

**Town of Manlius
Zoning Board of Appeals
November 21, 2024
6:30 PM**

The Town of Manlius Zoning Board held a hybrid meeting with in-person attendees and virtual attendees. Chairperson Karrie Catalino presided, and the following Board members present:

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

In Person Attendees: Lisa Petrocci, Fayetteville. Pamela Petrocci, Fayetteville. Sal Arcuri, East Syracuse. Brenda Scanlon, East Syracuse, Tony Fallico, East Syracuse. Barry Nelipowitz, Fayetteville. Michelle Nelipowitz, Fayetteville.

Virtual Attendees: None

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

Approval of Minutes – October 17, 2024

Member Christensen made a motion, seconded by Member Linhart, to approve the minutes of October 17, 2024, as submitted by Secretary Grevelding.

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

Nayes: 0 All in Favor. Motion Carries

Chairperson Catalino reviewed the application for 7411 Old Erie View Dr, 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 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 6:34 PM and it was carried unanimously.

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

Nayes: 0 All in Favor. Motion Carries

Lisa Petrocci – 7411 Old Erie View Dr, Fayetteville, NY (Tax Map #088.-02-16.0)

Member Kelly entered the meeting 6:35PM

Lisa Petrocci was present and advised the members that she was looking for the addition to assist with her mother's needs for a living space on the first floor.

Member Christensen made a motion, seconded by Member Kelly, to close the public hearing at 6:41 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Kelly, Member Miller, 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 side yard setback variance of **1-foot 5-inches for the construction of a 10-foot by 28-foot addition** 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 Kelly a motion seconded by Member Linhart that the Zoning Board of Appeals to grant a side yard setback variance of 1-foot 5-inches to Lisa Petrocci at 7411 Old Erie View Dr, Fayetteville, NY (Tax Map #088.-02-16.0). This variance is being granted for the construction of a 10-foot by 28-foot addition.

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

Nayes: 0 All in Favor. Motion Carries

Chairperson Catalino reviewed the application for 8575 Green Lakes Rd, 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 Kelly, Member Miller, Member Christensen, Member Linhart

Nayes: 0 All in Favor. Motion Carries

Member Christensen made a motion, seconded by Member Kelly, to open the public hearing at 6:45 PM and it was carried unanimously.

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

Nayes: 0 All in Favor. Motion Carries

Barry Nelipowitz – 8575 Green Lakes Rd, Fayetteville, NY (Tax Map #082.1-02-14.1)

Barry Nelipowitz was present. There was a lengthy discussion on the surveys that were submitted. Based on the most current survey the variance request is now for 8-feet.

Member Kelly made a motion, seconded by Member Christensen, to close the public hearing at 6:57 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Kelly, Member Miller, 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 front yard setback variance of **8-feet for the construction of a 5-foot by 11-foot deck** 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 Christensen a motion seconded by Member Kelly that the Zoning Board of Appeals to grant a front yard setback variance of 8-feet to Barry Nelpowitz at 8575 Green Lakes Rd, Fayetteville, NY (Tax Map #082.1-02-14.1). This variance is being granted for the construction of a 5-foot by 11-foot deck.

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

Nayes: 0

All in Favor.

Motion Carries

Chairperson Catalino reviewed the application for 7204 Autumn Run Trl, 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 Kelly, 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 7:03 PM and it was carried unanimously.

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

Nayes: 0

All in Favor.

Motion Carries

Brenda Scanlon – 7204 Autumn Run Trl, East Syracuse, NY (Tax Map #076.-05-07.0)

Brenda Scanlon was present. Explained that they were looking for a bump out to add some space for a table. Outside of the bump out will match current house. Secretary Grevelding shared an email from Michele and Joe Courcy in favor of the project.

Member Linhart made a motion, seconded by Member Christensen, to close the public hearing at 7:10 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Kelly, Member Miller, 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 side yard setback variance **of 5.5-feet for the construction of a 9-foot by 24.3-foot addition** 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:

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 made a motion seconded by Member Miller that the Zoning Board of Appeals to grant a side yard setback variance of 5.5-feet to Brenda Scanlon at 7204 Autumn Run Trl, East Syracuse, NY (Tax Map #076.-05-07.0). This variance is being granted for the construction of a 9-foot by 24.3-foot addition.

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

Nayes: 0

All in Favor.

Motion Carries

Chairperson Catalino reviewed the application for 7199 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 Kelly, Member Miller, 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 7:12 PM and it was carried unanimously.

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

Nayes: 0

All in Favor.

Motion Carries

Shawn House- 7199 Manlius Center Rd, East Syracuse, NY (Tax Map #066.-03-11.0)

Contract Sal was present. The applicant is looking to build the garage to store classic cars, and boat. Difficult to get in and out of the drive way on Manlius Center Rd. Highway Superintendent approved the cut in.

Member Kelly made a motion, seconded by Member Christensen, to close the public hearing at 7:27 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Kelly, Member Miller, 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.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no not with the conditions.
- 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 front yard setback variance **of 18-feet for the construction of a 24-foot by 26-foot detached garage** 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:

- Driveway cut is no larger than 15-feet in width
- Natural Barrier similar to the existing hedgerow needs to be maintained for continuous screening of the garage
- Roof of the garage to be gray or black in line with the color of the current structure

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 Miller that the Zoning Board of Appeals to grant a front yard setback variance of 18-feet to Shawn House at 7199 Manlius Center Rd, East Syracuse, NY (Tax Map #066.-03-11.0). This variance is being granted for the construction of a 24-foot by 26-foot detached garage with the following conditions.

- Driveway cut is no larger than 15-feet in width
- Natural Barrier similar to the existing hedgerow needs to be maintained for continuous screening of the garage
- Roof of the garage to be gray or black in line with the color of the current structure

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

Nayes: 0

All in Favor.

Motion Carries

Other Business

Chairperson Catalino cancelled the meeting that was scheduled for December 19, 2024 due to multiple members and attorney not being able to attend.

Member Miller suggested that board slowed down with the making motions.

Adjournment

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

Respectfully submitted,
Carrie Grevelding
Zoning Board of Appeals