

**Town of Manlius
Zoning Board of Appeals
March 20, 2025
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
Absent	Member	Eric Christensen
	Secretary	Carrie Grevelding
Virtual	Attorney	Jamie Sutphen
	Code Officer	Tom Poitras

In Person Attendees: Joy Springs, Fayetteville. Adam Springs, Fayetteville. Barry Nelipowitz, Fayetteville.

Virtual Attendees: Lawrence Klee

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

Approval of Minutes – February 20, 2025

Member Kelly made a motion, seconded by Member Linhart, to approve the minutes of February 20, 2025, as submitted by Secretary Grevelding.

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

Nayes: 0 All in Favor. Motion Carries

Chairperson Catalino reviewed the application for 211 Churchill Ln, Fayetteville, NY.

Legal Notice

Member Miller 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, Member Miller

Nayes: 0 All in Favor. Motion Carries

Member Kelly made a motion, seconded by Member Linhart, to open the public hearing at 6:31 PM and it was carried unanimously.

Ayes: Chairperson Catalino, Member Kelly, Member Linhart, Member Miller
Naves: 0 All in Favor. Motion Carries

Joy Springs – 211 Churchill Ln, Fayetteville, NY 13066 (Tax Map #096.-06-06.0)

Joy Springs was present to speak regarding the application. Ms. Springs advised the board that they were looking to use an existing concrete pad and turn it into a screened in porch.

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

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

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. They are using an existing concrete pad.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no. It would be an improvement for the 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.

The ZBA further finds that a side yard setback variance of **9-feet for the construction of a 17-foot by 13-foot screened in porch** 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 Linhart made a motion seconded by Member Miller that the Zoning Board of Appeals to grant a side yard setback variance of 9-feet to Joy Springs for the property located at 211 Churchill Ln, Fayetteville, NY 13066 (Tax Map #096.-06-06.0). This variance is being granted for the construction of a 17-foot by 13-foot screened in porch.

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

Nayes: 0 All in Favor. Motion Carries

Chairperson Catalino reviewed the application for 12 Meadow Dr, Fayetteville, NY.

Legal Notice

Member Miller 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, Member Miller

Nayes: 0 All in Favor. Motion Carries

Member Kelly made a motion, seconded by Member Linhart, to open the public hearing at 6:43 PM and it was carried unanimously.

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

Nayes: 0 All in Favor. Motion Carries

Ian Gorman – 12 Meadow Dr, Fayetteville, NY (Tax Map #094.-03-14.0)

Lawrence Klee the contract was remote to speak on behalf of the applicant. Mr. Klee advised that the applicant was looking to add a master bedroom and that there was only a bathroom being added to the addition.

Attorney Sutphen suggested a condition be placed that the addition can not be changed to an ADU at given time.

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

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

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. They could build the addition smaller.

- 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 **2.74-feet for the construction of a 982.2 square foot addition** is the minimum variances 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:

- At no time will the addition be used as an advanced dwelling unit (ADU).
- Maintain the shrubs as per site plan that was presented.
- Compliant with door alarm for pool.
- Similar to the outside of the house in color

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 made a motion seconded by Member Miller that the Zoning Board of Appeals to grant a front yard setback variance of 2.7-feet to Ian Gorman for the property located at 12 Meadow Dr, Fayetteville, NY 13066 (Tax Map #094.-03-14.0). This variance is being granted for the construction of a 982.2 square foot addition with the following conditions.

- At no time will the addition be used as an advanced dwelling unit (ADU).
- Maintain the shrubs as per site plan that was presented.
- Compliant with door alarm for pool.
- Similar to the outside of the house in color

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

Nayes: 0 All in Favor. Motion Carries

Chairperson Catalino reviewed the application for 8575 Green Lakes Rd, Fayetteville, NY.

Legal Notice

Member Miller 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, Member Miller

Nayes: 0 All in Favor. Motion Carries

Member Linhart made a motion, seconded by Member Miller, to open the public hearing at 7:05 PM and it was carried unanimously.

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

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 to speak regarding the application. Mr. Nelipowitz advised the board that he had the updated survey completed as per the board's request. He also stated they decided to go with a smaller garage. They went from 12-foot by 24-foot to a 12-foot by 20-foot. Mr. Nelipowitz also proposed adding shrubbery to screen the area.

Member Linhart made a motion, seconded by Member Miller, to close the public hearing at 7:22 PM and it was carried unanimously.

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

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 yes. Requesting 29.5-feet out of the required 40-feet.
- 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 **29.5-feet for the construction of a 12-foot by 20-foot garage** is the minimum variances 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:

- A natural barrier of shrubbery is maintained that is deer resistant from the telephone pole to the end of the garage.

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 made a motion seconded by Member Miller that the Zoning Board of Appeals to grant a front yard setback variance of 29.5-feet to Barry Nelipowitz for the property located at 8575 Green Lakes Rd, Fayetteville, NY 13066 (Tax Map #082.1-02-14.1). This variance is being granted for the construction of a 12-foot by 20-foot garage with the following condition.

- A natural barrier of shrubbery is maintained that is deer resistant from the telephone pole to the end of the garage.

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

Nays: 0

All in Favor.

Motion Carries

Other Business:

Member Kelly reminded the board of the County Symposium on Wednesday March 26, 2025.

Adjournment

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

Respectfully submitted,
Carrie Grevelding
Zoning Board of Appeals