January 6, 2023, the board received an email from neighbor Russell Brandon stating he has no problem with the variance for the pool.

Member Linhart made a motion, seconded by Member KP Kelly to close the public hearing at 6:40 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 Cannon Pool does a good job advising residents where to place their pools.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no, as there are many pools in the neighborhood.
- 3) Whether the requested Variance is substantial? The board answered no, the requested 5 feet makes sense.
- 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 because they want 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 variance *of five 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 Catalino made a motion, seconded by Member Linhart to grant an area variance to Monira Alozaime, 7153 Coventry Rd. S., E. Syracuse NY. This variance is being granted for the purpose of the installation of a 16' X 32' inground pool. With an existing rear yard setback of 20' they will need a variance of 5' to meet the required 25' setback.

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

Nayes: 0

All in Favor.

Motion Carries.

John Fredenburg, 6168 Poolsbrook Rd., Kirkville NY (tax map # 072.-02-09.3) Public Hearing for one side yard (on the southwest side of the property) variance to construct a 430 square foot Pavilion with an with existing side yard setback of 12' they will need a variance of 8' to meet the required 20' side yard setback.

Member Linhart made a motion, seconded by Member KP Kelly to open the public hearing at 6:45 PM and it was carried unanimously.

Mr. Fredenburg stated the 430 square foot pavilion will be an outdoor sitting area with a hot tub. The location for the pavilion was chosen because of the different levels of the property.

Member Linhart asked Mr. Fredenburg why he built the pavilion without a building permit. Mr. Fredenburg stated he did not realize this type of structure would require a permit. Mr. Fredenburg stated when he learned he did need a permit he came in that day and applied.

The board discussed structures being built without obtaining a building permit. Chairman T. Kelly stated that if anyone is preparing to build anything they should check with the Planning & Development Department first.

Member KP Kelly made a motion, seconded by Member Linhart to close the public hearing at 6:55 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.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no, as they take great care of their property.
- 3) Whether the requested Variance is substantial? The board answered no, it is not substantial in relation to the surroundings and the improvements to the lot.
- 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 as they wanted the pavilion.

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 variance of eight 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 Linhart made a motion, seconded by Member KP Kelly to grant an area variance to John Fredenburg, 6168 Poolsbrook Rd., Kirkville NY. This variance is being granted for the sole purpose of the installation of a 430 square foot Pavilion with an existing side yard setback of 12' they will need a variance of 8' to meet the required 20' side yard setback.

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

Nays: 0

All in Favor.

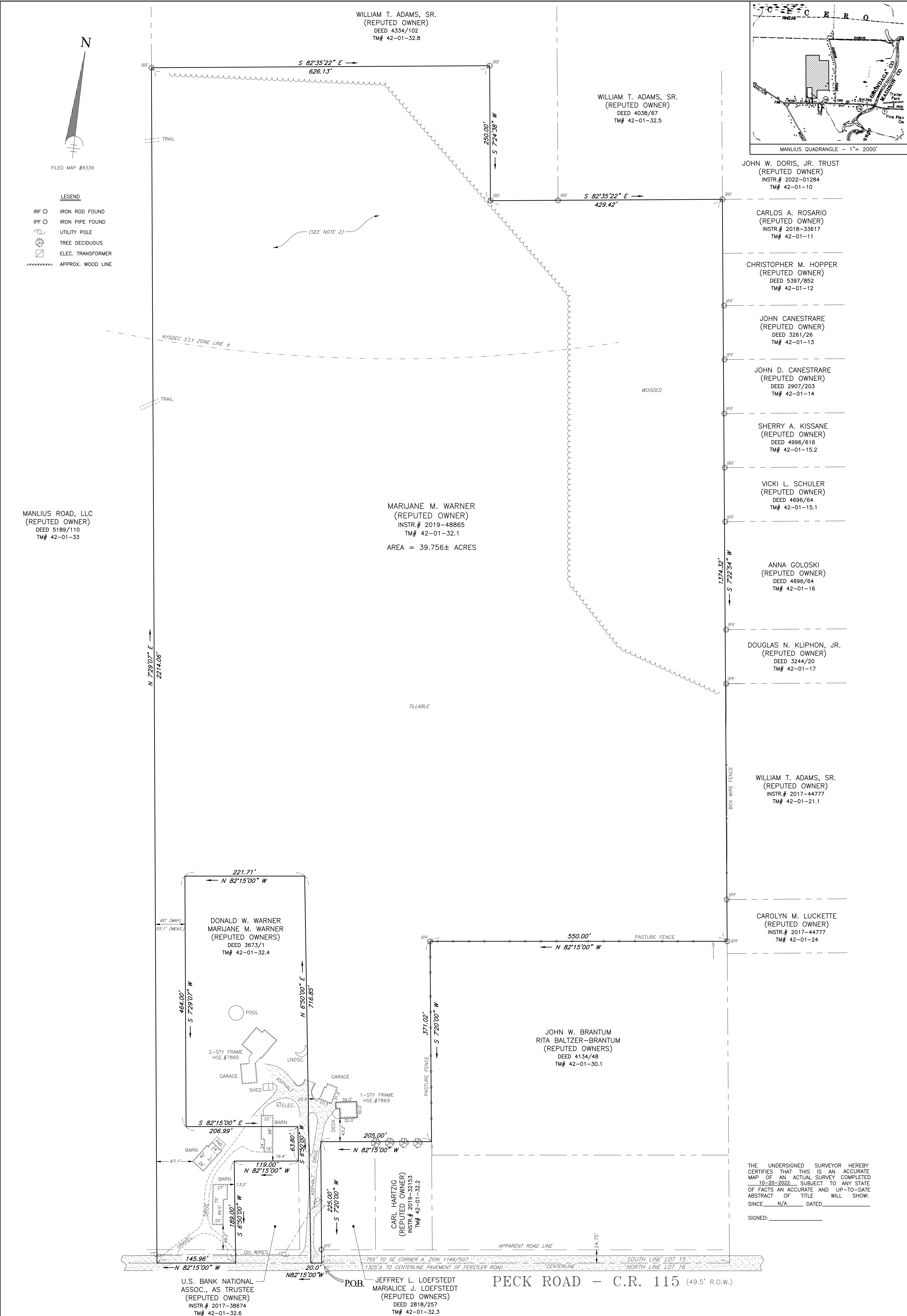
Motion Carries.

Adjournment

With there being no other business, Member Linhart made a motion, seconded by Member KP Kelly, and carried unanimously, to end the meeting at 6:55 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals

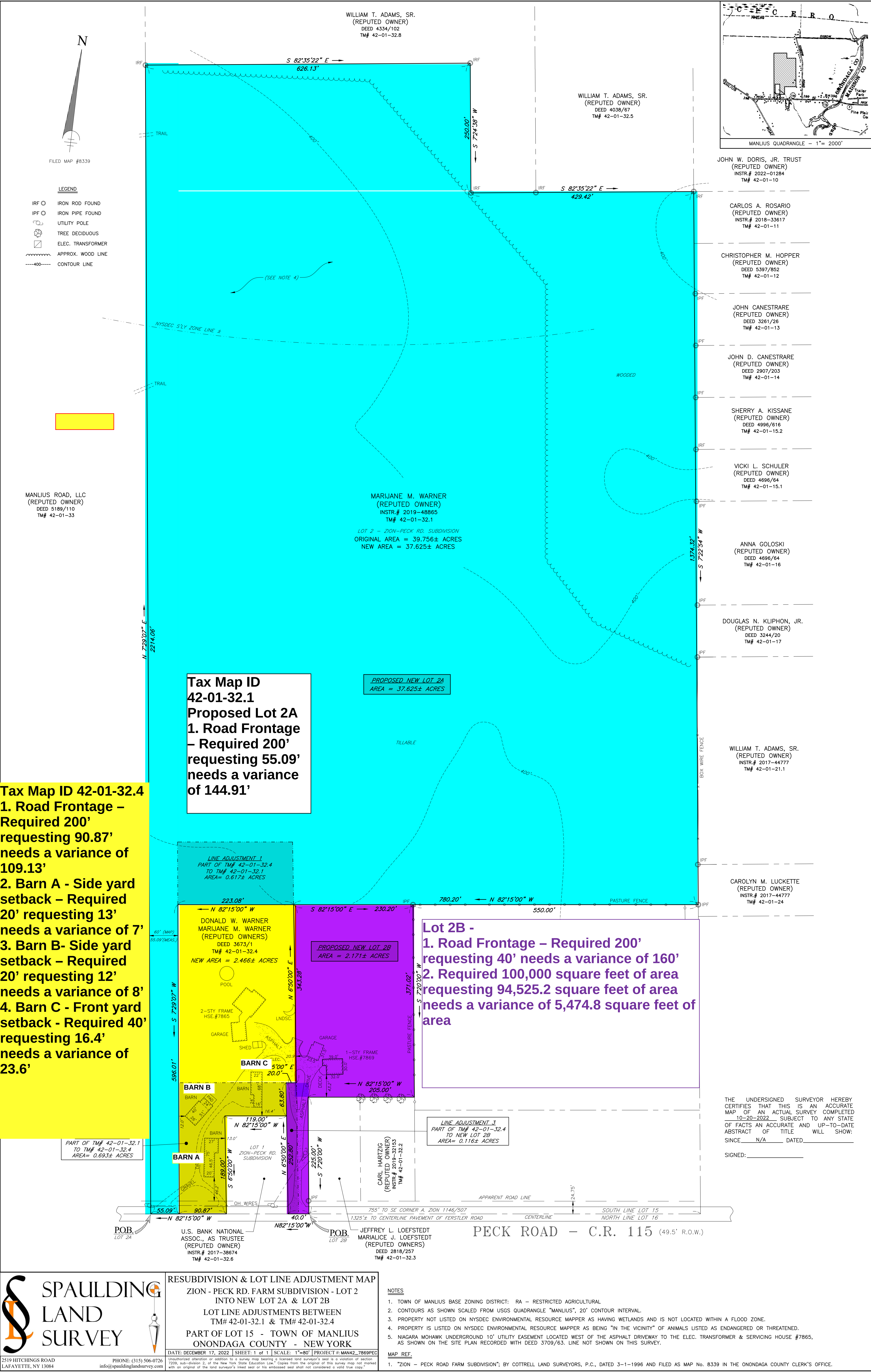
DRAFT



DATE: OCTOBER 26, 2022 | SHEET: 1 of 1 | SCALE: 1"=80' | PROJECT #:MAN42_7869PEC

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law. Copies from the original of this survey map not marked with an original of the land surveyor's inked seal or his embossed seal shall not be considered a valid true copy.

MAP REF.
1. "ZION - PECK ROAD FARM SUBDIVISION"; BY COTTRELL LAND SURVEYORS, P.C., DATED 3-1-1996 AND FILED AS MAP No. 8339 IN THE ONONDAGA COUNTY CLERK'S OFFICE.



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. Andy Melka, being duly sworn, deposes and says that (s) he is:

authorized representative of the Applicant, NYSOLAR07 LLC

(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: Nov 1st, 2022

Date: _____, 20____

Andy Melka

(Print Name)

(Print Name)

(Signature)

(Signature)

NYSOLAR07

(Entity Name)

(Entity Name)

Andy Melka, Director, Development
By (Officer) (Title)

By (Officer) (Title)

33 Boston Post Rd, Marlborough MA 01752
(Mailing Address of Applicant)

(Mailing Address of Applicant)

312-972-5055
(Telephone Number)

(Telephone Number)

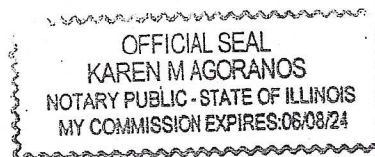
ACKNOWLEDGEMENTS

Illinois
STATE OF NEW YORK)

Cook) SS:
COUNTY OF ONONDAGA)

On this 2nd day of November in the year 20 22, before me, the undersigned, a notary public in and for said state, personally appeared Andrew Melka,
_____, and _____ personally known to me or proved to me on the basis 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.

Karen M. Agoranos
Notary Public



CORPORATE ACKNOWLEDGEMENT

STATE OF ^{Illinois} ~~NEW YORK~~)
COUNTY OF ^{COOK} ~~ONONDAGA~~) SS:

Andy Melka, being duly sworn, deposes and says the
s(he) is the Director, Development of NYSOLA07 LLC
corporation named in the within Application/Petition, that s(he) has read the foregoing affidavit and
knows the contents thereof; that the same is true of s(he) own knowledge, except as to those matters
therein stated to be alleged upon information and belief, and as to those matters s(he) believes it to be
true.


Applicant Signature

Subscribed to me before this day ^{2nd}
Of November, 20 22

Karen M. Agoranos
Notary Public



Town of Manlius
c/o Lisa Beeman
301 Brooklea Dr
Fayetteville NY 13066

Dec 28th, 2022

Dear Lisa,

Please find below our responses to the Area Variance criteria for our requested property split and combination for the parcels at 7865 Peck Rd and 7869 Peck Rd, Kirkville. As a reminder, this variance request is solely for the purpose of redrawing the property lines in the area. No new construction or alterations will result solely from granting this variance.

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method?
Given the existing property lines in the area, and the limited availability of additional road frontage, we believe that this proposed parcel split and combination is the only feasibly method to achieve the objectives, which are:
 - i. *End the reliance by 7865 Peck Rd on the shared driveway with the rental unit on 7869 Peck Rd.*
 - ii. *Improve and widen road frontage for both 7865 and 7869 Peck Rd.*
 - iii. *Split off the rental unit currently on 7869 Peck Rd to be transferred to another entity at some point in the future (sale to tenants or transfer to heirs)*
 - iv. *Bring the outbuildings into the property of 7865 Peck Rd, as those buildings serve the Warner's out of their residence and not the vacant farmland (one building currently straddles a property line, necessitating a property line adjustment before the properties are to be sold at some indeterminate point in the future)*
 - v. *Maintain more-than-adequate access (60' width) to the vacant farmland*
2. Whether the Variance will result in an undesirable change in the character of the neighborhood?
No change in the character of the neighborhood will result from this Variance. No new structures or alterations to existing structures are proposed, merely a property line adjustment to more appropriately reflect the current and potential future uses of the residential lots.
3. Whether the requested variance is substantial?
The requested variance is not substantial. These lots are already non-conforming with the Town's design criteria, and this parcel split/combination will more closely align with the dimensional criteria of the Town Code.
4. Whether the Variance will have an adverse effect on physical or environmental conditions?
The Variance will have no effect on physical or environmental conditions. The Variance does not change any actual use of any property.

5. Whether the alleged difficulty was self-created?

The property lines in this area were drawn prior to the Town establishing the dimensional criteria that necessitate this Variance. Thus, it was the Town's establishment of the criteria that created the need for this Variance.

We are happy to answer any other question and discuss more in person at the ZBA meeting on January 19th.

Sincerely,



Andy Melka
Director, Development

