

**Town of Manlius
Zoning Board of Appeals
May 16, 2024
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://www.youtube.com/live/zbUYA7q4Fmg?si=D236pZQIIDp9gxOI>

Chairperson Karrie Catalino presided, and the following Board members present:

Virtual	Member	Clare Miller
	Member	Tim Kelly
	Member	Warren Linhart
	Member	Eric Christensen
	Secretary	Carrie Grevelding
	Attorney	Jamie Sutphen
	Code Officer	Tom Poitras

In Person Attendees: Laura & Ed Higgins, Fayetteville. Paul Madden, Fayetteville, William Redmond, East Syracuse. Dan Hager, East Syracuse. Jim Breuer, Fayetteville.

Virtual Attendees: None

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

Approval of Minutes – April 18, 2024

Member Christensen made a motion, seconded by Member Linhart to approve the minutes of April 18, 2024, as submitted by Secretary Grevelding.

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0 All in Favor. Motion Carries

Chairperson Catalino reviewed the application for 5269 Hoag Ln, Fayetteville, NY.

Legal Notice

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

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0 All in Favor. Motion Carries

Member Linhart made a motion, seconded by Member Miller, to open the public hearing at 6:32 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0

All in Favor.

Motion Carries.

Paul Madden, 5269 Hoag Ln, Fayetteville, NY 13066 (096.-08-03.0)

Mr. Madden explained that the variance was need for the construction of a 14-foot by 28-foot shed to store motorcycles and eventually make into a woodshop. There was a lengthy discussion on the location of the shed being in the front yard.

Member Linhart made a motion, seconded by Member Miller, to close the public hearing at 6:42 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0

All in Favor.

Motion Carries.

Board Questions

Chairperson Catalino 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 yes, it could be moved to the back left corner.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered yes. Due to the shed being placed in the front yard.
- 3) Whether the requested Variance is substantial? The board answered yes at 20 feet it is a request of 50%.
- 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.

Determination of ZBA Based on the Above Factors:

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

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

X 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 for the 20-foot front yard setback **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is **denied**.

Board Action

Member Miller a motion seconded by Member Linhart that the Zoning Board of Appeals to deny the variance request for 20-foot front yard setback at 6:58 PM.

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Linhart

Nayes: Member Christensen Motion Carries.

Chairperson Catalino reviewed the application for 7327 Kirkville Rd, East Syracuse.

Legal Notice

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

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0 All in Favor. Motion Carries.

Member Christensen made a motion, seconded by Member Linhart, to open the public hearing at 7:00 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0 All in Favor. Motion Carries.

Daniel Hager, 7327 Kirkville Rd, East Syracuse, NY 13057 (047.-01-22.2)

Mr. Hager explained that the accessory structure was replacing the previous shed. The request for the 8-foot height variance was to allow for a lift to be installed in the future.

Member Kelly made a motion, seconded by Member Christensen, to close the public hearing at 7:11 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0 All in Favor. Motion Carries.

Board Questions

Chairperson Catalino proceeded with the board through the five (5) criteria questions.

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered No.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered No.
- 3) Whether the requested Variance is substantial? The board answered No.

- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered No.
- 5) Whether the alleged difficulty was self-created? The board answered Yes.,

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 **8' in height** is the minimum variance that should be granted 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: The structure is not used for commercial purposes or living quarters, no plumbing and the accessory structure and residence should complement each other.

SEQRA Review

Chairperson Catalino 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 Christensen a motion seconded by Member Miller that the Zoning Board of Appeals to grant a height variance of 8 feet to Daniel Hager for the property at 7327 Kirkville Rd, East Syracuse, NY (Tax Map #047.-01-22.2). This variance is being granted for the construction of a 46-foot by 48-foot accessory structure with the conditions that the structure will not be used for commercial or living quarters, no plumbing is run to the structure and that the accessory structure and house complement each other at 7:15 PM.

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart.

Nayes: 0

All in Favor.

Motion Carries.

Chairperson Catalino reviewed the application for 101 Davis St, East Syracuse.

Legal Notice

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

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0

All in Favor.

Motion Carries.

Member Christensen made a motion, seconded by Member Linhart, to open the public hearing at 7:17 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0

All in Favor.

Motion Carries.

William Redmond, 101 Davis St, East Syracuse, NY 13057 (065.-05-29.0)

Mr. Redmond is looking for a variance of 4-feet 6-inches for a rear yard setback for the installation of a 24-foot above ground pool.

Member Kelly made a motion, seconded by Member Christensen, to close the public hearing at 7:21 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0

All in Favor.

Motion Carries.

Board Questions

Chairperson Catalino proceeded with the board through the five (5) criteria questions.

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

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.

Member Linhart made a motion, seconded by Member Christensen, to close the public hearing at 7:28 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0

All in Favor.

Motion Carries.

Board Questions

Chairperson Catalino proceeded with the board through the five (5) criteria questions.

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

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'for front yard setback** is the minimum variance that should be granted 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 Catalino determined the proposed project and action contemplated is comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

Board Action

Member Linhart a motion seconded by Member Kelly that the Zoning Board of Appeals to grant a front yard setback of 10 feet to Ed Higgins for the property at 214 Churchill Ln, Fayetteville, NY (Tax Map #096.-04-21.0). This variance is being granted for the repair of the foundation and extending covered front porch at 7:31 PM.

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0

All in Favor.

Motion Carries.

Chairperson Catalino reviewed the application for 4973 Lakeview Dr, Fayetteville, NY.

Legal Notice

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

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0

All in Favor.

Motion Carries.

Member Linhart made a motion, seconded by Member Christensen, to open the public hearing at 7:32 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0

All in Favor.

Motion Carries.

Jim Breuer, 4973 Lakeview Dr, Fayetteville, NY 13066 (101.-01-10.0)

Mr. Breuer is seeking a variance of 8.2 feet for a front yard setback for the construction of a single-family residence.

Member Miller made a motion, seconded by Member Kelly, to close the public hearing at 7:35 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nayes: 0

All in Favor.

Motion Carries.

Board Questions

Chairperson Catalino proceeded with the board through the five (5) criteria questions.

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

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 **8.2'for front yard setback** is the minimum variance that should be granted 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 Catalino determined the proposed project and action contemplated is comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

Board Action

Member Linhart a motion seconded by Member Miller that the Zoning Board of Appeals to grant a front yard setback of 8.2 feet to Jim Breuer for the property at 4973 Lakeview Dr, Fayetteville, NY (Tax Map #101.-01-10.0). This variance is being granted for the construction of a single-family residence at 7:39 PM

Ayes: Chairperson Catalino, Member Miller, Member Kelly, Member Christensen, Member Linhart

Nays: 0

All in Favor.

Motion Carries.

Other Business

No other business

Adjournment

With there being no other business, Member Christensen made a motion, seconded by Member Kelly, and carried unanimously, to end the meeting at 7:41 PM.

Respectfully submitted,
Carrie Grevelding
Zoning Board of Appeals