

Agenda
Zoning Board Meeting
March 16, 2023
6:30 PM

1. Virtual Meeting Instructions - March 16, 2023

Documents:

[3-16-23 Zoning Board Meeting Instructions.pdf](#)

2. Pledge Of Allegiance

3. Approval Of Minutes - February 16, 2023

4. Derek & Risa Farber-Heath, 5126 Reis Circle, Fayetteville NY (Tax Map # 093.-04-18.1)
Will need one side yard (south side) variance of 5-feet for the installation of a 16' X 32' inground pool.

Documents:

[Zoning Board - Property Information.pdf](#)
[Application for Building Permit.pdf](#)
[5 Criteria Questions.pdf](#)
[Disclosure Affidavit.pdf](#)
[Survey.pdf](#)
[Image Mate - 5126 Reis Circle.pdf](#)

5. Zach & Evelyn Kadah, 17 Wheeler Ave., Fayetteville NY (Tax Map # 094.-03-09.0)
Will need one front yard (Meadow Dr.) variance of 12-feet to install a 16' X 34' inground pool.

Documents:

[Zoning Board - Property Information.pdf](#)
[Building Permit Application.pdf](#)
[5 Criteria Questions.pdf](#)
[Disclosure Affidavit.pdf](#)
[Survey.pdf](#)
[Image Mate - 17 Wheeler Ave..pdf](#)

6. This Application Has Been Adjourned To The April 20th Meeting
The applicant has requested the Zoning Board provide an interpretation of the term
"Usable District Space" pursuant to the Town Code (155-49 Powers of Board of Appeals.)

7. Other Business

8. 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



March 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/85374338949?pwd=VlhKa29Oa3Z0Uys5VFJUcmcxHdJQT09>

Password to join when prompted:

Password: **041239**

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: 853 7433 8949

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

Password: **041239**

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

TOWN OF MANLIUS – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: 2/21/2023

1. Property Address: 5126 Meis Circle Fayetteville, NY 13066

Property Tax Map # 093.-04-18.1

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

Installation of new inground pool

2. Owner of Property: Derek Heath & Misa Farber-Heath

Owner's Address: 5126 Meis Circle Fayetteville, NY 13066

Owner's E-Mail: dheath@h61872.wild or derekheath5126@gmail.com

Owner's Phone #: 315-439-0335 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: _____

derek heath 5126@gmail.com

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:

Derek Heath 315-439-0335 Lisa Farber-Heath 607-261-0272

Address of Proposed Work: B 5126 Reis Linda Fayetteville, NY 13066

Contractor Name & Address & Phone Number: Cannon Pools
5210 W. Taft Rd North Syracuse, NY 13212

Proposed Work: 16x32' inground rectangle pool

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

Construction Cost: \$ 35,800

Size of Project: 16 x 32

Description of Project:

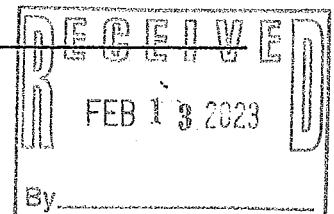
Residential - New Structure _____ Existing Structure _____

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: 2/7/23

CODE ENFORCEMENT USE ONLY

Zoning: R1 (F) 40 (R) 40 (S) 20 Flood Plain _____ Wetlands 1

Received By: TG Receipt No.: 13969 Fee: \$ 100 Date: 2/13/23

Check #: _____ Cash: _____ Credit Card: X

Tax Map # 093.-04-18.1

Building Permit Number: _____

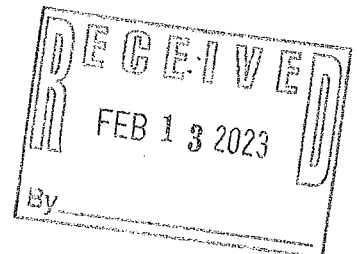
Approved: _____ Disapproved: _____ Date: _____

Remarks:

2/10/2023 APPLICANT NEEDS A VARIANCE FROM CHAPTER 155-7(B)

APPLICANT IS REQUESTING A 15' SIDE YARD SETBACK AND WILL NEED A
VARIANCE OF 5' TO PROVIDE RELIEF FROM THE REQUIRED 20' SIDE YARD SETBACK

[Signature]
Signature of Code Enforcement Officer



Application
Town of Manlius – Zoning Board of Appeals
301 Brooklea Dr
Fayetteville, NY 13066
315-637-3521 or 315-637-8619

Tuesday, February 21, 2023

Derek and Risa Heath, 5126 Reis Circle, ZBA Application

Area Variances – 5 Criteria Questions

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method?
 - **No, the property has a very significant change of grade. The proposed area is the flattest but will still need retaining walls. Other areas of the yard would not be feasible for a pool even with retaining walls.**
2. Whether the Variance will result in an undesirable change in the character of the neighborhood.
 - **The granting of this variance request will not have a detrimental effect upon the neighborhood. The approval of this variance request, to allow a pool, would be consistent with value our neighbors attach to family recreation and fitness.**
3. Whether the requested variance is substantial?
 - **This is not substantial. We are asking for 5' of relief from the side property line setback which has an overall property width of 204'. We are not asking for any relief off the rear line set back or the other side line.**
4. Whether the Variance will have an adverse effect on physical or environmental conditions?
 - **No. Finished grading will remain consistent with current drainage.**
5. Whether the alleged difficulty was self-created?
 - **Yes, this is self-imposed. Our desire for a pool has required us to request the relief we are asking for. We have young children and granting this variance would allow our family the joy of a backyard pool.**

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 TINA GALVIN , being duly sworn, deposes and says that (s) he is:
 (Notary)

 Derek Heath
 (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: February 21, 2023

Derek Heath
(Print Name of 1st Applicant)

[Signature]
(Signature of 1st Applicant)

(Entity Name)

By (Officer) _____ (Title)

(Mailing Address of 1st Applicant)

315-439-0335
(Telephone Number)

Date: _____, 20____

(Print Name of 2nd Applicant)

(Signature of 2nd Applicant)

(Entity Name)

By (Officer) _____ (Title)

(Mailing Address of 2nd Applicant)

(Telephone Number)

ACKNOWLEDGEMENTS

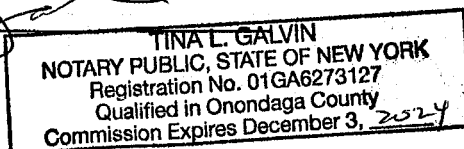
STATE OF NEW YORK)
) SS:
COUNTY OF ONONDAGA)

On this 21st day of February in the year 2023, before me, the undersigned, a notary public in and for said state, personally appeared Derek Heath
(1st Applicants Name)

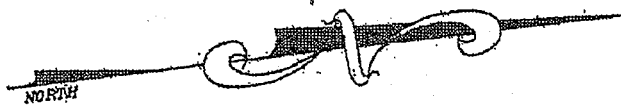
, and _____ personally known to me or proved to me on the basis
(2nd Applicants Name)

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



EAST LINE LOT 17 THORNTREE HILL TRACT FILED MAP No. 6203

N07°31'00"E

204'±

70'±

PROLONGATION
OF NORTH LINE
LOT No. 17
31.8'±

145.0'
WEST LINE LOT 13

N82°15'00"W

S82°03'26"E

213.82'

20.3'

213.86'

20.4'

92.2'

50'

2 STORY HOUSE
No. 5126

WOOD DECK

PORCH

OPEN PORCH

BUILDING LINE
PER TRACT MAP

96.6'

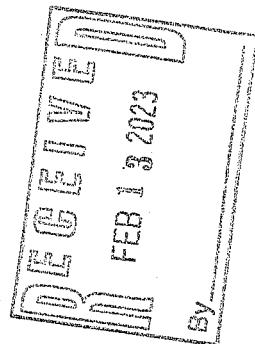
BLACKTOP

144.28'

S07°30'00"W

NIAGARA MOHAWK POWER CORP.,
NEW YORK TELEPHONE CO. &
SYRACUSE NEWCHANNELS EASEMENT

75.0° TO NORTH LINE
REIS TERRACE TRACT
SECTION "A"



REIS CIRCLE

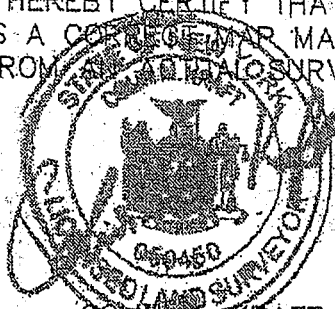
SUBJECT TO RIGHT OF WAY RECORDED IN BOOK 845 OF DEEDS AT PAGE 48
SUBJECT TO NIAGARA MOHAWK POWER CORPORATION EASEMENT RECORDED IN BOOK 3490 OF DEEDS AT PAGE 260
SUBJECT TO RIGHT OF WAY RECORDED IN BOOK 756 OF DEEDS AT PAGE 342

LAND LINES

SURVEYING, P.C.

6181 JAMESVILLE TOLL ROAD

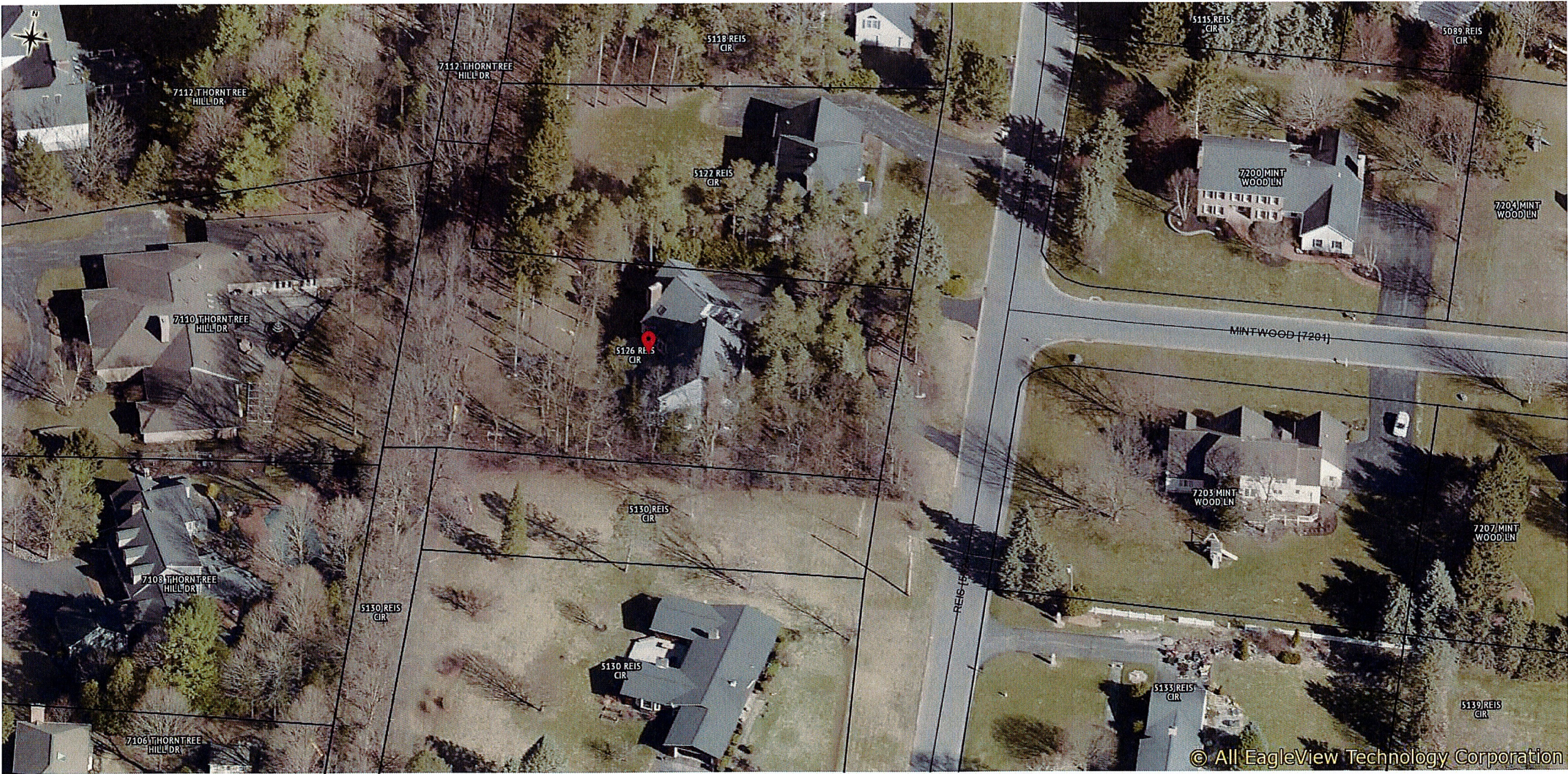
I HEREBY CERTIFY THAT THIS
IS A CORRECT MAP MADE
FROM A FIELD SURVEY



LOT No. 13
REIS TERRACE, SECTION "B"
FILED 9/1/1988 MAP No. 6911
AND OTHER LANDS IN FARM LOT 74
TOWN OF MANLIUS
COUNTY OF ONONDAGA
STATE OF NEW YORK
KNOWN AS: 5126 REIS CIRCLE

DRAWN BY: CLK DATE: 1/5/2019

5126 Reis Circle



TOWN OF MANLIUS - ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: 2.17.23

1. Property Address: 17 WHEELER AVE FAYETTEVILLE

Property Tax Map # _____

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

In Ground Pool

2. Owner of Property: ZACHARY KADATH

Owner's Address: 17 WHEELER AVE FAYETTEVILLE

Owner's E-Mail: ZKADATH@TICMCONTRACTS.COM

Owner's Phone #: 315-447-3666 Does Owners reside at property: Yes

Signature of Property Owner: [Signature]

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: _____

zKadah@ICMcontrols.com
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:

Zachary and Evelyn Kadah

315-447-366/315-380-9075

Address of Proposed Work: 17 Wheeler Ave Fayetteville, NY 13066

Contractor Name & Address & Phone Number: Cannon, Paul
5310 W. Tapp Rd. N. Syracuse, NY 13212

Proposed Work: 16x34 rectangle in ground pool

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

Construction Cost: \$ 30150

Size of Project: 16x34' rectangle

Description of Project:

16x34 rectangle in ground pool

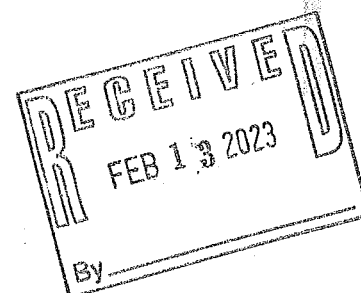
Residential - New Structure _____ Existing Structure _____

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: _____

CODE ENFORCEMENT USE ONLY

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

Received By: TG Receipt No.: 13962 Fee: \$ 100 Date: 2/13/23

Check #: 233 Cash: _____ Credit Card: _____

Tax Map # 094.-03-09.0

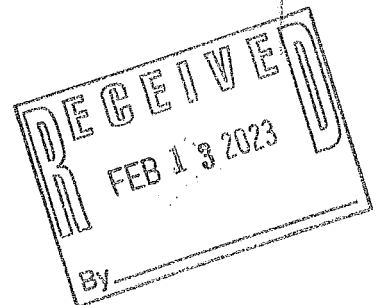
Building Permit Number: _____

Approved: _____ Disapproved: _____ Date: _____

Remarks:

2/15/2023 APPLICANT NEEDS A VARIANCE FROM CHAPTER 155-12(B)
APPLICANT IS REQUESTING A 28' FRONT YARD SETBACK AND
WILL NEED A VARIANCE OF 12' TO PROVIDE RELIEF FROM THE
REQUIRED 40' FRONT YARD SETBACK

[Signature]
Signature of Code Enforcement Officer



Town of Manlius – Zoning Board of Appeals
301 Brooklea Dr.
Fayetteville, NY 13066

February 17, 2023

Use Variance evidentiary questions and responses:

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method?

No. On a corner lot in the Town of Manlius, a front yard setback shall be required on each street. A single-family dwelling on such lot shall have only one side yard. Said yard shall be that yard opposite the front yard with the greater street frontage. At our house, this means we have 2 front yards, 1 side yard, and 1 rear yard. The area considered our rear yard has a significant up hill, making it not feasible for a pool. The area considered the side yard does not have enough space between the existing deck and tree / property line for a pool. One of the front yard contains our driveway. The other front yard is a large, flat space, and this is our chosen placement. Unfortunately, much of this space is taken up by the septic system. We desire to have the pool as drawn in on the application because it is the only feasible placement for a pool without mentioned obstacles.

2. Whether the Variance will result in an undesirable change in the character of the neighborhood?

The granting of this variance request will not have a detrimental effect upon the neighborhood. The approval of this variance request, to allow a pool, would be consistent with value our neighbors attach to family recreation and fitness.

3. Whether the requested variance is substantial?

This is not substantial. Although by code relating to a corner lot our desired placement is considered a front yard, most would consider the space to be a side yard. The proposed pool water, patio, and fence would all be behind the front of our house.

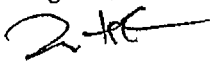
4. Whether the variance will have an adverse effect on physical or environmental conditions?

No. Finished grading will remain consistent with current drainage.

5. Whether the alleged difficulty was self-created?

Yes, this is a self-imposed. Our desire for a pool has required us to request the relief we are asking for.

Regards,



Zach Kadah

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 TERESA H. KATH, being duly sworn, deposes and says that (s) he is:
(Notary)

Property Owner
(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: 17th February, 20 23

Zachary H. Kadah
(Print Name of 1st Applicant)

[Signature]
(Signature of 1st Applicant)

(Entity Name)

By (Officer) _____ (Title)

17 WHEELER AVE
(Mailing Address of 1st Applicant)

RAYETVILLE NY

315-447-3666
(Telephone Number)

Date: _____, 20 _____

(Print Name of 2nd Applicant)

(Signature of 2nd Applicant)

(Entity Name)

By (Officer) _____ (Title)

(Mailing Address of 2nd Applicant)

(Telephone Number)

ACKNOWLEDGEMENTS

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

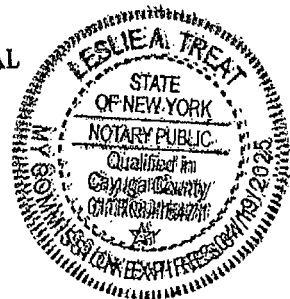
On this 17th day of February in the year 20 23, before me, the undersigned, a notary public in and for said state, personally appeared Zachary Kadah
(1st Applicant's Name)

, and NA
(2nd Applicant's Name) 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.

[Signature]
Notary Public

SEAL



1 / Wheeler Ave.



03/30/2021