

**Town of Manlius
Zoning Board of Appeals
June 20, 2024
6:30 PM**

The Town of Manlius Zoning Board held a hybrid meeting with in-person attendees and virtual attendees. Due to technical difficulties this meeting was not live streamed. Chairperson Karrie Catalino presided, and the following Board members present:

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

In Person Attendees: David Warner, Fayetteville. Matt Napierala with Napierala Consulting
Virtual Attendees: None

The Pledge of Allegiance was recited. The meeting was called to order at 6:39 PM.

Approval of Minutes – May 16, 2024

Member Kelly made a motion, seconded by Member Christensen to approve the minutes of May 16, 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 5114 Reis Cir, Fayetteville, NY.

Legal Notice

Member Christensen made a motion, seconded by Member Linhart, 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 Kelly made a motion, seconded by Member Linhart, to open the public hearing at 6:39 PM and it was carried unanimously.

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

Naves: 0 All in Favor. Motion Carries.

Dave Warner – 5114 Reis Cir, Fayetteville, NY 13066 (Tax Map ID 093.-04-15.0)

Mr. Warner explained to the ZBA Members that he would be constructing a 28-foot wide by 16-foot deep pool house/roofed patio and was requested a 13 foot side yard variance. He also advised the members that the row of trees will be removed and the colors of the pool house/roofed patio would match the residence.

Member Kelly made a motion, seconded by Member Christensen, to close the public hearing at 6:44 PM and it was carried unanimously.

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

Nays: 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 yes at 13 feet.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered No. With condition that the gutters on both sides will drain towards the road.
- 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 **13 feet off the side yard 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 gutters on both sides of the building will drain towards the road.

SEQRA Review

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. Very limited space, new building needed for growth.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered No. Old building being removed, will be a single building on property.
- 3) Whether the requested Variance is substantial? The board answered Yes.
- 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 **30-foot front yard setback variance, 13-foot side yard setback variance and 19-foot rear yard setback variance** are the minimum variances 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:

- Building must be perpendicular to the road as shown on the plan dated March 13, 2024.
- HVAC mechanical utility pads may not exceed 8 feet from the rear of the building face.
- Property to only accommodate a single building on the site with a maximum of 76 feet length of the structure facing the road frontage and being a maximum of 50 feet in width.
- The existing (old) building be removed within 12 months of the completion of construction of the building receiving the variances and the variances will not extend to any additional building(s) on the site other than the new building proposed or any replacement building of the new building as may be applicable per NYS Law.
- No variances be extended to the placement of the energy generator pads.
- The height of the single building on the site may be no greater than 22 feet, provided the Planning Board determines, upon Site Plan Review, that same is architecturally compatible with the surrounding area and in conformance with the Comprehensive Plan of the Town.

- The variances be that the matter be referred to the Planning Board for full site plan review and approval and is subject to all requirements of the Planning Board to assure compatibility with the neighborhood and the Comprehensive Plan of the Town.

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 Kelly a motion seconded by Member Christensen that the Zoning Board of Appeals to grant a front yard setback variance of 30 feet, a side yard setback variance of 13 feet, rear yard setback variance of 19 feet to Spectrum for the property located at 5428 N Burdick St, Fayetteville, NY (Tax Map # 086.-02-05.2) for the construction of a new telecommunications facility with the following conditions at 7:39 PM.

- Building must be perpendicular to the road as shown on the plan dated March 13, 2024.
- HVAC mechanical utility pads may not exceed 8 feet from the rear of the building face.
- Property to only accommodate a single building on the site with a maximum of 76 feet length of the structure facing the road frontage and being a maximum of 50 feet in width.
- The existing (old) building be removed within 12 months of the completion of construction of the building receiving the variances and the variances will not extend to any additional building(s) on the site other than the new building proposed or any replacement building of the new building as may be applicable per NYS Law.
- No variances be extended to the placement of the energy generator pads.
- The height of the single building on the site may be no greater than 22 feet, provided the Planning Board determines, upon Site Plan Review, that same is architecturally compatible with the surrounding area and in conformance with the Comprehensive Plan of the Town.
- The variances be that the matter be referred to the Planning Board for full site plan review and approval and is subject to all requirements of the Planning Board to assure compatibility with the neighborhood and the Comprehensive Plan of the Town.

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

Nayes: 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 7:40 PM.

Respectfully submitted,
Carrie Greveling
Zoning Board of Appeals