

**Town of Manlius
Zoning Board of Appeals
September 19, 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	Tim Kelly (Absent)
Member	Clare Miller
Member	Warren Linhart
Member	Eric Christensen
Secretary	Carrie Grevelding
Attorney	Jamie Sutphen
Code Officer	Tom Poitras

In Person Attendees: Ibrahim Salkic, East Syracuse. Irhad Beslija, East Syracuse. Mashaal Dhit, Manlius. Nick Agrippino, Manlius.

Virtual Attendees: Runa Acharya, Viki Ambler, Ken & Jill Lerch

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

Approval of Minutes – August 15, 2024

Member Linhart made a motion, seconded by Member Christensen, to approve the minutes of August 15, 2024, as submitted by Secretary Grevelding.

Ayes: Member Miller, Member Christensen, Member Linhart

Abstain: Chairperson Catalino All in Favor. Motion Carries

Chairperson Catalino reviewed the application for 185 W Seneca St, Manlius, 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 Christensen, Member Linhart

Nays: 0 All in Favor. Motion Carries

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

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

Nays: 0 All in Favor. Motion Carries

Damien Cornwell – 185 W Seneca St, Manlius, NY (Tax Map #106.-01-07.0)

Nick Agrippino was present for the applicant. Mr. Agrippino showed the board the added green spaces and explained why the variance was needed for the accessible parking spaces. Attorney Sutphen advised the Zoning Board that these recommendations were positive recommendations from the planning board.

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

Ayes: Chairperson Catalino, Member Miller, 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. Improvement with the added green space.
- 3) Whether the requested Variance is substantial? The board answered no for parking spaces but yes for lot coverage.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered No. Additional green space
- 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-feet wide by 20-feet long for accessible parking spaces and a variance of 7,883 square feet for lot coverage** 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 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 variance of 8-feet wide by 20-feet long for accessible parking spaces and a variance of 7,883 square feet for lot coverage to Damien Cornwell for the property at 185 W Seneca St, Manlius, NY (Tax Map #106.-01-07.0).

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

Nayes: 0 Motion Carries.

Chairperson Catalino reviewed the application for 4443 Treetops Cir, Manlius, 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 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 6:44 PM and it was carried unanimously.

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

Nayes: 0 All in Favor. Motion Carries.

Runa Acharya - 4443 Treetops Cir, Manlius, NY (Tax Map #110.-13-01.0)

Ms. Acharya explained as to why the location was chosen and that no matter where they put the pool it would need a variance. Ms. Acharya was open to suggestions on type of fencing around the pool. Neighbors Ken and Jill Lerch did inquire about the location of the pool from their property as well as expressed concern with fence. Mr. and Ms. Lerch did not have any problems with the plans Ms. Acharya had for the pool.

Member Christensen made a motion, seconded by Member Linhart, to close the public hearing at 7:03 PM and it was carried unanimously.

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

Naves: 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 the neighborhood.
- 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 **a rear yard setback variance of 22-feet and a side yard setback variance of 8-feet for the construction of a 17-foot by 39-foot inground pool is** 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: 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 Christensen that the Zoning Board of Appeals to grant a rear yard setback variance of 22 feet and a side yard setback variance of 8 feet to Runa Acharya for the property at 4443 Treetops Cir, Manlius, NY (Tax Map# 110.-13-01.0). This variance is being granted for the construction of a 17- foot by 39-foot inground swimming pool.

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

Nays: 0

All in Favor.

Motion Carries.

Chairperson Catalino reviewed the application for 7196 Manlius Center Rd, East Syracuse, 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 Christensen, Member Linhart

Nayes: 0

All in Favor.

Motion Carries.

Member Miller made a motion, seconded by Member Christensen, to open the public hearing at 7:08 PM and it was carried unanimously.

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

Nayes: 0

All in Favor.

Motion Carries.

Selma & Irhad Beslija – 7196 Manlius Center Rd, East Syracuse, NY (Tax Map #063.-02-02.0)

Ibrahim Salkic was present to translate for the applicant Irhad Beslija. Ibrahim Salkic explained that the garage would be used for personal use only and that there would be electric but no plumbing. Secretary Grevelding read a complaint that was submitted regarding the property being used as a commercial garage.

Member Christensen made a motion, seconded by Member Linhart, to close the public hearing at 7:18 PM and it was carried unanimously.

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

Nayes: 0

All in Favor.

Motion Carries.

Board Questions

Acting Chairperson 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.
- 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 **side yard setback variance of 9-feet and height variance of 2-inches for the construction of a 16-foot by 24-foot garage** 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:

- The garage will be used for private use only
- The garage will closely match the color scheme of the residence

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 Christensen that the Zoning Board of Appeals to grant a side yard setback variance of 9 feet and a height variance of 2 inches to Irhad Beslija for the property at 7196 Manlius Center Rd, East Syracuse, NY (Tax Map #063.-02-02.0). This variance is being granted for the construction of a 16-foot by 24-foot Garage. With the following condition.

- The garage will be used for private use only
- The garage will closely match the color scheme of the residence

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

Nays: 0

All in Favor.

Motion Carries.

Other Business

Secretary Grevelding reminded the members that they need to make sure they are completing any trainings that are being sent to their emails.

Adjournment

With there being no other business, Member Linhart made a motion, seconded by Member Christensen, and carried unanimously, to end the meeting at 7:30 PM.

Respectfully submitted,
Carrie Grevelding
Zoning Board of Appeals