

Agenda
Zoning Board Of Appeals
May 18, 2023
6:30 PM

1. Virtual Meeting Instructions - May 18, 2023

Documents:

[5-18-23 Zoning Board Meeting Instructions.pdf](#)

2. Pledge Of Allegiance

3. Approval Of Minutes - March 13, 2023 And April 20, 2023

Documents:

[3-16-23 Draft.pdf](#)

[4-20-23 Draft.pdf](#)

4. Frank & Lynne Michalski, 8005 Peck Rd., Kirkville (Tax Map # 042.-02-03.6)

Will need two variances to construct a 30'X40'X12' Pole Barn

Documents:

[ZBA Application.pdf](#)

[Variances Needed.pdf](#)

[5 Criteria Questions.pdf](#)

[Application for Building Permit.pdf](#)

[Building Plans.pdf](#)

[Disclosure Affidavit.pdf](#)

[Survey.pdf](#)

5. Matthew Ventura, 8190 Salt Springs Rd., Manlius (Tax Map # 098.-01-13.0)

Will need one height variance to construct a garage.

Documents:

[ZBA Application.pdf](#)

[5 Criteria Questions.pdf](#)

[Application for Building Permit.pdf](#)

[Disclosure Affidavit.pdf](#)

[Image Mate - Photo.pdf](#)

[Survey.pdf](#)

[Variance Needed.pdf](#)

6. Joseph Roberts, 5821 Acton St., E. Syracuse (Tax Map # 075.-05-09.0)

Will need two variances to construct a 15X30X54 above ground pool.

Documents:

[ZBA Applications.pdf](#)

5 Criteria Questions.pdf
Application for a Building Permit.pdf
Variances Needed.pdf
Disclosure Affidavit.pdf
Image Mate - Photo.pdf
Survey.pdf

7. Danielle & Ryan Ewert, 8291 E Seneca Turnpike, Manlius (Tax Map # 099.-01-27.4)

Documents:

ZBA Application and 5 Criteria Questions.pdf
Variance Needed.pdf
Disclosure Affidavit.pdf
S-23-14.pdf
Z-23-117.pdf
Z-23-119.pdf
Z-23-125.pdf

8. 8291 E. Seneca Turnpike - Part 2

Documents:

8291 East Seneca Turnpike - Subdivision Map.pdf
8291 East Seneca Turnpike - Survey.pdf
Image Mate - Photo.pdf
Z-23-118.pdf

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



May 18, 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/81052595436?pwd=RHJQRfVkdFNXpjbW1qVjRTUk9XQT09>

Password to join when prompted:

Password: **756581**

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: 810 5259 5436

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

Password: **756581**

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
March 16, 2023
6:30 PM**

The Town of Manlius Zoning Board held a hybrid meeting with in-person attendees and virtual attendees. The meeting was live streamed on the Town Facebook page and the Town YouTube Channel. The recording of the meeting can be viewed here: <https://youtu.be/Ih9BYpkhLFE>

Chairperson Timothy Kelly presided, and the following Board members were present:

Member	K P Kelly
Member	Clare Miller
Member	Karrie Catalino
Member	Warren Linhart
Secretary	Debi Witzel
Attorney	Jamie Sutphen
Code Officer	Tom Poitras

In Person Attendees: Alex Fischer, Syracuse. Derek Heath, Fayetteville.

Virtual Attendees: None

The Pledge of Allegiance was recited. The meeting was called to order at 6:30 PM.

Minutes

Member Miller made a motion, seconded by Member Linhart, to approve the minutes of February 16, 2023, as submitted by Secretary Witzel.

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

Nays: 0 All in Favor. Motion Carries.

Member Linhart made a motion, seconded by Member Catalino, to waive the reading of the public notices.

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

Nays: 0 All in Favor. Motion Carries.

Derek & Risa Farber-Heath, 5126 Reis Circle, Fayetteville NY (Tax Map # 093.-04-18.1) for one side yard setback (south side) requesting a variance to construct a 16' X 32' inground pool. With an existing side yard setback of 15' they will need a variance of 5' to meet the required 20' side yard setback.

Member KP Kelly made a motion, seconded by Member Linhart to open the public hearing at 6:31 PM and it was carried unanimously.

Mr. Heath stated he wants to install the pool on the flattest portion of the property and will need a retaining wall of 3 feet at the back edge because of the slope of the property. Mr. Heath stated he would like to connect the existing patio to the pool, so the elevations work best.

Member KP Kelly discussed with Mr. Heath whether the pool could be placed elsewhere and the elevation issues with the property.

Member Linhart asked if the pool could be placed closer to the house. Mr. Heath stated they would like a space for a picnic area and there is much shade in this area.

Mr. Heath stated he did speak with his neighbors about the project with no objections.

Member Catalino made a motion, seconded by Member Linhart, 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, because of the way the land drops off.
- 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, plenty of room around the house.
- 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 5 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 KP Kelly to grant an area variance to Derek & Risa Farber-Heath, 5126 Reis Circle, Fayetteville NY (tax Map # 093.-04-18.1), this variance is being granted for the purpose of permitting the installation of a 16' X 32' inground pool, with an existing side yard setback of 15 feet they will need a variance of 5 feet to meet the required 20 feet side yard setback.

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

Nays: 0

All in Favor.

Motion Carries.

Zachary & Evelyn Kadah, 17 Wheeler Ave., Fayetteville NY (tax map # 094.-03-09.0) for one front yard setback (Meadow Dr.) requesting a variance to construct a 16' X 34' inground pool. With an existing front yard setback of 28' they will need a variance of 12' to meet the 40' required front yard setback.

Member Linhart made a motion, seconded by Member Miller, to open the public hearing at 6:40 PM and it was carried unanimously.

Alex Fischer, Attorney for the applicant stated there is no other place to put the pool because the other side of the house would require a retaining wall and may impact the neighbor. Mr. Fischer stated they will be adding privacy trees along Meadow Dr.

Chairman T. Kelly asked how far away will the pool be from the leach field? Mr. Fischer stated approximately 30 feet.

Member Linhart made a motion, seconded by Member Catalino to close the public hearing at 6:52 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 they have considered all the variables.
- 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 other pools in the neighborhood.
- 3) Whether the requested Variance is substantial? The board answered yes, because of where the pool will be placed.

- 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, 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 12 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 Zachary & Evelyn Kadah, 17 Wheeler Ave., Fayetteville NY (tax map # 094.-03-09.0). to construct a 16' X 34' inground pool. With an existing front yard setback of 28' they will need a variance of 12' off Meadow Dr. to meet the 40' required front yard setback.

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

Nays: 0

All in Favor.

Motion Carries.

CHA on behalf of Twin Ponds Housing LLC, PO Box 515, Syracuse, NY have 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.

This application has been adjourned to the April 20th Zoning Board Meeting.

Adjournment

With there being no other business, Member Linhart made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 7:00 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
April 20, 2023
6:30 PM**

The Town of Manlius Zoning Board held a hybrid meeting with in-person attendees and virtual attendees. The meeting was live streamed on the Town Facebook page and the Town YouTube Channel. The recording of the meeting can be viewed here: <https://youtu.be/Ih9BYpkhLFE>

Chairperson Timothy Kelly presided, and the following Board members were present:

	Member	K P Kelly
	Member	Clare Miller
Absent	Member	Karrie Catalino
	Member	Warren Linhart
	Secretary	Debi Witzel
	Attorney	Jamie Sutphen
	Code Officer	Tom Poitras

In Person Attendees: Danielle & Ryan Ewert, Manlius. Dirk Oudemool, Attorney. Tim Goode, E. Syracuse. Paula Ellenberg, Manlius. Barbara Emmons, Manlius. Kevin Smalley, Manlius. Joe Mastroianni, Liverpool. Tracy Crowe, Manlius. Cynthia Crowe, Manlius.

Virtual Attendees: Liz Morgenthien, Manlius. John Palmer, Manlius.

The Pledge of Allegiance was recited. The meeting was called to order at 6:30 PM.

Approval of Minutes – March 16, 2023 - Tabled

**Danielle & Ryan Ewert, 8291 E. Seneca Turnpike, Manlius NY, (tax map # 099.-01-27.4)
Public Hearing for a variance of 13.76 feet to provide relief from the required 200 feet of frontage.**

Member K P Kelly made a motion, seconded by Member Miller, to open the public hearing at 6:34 PM and it was carried unanimously.

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

Joe Mastroianni stated the applicant is looking to subdivide their parcel and will be adding a driveway to the new parcel which will need a variance of 13.76 feet to meet the required 200 feet of frontage.

Jamie Sutphen, Attorney for the Board stated this public hearing will be held open because they are waiting for a response from the Onondaga County Planning Board.

Mr. Mastroianni and the board discussed the proposed driveway, the road frontage and changes to the property involved.

Paula Ellenberg, trustee of the Emmons property next door to the proposed new driveway. Ms. Ellenberg asked about the request for the variance and the special use permit. Ms. Ellenberg asked if this will affect the character of the neighborhood if she must see up to 50 cars a day going by her Livingroom window.

Chairman T. Kelly explained that the variance for the road frontage is the only item in this project that the Zoning Board will decide on, if granted they can then subdivide if denied the proposed subdivision cannot go forward.

Dirk Oudemool, Attorney for the neighbor Ms. Emmons spoke about several items to consider when deciding on the proposed variance.

1. Town Law (267a) says that if something else can be done which will avoid the necessity for a variance then the board must deny the variance regardless of the cost.
2. If this variance is approved, it will open the opportunity for a subdivision which might include a mobile home to be placed on the lot and various business occupations.
3. The septic system proposed would be a raised system which is used when you have poor percolation.
4. The board can place conditions on a variance, such as using exiting driveway, placing the doggy day care at the back of the lot.

Danielle Ewert stated that the portion of her property available to use is located behind the Emmons property so they will need an access road to get that portion of the property. Ms. Ewert stated they are proposing to build a fence on the side of the new driveway entrance so there will be no way to see into their Livingroom. Ms. Ewert stated they cannot put any business on the land as they must go through the special permit process. Ms. Ewert wanted the board to know that they have support from the local community.

Chairman T. Kelly stated they cannot decide on the variance until the board hears back from the Onondaga County and the determinations they make on the application.

Mr. Mastroianni stated if the proposed building was moved back further on the lot it would make the building and septic system more visible.

Liz Morgenthien & John Palmer, 8341 East Seneca Turnpike, stated their property directly abuts the property where the structure would be built, and they wanted this board to know that they do oppose any special use (commercial use) of the land.

Jamie Sutphen, ZBA Attorney, did review items that the board should consider before the next meeting and any decision is made.

The Public Hearing will be held open to the May 18, 2023, meeting.

Tim & Diane Goode, 7119 Carstairs Circle, E. Syracuse NY (tax map # 076.-10-27.4) Public Hearing for one rear yard variance to construct an 8' X 26' addition on the back of the house, with an existing rear yard setback of 15' they will need a variance of 10' to meet the required 25' rear yard setback.

Member KP Kelly made a motion, seconded by Member Linhart, to open the public hearing at 7:33 PM and it was carried unanimously.

Tim Goode stated they would like to put an 8' X 26' addition on the back of their home replacing the existing deck. Mr. Goode stated the addition will have a new foundation and will match the original build and color of the house. Mr. Goode stated he will provide new architectural drawings to include the new foundation.

Member Linhart made a motion, seconded by Member KP Kelly to close the public hearing at 7:42 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 because the addition will expand a room.
- 2) Whether the Variances will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no.
- 3) Whether the requested Variances is substantial? The board answered no.
- 4) As to whether the Variances 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 want the addition.

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 10 feet off the rear property line 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: *Single Story and a continuous roof line off the gable.*

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

Based on the findings of the Board, Member Linhart made a motion, seconded by Member Miller to grant a 10 foot rear yard variance to Mr. Goode for the property located at 7119 Carstairs Circle, E. Syracuse (tax map # 076.-10-27.4) for the construction of an 8' X 26' room addition with the condition that the addition be single story and a continuous roof line off the gable.

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

Nays: 0

All in Favor.

Motion Carries.

Dawn & Kevin Smalley, 8278 Glen Eagle Dr. Manlius NY (tax map # 117.-12-09.0) Public Hearing for two variances to install a 16' X 36' inground pool. With an existing side yard (West Back Corner) setback of 13' they will need a variance of 7' to meet the required 20' side yard setback. With an existing rear yard (South back Corner) setback of 13' they will need a variance of 27' to meet the required 40' rear yard setback.

Member KP Kelly made a motion, seconded by Member Linhart, to open the public hearing at 7:45 PM and it was carried unanimously.

Mr. Smalley submitted letters of support from the neighbors at 4702 Enders Rd. and 4704 Enders Rd. Mr. Smalley stated the location in the yard was chosen because it has less of a pitch to the land and the pool will be visible from the kitchen windows for security.

Member Linhart made a motion, seconded by Member Catalino to close the public hearing at 7:51 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 due to the pitch of the land.
- 2) Whether the Variances will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no.
- 3) Whether the requested Variances is substantial? The board answered no.
- 4) As to whether the Variances will have an adverse effect on physical or environmental conditions? The board answered no, as many neighbors have pools.
- 5) Whether the alleged difficulty was self-created? The board answered yes, they want a pool.

Determination of ZBA Based on the Above Factors:

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

TOWN OF MANLIUS – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: April 6, 2023

1. Property Address: 8005 PedL Rd, Kirkville, NY 13082

Property Tax Map # 042-02-03.6

The Applicants Purpose (new construction, alteration, extension, restoration, modification or other action) with respect to the subject property; Build 30'x40'x12' Pole barn

2. Owner of Property: Frank & Lynne Michalski

Owner's Address: 8005 PedL Rd, Kirkville, NY 13082

Owner's E-Mail: LKM160@TWCNY.RR.COM

Owner's Phone #: 315-627-0069 Does Owners reside at property: YES

Signature of Property Owner: Lynne Michalski

3. Applicant / Representative / Attorney:

Name: _____ Company: _____

Address: _____

Phone: _____ E-Mail: _____

Below this line - For Office Use Only

Application Received by: _____ Date: _____

Payment Receipt #: _____

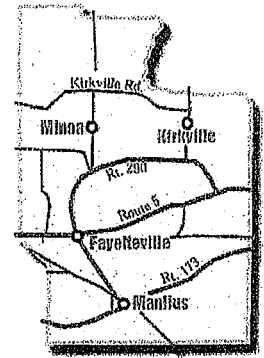
Date of Denial of Building Permit Application: _____ Current Property Zoning: _____

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: _____

Town of Manlius

Planning and Development

Zoning Board Referral



8005 Peck Rd.
Kirkville, NY 13082
Tax Map ID 042.-02-03.6

Applicant: Frank and Lynne Michalski

Build permit application denied as project requires a variance.

1. Applicant needs a variance from chapter 155-7 (B). Applicant is requesting 15-foot side yard setback and will need a variance of 5 feet to provide relief from the required 20-foot side yard setback.

Side yard setback – Required 20' requesting 15' needs a variance of 5'.

2. Applicant needs a variance from chapter 155-7 (B). Applicant is requesting 20-foot rear yard setback and will need a variance of 20 feet to provide relief from the required 40-foot rear yard setback.

Rear yard setback – Required 20' requesting 15' needs a variance of 5'.

Thomas Poitras
Zoning Officer
Town of Manlius

John Deer, Supervisor

Town Board – Sara Bollinger, Elaine Denton, Alissa Italiano, Katelyn Kriesel, William Nicholson, Heather Allison Waters,

MICHALSKI- 8005 PECK RD, KIRKVILLE, NY 13082

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*

EMAIL: LKM160@TWCNY.RR.COM

APPLICATION FOR BUILDING PERMIT

Department of Planning and Development

301 Brooklea Dr., Fayetteville, NY 13066
(315) 637-8619 Fax: (315) 637-0713

TOWN OF MANLIUS

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.

LOCATION OF PROPOSED WORK (Street Address)

Tax Map Number 042 02 03.6

8005 Peck Rd, Kirkville, NY 13082 Lot # _____

CONTRACTOR/AGENT-ADDRESS (Worker's Compensation Form Required) ☐

Peckham General Contractors, 11070 Duger Rd, Cats, NY 13033 Phone # 315-626-3199

OWNER/APPLICANT-NAME-ADDRESS (Home Owner's Form BP-1 Required) ☐

Frank & Lynne Michalski, 8005 Peck Rd Kirkville NY Phone # 315-627-0069
13082

PROPOSED WORK, USE OR OCCUPANCY

☐ addition ☐ alteration ☐ demolition ☐ garage ☐ new construction ☐ deck ☐ pool ☐ renewal ☐ sign
☐ storage/shed ☐ fireplace/wood stove ☒ other Pole Barn Construction Cost \$ 20,000
19,000 fee

RESIDENTIAL-NEW STRUCTURE

of Bedrooms _____ # of Bathrooms _____ # of Fireplaces _____

Total Sq. Ft. w/o garage _____ Sq. Ft. of garage _____

RESIDENTIAL-EXISTING STRUCTURE

of rooms added: _____ ☐ Bedroom ☐ Family Room ☐ Bath ☐ Living Space

Other _____ Total Sq. Ft. added: _____

COMMERCIAL:

Name of Business: _____ Total Sq. Ft. of Project _____

All plumbing and sanitary systems to be inspected by Onondaga County Department of Health.

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 the above premises or buildings during reasonable working hours to discharge their duties.

Date: 4/4/2023 By: Lynne K Michalski

☐ Owner Authorization

☒ Owner

☐ Authorized Agent

CODE ENFORCEMENT USE ONLY

Occupancy Classification 40 40 20 Planning Board _____ Rec'd by _____ Receipt No. _____
Zoning R1 Plans Review _____ Building Permit No. _____
Flood Plains _____ Wetlands _____ Date Application Rec'd _____ Set Backs _____
Contractors W/C Ins. _____ ZBA _____ Fee _____ Date Paid _____

☐ Duplicate Set of Plans

☐ Survey and/or Site Plan

☐ APPROVED

☐ DISAPPROVED

Date _____

Remarks DENIED SEE ZONING BOARD REFERRAL 4/5/2023 YD

Signature of Codes Enforcement Officer

PGC

Peckham General Contractors, Inc.

11070 Duger Road

Cato, NY 13033

(315)626-3199 (315)729-6875 (315)406-6246

Frank and Lynne Michalski

8005 Peck Rd

Kirkville NY 13082

315-439-4411

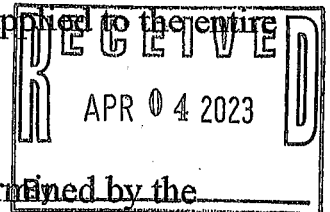
915-627-0069

March 30, 2023

30' x 40' x 12' Pole Structure Building

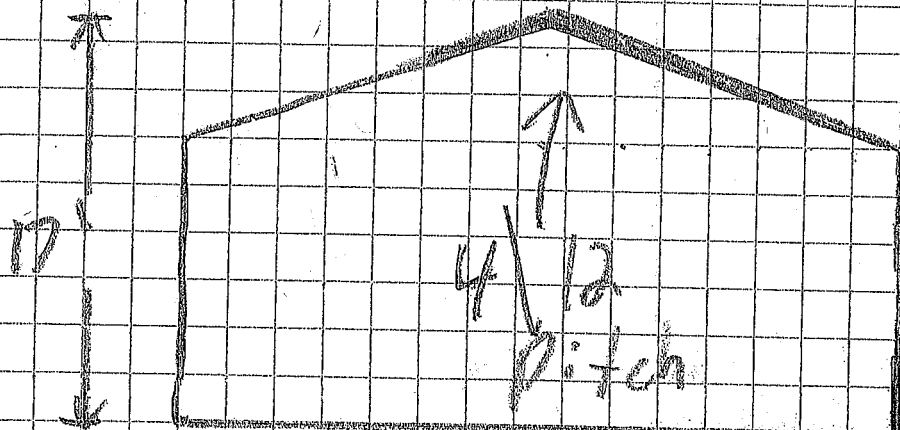
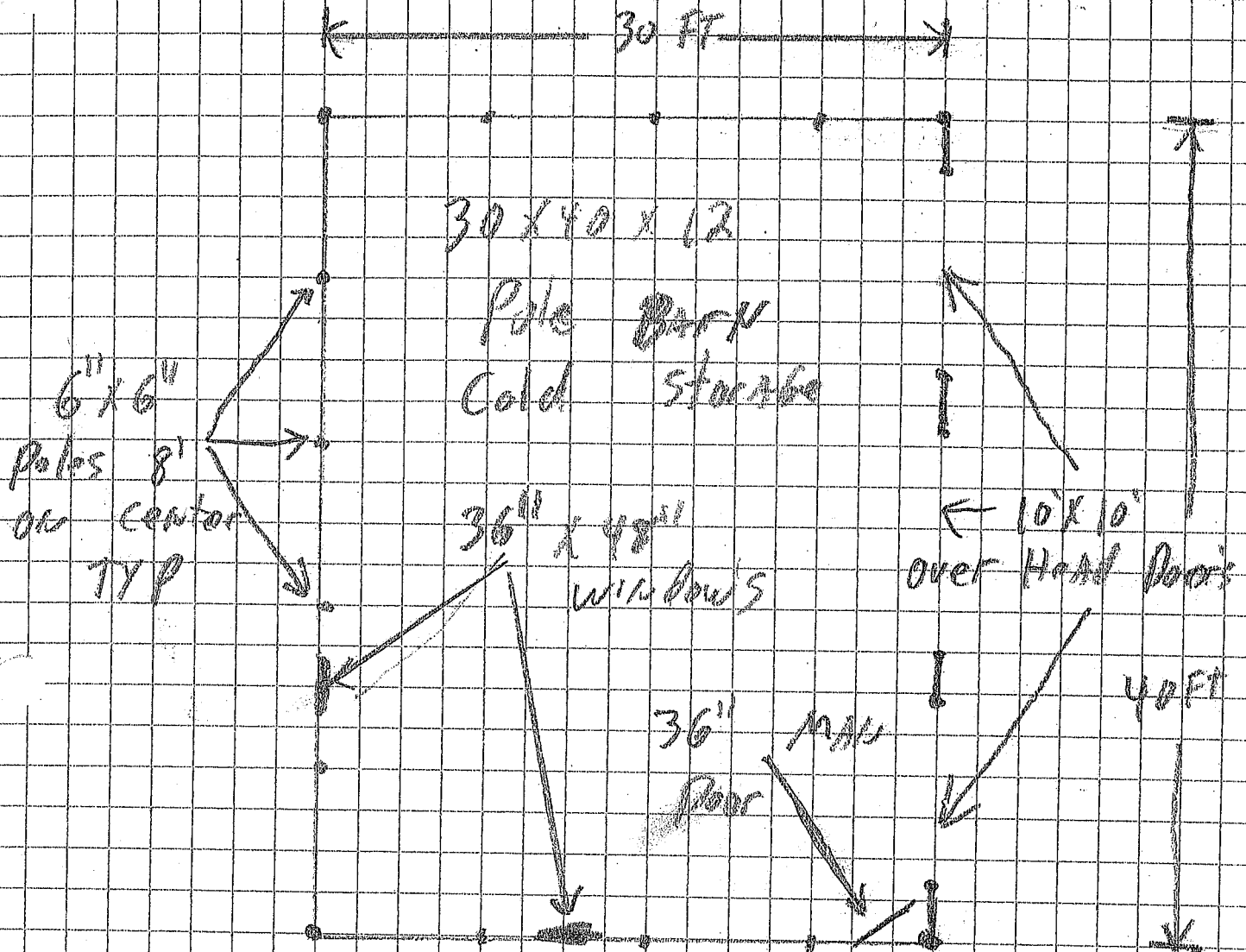
Construction of Building

- Peckham General Contractors, Inc. will supply material and labor to build a 30' x 40' x 12' pole structure building.
- All top soil will be removed.
- Install 6" of gravel to building site and 24' in front of building. (not to exceed 5 truckloads)
- Due to site elevation any more truck loads needed will be done on a separate work order.
- 6" x 6" pressure-treated poles will be set on concrete footers
- 2" x 6" pressure-treated boards will be applied to the bottom perimeter of the building
- 2" x 4" girts will be applied to the walls 2' on-center.
- 2" x 12" headers will be installed.
- 2" x 6" Y-bracing will be installed where applicable.
- 30' trusses with a 1' overhang will be installed 4' on-center at a 4/12 pitch.
- A 1' overhang will be built on all gables.
- 2" x 4" purlins will be installed 2' on-center on the entire roof.
- 29-gauge steel (color to be determined by the homeowner) will be applied to the entire roof.
- A ridge cap will be applied along the peak of the roof.
- All building trim pieces will be 29-gauge steel.
- 29-gauge steel will be applied to the exterior walls (color to be determined by the homeowner).
- White vinyl center-vent soffit will be installed on all overhang.
- (3) 10' x 10' white insulated overhead doors will be provided and installed.
- (1) 36" steel walkthrough doors will be provided and installed.
- (2) approximately 36" x 48" white double hung windows will be provided and installed.



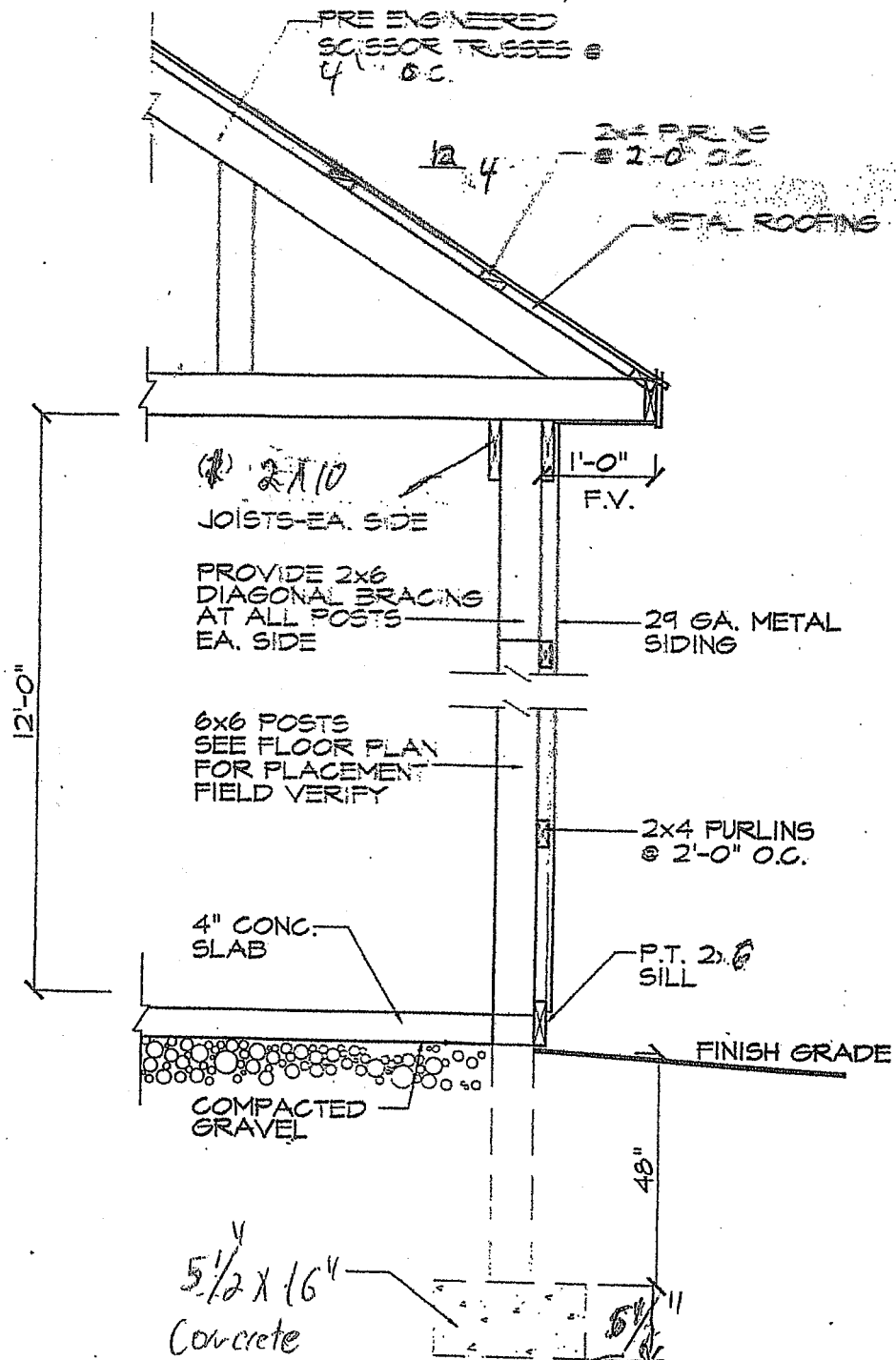
FRANK Michalski
Kirkville N.Y.

8005 Peck Rd



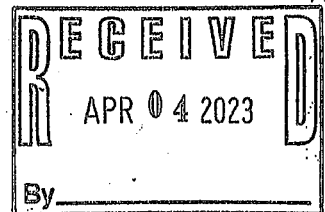
RECEIVED	
APR 04 2023	
By	

Frank - Michalski



NOTE:

1. TRUSSES TO BE DESIGNED AND STAMPED BY NYS LICENSED ENGINEER.
2. ALL LUMBER IN CONTACT W/ THE GROUND OR CONCRETE TO BE PRESSURE TREATED



**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 L. Galvin, being duly sworn, deposes and says that (s) he is:
(Notary)
Lynne Michalski
(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: _____, 20____

Date: April 6, 2023

Frank J Michalski
(Print Name of 1st Applicant)

Lynne K Michalski
(Print Name of 2nd Applicant)

(Signature of 1st Applicant)

Lynne K Michalski
(Signature of 2nd Applicant)

N/A
(Entity Name)

N/A
(Entity Name)

N/A
By (Officer) (Title)

N/A
By (Officer) (Title)

8005 Peck Rd
(Mailing Address of 1st Applicant)

8005 Peck Rd
(Mailing Address of 2nd Applicant)

Kirkville, NY 13082

Kirkville, NY 13082

315-627-0069
(Telephone Number)

315-627-0069
(Telephone Number)

ACKNOWLEDGEMENTS

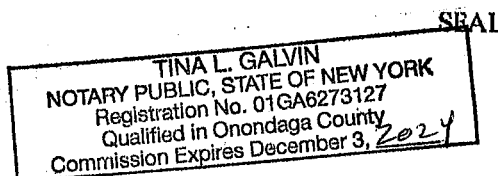
STATE OF NEW YORK)
) SS:
COUNTY OF ONONDAGA)

On this 6th day of April in the year 2023, before me, the undersigned, a notary public in and for said state, personally appeared Lynne Michalski
(1st Applicant's Name)

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

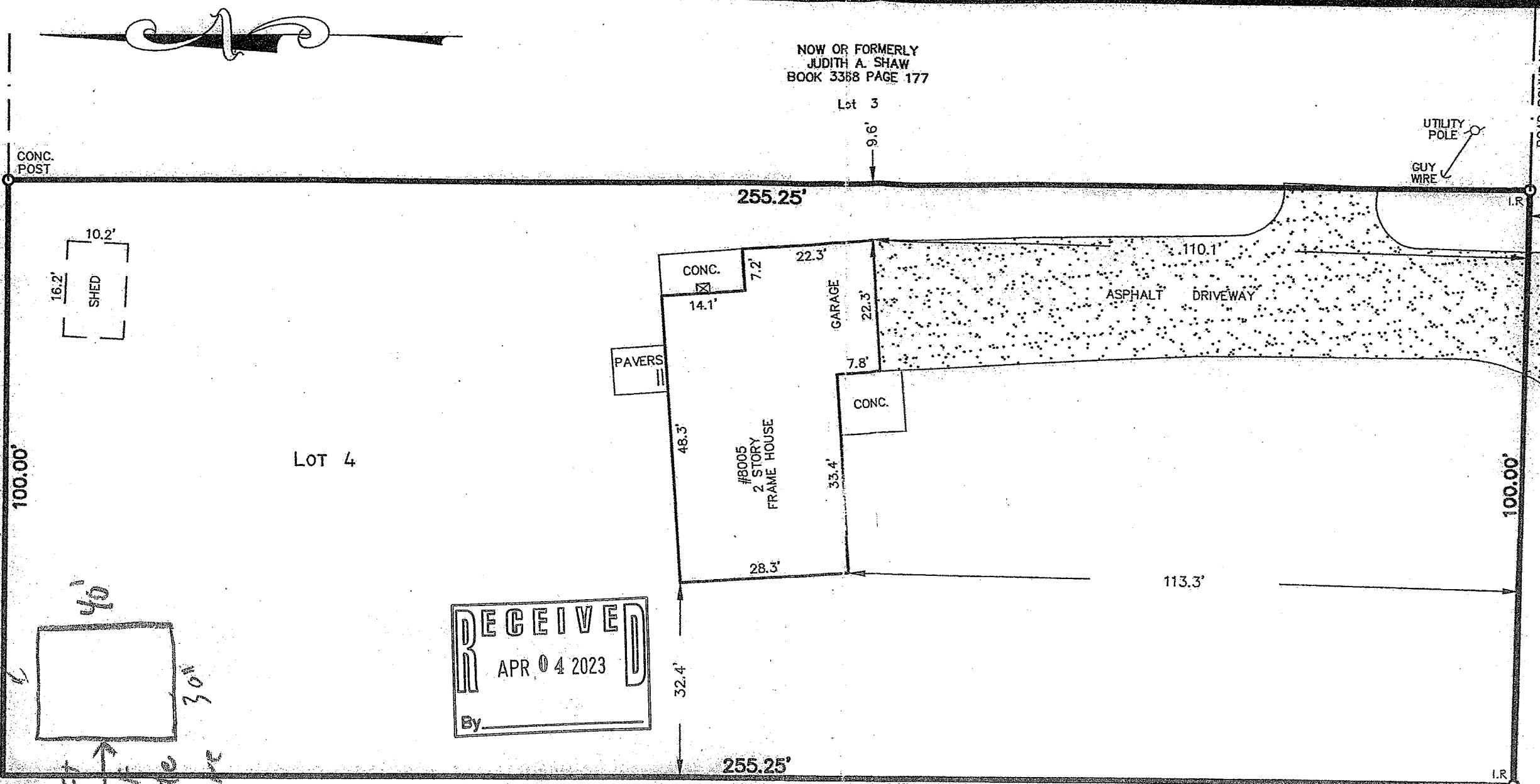
of satisfactory evidence to be the individual whose name is subscribed to the within Petition and acknowledged to me the he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the Petition, the individual or the persons upon behalf of which the individual acted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

Tina L. Galvin
Notary Public



70 FT OF Back Line
1022 FT

40' 30" Side Line
15 FT 0 FT



RECEIVED
APR 04 2023
By _____

Certified to:
AmeriCU Credit Union ISAOA
John A. Nasto, Jr. Esq.
Stewart Title Ins. Co.
Frank J. & Lynne K. Michalski

NOW OR FORMERLY
K.C. & C.E. KATZENSTEIN
BOOK 2855 PAGE 339

Only survey maps with the Land 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 section 7209, sub-division 2, of the New York State Education Law.

Certifications indicated hereon shall apply only to the persons for whom this survey was performed and on their behalf to the title insurance company governing agency and lending institution and to the assignees of the lending institution and/or subsequent owners.

This map may not be used in connection with a "Survey Affidavit" or similar document, statement or mechanism to obtain insurance for any subsequent or future grantees.

Survey prepared without the benefit of an abstract.

Location surveys do not include the staking of the property corners except as shown.

LEHR LAND SURVEYORS 116 SALINA STREET- SUITE 6 LIVERPOOL, NEW YORK 13088 315-451-3333 lehrsurveyors@aol.com	I HEREBY CERTIFY THAT THIS IS AN ACCURATE MAP MADE FROM AN ACTUAL SURVEY.	LOCATION SURVEY ON LOT No.4 OF THE KATHOLM TRACT, FILED OCTOBER 27, 1983, MAP #6130	
	DOUGLAS R. LEHR LICENSED LAND SURVEYOR NYLS 49223	KNOWN AS No.8005 PECK ROAD, TOWN OF MANLIUS, COUNTY OF ONONDAGA, NEW YORK	
FIELD DATE: 22 AUG 2019		MAP DATE: 23 AUG 2019	SCALE: 1"=20'
REVISIONS:		DRAWN BY: WJH	
		DRAWING No. 19-H-35 *B*	

TOWN OF MANLIUS – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

APR 20 2023

Date: 4-19-2023

Received and Filed

1. Property Address: 8190 Salt Spring rd manlius ny 13104

Property Tax Map # 0980113.0

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

2. Owner of Property: Matthew Ventura

Owner's Address: 8190 Salt Spring rd manlius NY 13104

Owner's E-Mail: Aceventura3231@gmail.com

Owner's Phone #: 315-751-1609

Does Owners reside at property: yes

Signature of Property Owner: Matthew Ventura

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: _____

1. no
2. no
3. no
4. no
5. no

Town of Manlius
Town Clerks Office

APR 20 2023

Received and Filed

EMAIL: Aceventura3231@gmail.com

APPLICATION FOR BUILDING PERMIT

Department of Planning and Development

301 Brooklea Dr., Fayetteville, NY 13066
(315) 637-8619 Fax: (315) 637-0713

TOWN OF MANLIUS

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.

LOCATION OF PROPOSED WORK (Street Address)

Tax Map Number 098 - 01 - 13.0

R.I.S. Structures INC 11407 Southard Rd Cato, NY 13033 Lot # _____

CONTRACTOR/AGENT-ADDRESS (Worker's Compensation Form Required) ☐

Matthew Ventura 8190 Self Springs Manlius NY 13104 Phone # 315-751-1609

OWNER/APPLICANT-NAME-ADDRESS (Home Owner's Form BP-1 Required) ☐

Storage Phone # _____

PROPOSED WORK, USE OR OCCUPANCY

☐ addition ☐ alteration ☐ demolition ☐ garage ☐ new construction ☐ deck ☐ pool ☐ renewal ☐ sign
☐ storage/shed ☐ fireplace/wood stove ☐ other 30x48x14 Construction Cost \$ 37,725.00

RESIDENTIAL-NEW STRUCTURE

of Bedrooms _____ # of Bathrooms _____ # of Fireplaces _____

Total Sq. Ft. w/o garage _____ Sq. Ft. of garage _____

RESIDENTIAL-EXISTING STRUCTURE

of rooms added: _____ ☐ Bedroom ☐ Family Room ☐ Bath ☐ Living Space
Other _____ Total Sq. Ft. added: _____

COMMERCIAL:

Name of Business: _____ Total Sq. Ft. of Project _____

All plumbing and sanitary systems to be inspected by Onondaga County Department of Health.

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 the above premises or buildings during reasonable working hours to discharge their duties.

Date: April 10 2023 By: Matthew Ventura

☐ Owner Authorization

☐ Owner

☐ Authorized Agent

CODE ENFORCEMENT USE ONLY			
Occupancy Classification <u>40 40 20</u>	Planning Board _____	Rec'd by <u>CC</u>	Receipt No. <u>14259</u>
Zoning <u>RA</u>	Plans Review _____	Building Permit No. _____	
Flood Plains _____ Wetlands _____	Date Application Rec'd _____	Set Backs _____	
Contractors W/C Ins. _____	ZBA _____	Fee <u>250</u>	Date Paid <u>4/10/23</u>
☐ Duplicate Set of Plans ☐ Survey and/or Site Plan			
☐ APPROVED ☐ DISAPPROVED Date _____			
Remarks <u>4/17/2023 SEE ZBA REFERRAL VARIANCE REQUIRED</u>			
Signature of Codes Enforcement Officer <u>[Signature]</u>			

APR 20 2023

TOWN OF MANLIUS
DISCLOSURE AFFIDAVIT

Received and Filed

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)

Dorothy Champney
NYS Notary Public Onondaga Co.
4989853 Expires 12/16/2025

I Dorothy Champney, being duly sworn, deposes and says that (s) he is:
(Notary)
Matthew Vukura
(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.

APR 20 2023

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: April 19, 2023

Date: _____, 20____

Matthew Ventura
(Print Name of 1st Applicant)

(Print Name of 2nd Applicant)

[Signature]
(Signature of 1st Applicant)

(Signature of 2nd Applicant)

(Entity Name)

(Entity Name)

By (Officer) _____ (Title)

By (Officer) _____ (Title)

8190 Salt Springs Rd
(Mailing Address of 1st Applicant)

(Mailing Address of 2nd Applicant)

315-751-1609
(Telephone Number)

(Telephone Number)

ACKNOWLEDGEMENTS

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

On this 19th day of April in the year 2023, before me, the undersigned, a notary public in and for said state, personally appeared Matthew J. Ventura
(1st Applicant's Name)

, and N/A
(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

Dorothy Champney
NYS Notary Public Onondaga Co.
4989853 Expires 12/16/2025

1. no
2. no
3. no
4. no
5. no

Town of Manlius
Town Clerks Office

APR 20 2023

Received and Filed

8190 Salt Springs Rd.

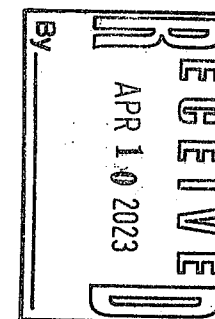
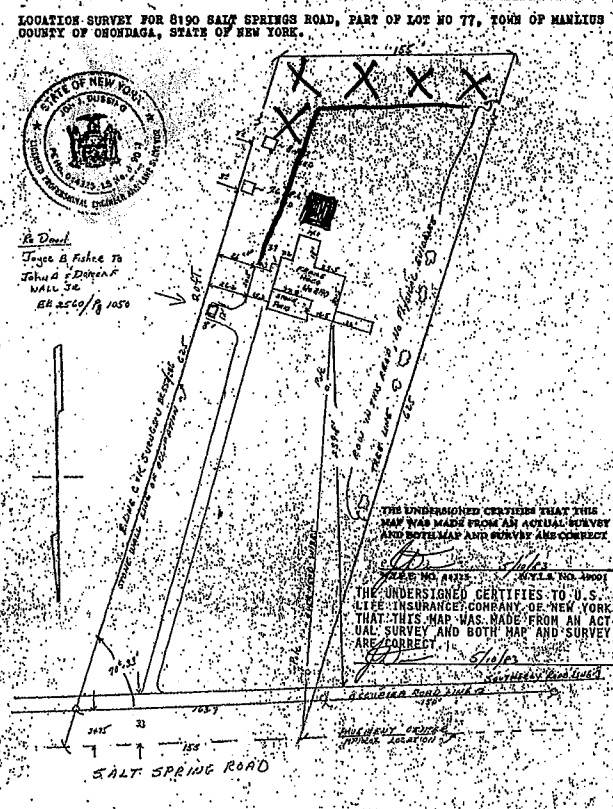


© All EagleView Technology Corporation

03/30/2021

SIDE YARD SET BACK
20'

REAR 40'

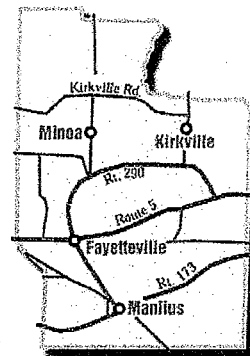


Town of Manlius

Planning and Development

Zoning Board Referral

8190 Salt Springs Rd
Manlius, NY 13104
Tax Map ID 098.-01-13.0



Applicant: Matthew Ventura

Build permit application cannot be approved as the project requires a variance.

1. Applicant needs a variance from chapter 155-12 (A)(2). Applicant is requesting a garage with a height of 19'-11 $\frac{9}{16}$ " and will need a variance of 2'-11 $\frac{9}{16}$ " to provide relief from the required 17-foot height requirement.

Height Variance – Required 17' requesting 19'-11 $\frac{9}{16}$ " needs a variance of 2'-11 $\frac{9}{16}$ ".

Thomas Poitras
Zoning Officer
Town of Manlius

A handwritten signature in black ink, appearing to read 'Thomas Poitras'.

John Deer, Supervisor

Town Board – Sara Bollinger, Elaine Denton, Alissa Italiano, Katelyn Kriesel, William Nicholson, Heather Allison Waters,

TOWN OF MANLIUS – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: 4/17/23

1. Property Address: 5821 Acton Street, East Syracuse New York

Property Tax Map # 075-05-09.0 13057

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

New pool construction.

2. Owner of Property: Joseph D. Roberts

Owner's Address: 5821 Acton Street, East Syracuse, New York 13057

Owner's E-Mail: joeyroberts315@yahoo.com

Owner's Phone #: 315-420-1313 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: DB Date: 4-21-23

Payment Receipt #: 14353 CASH \$100

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: _____



Area Variances Criteria Questions

Joseph Roberts - 5821 Acton Street, East Syracuse, NY 13057

1. **Whether the benefit sought by the Applicant can be achieved by some other feasible method?** No. Our lot is not large enough to support a pool within code setbacks. We are keeping the pool as close to the house as it can be built.
2. **Where the Variance will result in an undesirable change to the character of the neighborhood?** The granting of this variance request will not have detrimental effect upon the neighborhood. The approval of this variance request, to allow a pool, would be consistent with the value of our neighbors attach to family recreation and fitness.
3. **Whether the requested Variance is substantial?** This is not substantial. Code dictates that there must be at least 15' off the side of the line, and we are asking for 10' (5' of relief). Code also dictates that there must be at least 25' off the back line, and we are asking for 15' (10' of relief).
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.



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: Joseph Roberts
Address of Proposed Work: 5821 Acton St East Syracuse, NY

Phone Number: 315 - 420 - 1313

Email Address: joeyroberts315@yahoo.com

Contractor Name & Address: Camen Pools - 5210 W. Taft Rd

Contractor Phone Number: 315 - 458 - 3150

Contractor Email Address: amalzman@camenpools.com

N. Syracuse
NY 13212

Proposed Work:

- | | | | |
|---------------------------|-------------------------------|---|-----------------|
| 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: \$ 9600

Size of Project: 15 X 30 X 54 above ground oval

Description of Project:

Residential - New Structure _____ Existing Structure _____

of Bedrooms _____ # of Bathrooms _____ # of Fireplaces _____

Total Square Feet w/o Garage _____ Garage Square Foot _____

Other _____

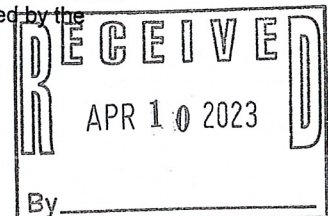
Description _____

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: _____

4-10-23

CODE ENFORCEMENT USE ONLY

Zoning: R3 (F) 30 (R) 25 (S) 15 Flood Plain _____ Wetlands _____

Received By: JD Receipt No.: 14269 Fee: \$ 100 Date: 4-10-23

Check #: 1020 Cash: _____ Credit Card: _____

Tax Map # 075-05-09.0

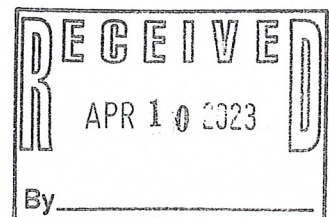
Building Permit Number: _____

Approved: _____ Disapproved: _____ Date: _____

Remarks:

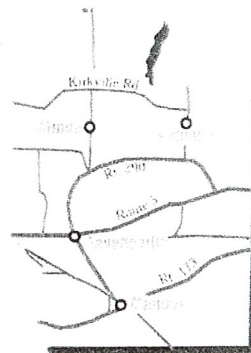
4/12/2023 DISAPPROVED SEE VARIANCE PAPERWORK *[Signature]*

Signature of Code Enforcement Officer



Zoning Board Referral

5821 Acton St
East Syracuse, NY 13057
Tax Map ID 075.-05-09.0



Applicant: Joseph Roberts

Build permit application denied as project requires a variance.

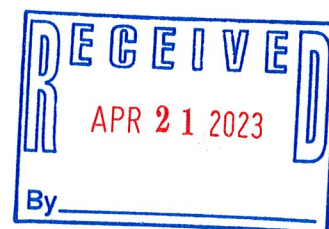
1. Applicant needs a variance from chapter 155-9 (B). Applicant is requesting 10-foot side yard setback and will need a variance of 5 feet to provide relief from the required 15-foot side yard setback.

Side yard setback – Required 15' requesting 10' needs a variance of 5'.

2. Applicant needs a variance from chapter 155-9 (B). Applicant is requesting 15-foot rear yard setback and will need a variance of 10 feet to provide relief from the required 25-foot rear yard setback.

Rear yard setback – Required 25' requesting 15' needs a variance of 10'.

Thomas Poitras
Zoning Officer
Town of Manlius



– Sara Bollinger, Elaine Denton, Alissa Italiano, Katelyn Kriesel, William Nicholson, Heather Allison Waters,

301 Brooklea Drive • Fayetteville, NY 13066 • Telephone: (315) 637-8619 • Fax: (315) 637-0713

**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 Joseph Roberts, being duly sworn, deposes and says that (s) he is:
(Notary)
property owner / applicant
(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: April 20, 2023

Date: _____, 20____

Joseph Robert S
(Print Name of 1st Applicant)

(Print Name of 2nd Applicant)

[Signature]
(Signature of 1st Applicant)

(Signature of 2nd Applicant)

(Entity Name)

(Entity Name)

By (Officer) _____ (Title) _____

By (Officer) _____ (Title) _____

5801 Acton St
(Mailing Address of 1st Applicant)

(Mailing Address of 2nd Applicant)

East Syracuse NY

1305 7 (315) 420-1313
(Telephone Number)

(Telephone Number)

ACKNOWLEDGEMENTS

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

On this 20th day of April in the year 2023, before me, the undersigned, a notary public in and for said state, personally appeared Joseph D. Robert S
(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.

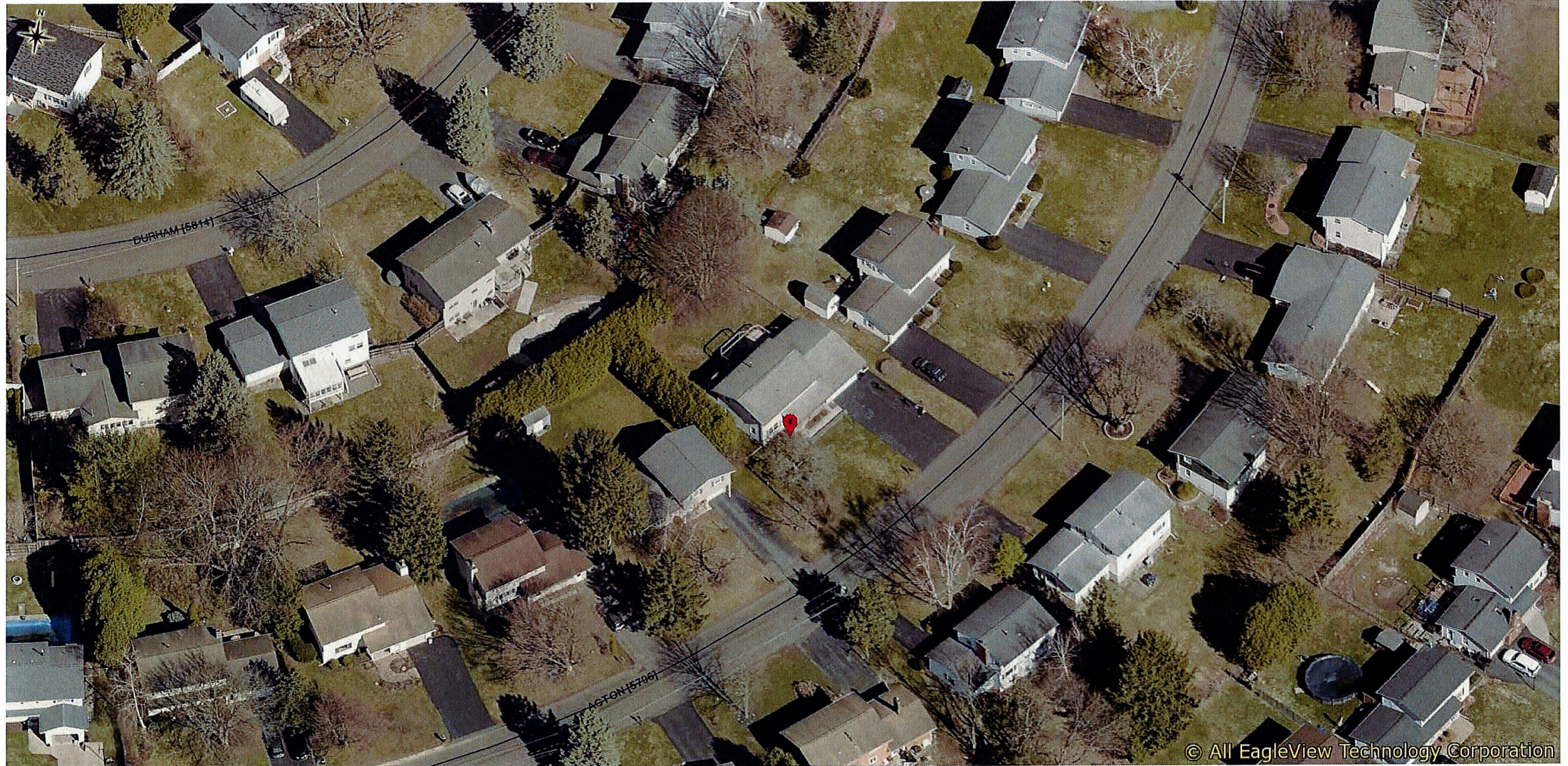
[Signature]
Notary Public

PAULAM. POWELL
Notary Public, State of New York
Reg. No. 01P06409064
Qualified in Onondaga County
Commission Expires Sep 14, 2024

SEAL



5821 ACTON ST.



03/30/2021

BOUNDARY SURVEY OF 5821 ACTON STREET LOT 147 & PART OF LOT 148, FREMONT HILLS SEC. B TRACT TOWN OF MANLIUS, ONONDAGA COUNTY, N.Y.

SCALE - 1" = 20'



SCOTT A. MYERS
(REPUTED OWNER)
TM# 75-05-19.0
L. 3755 P. 121
5822 DURHAM LN.
LOT 166
FREMONT HILLS

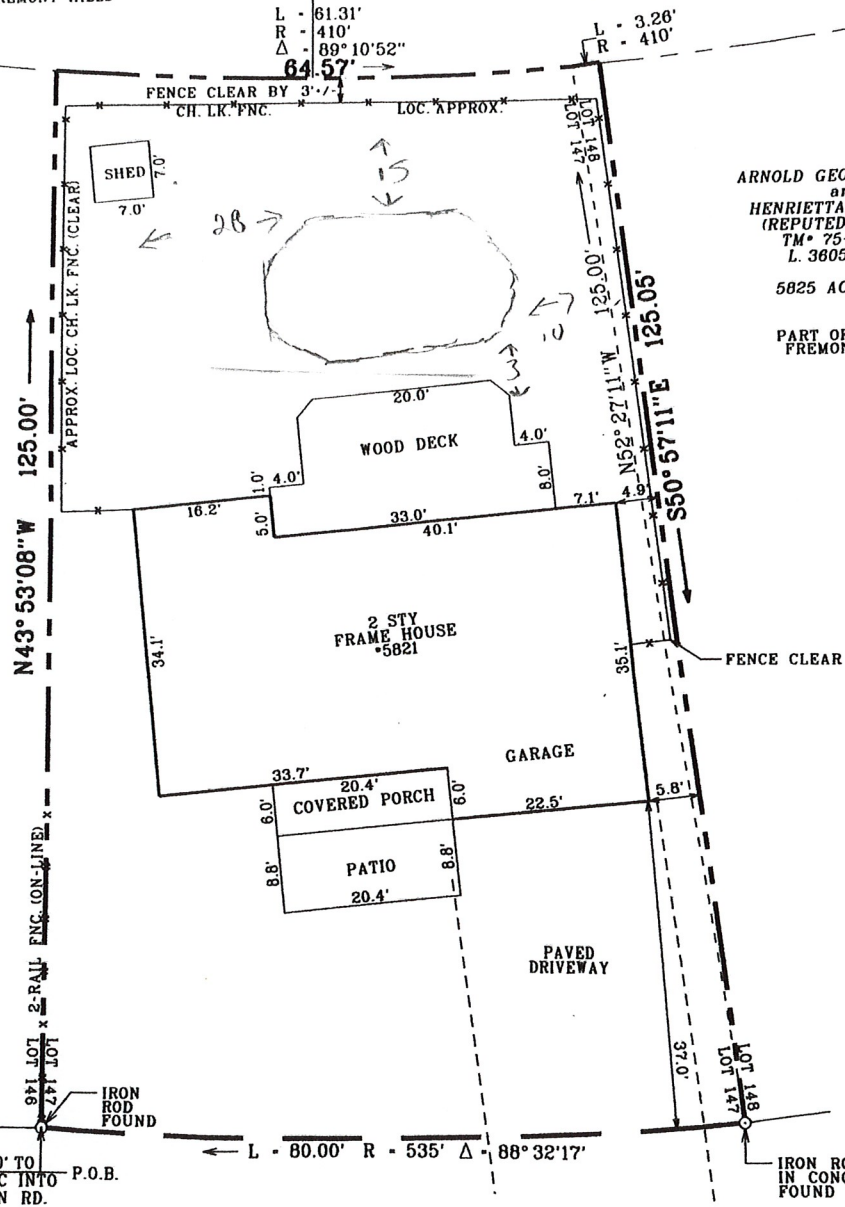
JOSEPH S. CRAWFORD and SUZANNE CRAWFORD
(REPUTED OWNERS)
TM# 75-05-20.0
L. 2454 P. 925
5826 DURHAM LN.
LOT 165
FREMONT HILLS

PAULA L. COLLINS
(REPUTED OWNER)
TM# 75-05-10.0
L. 4780 P. 847
5817 ACTON ST.

LOT 146
FREMONT HILLS

ARNOLD GEORGE DAILEY
and
HENRIETTA W. DAILEY
(REPUTED OWNERS)
TM# 75-05-08.0
L. 3605 P. 129
5825 ACTON ST.

PART OF LOT 148
FREMONT HILLS



THE UNDERSIGNED SURVEYOR HEREBY
CERTIFIES THAT THIS IS AN ACCURATE
MAP OF AN ACTUAL SURVEY COMPLETED
ON 8-5-2017.

DATE: AUGUST 8, 2017

P.L.S. LICENSE No. 50296



THIS SURVEY IS SUBJECT TO ANY STATEMENT OF FACT AN ACCURATE
AND UP-TO-DATE ABSTRACT OF TITLE WILL SHOW.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A
LICENSED SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2,
OF THE NEW YORK STATE EDUCATION LAW.

COPIES FROM THE ORIGINAL OF THIS SURVEY MAP NOT MARKED WITH AN
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SALLIN LAND SURVEYOR Unauthorized duplication is a violation of applicable laws.

REFERENCE:

MAP #4548A, FREMONT HILLS, SEC B
PART OF FARM LOT 53
TOWN OF MANLIUS, ONONDAGA CO..
BY: HOFMANN LAND SURVEYORS
DATED: JAN 4, 1926
FILED: JUNE 6, 1963

PREPARED BY:
JOSEPH VINCENT SALLIN P.L.S.
2773 NYS ROUTE 31
CANASTOTA, NY 13032
(315) 613-2737

DECEIV

APR 21 2023

By

TOWN OF MANLIUS - ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: 3/20/2023

1. Property Address: 8291 E. Seneca turnpike Manlius, NY 13104
Property Tax Map # 099.-01-27.4

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

2. Owner of Property: Danielle and Ryan Ewert

Owner's Address: 8291 E. Seneca turnpike Manlius, NY 13104

Owner's E-Mail: ewert13104@yahoo.com

Owner's Phone #: 315-263-5154

Does Owners reside at property: yes

Signature of Property Owner: Danielle Ewert &

3. Applicant / Representative / Attorney:

Name: Joseph Mastroianni Company: Mastroianni Engineering, PLLC

Address: P.O. Box 2572 Liverpool, NY 13089

Phone: _____ E-Mail: mastroiannieng@aol.com

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.

Subdividing the lot into 2
impossible to split with 200 feet each.

~~4-20-23~~
3-16-23

Witzel, Debi

From: Beeman, Lisa
Sent: Monday, March 27, 2023 7:52 PM
To: Witzel, Debi; Poitras, Thomas; Jamie Sutphen; Kelly, Tim
Subject: RE: 8291 East Seneca Turnpike - Ewert Property

Good Evening,

At the Planning Board meeting on March 27, 2023, the Board voted:

Member Salamone made a motion, seconded by Member Reynolds and carried (minus Member Rossetti, who recused himself from the matter) to refer the Subdivision at 8291 East Seneca Turnpike for a Road Frontage Variance:

Road Frontage – Required 200' requesting 186.24 ' needs a variance of 13.76'

- a. Applicant seeking a variance from chapter 155-12 (A)(1). Applicant is requesting 186.24 feet of frontage and will need a variance of 13.76 feet to provide relief from the required 200 feet of frontage.

Please use this email as the "official" referral to the Zoning Board of Appeals. I will forward the Draft minutes when they are available.

If you have any questions, please let me know.

Enjoy your Day!
Lisa Beeman

From: Beeman, Lisa
Sent: Monday, March 20, 2023 11:30 AM
To: Witzel, Debi <dwitzel@townofmanlius.org>; Poitras, Thomas <tpoitras@townofmanlius.org>; Jamie Sutphen <jsutphen@bsfattorneys.com>
Subject: 8291 East Seneca Turnpike - Ewert Property

Debi, Tom, and Jamie,

I just spoke to the Chairman of the Planning Board, he stated that Joe Mastroianni and or the Ewert's will be bringing in paperwork and the fee for the above property for a Road Frontage variance for proposed Lot 5B. They will need the following:

1. Road Frontage – Required 200' requesting 186.24 ' needs a variance of 13.76'

- a. Applicant seeking a variance from chapter 155-12 (A)(1). Applicant is requesting 186.24 feet of frontage and will need a variance of 13.76 feet to provide relief from the required 200 feet of frontage.

Danielle & Ryan Ewert 099-01-27.4

The Planning Board will be referring the Application to the ZBA at their meeting on March 27, 2023. I will get you the official referral paperwork on the 28th. This should be in in plenty of time for the April 20th meeting and should meet the required deadline of March 29th.

Any questions, please let me know.

Enjoy your Day!
Lisa Beeman

**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 Lisa M. Webb, being duly sworn, deposes and says that (s) he is:
(Notary)
Danelli Ebert and R. Ebert
(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: March 20, 2023

Danielle Ewert
(Print Name of 1st Applicant)

Danielle Ewert
(Signature of 1st Applicant)

(Entity Name)

By (Officer)

(Title)

8291 E Seneca tpk Manlius
(Mailing Address of 1st Applicant)

NY 13104

315-263-5154
(Telephone Number)

Date: March 20, 2023

Ryan Ewert
(Print Name of 2nd Applicant)

Ryan Ewert
(Signature of 2nd Applicant)

(Entity Name)

By (Officer)

(Title)

8291 E Seneca tpk
(Mailing Address of 2nd Applicant)

Manlius, NY 13104

315-263-2920
(Telephone Number)

ACKNOWLEDGEMENTS

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

On this 20 day of March in the year 20 23, before me, the undersigned, a notary public in and for said state, personally appeared Danielle Ewert

, and Ryan Ewert (1st Applicants Name)
(2nd Applicants 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

LISA M WELCH
NOTARY PUBLIC STATE OF NEW YORK
ONONDAGA
LIC. #01WE6060394
COMM. EXP. 06/25/2023



J. Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: April 26, 2023
OCPB Case # S-23-14

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a PRELIMINARY SUBDIVISION from the Town of Manlius Planning Board at the request of Ryan and Danielle Ewert for the property located at 8291 East Seneca Turnpike; and
- WHEREAS, General Municipal Law Section 239-n allows the County Planning Board to review the approval of subdivisions and the site is located within 500 feet of East Seneca Turnpike (Route 173), a state highway; and
- WHEREAS, the applicant is proposing to subdivide a 7.342-acre parcel into two new lots, Lot 5A (3.706) and Lot 5B (3.636 acres), in a Restricted Agricultural (RA) zoning district; and
- WHEREAS, the Board is concurrently reviewing site plan (Z-23-117), special permit (Z-23-118), and an area variance (V-23-119) referrals regarding this subdivision and plans to open a doggy daycare facility on the new lot, and an Accessory Use Permit (Z-23-125) to legalize an existing landscaping business; and
- WHEREAS, the Board previously offered No Position with Comment on a zone change (Z-22-194) from Residential (R-1) to Restricted Agricultural (RA) to accommodate a pole barn for the proposed doggy daycare facility; and
- WHEREAS, the site is located on East Seneca Turnpike in an area east of the Village of Manlius characterized by residential developments to the south, Fayetteville-Manlius High School to the west, and agricultural land to the east; and
- WHEREAS, the site has an existing driveway leading to a landscaping business (Ryan's Lawncare & Landscaping) consisting of a large gravel area, garage, storage sheds, and outdoor storage along the western boundary of the parcel; a second driveway leads to a single-family home and associated structures; the eastern half of the property is primarily wooded with some grassy lawn; and
- WHEREAS, per the Resubdivision Map (dated 3/8/23), the site will be split into two new lots: proposed new Lot 5A will be 3.706-acres and comprises the western half of the property, encompassing the landscaping business and residential structures; Lot 5A contains both existing driveways on 200' of frontage on East Seneca Turnpike; the applicant is also seeking an accessory use permit to operate the landscaping business as a secondary use to the existing residence on proposed Lot 5A; and
- WHEREAS, proposed Lot 5B will be 3.636-aces and is the vacant eastern half of the property that will house the proposed doggy daycare facility; Lot 5B will have 186.24' of frontage on East Seneca Turnpike and per the Enlarged Site Plan (dated 11/10/22), will have a 20' paved driveway onto East Seneca Turnpike; the applicant is seeking an area variance to provide 186.24' of road frontage for proposed Lot 5B where 200' is required; and
- WHEREAS, per the Enlarged Site Plan P-2 (dated 11/10/22), the proposed Pawsits Doggie Daycare (and short-term boarding, per local application) facility will include construction of a 40'x50' metal pole barn with a restroom, a gravel parking lot

with 10 parking spaces in front of the building, and a 20' wide driveway leading to East Seneca Turnpike; the building is to be located behind an adjacent parcel; the new building would be approximately 100 feet from existing structures on the adjacent parcel; a stockade fence line separates the parcels; and
ADVISORY NOTE: Any existing or proposed driveways onto E Seneca Turnpike must meet the requirements of the New York State Department of Transportation and any work within the right-of-way requires the issuance of highway access and/or work permits; and

WHEREAS, per the referral notice, the site, presumably the existing house, is currently served by public drinking water provided by Onondaga County Water Authority; the EAF notes regarding public/private water supply: "Not sure yet if we are able to connect to our home or if we will need another line ran"; per OCWA rules and regulations, each separate building requires a separate metered service; the Enlarged Site Plan shows water, electric, and gas lines extending to the proposed building from East Seneca Turnpike;
ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, the Onondaga County Office of Real Property Services indicates that the site is served by public wastewater utilities; wastewater accommodations for the existing house is not indicated on supplied plans; the site is located within the Onondaga County Sanitary District, within the Meadowbrook-Limestone Wastewater Treatment Plant service area, an area designated as flow constrained and impacted by wet weather flow; the Pleasant Street trunk sewer runs along East Seneca Turnpike in front of the parcel;
the EAF notes the proposed action will not connect to existing wastewater utilities; the Enlarged Site Plan depicts a raised bed septic system in the northeastern corner of new lot 5B; no additional information was provided with project materials regarding plans for disposal of solid waste from the daycare facility;
ADVISORY NOTE: If the project plans to connect to the municipal sewer system, capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; the Capacity Assurance Form and approval process can now be found online:

<http://www.ongov.net/wep/CapacityAssuranceReviews.html> ;

ADVISORY NOTE: Per the Onondaga County Department of Water Environment Protection, the applicant must develop a 2 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; and

WHEREAS, the site may contain the Northern Long-eared Bat, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper);
ADVISORY NOTE: Per the NYS Department of Environmental Conservation (DEC), if the site contains a threatened or endangered species and/or associated habitat, and the project requires review under the State Environmental Quality Review Act (SEQRA), a request for a project screening should be submitted to the New York Natural Heritage Program or to the regional DEC Division of Environmental Permits office; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

1. The applicant is required to coordinate East Seneca Turnpike access plans and drainage plans with the New York State Department of Transportation. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.
2. It appears the public sewerage is available and accessible to this parcel. As such, the Onondaga County Sanitary Code requires connection to the public utility, versus installation of a septic system. Plans must be modified to reflect a connection to the public sanitary sewer system, and a sewage disposal plan must be approved by the Onondaga County Health Department, prior to, or as a condition of, municipal plan approval.

The Board also offers the following comment:

Given the potential for noise impacts from the proposed use of the pole barn building, the Town and applicant are encouraged to consider addition mitigation for noise impacts to neighboring residences, including potential relocation of the proposed building further from neighboring lands.

A handwritten signature in black ink, appearing to read 'Martin E. Voss', with a stylized flourish at the end.

Martin E. Voss, Chairman
Onondaga County Planning Board

GML 239 Report of Final Action

NYS GML § 239-m.6. and n.6. require the referring body to file a report of the final action it has taken on a referred matter with the county planning agency within 30 days after the final action (separate from the minutes taken at the meeting). A referring body which acts contrary to a County Planning Board recommendation of MODIFICATION or DISAPPROVAL of a referred matter shall also set forth the reasons for the contrary action in such report.

This section to be completed by the Syracuse-Onondaga County Planning Agency

To: Onondaga County Planning Board **From:** Town of Manlius Planning Board

Fax: 435-2439 **Phone:** 435-2611

Re: Applicant: Ryan and Danielle Ewert
Address: at 8291 East Seneca Turnpike
Referral Type: PRELIMINARY SUBDIVISION
OCPB Date: April 26, 2023
OCPB Action: Modification
OCPB Case #: S-23-14

The local board took the following action regarding the above referenced referral (Check one box. If checking Other, please specify the final action taken. Use the space at the bottom of the report to identify reasons if acting contrary to the OCPB recommendation.):

- ☐ Approved the proposed action with regard to the OCPB's No Position or No Position with Comment.
- ☐ Approved the proposed action as modified by the OCPB.
- ☐ Approved the proposed action contrary to some of the modifications recommended by the OCPB.*
- ☐ Approved the proposed action contrary to all of the modifications recommended by the OCPB.*
- ☐ Approved the proposed action contrary to the disapproval recommended by the OCPB.*

- ☐ Disapproved the proposed action with regard to the OCPB's no position or no position with comment.
- ☐ Disapproved the proposed action with regard to the recommended modification(s) by the OCPB.
- ☐ Disapproved the proposed action as recommended and for reasons set forth by the OCPB.
- ☐ Disapproved the proposed action as recommended but for reasons other than those set forth by the OCPB. (Please list reasons below for local disapproval.)

- ☐ Other _____

Local Board Date: _____

*List reasons for acting contrary to the OCPB recommendation and include a copy of the local board resolution. Attach additional reasons on a separate sheet of paper as necessary.



J. Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: April 26, 2023
OCPB Case # Z-23-117

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SITE PLAN from the Town of Manlius Planning Board at the request of Ryan and Danielle Ewert for the property located at 8291 East Seneca Turnpike; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of East Seneca Turnpike (Route 173), a state highway; and
- WHEREAS, the applicant is proposing Site Plan approval for construction of a doggy daycare facility on a proposed 3.636-acre parcel in a Restricted Agricultural (RA) zoning district; and
- WHEREAS, the Board is concurrently reviewing site plan (Z-23-117), special permit (Z-23-118), and an area variance (V-23-119) referrals regarding this subdivision and plans to open a doggy daycare facility on the new lot, and an Accessory Use Permit (Z-23-125) to legalize an existing landscaping business; and
- WHEREAS, the Board previously offered No Position with Comment on a zone change (Z-22-194) from Residential (R-1) to Restricted Agricultural (RA) to accommodate a pole barn for the proposed doggy daycare facility; and
- WHEREAS, the site is located on East Seneca Turnpike in an area east of the Village of Manlius characterized by residential developments to the south, Fayetteville-Manlius High School to the west, and agricultural land to the east; and
- WHEREAS, the site has an existing driveway leading to a landscaping business (Ryan's Lawncare & Landscaping) consisting of a large gravel area, garage, storage sheds, and outdoor storage along the western boundary of the parcel; a second driveway leads to a single-family home and associated structures; the eastern half of the property is primarily wooded with some grassy lawn; and
- WHEREAS, per the Resubdivision Map (dated 3/8/23), the site will be split into two new lots: proposed new Lot 5A will be 3.706-acres and comprises the western half of the property, encompassing the landscaping business and residential structures; Lot 5A contains both existing driveways on 200' of frontage on East Seneca Turnpike; the applicant is also seeking an accessory use permit to operate the landscaping business as a secondary use to the existing residence on proposed Lot 5A; and
- WHEREAS, proposed Lot 5B will be 3.636-aces and is the vacant eastern half of the property that will house the proposed doggy daycare facility; Lot 5B will have 186.24' of frontage on East Seneca Turnpike and per the Enlarged Site Plan (dated 11/10/22), will have a 20' paved driveway onto East Seneca Turnpike; the applicant is seeking an area variance to provide 186.24' of road frontage for proposed Lot 5B where 200' is required required; and
- WHEREAS, per the Enlarged Site Plan P-2 (dated 11/10/22), the proposed Pawsits Doggie Daycare (and short-term boarding, per local application) facility will include construction of a 40'x50' metal pole barn with a restroom, a gravel parking lot with 10 parking spaces in front of the building, and a 20' wide driveway leading to

East Seneca Turnpike; the building is to be located behind an adjacent parcel; the new building would be approximately 100 feet from existing structures on the adjacent parcel; a stockade fence line separates the parcels; and
ADVISORY NOTE: Any existing or proposed driveways onto E Seneca Turnpike must meet the requirements of the New York State Department of Transportation and any work within the right-of-way requires the issuance of highway access and/or work permits; and

WHEREAS, per the referral notice, the site, presumably the existing house, is currently served by public drinking water provided by Onondaga County Water Authority; the EAF notes regarding public/private water supply: "Not sure yet if we are able to connect to our home or if we will need another line ran"; per OCWA rules and regulations, each separate building requires a separate metered service; the Enlarged Site Plan shows water, electric, and gas lines extending to the proposed building from East Seneca Turnpike;
ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, the Onondaga County Office of Real Property Services indicates that the site is served by public wastewater utilities; wastewater accommodations for the existing house is not indicated on supplied plans; the site is located within the Onondaga County Sanitary District, within the Meadowbrook-Limestone Wastewater Treatment Plant service area, an area designated as flow constrained and impacted by wet weather flow; the Pleasant Street trunk sewer runs along East Seneca Turnpike in front of the parcel;

the EAF notes the proposed action will not connect to existing wastewater utilities; the Enlarged Site Plan depicts a raised bed septic system in the northeastern corner of new lot 5B; no additional information was provided with project materials regarding plans for disposal of solid waste from the daycare facility;

ADVISORY NOTE: If the project plans to connect to the municipal sewer system, capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; the Capacity Assurance Form and approval process can now be found online:

<http://www.ongov.net/wep/CapacityAssuranceReviews.html> ;

ADVISORY NOTE: Per the Onondaga County Department of Water Environment Protection, the applicant must develop a 2 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; and

WHEREAS, the EAF notes approximately 1 acre will be disturbed for the project; the parcel appears to slope down toward the East Seneca Turnpike frontage; and

ADVISORY NOTE: Any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; the municipality is advised to ensure that the applicant has obtained the appropriate permits from the NYS Department of Environmental Conservation prior to municipal approval; and

WHEREAS, the site may contain the Northern Long-eared Bat, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper);

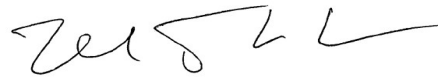
ADVISORY NOTE: Per the NYS Department of Environmental Conservation (DEC), if the site contains a threatened or endangered species and/or associated habitat, and the project requires review under the State Environmental Quality Review Act (SEQRA), a request for a project screening should be submitted to the New York Natural Heritage Program or to the regional DEC Division of Environmental Permits office; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

1. The applicant is required to coordinate East Seneca Turnpike access plans and drainage plans with the New York State Department of Transportation. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.
2. It appears the public sewerage is available and accessible to this parcel. As such, the Onondaga County Sanitary Code requires connection to the public utility, versus installation of a septic system. Plans must be modified to reflect a connection to the public sanitary sewer system, and a sewage disposal plan must be approved by the Onondaga County Health Department, prior to, or as a condition of, municipal plan approval.

The Board also offers the following comment:

Given the potential for noise impacts from the proposed use of the pole barn building, the Town and applicant are encouraged to consider additional mitigation for noise impacts to neighboring residences, including potential relocation of the proposed building further from neighboring lands.



Martin E. Voss, Chairman
Onondaga County Planning Board

GML 239 Report of Final Action

NYS GML § 239-m.6. and n.6. require the referring body to file a report of the final action it has taken on a referred matter with the county planning agency within 30 days after the final action (separate from the minutes taken at the meeting). A referring body which acts contrary to a County Planning Board recommendation of MODIFICATION or DISAPPROVAL of a referred matter shall also set forth the reasons for the contrary action in such report.

This section to be completed by the Syracuse-Onondaga County Planning Agency

To: Onondaga County Planning Board **From:** Town of Manlius Planning Board

Fax: 435-2439 **Phone:** 435-2611

Re: Applicant: Ryan and Danielle Ewert
Address: at 8291 East Seneca Turnpike
Referral Type: SITE PLAN
OCPB Date: April 26, 2023
OCPB Action: Modification
OCPB Case #: Z-23-117

The local board took the following action regarding the above referenced referral (Check one box. If checking Other, please specify the final action taken. Use the space at the bottom of the report to identify reasons if acting contrary to the OCPB recommendation.):

- ☐ Approved the proposed action with regard to the OCPB's No Position or No Position with Comment.
- ☐ Approved the proposed action as modified by the OCPB.
- ☐ Approved the proposed action contrary to some of the modifications recommended by the OCPB.*
- ☐ Approved the proposed action contrary to all of the modifications recommended by the OCPB.*
- ☐ Approved the proposed action contrary to the disapproval recommended by the OCPB.*

- ☐ Disapproved the proposed action with regard to the OCPB's no position or no position with comment.
- ☐ Disapproved the proposed action with regard to the recommended modification(s) by the OCPB.
- ☐ Disapproved the proposed action as recommended and for reasons set forth by the OCPB.
- ☐ Disapproved the proposed action as recommended but for reasons other than those set forth by the OCPB. (Please list reasons below for local disapproval.)

- ☐ Other _____

Local Board Date: _____

*List reasons for acting contrary to the OCPB recommendation and include a copy of the local board resolution. Attach additional reasons on a separate sheet of paper as necessary.



J. Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: April 26, 2023
OCPB Case # Z-23-119

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a AREA VARIANCE from the Town of Manlius Zoning Board of Appeals at the request of Ryan and Danielle Ewert for the property located at 8291 East Seneca Turnpike; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the granting of use or area variances and the site is located within 500 feet of East Seneca Turnpike (Route 173), a state highway; and
- WHEREAS, the applicant is requesting an area variance for road frontage (186' where 200' is required) on a proposed 3.636-acre parcel in a Restricted Agricultural (RA) zoning district; and
- WHEREAS, the Board is concurrently reviewing site plan (Z-23-117), special permit (Z-23-118), and an area variance (V-23-119) referrals regarding this subdivision and plans to open a doggy daycare facility on the new lot, and an Accessory Use Permit (Z-23-125) to legalize an existing landscaping business; and
- WHEREAS, the Board previously offered No Position with Comment on a zone change (Z-22-194) from Residential (R-1) to Restricted Agricultural (RA) to accommodate a pole barn for the proposed doggy daycare facility; and
- WHEREAS, the site is located on East Seneca Turnpike in an area east of the Village of Manlius characterized by residential developments to the south, Fayetteville-Manlius High School to the west, and agricultural land to the east; and
- WHEREAS, the site has an existing driveway leading to a landscaping business (Ryan's Lawncare & Landscaping) consisting of a large gravel area, garage, storage sheds, and outdoor storage along the western boundary of the parcel; a second driveway leads to a single-family home and associated structures; the eastern half of the property is primarily wooded with some grassy lawn; and
- WHEREAS, per the Resubdivision Map (dated 3/8/23), the site will be split into two new lots: proposed new Lot 5A will be 3.706-acres and comprises the western half of the property, encompassing the landscaping business and residential structures; Lot 5A contains both existing driveways on 200' of frontage on East Seneca Turnpike; the applicant is also seeking an accessory use permit to operate the landscaping business as a secondary use to the existing residence on proposed Lot 5A; and
- WHEREAS, proposed lot 5B will be 3.636-aces and is the vacant eastern half of the property that will house the proposed doggy daycare facility; Lot 5B will have 186.24' of frontage on East Seneca Turnpike and per the Enlarged Site Plan (dated 11/10/22), will have a 20' paved driveway onto East Seneca Turnpike; the applicant is seeking an area variance to provide 186.24' of road frontage for proposed Lot 5B where 200' is required; and
- WHEREAS, per the Enlarged Site Plan P-2 (dated 11/10/22), the proposed Pawsits Doggie Daycare (and short-term boarding, per local application) facility will include construction of a 40'x50' metal pole barn with a restroom, a gravel parking lot

with 10 parking spaces in front of the building, and a 20' wide driveway leading to East Seneca Turnpike; the building is to be located behind an adjacent parcel; the new building would be approximately 100 feet from existing structures on the adjacent parcel; a stockade fence line separates the parcels; and
ADVISORY NOTE: Any existing or proposed driveways onto East Seneca Turnpike must meet the requirements of the New York State Department of Transportation and any work within the right-of-way requires the issuance of highway access and/or work permits; and

WHEREAS, per the referral notice, the site, presumably the existing house, is currently served by public drinking water provided by Onondaga County Water Authority; the EAF notes regarding public/private water supply: "Not sure yet if we are able to connect to our home or if we will need another line ran"; per OCWA rules and regulations, each separate building requires a separate metered service; the Enlarged Site Plan shows water, electric, and gas lines extending to the proposed building from East Seneca Turnpike;
ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, the Onondaga County Office of Real Property Services indicates that the site is served by public wastewater utilities; wastewater accommodations for the existing house is not indicated on supplied plans; the site is located within the Onondaga County Sanitary District, within the Meadowbrook-Limestone Wastewater Treatment Plant service area, an area designated as flow constrained and impacted by wet weather flow; the Pleasant Street trunk sewer runs along East Seneca Turnpike in front of the parcel;
the EAF notes the proposed action will not connect to existing wastewater utilities; the Enlarged Site Plan depicts a raised bed septic system in the northeastern corner of new Lot 5B; no additional information was provided with project materials regarding plans for disposal of solid waste from the daycare facility;
ADVISORY NOTE: If the project plans to connect to the municipal sewer system, capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; the Capacity Assurance Form and approval process can now be found online:

<http://www.ongov.net/wep/CapacityAssuranceReviews.html> ;

ADVISORY NOTE: Per the Onondaga County Department of Water Environment Protection, the applicant must develop a 2 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; and

WHEREAS, the site may contain the Northern Long-eared Bat, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper);
ADVISORY NOTE: Per the NYS Department of Environmental Conservation (DEC), if the site contains a threatened or endangered species and/or associated habitat, and the project requires review under the State Environmental Quality Review Act (SEQRA), a request for a project screening should be submitted to the New York Natural Heritage Program or to the regional DEC Division of Environmental Permits office; and

WHEREAS, the EAF notes approximately 1 acre will be disturbed for the project; the parcel appears to slope down toward the East Seneca Turnpike frontage; and
ADVISORY NOTE: Any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; the municipality is advised to ensure that the applicant has obtained the appropriate permits from the NYS Department of Environmental Conservation prior to municipal approval; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications. The Board has offered the following COMMENT(S) in regards to the above referral:

1. The applicant is required to coordinate East Seneca Turnpike access plans and drainage plans with the New York State Department of Transportation. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.
2. It appears the public sewerage is available and accessible to this parcel. As such, the Onondaga County Sanitary Code requires connection to the public utility, versus installation of a septic system. Plans must be modified to reflect a connection to the public sanitary sewer system, and a sewage disposal plan must be approved by the Onondaga County Health Department, prior to, or as a condition of, municipal plan approval.

The Board also offers the following comment:

Given the potential for noise impacts from the proposed use of the pole barn building, the Town and applicant are encouraged to consider additional mitigation for noise impacts to neighboring residences, including potential relocation of the proposed building further from neighboring lands.



Martin E. Voss, Chairman
Onondaga County Planning Board

GML 239 Report of Final Action

NYS GML § 239-m.6. and n.6. require the referring body to file a report of the final action it has taken on a referred matter with the county planning agency within 30 days after the final action (separate from the minutes taken at the meeting). A referring body which acts contrary to a County Planning Board recommendation of MODIFICATION or DISAPPROVAL of a referred matter shall also set forth the reasons for the contrary action in such report.

This section to be completed by the Syracuse-Onondaga County Planning Agency

To: Onondaga County Planning Board **From:** Town of Manlius Zoning Board of Appeals

Fax: 435-2439 **Phone:** 435-2611

Re: Applicant: Ryan and Danielle Ewert
Address: at 8291 East Seneca Turnpike
Referral Type: AREA VARIANCE
OCPB Date: April 26, 2023
OCPB Action: No Position With Comment
OCPB Case #: Z-23-119

The local board took the following action regarding the above referenced referral (Check one box. If checking Other, please specify the final action taken. Use the space at the bottom of the report to identify reasons if acting contrary to the OCPB recommendation.):

- ☐ Approved the proposed action with regard to the OCPB's No Position or No Position with Comment.
- ☐ Approved the proposed action as modified by the OCPB.
- ☐ Approved the proposed action contrary to some of the modifications recommended by the OCPB.*
- ☐ Approved the proposed action contrary to all of the modifications recommended by the OCPB.*
- ☐ Approved the proposed action contrary to the disapproval recommended by the OCPB.*

- ☐ Disapproved the proposed action with regard to the OCPB's no position or no position with comment.
- ☐ Disapproved the proposed action with regard to the recommended modification(s) by the OCPB.
- ☐ Disapproved the proposed action as recommended and for reasons set forth by the OCPB.
- ☐ Disapproved the proposed action as recommended but for reasons other than those set forth by the OCPB. (Please list reasons below for local disapproval.)

- ☐ Other _____

Local Board Date: _____

*List reasons for acting contrary to the OCPB recommendation and include a copy of the local board resolution. Attach additional reasons on a separate sheet of paper as necessary.



J. Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: April 26, 2023
OCPB Case # Z-23-125

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a OTHER AUTHORIZATION from the Town of Manlius Planning Board at the request of Ryan & Danielle Ewert for the property located at 8291 East Seneca Turnpike; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review authorizations which a referring body may issue under the provisions of any zoning ordinance or local law the site is located within 500 feet of East Seneca Turnpike (Route 173), a state highway; and
- WHEREAS, the applicant is requesting an accessory use permit to continue an existing landscaping business on residential property on a proposed 3.706-acre parcel in a Restricted Agricultural zoning district; and
- WHEREAS, the Board is concurrently reviewing site plan (Z-23-117), special permit (Z-23-118), and an area variance (V-23-119) referrals regarding this subdivision and plans to open a doggy daycare facility on the new lot, and an Accessory Use Permit (Z-23-125) to legalize an existing landscaping business; and
- WHEREAS, the Board previously offered No Position with Comment on a zone change (Z-22-194) from Residential (R-1) to Restricted Agricultural (RA) to accommodate a pole barn for the proposed doggy daycare facility; and
- WHEREAS, the site is located on East Seneca Turnpike in an area east of the Village of Manlius characterized by residential developments to the south, Fayetteville-Manlius High School to the west, and agricultural land to the east; and
- WHEREAS, the site has an existing driveway leading to a landscaping business (Ryan's Lawncare & Landscaping) consisting of a large gravel area, garage, storage sheds, and outdoor storage along the western boundary of the parcel; a second driveway leads to a single-family home and associated structures; the eastern half of the property is primarily wooded with some grassy lawn; and
- WHEREAS, per the Resubdivision Map (dated 3/8/23), the site will be split into two new lots: proposed new Lot 5A will be 3.706-acres and comprises the western half of the property, encompassing the landscaping business and residential structures; Lot 5A contains both existing driveways on 200' of frontage on East Seneca Turnpike; the applicant is also seeking an accessory use permit to operate the landscaping business as a secondary use to the existing residence on proposed Lot 5A; and
- WHEREAS, proposed Lot 5B will be 3.636-aces and is the vacant eastern half of the property that will house the proposed doggy daycare facility; Lot 5B will have 186.24' of frontage on East Seneca Turnpike and per the Enlarged Site Plan (dated 11/10/22), will have a 20' paved driveway onto East Seneca Turnpike; the applicant is seeking an area variance to provide 186.24' of road frontage for proposed Lot 5B where 200' is required; and
- WHEREAS, per the Enlarged Site Plan P-2 (dated 11/10/22), the proposed Pawsits Doggie Daycare (and short-term boarding, per local application) facility will include construction of a 40'x50' metal pole barn with a restroom, a gravel parking lot

with 10 parking spaces in front of the building, and a 20' wide driveway leading to East Seneca Turnpike; the building is to be located behind an adjacent parcel; the new building would be approximately 100 feet from existing structures on the adjacent parcel; a stockade fence line separates the parcels; and
ADVISORY NOTE: Any existing or proposed driveways onto East Seneca Turnpike must meet the requirements of the New York State Department of Transportation and any work within the right-of-way requires the issuance of highway access and/or work permits; and

WHEREAS, per the referral notice, the site, presumably the existing house, is currently served by public drinking water provided by Onondaga County Water Authority; the EAF notes regarding public/private water supply: "Not sure yet if we are able to connect to our home or if we will need another line ran"; per OCWA rules and regulations, each separate building requires a separate metered service; the Enlarged Site Plan shows water, electric, and gas lines extending to the proposed building from East Seneca Turnpike;
ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, the Onondaga County Office of Real Property Services indicates that the site is served by public wastewater utilities; wastewater accommodations for the existing house is not indicated on supplied plans; the site is located within the Onondaga County Sanitary District, within the Meadowbrook-Limestone Wastewater Treatment Plant service area, an area designated as flow constrained and impacted by wet weather flow; the Pleasant Street trunk sewer runs along East Seneca Turnpike in front of the parcel; the EAF notes the proposed action will not connect to existing wastewater utilities; the Enlarged Site Plan depicts a raised bed septic system in the northeastern corner of new Lot 5B; no additional information was provided with project materials regarding plans for disposal of solid waste from the daycare facility;
ADVISORY NOTE: If the project plans to connect to the municipal sewer system, capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; the Capacity Assurance Form and approval process can now be found online:

<http://www.ongov.net/wep/CapacityAssuranceReviews.html> ;

ADVISORY NOTE: Per the Onondaga County Department of Water Environment Protection, the applicant must develop a 2 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; and

WHEREAS, the site may contain the Northern Long-eared Bat, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper);
ADVISORY NOTE: Per the NYS Department of Environmental Conservation (DEC), if the site contains a threatened or endangered species and/or associated habitat, and the project requires review under the State Environmental Quality Review Act (SEQRA), a request for a project screening should be submitted to the New York Natural Heritage Program or to the regional DEC Division of Environmental Permits office; and

WHEREAS, the EAF notes approximately 1 acre will be disturbed for the project; the parcel appears to slope down toward the East Seneca Turnpike frontage; and
ADVISORY NOTE: Any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; the municipality is advised to ensure that the applicant has obtained the appropriate permits from the NYS Department of Environmental Conservation prior to municipal approval; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

1. The applicant is required to coordinate East Seneca Turnpike access plans and drainage plans with the New York State Department of Transportation. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.
2. It appears the public sewerage is available and accessible to this parcel. As such, the Onondaga County Sanitary Code requires connection to the public utility, versus installation of a septic system. Plans must be modified to reflect a connection to the public sanitary sewer system, and a sewage disposal plan must be approved by the Onondaga County Health Department, prior to, or as a condition of, municipal plan approval.

The Board also offers the following comment:

Given the potential for noise impacts from the proposed use of the pole barn building, the Town and applicant are encouraged to consider additional mitigation for noise impacts to neighboring residences, including potential relocation of the proposed building further from neighboring lands.



Martin E. Voss, Chairman
Onondaga County Planning Board

GML 239 Report of Final Action

NYS GML § 239-m.6. and n.6. require the referring body to file a report of the final action it has taken on a referred matter with the county planning agency within 30 days after the final action (separate from the minutes taken at the meeting). A referring body which acts contrary to a County Planning Board recommendation of MODIFICATION or DISAPPROVAL of a referred matter shall also set forth the reasons for the contrary action in such report.

This section to be completed by the Syracuse-Onondaga County Planning Agency

To: Onondaga County Planning Board **From:** Town of Manlius Planning Board

Fax: 435-2439 **Phone:** 435-2611

Re: Applicant: Ryan & Danielle Ewert
Address: at 8291 East Seneca Turnpike
Referral Type: OTHER AUTHORIZATION
OCPB Date: April 26, 2023
OCPB Action: Modification
OCPB Case #: Z-23-125

The local board took the following action regarding the above referenced referral (Check one box. If checking Other, please specify the final action taken. Use the space at the bottom of the report to identify reasons if acting contrary to the OCPB recommendation.):

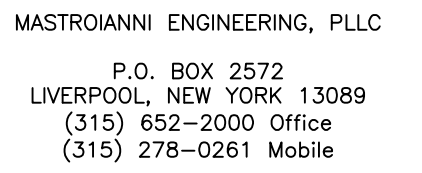
- ☐ Approved the proposed action with regard to the OCPB's No Position or No Position with Comment.
- ☐ Approved the proposed action as modified by the OCPB.
- ☐ Approved the proposed action contrary to some of the modifications recommended by the OCPB.*
- ☐ Approved the proposed action contrary to all of the modifications recommended by the OCPB.*
- ☐ Approved the proposed action contrary to the disapproval recommended by the OCPB.*

- ☐ Disapproved the proposed action with regard to the OCPB's no position or no position with comment.
- ☐ Disapproved the proposed action with regard to the recommended modification(s) by the OCPB.
- ☐ Disapproved the proposed action as recommended and for reasons set forth by the OCPB.
- ☐ Disapproved the proposed action as recommended but for reasons other than those set forth by the OCPB. (Please list reasons below for local disapproval.)

- ☐ Other _____

Local Board Date: _____

*List reasons for acting contrary to the OCPB recommendation and include a copy of the local board resolution. Attach additional reasons on a separate sheet of paper as necessary.



APPROVALS

22127

JAM

[illegible]

DATE _____

11/10/22

**8291 East Seneca
Turnpike
Manlius, New York**

SITE INFORMATION

TOWN OF
MANLIUS
ONONDAGA COUNTY
NEW YORK

SHEET TITLE

SUBDIVISION
MAP

SHEET NUMBER

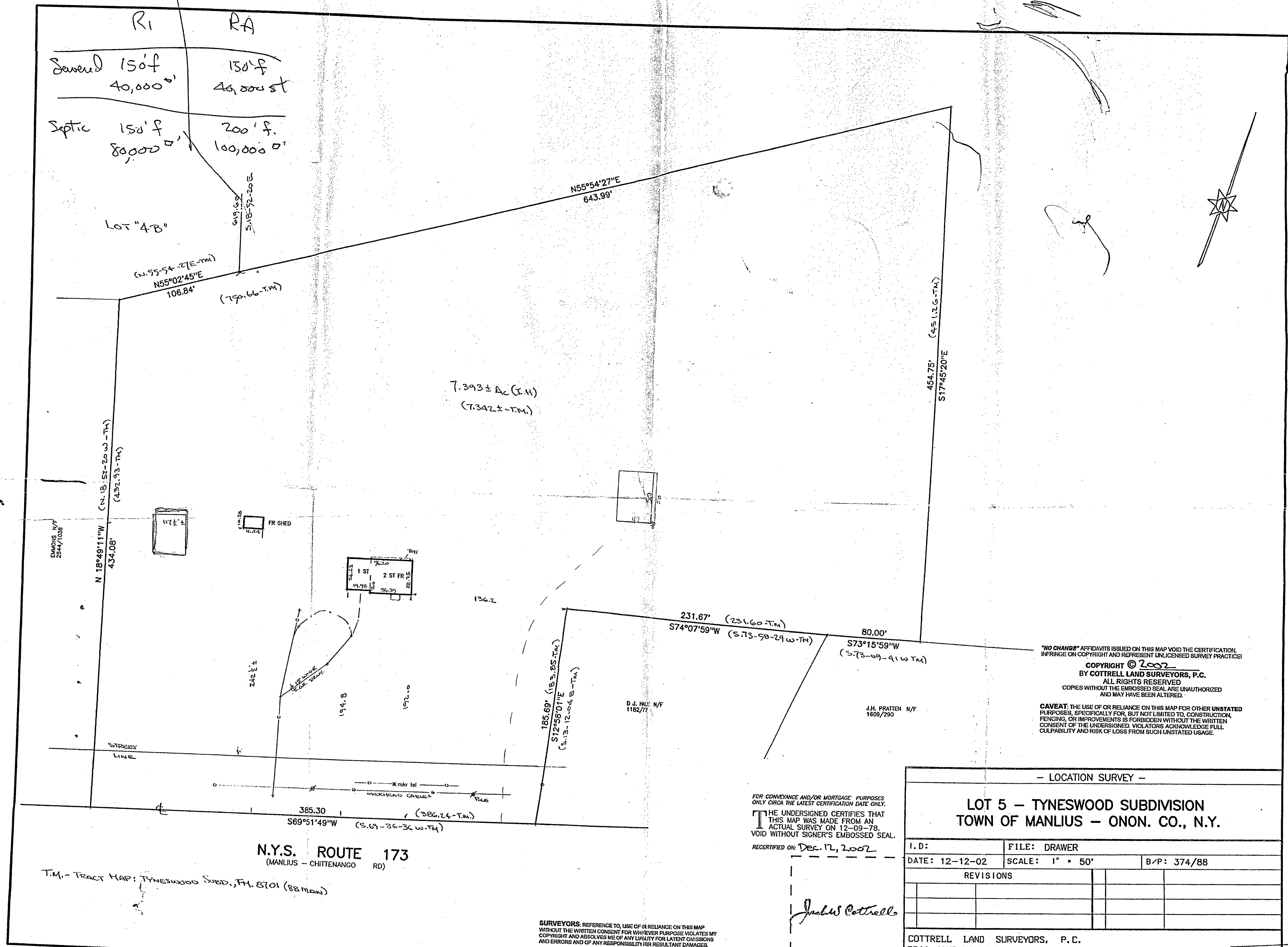
M-1



UNAUTHORIZED ALTERATION OR ADDITIONS TO A PLAN
BEARING THE SEAL OF A LICENSED ENGINEER OR LAND
SURVEYOR IS A VIOLATION OF SECTION 7209
SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION

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FOR CONVEYANCE AND/OR MORTGAGE PURPOSES ONLY CIRCA THE LATEST CERTIFICATION DATE ONLY.
THE UNDERSIGNED CERTIFIES THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY ON 12-09-78. VOID WITHOUT SIGNER'S EMBOSSED SEAL.
RECERTIFIED ON: Dec. 12, 2002

James Cottrell
SEAL

SURVEYORS: REFERENCE TO, USE OF OR RELIANCE ON THIS MAP WITHOUT THE WRITTEN CONSENT FOR WHATEVER PURPOSE VIOLATES MY COPYRIGHT AND ABSOLVES ME OF ANY LIABILITY FOR LATENT OMISSIONS AND ERRORS AND OF ANY RESPONSIBILITY FOR RESULTANT DAMAGES.

- LOCATION SURVEY -			
LOT 5 - TYNESWOOD SUBDIVISION TOWN OF MANLIUS - ONON. CO., N.Y.			
I.D.:	FILE: DRAWER		
DATE: 12-12-02	SCALE: 1" = 50'	B/P: 374/88	
REVISIONS			
COTTRELL LAND SURVEYORS, P.C. 7308 JAMESVILLE ROAD MANLIUS, N.Y. 13104 PHONE (315) 682-8121			

RECEIVED
APR 1 2022
By

8291 E Seneca Street





J. Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: April 26, 2023
OCPB Case # Z-23-118

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SPECIAL PERMIT from the Town of Manlius Planning Board at the request of Ryan and Danielle Ewert for the property located at 8291 East Seneca Turnpike; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review issuance of special permits and the site is located within 500 feet of East Seneca Turnpike (Route 173), a state highway; and
- WHEREAS, the applicant is requesting a special permit to allow construction of a doggy daycare facility on a proposed 3.636-acre parcel in a Restricted Agricultural (RA) zoning district; and
- WHEREAS, the Board is concurrently reviewing site plan (Z-23-117), special permit (Z-23-118), and an area variance (V-23-119) referrals regarding this subdivision and plans to open a doggy daycare facility on the new lot, and an accessory use permit (Z-23-125) to legalize an existing landscaping business; and
- WHEREAS, the Board previously offered No Position with Comment on a zone change (Z-22-194) from Residential (R-1) to Restricted Agricultural (RA) to accommodate a pole barn for the proposed doggy daycare facility; and
- WHEREAS, the site is located on East Seneca Turnpike in an area east of the Village of Manlius characterized by residential developments to the south, Fayetteville-Manlius High School to the west, and agricultural land to the east; and
- WHEREAS, the site has an existing driveway leading to a landscaping business (Ryan's Lawncare & Landscaping) consisting of a large gravel area, garage, storage sheds, and outdoor storage along the western boundary of the parcel; a second driveway leads to a single-family home and associated structures; the eastern half of the property is primarily wooded with some grassy lawn; and
- WHEREAS, per the Resubdivision Map (dated 3/8/23), the site will be split into two new lots: proposed new Lot 5A will be 3.706-acres and comprises the western half of the property, encompassing the landscaping business and residential structures; Lot 5A contains both existing driveways on 200' of frontage on East Seneca Turnpike; the applicant is also seeking an accessory use permit to operate the landscaping business as a secondary use to the existing residence on proposed Lot 5A; and
- WHEREAS, proposed Lot 5B will be 3.636-aces and is the vacant eastern half of the property that will house the proposed doggy daycare facility; Lot 5B will have 186.24' of frontage on East Seneca Turnpike and per the Enlarged Site Plan (dated 11/10/22), will have a 20' paved driveway onto East Seneca Turnpike; the applicant is seeking an area variance to provide 186.24' of road frontage for proposed Lot 5B where 200' is required required; and
- WHEREAS, per the Enlarged Site Plan P-2 (dated 11/10/22), the proposed Pawsits Doggie Daycare (and short-term boarding, per local application) facility will include construction of a 40'x50' metal pole barn with a restroom, a gravel parking lot with 10 parking spaces in front of the building, and a 20' wide driveway leading to

East Seneca Turnpike; the building is to be located behind an adjacent parcel; the new building would be approximately 100 feet from existing structures on the adjacent parcel; a stockade fence line separates the parcels; and
ADVISORY NOTE: Any existing or proposed driveways onto East Seneca Turnpike must meet the requirements of the New York State Department of Transportation and any work within the right-of-way requires the issuance of highway access and/or work permits; and

WHEREAS, per the referral notice, the site, presumably the existing house, is currently served by public drinking water provided by Onondaga County Water Authority; the EAF notes regarding public/private water supply: "Not sure yet if we are able to connect to our home or if we will need another line ran"; per OCWA rules and regulations, each separate building requires a separate metered service; the Enlarged Site Plan shows water, electric, and gas lines extending to the proposed building from East Seneca Turnpike;
ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, the Onondaga County Office of Real Property Services indicates that the site is served by public wastewater utilities; wastewater accommodations for the existing house is not indicated on supplied plans; the site is located within the Onondaga County Sanitary District, within the Meadowbrook-Limestone Wastewater Treatment Plant service area, an area designated as flow constrained and impacted by wet weather flow; the Pleasant Street trunk sewer runs along East Seneca Turnpike in front of the parcel;

the EAF notes the proposed action will not connect to existing wastewater utilities; the Enlarged Site Plan depicts a raised bed septic system in the northeastern corner of new Lot 5B; no additional information was provided with project materials regarding plans for disposal of solid waste from the daycare facility;

ADVISORY NOTE: If the project plans to connect to the municipal sewer system, capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; the Capacity Assurance Form and approval process can now be found online:

<http://www.ongov.net/wep/CapacityAssuranceReviews.html> ;

ADVISORY NOTE: Per the Onondaga County Department of Water Environment Protection, the applicant must develop a 2 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; and

WHEREAS, the site may contain the Northern Long-eared Bat, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper);

ADVISORY NOTE: Per the NYS Department of Environmental Conservation (DEC), if the site contains a threatened or endangered species and/or associated habitat, and the project requires review under the State Environmental Quality Review Act (SEQRA), a request for a project screening should be submitted to the New York Natural Heritage Program or to the regional DEC Division of Environmental Permits office; and

WHEREAS, the EAF notes approximately 1 acre will be disturbed for the project; the parcel appears to slope down toward the East Seneca Turnpike frontage; and
ADVISORY NOTE: Any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; the municipality is advised to ensure that the applicant has obtained the appropriate permits from the NYS Department of Environmental Conservation prior to municipal approval; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

1. The applicant is required to coordinate East Seneca Turnpike access plans and drainage plans with the New York State Department of Transportation. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.
2. It appears the public sewerage is available and accessible to this parcel. As such, the Onondaga County Sanitary Code requires connection to the public utility, versus installation of a septic system. Plans must be modified to reflect a connection to the public sanitary sewer system, and a sewage disposal plan must be approved by the Onondaga County Health Department, prior to, or as a condition of, municipal plan approval.

The Board also offers the following comment:

Given the potential for noise impacts from the proposed use of the pole barn building, the Town and applicant are encouraged to consider addition mitigation for noise impacts to neighboring residences, including potential relocation of the proposed building further from neighboring lands.



Martin E. Voss, Chairman
Onondaga County Planning Board

GML 239 Report of Final Action

NYS GML § 239-m.6. and n.6. require the referring body to file a report of the final action it has taken on a referred matter with the county planning agency within 30 days after the final action (separate from the minutes taken at the meeting). A referring body which acts contrary to a County Planning Board recommendation of MODIFICATION or DISAPPROVAL of a referred matter shall also set forth the reasons for the contrary action in such report.

This section to be completed by the Syracuse-Onondaga County Planning Agency

To: Onondaga County Planning Board **From:** Town of Manlius Planning Board

Fax: 435-2439 **Phone:** 435-2611

Re: Applicant: Ryan and Danielle Ewert
Address: at 8291 East Seneca Turnpike
Referral Type: SPECIAL PERMIT
OCPB Date: April 26, 2023
OCPB Action: Modification
OCPB Case #: Z-23-118

The local board took the following action regarding the above referenced referral (Check one box. If checking Other, please specify the final action taken. Use the space at the bottom of the report to identify reasons if acting contrary to the OCPB recommendation.):

- ☐ Approved the proposed action with regard to the OCPB's No Position or No Position with Comment.
- ☐ Approved the proposed action as modified by the OCPB.
- ☐ Approved the proposed action contrary to some of the modifications recommended by the OCPB.*
- ☐ Approved the proposed action contrary to all of the modifications recommended by the OCPB.*
- ☐ Approved the proposed action contrary to the disapproval recommended by the OCPB.*

- ☐ Disapproved the proposed action with regard to the OCPB's no position or no position with comment.
- ☐ Disapproved the proposed action with regard to the recommended modification(s) by the OCPB.
- ☐ Disapproved the proposed action as recommended and for reasons set forth by the OCPB.
- ☐ Disapproved the proposed action as recommended but for reasons other than those set forth by the OCPB. (Please list reasons below for local disapproval.)

- ☐ Other _____

Local Board Date: _____

*List reasons for acting contrary to the OCPB recommendation and include a copy of the local board resolution. Attach additional reasons on a separate sheet of paper as necessary.
