

**Town of Manlius
Zoning Board of Appeals
December 21, 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 YouTube Channel. The recording of the meeting can be viewed here: <https://youtu.be/Ih9BYpklLFE>

Chairman Timothy Kelly presided, and the following Board members present:

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

In Person Attendees: Jim Breuer, John Breuer

Virtual Attendees: None

The Pledge of Allegiance was recited. The meeting was called to order at 6:43 PM due to technical difficulties.

Approval of Minutes – November 16, 2023

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

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

Naves: 0 All in Favor. Motion Carries.

Chairman T. Kelly reviewed the application for 4973 Lakeview Dr., Fayetteville.

Legal Notice

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

Member KP Kelly made a motion, seconded by Member Linhart, to open the public hearing at 6:46 PM and it was carried unanimously.

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

Naves: 0 All in Favor. Motion Carries.

Jim Breuer, 4973 Lakeview Dr., Fayetteville NY (tax map # 101.-01-10.0)

Mr. Breuer stated that he and his wife want to build a new single-story resident. Mr. Breuer stated he is requesting this variance because the lot is an odd shape with a large front yard and the DEC buffer to the south. Mr. Breuer handed out a letter of support from CNY Land Trust (his neighbor at the rear of his lot). Mr. Breuer stated they will be accessing the property from the back of the lot during construction (with permission from the CNY Land Trust.)

A discussion ensued concerning the placement of the septic system.

Member KP Kelly made a motion, seconded by Member Catalino to close the public hearing at 7:04 PM and it was carried unanimously.

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

Nays: 0

All in Favor.

Motion Carries.

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, based on the geology and boundaries of the property.
- 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 yes because it is one-third of the required code.
- 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 to build a house.

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 **29.6 feet off the rear 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: that the applicant must supply the code enforcement officer documentation that you have checked with the regional DEC office to make sure where the actual wetland boundary is and either supply a

letter of no DEC jurisdiction or obtain a NYSDEC freshwater wetland permit. Appropriate measures shall be made to control erosion, siltation and pollution to all water bodies and wetlands.

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 that the Zoning Board of Appeals grant a rear yard variance of 10 feet, 6 inches to James Breuer for the property located at 4973 Lakeview Dr., Fayetteville NY 13066 (tax map # 101.-01-10.0). This variance is being granted for the construction of a 3100 square foot single story home installation. With the condition that the applicant must supply the code enforcement officer documentation that you have checked with the regional DEC office to make sure where the actual wetland boundary is and either supply a letter of no DEC jurisdiction or obtain a NYSDEC freshwater wetland permit. Appropriate measures shall be made to control erosion, siltation and pollution to all water bodies and wetlands.

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

Nayes: 0

All in Favor.

Motion Carries.

Other Business

Member KP Kelly thanked the board for thirteen wonderful years on the Zoning Board as he will not be returning to the ZBA.

Chairman T. Kelly wanted to remind everyone of the member procedures when visiting properties that were handed at the last meeting.

Clerk Witzel reminded the board that they must attend their four hours of training each year and copies of their training certificates must be given to the Zoning Board Clerk.

Adjournment

With there being no other business, Member Catalino made a motion, seconded by Member Linhart, and carried unanimously, to end the meeting at 7:15 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals