

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

In Person Attendees: Matthew Dean, Fayetteville.

Virtual Attendees: None

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

Approval of Minutes – November 21, 2024

Member Kelly made a motion, seconded by Member Linhart, to approve the minutes of November 21, 2024, as submitted by Secretary Grevelding.

Ayes: Chairperson Catalino, Member Kelly, Member Linhart

Nayes: 0 All in Favor. Motion Carries

Chairperson Catalino reviewed the application for 4963 Tall Oaks Dr, Fayetteville, NY.

Legal Notice

Member Kelly 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 Linhart

Nayes: 0 All in Favor. Motion Carries

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

Ayes: Chairperson Catalino, Member Kelly, Member Linhart

Nayes: 0 All in Favor. Motion Carries

Matthew Dean – 4963 Tall Oaks Dr, Fayetteville, NY (Tax Map #101.-01-21.7)

Matthew Dean was present to discuss his ZBA application. Mr. Dean advised that he was unable

to put it on the other side of the yard due to the right of way and power lines. Also explained to the board that he will be using privacy fencing and shrubbery.

Member Linhart made a motion, seconded by Member Kelly, to close the public hearing at 6:36 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Kelly, 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. Request is over 1/2 of the allowed.
- 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 rear yard setback variance of **35-feet and a side yard setback of 11-feet for the construction of an 18-foot by 34-foot inground mount pool with a 92-inch spillover spa** 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:

- Maintain shrubbery on the right side of the residence as well as 6-foot privacy fence at the rear of the property.

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 rear yard setback variance of 35-feet and a side yard setback variance of 11-feet to Matthew Dean at 4963 Tall Oaks Dr, Fayetteville, NY (Tax Map #101.-01-21.7). With the conditions that the shrubbery is maintained on the right side of the residence and a 6-foot privacy fence at the rear of the residence. This variance is being granted for the construction of an 18-foot by 34-foot inground mount pond pool with a 92-inch spillover spa.

Ayes: Chairperson Catalino, Member Kelly, Member Linhart

Nayes: 0

All in Favor.

Motion Carries

Adjournment

With there being no other business, Member Linhart made a motion, seconded by Member Kelly, and carried unanimously, to end the meeting at 6:47 PM.

Respectfully submitted,
Carrie Grevelding
Zoning Board of Appeals