

301 Brooklea Drive
Fayetteville, NY 13066
Phone 315-637-3414
Fax 315-637-0713



Chairperson:
Karrie Catalino

Members:
Warren Linhart
Eric Christensen
Tim Kelly
Jessica Detor

**Agenda
Zoning Board of Appeals
March 19, 2026
6:30 PM**

**Use the Manlius Zoning Board of Appeals' recurring Zoom Link!
The same link will be used for all meetings.**

**Join from PC, Mac, iPad, or Android:
<https://us02web.zoom.us/j/87987327153>**

Pledge Of Allegiance

Approval Of Minutes

1. March 4, 2026

Wayne Welshans - 303 Palmer Dr, Fayetteville, NY - Tax Map #087.-09-18.0

Public Hearing

1. Paul Ryan - Huntwood Path - Appeal

Other Business

Adjournment

301 Brooklea Drive
Fayetteville, NY 13066
Phone 315-637-3414
Fax 315-637-0713



Chairperson:
Karrie Catalino

Members:
Warren Linhart
Eric Christensen
Tim Kelly
Jessica Deter

**Minutes
Zoning Board of Appeals
March 4, 2026
6:30 PM**

The Town of Manlius Zoning Board held a hybrid meeting with in-person attendees and virtual attendees. The meeting was live streamed on the Town Website, Town Facebook page and the Town YouTube Channel. Chairperson Catalino presided, and the following Board members were present:

**Timothy Kelly
Warren Linhart
Eric Christensen
Jessica Deter**

The following Town Officers were present: Carrie Grevelding, ZBA Clerk. Joseph Frateschi, Town Attorney. Tom Poitras, Director of Planning and Development.

In-Person Attendees: Barbara Sturick, East Syracuse. Matthew Sturick, East Syracuse. Peter Cookhouse, Manlius.

Virtual Attendees: None

Pledge Of Allegiance

Chairperson Catalino welcomed everyone and called the meeting to order at 6:30 PM. Chairperson Catalino led the Pledge of Allegiance.

Approval Of Minutes

1. January 15, 2026

Member Kelly made a motion, Seconded by Member Christensen, to approve the

minutes from January 15, 2026 as presented by the clerk.

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

Nays: None
Abstain: None
Results: Passed

Public Hearing

1. Peter Cookhouse - 4600 South Eagle Village Rd, Manlius, NY - Tax Map #117.-03-03.0

Member Christensen made a motion, Seconded by Member Linhart, to waive the reading of the public notice.

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

Nays: None
Abstain: None
Results: Passed

Member Linhart made a motion, Seconded by Member Christensen, to open the public hearing.

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

Nays: None
Abstain: None
Results: Passed

Mr. Cookhouse was present to discuss his applications.

Member Kelly made a motion, Seconded by Member Christensen, to close the public hearing.

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

Nays: None
Abstain: None

Results: Passed

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? No- Height issue for tractors
2. Whether the Variance will result in an undesirable change in the character of the neighborhood? No - With the shrubbery it hides it - Similar structures in the area
3. Whether the requested variance is substantial? No
4. Whether the Variance will have an adverse effect on physical or environmental conditions? No
5. Whether the alleged difficulty was self-created? 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 height variance of 8-feet for the construction of a 40-foot by 64-foot accessory structure 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:

- No plumbing

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.

Member Kelly made a motion, Seconded by Member Linhart, to grant a height variance of 8-feet to Peter Cookhouse for the property located at 4600 South Eagle Village Rd, Manlius, NY - Tax Map #117.-03-03.0. This variance is being granted for the construction of a 40-foot by 64-foot accessory structure with the condition that there is no plumbing.

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

Nayes: None
Abstain: None
Results: Passed

2. Matthew and Barbara Sturick - Bowman Rd, East Syracuse, NY - Tax Map #073.-03-03.1

Member Christensen made a motion, Seconded by Member Linhart, to waive the reading of the public notice.

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

Nayes: None
Abstain: None
Results: Passed

Member Christensen made a motion, Seconded by Member Linhart, to open the public hearing.

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

Nayes: None
Abstain: None
Results: Passed

Barbara and Matthew Sturick were present to discuss their application.

Member Linhart made a motion, Seconded by Member Christensen, to close the public hearing.

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

Nayes: None
Abstain: None
Results: Passed

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? No - Outside control of applicant
2. Whether the Variance will result in an undesirable change in the character of the neighborhood? No
3. Whether the requested variance is substantial? No
4. Whether the Variance will have an adverse effect on physical or environmental conditions? No - DEC approval
5. Whether the alleged difficulty was self-created? No - Because of wetlands

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 an area variance of 3,600 square feet to override the minimum size requirements for septic system area 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:

- Contingent upon subdivision approval

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.

Member Christensen made a motion, Seconded by Member Detor, to grant an area variance of 3,600 square feet to Barbara Sturick for the property located on Bowman Rd, East Syracuse, NY – Tax Map #073.-03-03.1. This variance is being granted to override the minimum size requirements for septic system area and is expressly made contingent upon subdivision approval.

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

Nayes: None

Abstain: None

Results: Passed

Other Business

Member Kelly announced that the Zoning Advisory Committee had their first meeting. He also mentioned that it will be a 16 month process with 6 more meetings. The first public meeting will be held on March 25, 2026.

Executive Session

Member Christensen made a motion, Seconded by Member Linhart, to enter executive session to discuss potential future litigation.

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

Nays: None

Abstain: None

Results: Passed

Member Kelly made a motion, Seconded by Member Christensen, to exit executive session.

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

Nays: None

Abstain: None

Results: Passed

Adjournment

There being no further business to come before the Board, upon motion duly made by Member Kelly and seconded by Member Christensen the Board voted unanimously to adjourn regular session at 7:30 PM.

Respectfully submitted,
Carrie Grevelding
Zoning Board of Appeals

Fee \$100
Town of Manlius
Town Clerks Office

FEB 25 2026
Received and Filed

APPLICATION
TOWN OF MANLIUS – ZONING BOARD OF APPEALS
301 BROOKLEA DR.
FAYETTEVILLE NY 13068
315-637-3521 OR 315-637-8619

PLEASE READ THE FOLLOWING INFORMATION CAREFULLY

THE ZONING BOARD OF APPEALS normally meets on the 3rd Thursday of the month, this schedule is subject to change. For your application to be placed on the agenda for the Zoning Board, you must file your complete application by the file date-which is the last working day of the month by noon. The placement of your application on the ZBA agenda is subject to caseload and/or the evaluation of your application under the New York State Environmental Quality Review Act and the requirements for referral to the Onondaga County Planning agency.

The ZBA Board reserves the right to limit the number of cases it hears at any one meeting to the first applications received. Additional applications may be delayed until a later meeting despite submissions prior to the File by Date.

An incomplete application will not be considered at all.

Once an application has been scheduled a public meeting notice will be published in the Eagle Bulletin and a meeting agenda will be mailed to each applicant. All scheduled applications will be open for inspection at the Town of Manlius, Town Clerk's Office.

Unless otherwise notified, all ZBA meetings will begin at 6:30PM at the Manlius Town Hall, 301 Brooklea Dr. Fayetteville NY. The applicant or an authorized representative must attend the meeting to present their application to the Zoning Board of Appeals Board.

VARIANCE SUBMITTAL REQUIREMENTS

1. A total of 9 copies of your application packet which must include – **Building Permit that has been denied by the Code Officer, ZBA application, survey, building plans, disclosure affidavit and the (short environmental assessment form - only for commercial property)** will be needed for the ZBA Board.
2. One copy of an accurate survey map of the property drawn by a licensed land surveyor. The survey must designate existing structures and proposed structures or additions. The survey must also show driveways and/or parking spaces as well as the distances from the rear, front and side property lines to the closest point on the primary structure. Distances from accessory or secondary structures to boundary lines should be shown as appropriate.
3. Environmental Assessment Form (only for commercial property): Page 1 must be completed by the applicant, if short form is used.

4. A fee of \$100.00 for a residential area variance, \$200.00 for a Commercial use variance, \$350.00/\$450.00 for a use variance, checks are to be made payable to the Town of Manlius.

The 9 application packets will need to be delivered to the department of Planning & Development by file by date.

Area Variances – 5 Criteria Questions

If the applicant requests an area variance from the Town of Manlius Municipal Code, the applicant must consider the 5 criteria questions and be prepared to respond to the ZBA Board if requested to.

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method?
2. Whether the Variance will result in an undesirable change in the character of the neighborhood?
3. Whether the requested variance is substantial?
4. Whether the Variance will have an adverse effect on physical or environmental conditions?
5. Whether the alleged difficulty was self-created?

Use Variances:

If the applicant requests to use the subject property for purposes which are not allowed or are prohibited by the Town of Manlius Municipal Code, the applicant must demonstrate unnecessary hardship. To prove unnecessary hardship, the applicant must submit evidence to demonstration that:

1. The applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.
2. The alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood.
3. That the request use variance, if granted, will not alter the essential character of the neighborhood; and
4. That the alleged hardship has not been self-created.

Use the space below or submit a separate documentation to present the necessary proof. Opportunity will also be given to present proof at the public hearing.

N/A - Not applicable.

TOWN OF MANLIUS - ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: 2/24/2026

1. Property Address: 4812 and 4814 Huntwood Path, Manlius New York, 13104

Property Tax Map # 101.1-1-01-28.0

The Applicants Purpose (new construction, alteration, extension, restoration, modification or other action) with respect to the subject property;

Administrative Appeal seeking the removal of an encroaching wall at 4812 Huntwood Path that violates the property line (per 12/24/25 survey) and fails to meet the 2-hour fire-resistance rating required by NYS Residential Code § R302.2 (per 12/15/25 affidavit).

2. Owner of Property: Paul Ryan

Owner's Address: 4814 Huntwood Path, Manlius NY, 13104

Owner's E-Mail: [REDACTED]

Owner's Phone #: [REDACTED]

Does Owners reside at property: Yes

Signature of Property Owner: 

3. Applicant / Representative / Attorney:

Name: Paul Ryan

Company: Law Office of Paul Ryan

Address: 4814 Huntwood Path, Manlius NY, 13104

Phone: [REDACTED]

E-Mail: [REDACTED]

4. The Town of Manlius ZBA Board requires that owners of neighboring properties be contacted by the applicant with respect to the proposed variance application. Please see attached instructions and form.

Below this line - For Office Use Only

Application Received by: _____

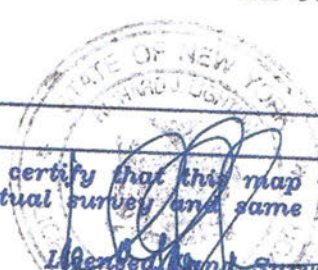
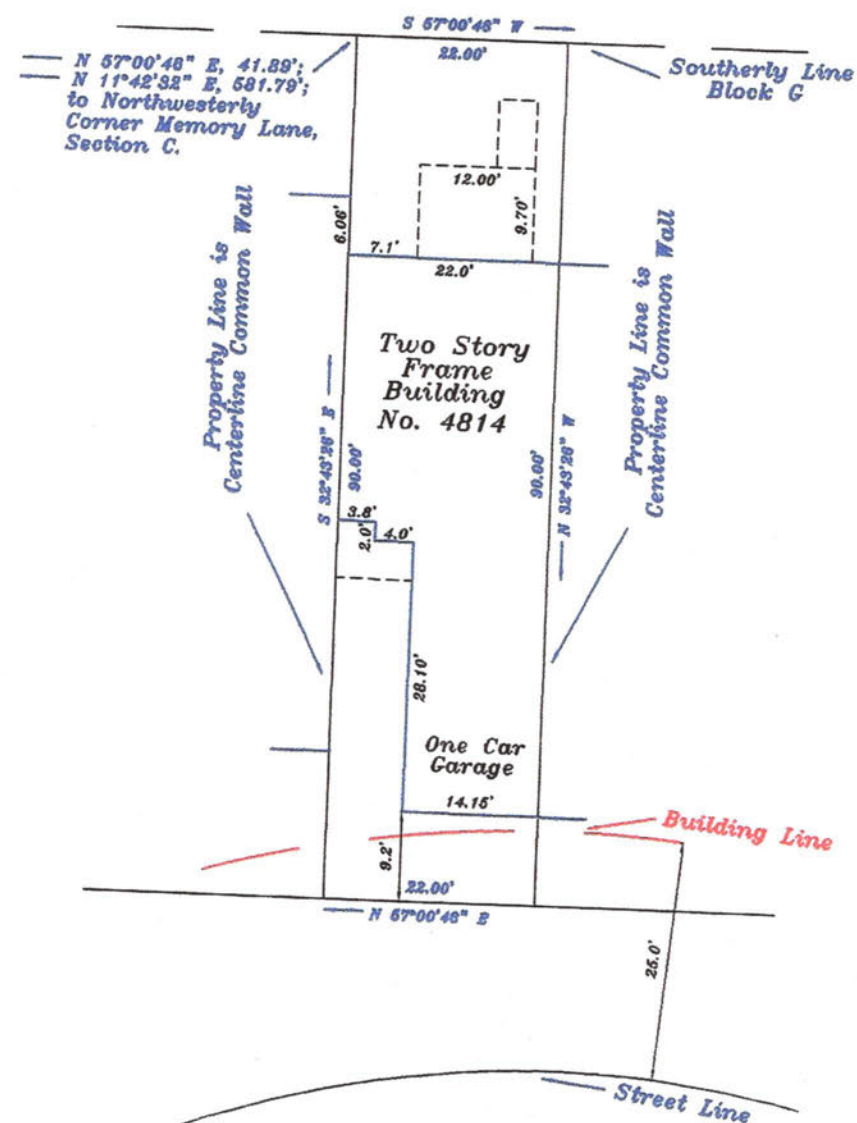
Date: _____

Payment Receipt #: _____

Date of Denial of Building Permit Application: _____

Current Property Zoning: _____

The subject property will be in conformity with all zoning use as outlined in Chapter 155 of the Town of Manlius Municipal Code, except as stated here by the Code Officer: _____



I hereby certify that this map was made from an actual survey and same is correct

R.J. Lighton Sr.
Registered Land Surveyor

R.J. Lighton Sr.
886 E. Brighton Ave., Syracuse N.Y. 13205
NYSLS 45373

Location Survey on Part of Block G of the Huntwood 2nd Amended Tract.

Known as No. 4814 Huntwood Path, Town of Manlius, County of Onondaga, State of New York.

Drawn by: **MJM** Scale: 1" = 20' Date: 8-09-02

Revisions:

THIS PERMIT MUST BE POSTED IN A CONSPICUOUS PLACE AND VISIBLE FROM THE STREET

THIS IS TO CERTIFY THAT
Susan Cunningham
HAS BEEN GRANTED A

BUILDING PERMIT

TOWN OF MANLIUS

Number: **0091-24** Permit Type: **Res-Add/Alteration/Renova**

For: **Privacy Wing Wall**

At 4812 Huntwood Path Tax Map Number 101.1-01-28.0

The inspections listed below are required

Do not proceed beyond these points until signed by the Code Enforcement Officer.

Pre-Permit	Completed
Final	landing does not meet code beam and joist connection nor is it shown on approved plans approved plans are uploaded in attachments
Site Inspection	Met with contractor on site
Final	Floor joist not fastened to beam, otherwise revised construction appears to meet minimum requirements of NYS building code
Certificate of Compliance	

This Building Permit constitutes authority to the applicant to proceed with the work in accordance with the approved construction documents, plans and specifications which were submitted with the Building Permit Application, and in accordance with the applicable building laws, ordinances or regulations. The permit holder shall immediately notify the Code Enforcement officer of any change occurring during the course of the work. Such change may require a new or amended Building Permit.

ALL PLUMBING MUST BE COMPLETED BY AN ONONDAGA COUNTY LICENSED PLUMBER AND INSPECTED BY ONONDAGA COUNTY PLUMBING CONTROL

24 hour notice must be given to the code enforcement office when work is ready for inspection.

Phone: 315-637-8619

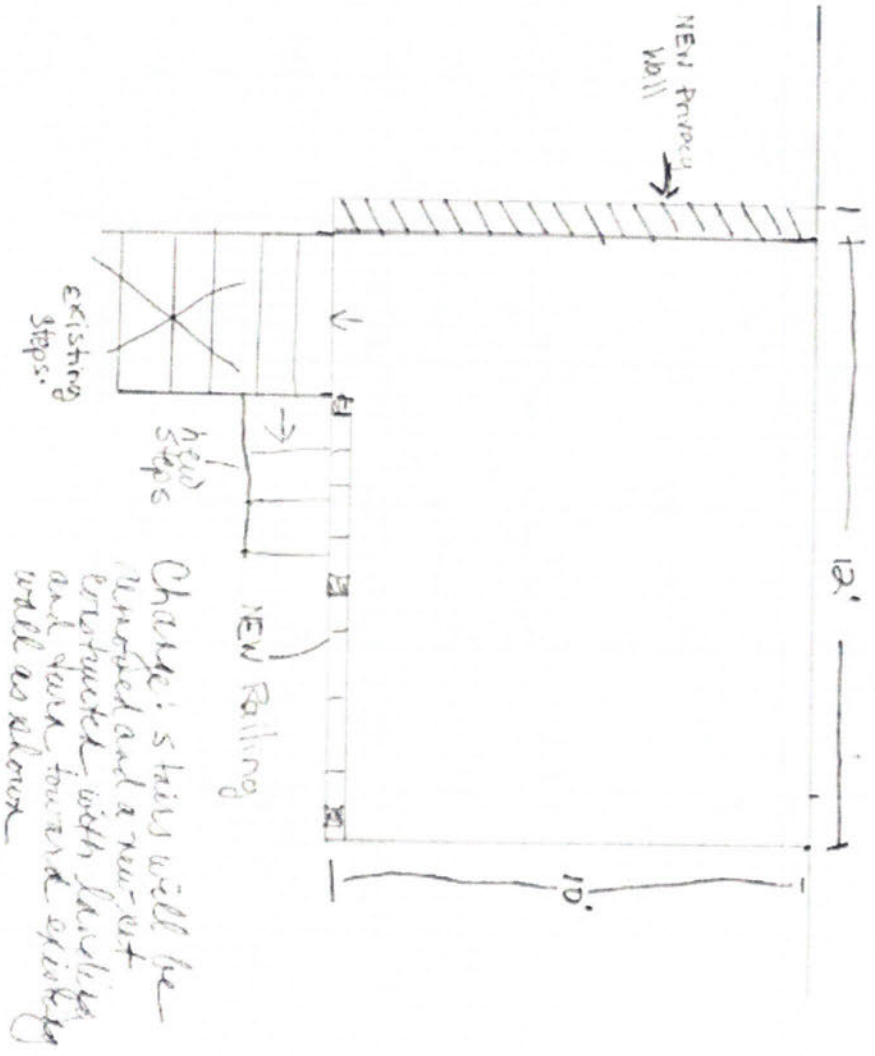
Office Hours: 8:30am to 4:30pm

Issue Date: 06/26/2024

Expiration Date: 06/26/2025

Signed _____

Code Enforcement Officer



MURRAY LANDSCAPING
 8904 Hills Road
 MANLIUS, NEW YORK 13104
 (315) 655-2865 FAX (315) 655-2865

JOB Susan Cunningham new deck top
 SHEET NO 001 OF 002
 CALCULATED BY Norman Land DATE April 2020
 CHECKED BY Chris Rivera DATE April 2020
 SCALE 3/8" = 10 feet

THIS PERMIT MUST BE POSTED IN A CONSPICUOUS PLACE AND VISIBLE FROM THE STREET

THIS IS TO CERTIFY THAT
Susan Cunningham
HAS BEEN GRANTED A

BUILDING PERMIT

TOWN OF MANLIUS

Number: **0091-24**

For: **Res-Add/Alteration/Renova**

At 4812 Huntwood Path Tax Map Number 101.1-01-28.0

The inspections listed below are required

Do not proceed beyond these points until signed by the Code Enforcement Officer.

Pre-Permit	Completed
Final	
Certificate of Compliance	

This Building Permit constitutes authority to the applicant to proceed with the work in accordance with the approved construction documents, plans and specifications which were submitted with the Building Permit Application, and in accordance with the applicable building laws, ordinances or regulations. The permit holder shall immediately notify the Code Enforcement officer of any change occurring during the course of the work. Such change may require a new or amended Building Permit.

24 hour notice must be given to the code enforcement office when work is ready for inspection.

Phone: 315-637-8619

Office Hours: 8:30am to 4:30pm

Issue Date: 06/26/2024

Expiration Date: 06/26/2025

Signed _____



Code Enforcement Officer

*** RECEIPT ***

Date: 06/18/24

Receipt#: 17085

Quantity	Transactions	Reference	Subtotal
1	Building Permit	2024103	\$65.00
Total Paid:			\$65.00

Notes: Work for 4812 Huntwood Path



Payment Type	Amount	Paid By
CK #12007	\$65.00	Murray, Christopher

Name: Murray, Christopher
8904 Hills Rd
Manlius, NY 13104

Clerk ID: TGALVIN

Internal ID: 2024103

RECEIVED
 AUG 26 2024
 By 



MURRAY LANDSCAPING
 8904 Hills Road
 MANHATTAN, NEW YORK 10104
 (315) 655-2865 Fax (315) 655-2865

DATE: 8/26/24
 TIME: 10:00 AM
 PROJECT: [illegible]
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]



Susan Cunningham
4812 Huntwood Path
Manlius, NY 13104



10/5/23

RE: Architectural Approval

Dear Susan ,

The Hunt Wood Home Owners Association Board has approved your request for installing a privacy wall and deck repairs on 10/5/23. Please let us know when you plan to start the work and when you select your contractor. Please be advised you should follow all local code building requirements and request insurance coverage from the contractor.

Sincerely ,

The Hunt Wood Board Managers

EMAIL:

APPLICATION FOR BUILDING PERMIT

Department of Planning and Development

301 Brooklea Dr., Fayetteville, NY 13066
(315) 637-8619 Fax: (315) 637-0713

TOWN OF MANLIUS

Application is hereby made for the issuance of a Building Permit pursuant to the New York State Uniform Fire Prevention and Building Code for work herein described. The applicant agrees to comply with all laws, ordinances, regulations and revisions of the municipality in which the Permit is requested.

LOCATION OF PROPOSED WORK (Street Address) Tax Map Number 101-1 01 28.0
4812 Hunt Wood Path Manlius Lot # _____

CONTRACTOR/AGENT-ADDRESS (Worker's Compensation Form Required)

Christopher Murray Phone # 265-650-2777

OWNER/APPLICANT-NAME-ADDRESS (Home Owner's Form BP-1 Required)

Susan Cunningham Phone # _____

PROPOSED WORK, USE OR OCCUPANCY

HOA BOARDMAN addition alteration demolition garage new construction deck pool renewal sign
 storage/shed fireplace/wood stove other _____ Construction Cost \$ 1000.00



RESIDENTIAL-NEW STRUCTURE

of Bedrooms _____ # of Bathrooms _____ # of Fireplaces _____
Total Sq. Ft. w/o garage _____ Sq. Ft. of garage _____

RESIDENTIAL-EXISTING STRUCTURE

of rooms added: _____ Bedroom Family Room Bath Living Space
Other _____ Total Sq. Ft. added: _____

COMMERCIAL:

Name of Business: Murray Land. Total Sq. Ft. of Project _____

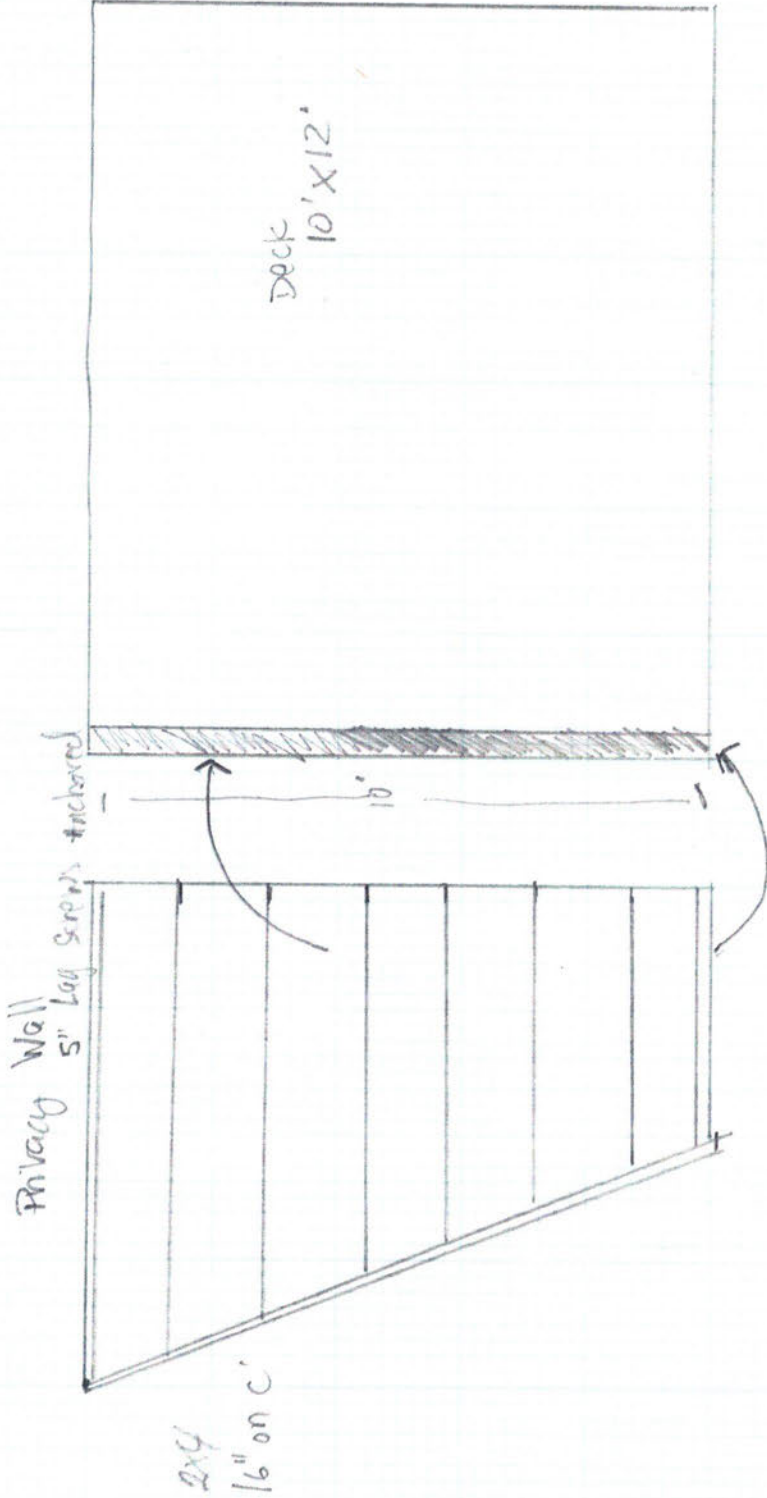
All plumbing and sanitary systems to be inspected by Onondaga County Department of Health.
I hereby agree that no building is to be occupied or used in whole or in part for any purpose what so ever until a certificate of Occupancy or Compliance has been issued by the Code Enforcement Officer.
I hereby certify that the above information is true to the best of my knowledge. Permission is hereby granted to the Code Enforcement Officer or authorized representative upon showing proper credentials, to enter the above premises or buildings during reasonable working hours to discharge their duties.

Date: June 18, 2024 By: Christopher Murray

Owner Authorization Owner Authorized Agent

CODE ENFORCEMENT USE ONLY			
Occupancy Classification <u>40 40 20</u>	Planning Board _____	Rec'd by <u>TG</u>	Receipt No. <u>17085</u>
Zoning <u>RT</u>	Plans Review _____	Building Permit No. <u>91-2024</u>	
Flood Plains _____ Wetlands _____	Date Application Rec'd _____	Set Backs _____	
Contractors W/C Ins. _____	ZBA _____	Fee <u>65.00</u>	Date Paid <u>JUNE 18, 2024</u>
<input type="checkbox"/> Duplicate Set of Plans	<input type="checkbox"/> Survey and/or Site Plan		
<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED	Date <u>6/20/2024</u>	
Remarks _____		Signature of Codes Enforcement Officer <u>[Signature]</u>	

RECEIVED
JUN 18 2024
By



JOB Susan Cunningham
SHEET NO. 001 OF 001
CALCULATED BY Murray Land DATE June 20, 2021
CHECKED BY J. Murray DATE June 20, 2021
SCALE 1/2" = 10.0'

MURRAY LANDSCAPING
8904 Hills Road
MANLIUS, NEW YORK 13104
(315) 655-2865 Fax (315) 655-2865

PRODUCTS (MATERIALS) PROVIDED BY OTHERS ARE THE PROPERTY OF THEIR RESPECTIVE MANUFACTURERS. TO REORDER: 1-800-225-6380 or www.mls.com

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

-----X
PAUL RYAN,

Index No.: 012474/2024

Plaintiff,

EXPERT AFFIDAVIT

-against-

SUSAN CUNNINGHAM, ALAN LINCOLN, NANCY
KERRIGAN, CHARLIER BERNET, KRISTA TASKEY, DIANA
MARLEY, DAVID SMART, HUNTWOOD HOMEOWNERS'
ASSOCIATION, PROPERTY MANAGEMENT ALLIANCE
LLC, NEWMAN & LICKSTEIN LLP, MURRAY
LANDSCAPING

Defendants.

-----X

STATE OF NEW YORK)

) ss:

COUNTY OF SUFFOLK)

ZOHAIB A. ALVI, M.ENG., P.E., DFE, being duly sworn, states the following:

1. I am a Civil, Structural, and Forensic Engineering Consultant, and Principal of za/engineering. I earned a dual Bachelor of Science degree from SUNY Farmingdale, and a Master of Engineering degree from the University at Buffalo. I am a licensed and registered professional engineer and authorized to provide engineering services in the State of New York. I am also a licensed engineer in multiple other states. Along with my private engineering design practice, I provide technical investigations, analysis, and testimony in forensic engineering cases, including construction issues and building code related matters. A copy of my Curriculum Vitae has been included in **Appendix A**.

2. I was retained by Mr. Paul Ryan, Pro Se, to provide an expert opinion on the above-captioned matter concerning the construction of an exterior privacy wall (subject wall). My analysis and opinions were based on a review of the items referenced in this affidavit.
3. It was understood that Mr. Ryan's property and townhome residence was located at 4814 Huntwood Path in Manlius, New York (Ryan Property). Defendant Ms. Susan Cunningham's property and townhome residence was located at 4812 Huntwood Path in Manlius, New York (Cunningham Property). For the purposes of this affidavit, the front of the residences at both properties was referenced to face north. The Cunningham Property was located east of the Ryan Property, and the two townhomes shared a party wall.
4. It was alleged that the subject wall was constructed off the south side of the two residences by Defendant Ms. Cunningham, on or near the shared property line between the Ryan Property and Cunningham Property. It was further alleged that the permitting and construction of the subject wall did not meet building code requirements, and that the construction of the subject wall was unsafe.
5. I reviewed a series of undated photographs of the subject wall and the deck it was constructed upon, from before and after the subject wall was constructed. Based on a review of those photographs, the subject wall was constructed on top of an existing deck structure on the Cunningham Property, immediately adjacent to the Ryan Property. The span of the wall was in the relative north-south direction, off the south side of the townhome residences. An extension was added to the south side of the deck, acting as a landing for a new set of stairs between the grade and the deck.

6. Based on a review of the items as discussed further in this affidavit, it was determined that the questionable nature of the construction of the subject wall may lead to a hazardous condition. The construction of the subject wall did not meet fire-resistant construction requirements for common walls between townhomes as indicated portions of the 2020 New York State Residential Code as referenced within this affidavit. In the event of a fire, an inadequately fire-resistant wall can increase the chances of fire spreading to adjacent properties. In addition, how the subject wall was fastened to the existing deck and structure was not completely known; Mr. Ryan indicated that the wall moved during high winds, which may happen if the fastening was inadequate for lateral loads from winds. If the wall was inadequately fastened to the underlying deck and/or adjacent structure, then a risk of the wall collapsing during a sufficiently high wind event also exists.
7. Prior to my analysis and opinion, I reviewed the following documents, some as provided by Mr. Ryan, and some as included in a Freedom of Information Law (FOIL) request response from the Town of Manlius (FOIL-103-2025):
 - a. A series of sketches from Murray Landscaping, dated April 2024 and June 2024. These sketches showed the general configuration and location of the subject wall on the deck, but these sketches were not signed by a registered design professional. These plans did not identify the proximity of the subject wall to the Ryan Property. One of the sketches stated “5” Lag Screws Anchored” for the fastening of the subject wall, but did not indicate interval of that anchor, whether it was to the adjacent structure and/or underlying deck, and whether the structure

or deck was adequate to support the loads, vertical or lateral, from the construction of the subject wall.

- b. An Application for Building Permit dated June 18, 2024. This application stated that “Application is hereby made for the issuance of a Building Permit pursuant to the New York State Uniform Fire Prevention and Building Code for the work herein described. The applicant agrees to comply with all laws, ordinances, regulations and revisions of the municipality in which the Permit is requested.”
- c. Building Permit No. 0091-24 from the Town of Manlius dated June 26, 2024. This permit indicated that indicated that it was for a residential addition/alternation/renovation. The permit indicated that the “approved plans are uploaded in attachments”. The only plans made available for my review in connection with these permits were the sketches from Murray Landscaping referenced above. The inspection notes from Mr. Thomas Poitras, a Code Enforcement Officer (CEO) for the Town of Manlius, were included on the building permit; compliance with those comments, or a Certificate of Compliance, were not included with this permit.
- d. “AFFIDAVIT IN SUPPORT OF ORDER TO SHOW CAUSE” from Mr. Paul Ryan dated March 26, 2025, which included the following relevant information:
 - i. The subject wall was constructed on or about June 11, 2024.
 - ii. There were concerns that the wall was not constructed safely or in conformance to state and local codes and statutes.
 - iii. The subject wall was constructed on or adjacent to the property line between the Ryan Property and Cunningham Property.

- iv. The wall was observed to be “blowing” (moving) during high winds.
- e. “RESPONSE TO INTERROGATORIES” from the attorneys for defendant Ms. Cunningham dated November 7, 2025, which included the following relevant information:
 - i. A permit to construct the wall for the deck on site was not originally obtained; it was assumed that only permission from the Homeowners Association (HOA) was required. Permission was granted by the HOA via email on or around October 5, 2023, and via a letter dated October 5, 2023. Permit No. 0091-24 from the Town of Manlius was issued to them on June 26, 2024.
 - ii. Ms. Cunningham met with Murray Landscaping on or about May 21, 2024, to review the proposal for the construction of the wall.
 - iii. An inspection of the subject wall via telephone was performed by the Town of Manlius on August 20, 2024, and a few days later Mr. Poitras indicated that the wall did not pass inspection. On September 12, 2024, Mr. Poitras and Murray Landscaping met on site to discuss corrections to the deck, which were finished on or about October 3, 2024.
 - iv. The “materials used in the construction of the wall were 2x6 wood framing, plywood core, with Tyvek and siding material consistent with that already present upon the Defendant’s town home and cedar trim.”
 - v. Sketches were included from Murray Landscaping showing the construction of a deck and privacy wall; these plans were not signed or sealed by a registered design professional.

- f. "DEFENDANT TOWN OF MANLIUS RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES" dated November 13, 2025, which included the following relevant information:
- i. The Planning and Development department generally handled "code enforcement, building permits, and local stormwater and sewer services."
 - ii. Building Permit No. 0091-24 had an application date of June 18, 2024, an issue date of June 26, 2024, and an expiration date of June 26, 2025. This permit was issued by CEO Mr. Poitras.
 - iii. Mr. Poitras conducted the following inspections:
 - 1. Pre-Permit Inspection on June 26, 2024.
 - 2. Final Inspection on August 20, 2024. The notes for this inspection stated that "landing does not meet code beam and joist connection nor is it shown on approved plans approved plans are uploaded in attachments".
 - 3. Site Inspection on September 12, 2024.
 - 4. Final Inspection of November 8, 2024. The notes for this inspection stated that "Floor joist not fastened to beam, otherwise revised construction appears to meet minimum requirements of NYS building code".
 - iv. On September 12, 2024, Mr. Poitras met with the contractor, Murray Landscaping, on site. On December 12, 2024, Mr. Poitras emailed Murray Landscaping regarding the floor joist framing at the site, which Murray Landscaping responded to on December 17, 2024.

- v. The Town of Manlius relied “predominantly upon Town of Manlius Code, Chapter 59 (“Building Construction and Fire Prevention”), which provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code in the Town.”
- g. “Response to First Set Interrogatories To Defendant Murray Landscaping” dated November 14, 2025, which included the following relevant information:
 - i. Regarding the construction of the subject wall: “Defendant responds that it used generally accepted building methods and carpentry principles to construct the wall of wood, (primarily 2x6's, tarpaper and plywood), measured and cut with a variety of implements and fastened with mechanical devices and chemical adhesives, commonly referred to as "nails," "screws," "construction glue" and "caulk." A chemical protectant also known as "paint" was also applied to various parts of The Wall. Defendant purchased the materials, like all of its materials, at Home Depot. These are common building materials, and it may have used material purchased and leftover from a variety of other projects.”

8. Prior to my analysis and opinions, I also reviewed the following references and documents:

a. I reviewed the following portions of the 2020 New York State Residential Code, which would have been in effect during the 2024 construction and permitting of the subject wall. Underlined sections are emphasis added by me:

- i. “R105.2.1 Work Exempt From Building Permit Requirement: A building permit shall not be required for work in any category that is excluded from the building permit requirement by the authority having jurisdiction's Code Enforcement Program, provided that Part 1203 allows an authority having jurisdiction to exclude such category of work from the building permit requirement. Exemptions from building permit requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of any provision the Uniform Code, any provision of the Energy Code, or any provision of any other applicable law.”
- ii. “R105.2.2 Applications for Building Permits: A person or entity applying for a building permit shall submit an application to the authority having jurisdiction. An application for a building permit shall include...Construction documents that satisfy the requirements of Section R106.2...”
- iii. “R105.2.4 Validity of Building Permit: The issuance or granting of a building permit shall not be construed to be a permit for, or an approval of, any violation of any provision of the Uniform Code, the Energy Code, or of any other applicable law. A building permit purporting to give authority

to violate or cancel any provision of the Uniform Code shall not be valid.

The issuance of a building permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data.”

- iv. “R106.2 Site Plan: The construction documents submitted with the application for a building permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for building permit is for alteration or repair or where otherwise warranted.”
- v. “R106.3 Design Professional: Construction documents shall be prepared by a registered design professional when required by Article 145 or Article 147 of the New York State Education Law, by the stricter of Code Enforcement Program of the authority having jurisdiction or a Part 1203—Compliant Code Enforcement Program, or by any other applicable statute, regulation, or local law or ordinance.”
- vi. “R302.2 Townhouses: Walls separating townhouse units shall be constructed in accordance with Section R302.2.1 or R302.2.2.”
- vii. “R302.2.2 Common Walls: Common walls separating townhouses shall be assigned a fire-resistance rating in accordance with Item 1 or 2. The

common wall shared by two townhouses shall be constructed without plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be in accordance with Chapters 34 through 43. Penetrations of the membrane of common walls for electrical outlet boxes shall be in accordance with Section R302.4.

1. 1. Where a fire sprinkler system in accordance with Section P2904 is provided, the common wall shall be not less than a 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263 or Section 703.3 of the Building Code of New York State.
2. 2. Where a fire sprinkler system in accordance with Section P2904 is not provided, the common wall shall be not less than a 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263 or Section 703.3 of the Building Code of New York State.

b. I reviewed the following portions of the 2020 New York State Building Code, which would have been in effect during the 2024 construction and permitting of the subject wall. Underlined sections are emphasis added by me:

- i. “703.3 Methods for Determining Fire Resistance: The application of any of the methods listed in this section shall be based on the fire exposure and acceptance criteria specified in ASTM E119 or UL 263. The required fire

resistance of a building element, component or assembly shall be permitted to be established by any of the following methods or procedures:

1. 1. Fire-resistance designs documented in approved sources.
 2. 2. Prescriptive designs of fire-resistance-rated building elements, components or assemblies as prescribed in Section 721.
 3. 3. Calculations in accordance with Section 722.
 4. 4. Engineering analysis based on a comparison of building element, components or assemblies designs having fire-resistance ratings as determined by the test procedures set forth in ASTM E119 or UL 263.
 5. 5. Alternative protection methods as allowed by Section 104.3.
 6. 6. Fire-resistance designs certified by an approved agency.”
- ii. “721.1 General: The provisions of this section contain prescriptive details of fire-resistance-rated building elements, components or assemblies. The materials of construction listed in Tables 721.1(1), 721.1(2) and 721.1(3) shall be assumed to have the fire-resistance ratings prescribed therein. Where materials that change the capacity for heat dissipation are incorporated into a fire-resistance-rated assembly, fire test results or other substantiating data shall be made available to the building official to show that the required fire-resistance-rating time period is not reduced.”

1. The construction of the subject wall as described and as shown in the photographs was not in conformance to the 2-hour fire-resistance-rated assemblies listed in the tables identified in 721.1.
- iii. “722.1 General: The provisions of this section contain procedures by which the fire resistance of specific materials or combinations of materials is established by calculations. These procedures apply only to the information contained in this section and shall not be otherwise used. The calculated fire resistance of concrete, concrete masonry and clay masonry assemblies shall be permitted in accordance with ACI 216.1/TMS 0216. The calculated fire resistance of steel assemblies shall be permitted in accordance with Chapter 5 of ASCE 29. The calculated fire resistance of exposed wood members and wood decking shall be permitted in accordance with Chapter 16 of ANSI/AWC National Design Specification for Wood Construction (NDS).”
- iv. “722.6 Wood Assemblies: The provisions of this section contain procedures by which the fire-resistance ratings of wood assemblies are established by calculations.”
- v. “722.6.1.1 Maximum Fire-Resistance Rating: Fire-resistance ratings calculated for assemblies using the methods in Section 722.6 shall be limited to not more than 1 hour.”
 1. A 1-hour maximum allowable rating using this method rating would not comply with the 2-hour rating requirement indicated in R302.2.2 of the 2020 New York State Residential Code, and

therefore the provisions in section 722.6 would be unapplicable for this purpose.

- vi. Section 1609.3, Basic Design Wind Speed, included the requirements for the design wind speed for structures. The basic design wind speed for Risk Category II structures would have been 110 miles per hour at the general location of the Cunningham Property and Ryan Property, based on the wind speed map shown in Figure 1609.3(1).
- c. I reviewed the following sections of the New York State Education Law; underlined sections are emphasis added by myself:
 - i. Article 145, Professional Engineering, Land Surveying and Geology, Section 7201: “The practice of the profession of engineering is defined as performing professional service such as consultation, investigation, evaluation, planning, design or supervision of construction or operation in connection with any utilities, structures, buildings, machines, equipment, processes, works, or projects wherein the safeguarding of life, health and property is concerned, when such service or work requires the application of engineering principles and data.”
 - ii. Article 147, Architecture, Section 7301: “The practice of the profession of architecture is defined as rendering or offering to render services which require the application of the art, science, and aesthetics of design and construction of buildings, groups of buildings, including their components and appurtenances and the spaces around them wherein the safeguarding of life, health, property, and public welfare is concerned. Such services

include, but are not limited to consultation, evaluation, planning, the provision of preliminary studies, designs, construction documents, construction management, and the administration of construction contracts.”

d. I reviewed the following sections from Chapter 59, Building Construction and Fire Prevention, of the Town of Manlius Code of Ordinances, which was also specifically referenced in “DEFENDANT TOWN OF MANLIUS RESPONSE TO PLAINTIFF’S FIRST SET OF INTERROGATORIES”; underlined sections are emphasis added by myself:

i. Section 59-12 Application for Building Permit:

1. “(A) Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code and/or the International Residential Code and/or the Town of Manlius Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.”

2. Subsection B did not include exemptions for decks, or for structures constructed on top of decks, such as the subject wall.
3. "(C) Application for a building permit shall be made to the Codes Enforcement Officer on forms provided by him and shall contain the following information:
 - a. (1) A description of the land on which the proposed work is to be done.
 - b. (2) A statement of the use or occupancy of all parts of the land and of the building or structure.
 - c. (3) The valuation of the proposed work.
 - d. (4) The full name and address of the owner and of the applicant and the names and addresses of their responsible officers if any of them are corporations.
 - e. (5) A brief description of the nature of the proposed work.
 - f. (6) A duplicate set of plans and specifications as set forth in Subsection C of this section.
 - g. (7) The Tax Map number and the street address of the premises where the work is to be performed.
 - h. (8) The occupancy classification of any affected building or structure;
 - i. (9) At least two sets of construction documents (drawings and/or specifications) which:
 - i. (a) Define the scope of the proposed work;

- ii. (b) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - iii. (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - iv. (d) Substantiate that the proposed work will comply with the Uniform Code and the Energy Code and the International Residential Code; and
 - v. [Amended 9-28-2016 by L.L. No. 1-2017]
 - vi. (e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- j. (10) Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection C(9) of this section. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the

Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.

- k. (11) Such other information as may reasonably be required by the Codes Enforcement Officer to establish compliance of the proposed work with the requirements of the applicable provisions of this chapter, building laws, ordinances, rules and regulations. Applications shall be made by the owner or lessee or agent of either or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.”

9. Based on a review of the reviewed documents and references indicated above, the following can be concluded within a reasonable degree of engineering certainty:
- a. The subject privacy wall on or adjacent to the property lines separating the Ryan and the Cunningham properties was constructed prior to the issuance of any permits; the wall was reported to be constructed around June 11, 2024, the Application for Building Permit was dated June 18, 2024, and Building Permit No. 0091-24 was dated June 26, 2024.
 - b. The construction of the subject privacy wall was not specifically exempt in the Town of Manlius Code of Ordinances Section 59-12 (B) (see also 2020 New York State Residential Code R105.2.1).
 - c. The application, and subsequent approval of the permit, to construct the subject privacy wall on or adjacent to the property lines separating the Ryan and the Cunningham properties did not comply with the requirements of the 2020 New York State Residential Code, specifically, sections R105.2.2, R106.2, and R106.3.
 - d. The application, and subsequent approval of the permit, to construct the subject privacy wall did not comply with the requirements of the Town of Manlius Code of Ordinances Section 59-12 (A) and (C), which were part of Chapter 59. The “DEFENDANT TOWN OF MANLIUS RESPONSE TO PLAINTIFF’S FIRST SET OF INTERROGATORIES” stated that this Chapter was predominantly relied upon.
 - e. Drawings signed and sealed by a registered design professional were required to be submitted per the 2020 New York State Residential Code section 106.3 and the Town of Manlius Code of Ordinances Section 59-12 (C)(9)(b). The scope of work

for the subject privacy wall fits the scope for architecture and engineering as described in Article 145 and Article 147 sections referenced above, as it can be considered as a component and/or appurtenance of a structure, affecting life, health, and/or property.

- f. The construction of the subject privacy wall, serving as a common wall between the Ryan property and the Cunningham property, was required to have a 2-hour fire-resistant rating per section R302.2.2 of the 2020 New York State Residential Code. The construction of the wall as described in the reviewed documents and as viewed in the photographs did not meet the 2-hour fire-resistant construction requirements as indicated in section 703.3 of the 2020 New York State Building Code. The questionable nature of the construction of the subject wall may lead to a hazardous condition. In the event of a fire, an inadequately fire-resistant wall can increase the chances of fire spreading to adjacent properties. If additional documents showing that the fire resistance ratings of the wall assembly and/or components as constructed are made available, they can be reviewed at that time.
- g. How the subject wall was fastened to the existing deck and structure was not completely known; one of the sketches from Murray Landscaping stated “5” Lag Screws Anchored” for the fastening of the subject wall, but did not indicate interval of that anchor, whether it was to the adjacent structure and/or underlying deck, and whether the structure or deck was adequate to support the loads, vertical or lateral, from the construction of the subject wall. Mr. Ryan indicated that the wall moved during high winds, which may happen if the fastening was inadequate for lateral loads from winds. If the wall was inadequately fastened to the

underlying deck and/or adjacent structure, then a risk of the wall collapsing during a sufficiently high wind event also exists.

10. The opinions within this affidavit were based specifically on the documents and references as stated within this affidavit. I reserve the right to amend or supplement these opinions in the event additional information becomes available.
11. It is a violation of Article 145, Section 7209 of the Laws, Rules and Regulations under the New York State Education Law for any person, unless he or she is acting under the direction of a licensed professional engineer or land surveyor, to alter this document in any way. If an item bearing the seal of an engineer or land surveyor is altered, the altering engineer or land surveyor shall affix to the item his or her seal and the notation "altered by" followed by his or her signature and the date of such alteration, and a specific description of the alteration. Only stamped and signed copies of this document shall be considered true and original.

I affirm this 15th day of December 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



A handwritten signature in green ink, appearing to read "Zohaib A. Alvi", is written over a horizontal line.

Digitally signed by: Zohaib A. Alvi,
P.E.
DN: CN = Zohaib A. Alvi, P.E.
email = zalvi@consultz.net C =
US O = ZA Consulting
Engineering Services PLLC OU =
Principal
Date: 2025.12.15 19:49:56 -05'00'

ZOHAI B A. ALVI, M.ENG., P.E., DFE

Appendix A
Curriculum Vitae of
Zohaib A. Alvi, M.Eng., P.E., DFE



Zohaib A. Alvi, M.Eng., P.E., ENV-SP, DFE
80 Orville Drive, Suite 100
Bohemia, New York 11716
631-746-5943
zalvi@consultz.net

Curriculum Vitae

Summary of Qualifications

I am a Civil, Structural, and Forensic Engineering Consultant, and Principal of za/engineering. I am a graduate of State University of New York, Farmingdale State College, and have dual Bachelor of Science degrees in Architectural Technology and Construction Management Engineering Technology (ETAC-ABET Accredited Programs). I also have an Engineering Leadership Certificate from Cornell University, completed a Master of Engineering program in Engineering Management at University of Buffalo in February 2023. I am a Licensed Professional Engineer (P.E.) and maintain licensure in multiple states. I have extensive experience in in evaluation, repair, and rehabilitation of existing structures and historic buildings, I perform progress inspection and special inspections, and I am skilled in the structural design of new commercial and residential structures. I am a Board-Certified Diplomate in Forensic Engineering (DFE), as awarded by the National Academy of Forensic Engineers, under the requisites accredited by the Council on Engineering & Scientific Specialty Boards.

I am highly experienced in forensic investigations and evaluations, to determine the cause and origin of structural deficiencies, component failure, damage following accidents and weather-related events, slips, trips, and falls, and other related concerns. I also have experience in verifying construction compliance with applicable building codes and contract specifications, evaluating impact of construction errors, change orders, and damages during construction, along with evaluating job site safety concerns. I have also facilitated seminars for professional organizations for continuing education credits.

I am an active member of the National Society of Professional Engineers (NSPE), the National Academy of Forensic Engineers (NAFE), and the Structural Engineers Association of New York (SEAoNY) and maintain membership with the American Society of Professional Engineers (ASCE), the National Academy of Building Inspection Engineers (NABIE), and the International Association for Bridge and Structural Engineers (IABSE), among others.

Ongoing Professional Experience

ZA Consulting Engineering Services PLLC d/b/a za/engineering

Bohemia, New York

Principal and Owner

August 2016 to Present

I am the Principal and Owner of za/engineering, a boutique structural engineering consultancy with a strong focus on forensic engineering, along with the evaluation, repair, reuse, and preservation of existing structures. za/engineering is located in the heart of Long Island, New York, but operates throughout the country. In addition to structural engineering consulting, za/engineering provides services such as special inspections, building consultation, and property condition assessments. za/engineering engages in projects for municipal, state, and federal governments, various public agencies, contractors, and private owners. za/engineering is also a New York City approved Special Inspection Agency.

I participate in the entire process of a project, from pre-planning, to design, along with construction, administration, inspections, and close-out. za/engineering's forensic investigation services related to structural and non-structural failures (such as slips, trips, and falls, and construction disputes), component failure, and damage assessment, to determine cause, nature, effect, required remedial actions, and to apply engineering methods and analysis techniques to those failures and/or defects. I also provide expert witness services, including authoring reports and affidavits for court cases, and providing expert testimony.

In addition, I am a part-time structural engineering consultant for multiple companies nation-wide, where I conduct forensic engineering investigations and consult on various engineering projects as they relate to my areas of expertise.

Past Professional Experience

State University of New York – Farmingdale State College

Farmingdale, New York

Adjunct Professor

January 2020 to December 2021

I was an adjunct professor at my alma mater, Farmingdale State College, and taught CON207, Elements of Strength of Materials, within the Department of Architecture and Construction Management.

LGI Forensic Engineering PC

Westchester, New York

Senior Structural Engineer

November 2018 to June 2020

I was a part-time structural engineering consultant for LGI Forensic Engineering PC. My responsibilities included forensic investigation related to structural engineering and building science matters, and I was responsible for authoring detailed technical reports related to failures and deficiencies, and to provide technical expert court testimony as required.

Rimkus Consulting Group, Inc.

New York, New York

Consultant – Structural, Construction, and Property

November 2016 to November 2018

I was responsible for investigating, evaluating, and preparing reports on commercial and residential structures to determine the cause and origin of structural deficiencies, damage, or abnormalities within structures, due to vehicle accidents, construction accidents, improper construction, wear and tear, and weather-related disasters such as hurricanes, snowstorms, and floods. I also conducted building codes and standards research, contract and specification review, analysis of manufacturers data, and performed structural calculations, as required per project. In addition to the above, I was also responsible for surveying existing job site conditions and providing necessary data to estimating teams and/or drafting teams for production of cost estimates and/or construction drawings, and I was responsible for overall project management.

H2M Architects + Engineers

Melville, New York

Project Engineer – Forensics

January 2016 to October 2016

I was responsible for building investigations and production of engineering reports for various public and private agencies, for both residential and commercial structures, for reporting on the cause and origin of damage, conducting research and analysis, and performing structural calculations. In addition, some assignments included assessment of damage to determine scope of work required for repairs, with estimation of cost using Xactimate when required.

Schmitt Engineering PLLC

Stony Brook, New York

Associate Engineer

March 2010 to December 2015

I designed, analyzed, and produced drawings for structures and various associated components. I also managed construction projects from inception to completion, including field inspections and special inspections. I performed structural calculations and analysis as per publications by ASCE, IBC, AISC, ACI, and local building codes for commercial and residential buildings including new structures, and modification or rehabilitation of existing structures. I surveyed existing buildings in order to determine structural capacities for reuse, conducted on-site engineering inspections for new construction projects, including special inspections and compliance to contract drawings. I was also involved in forensic reporting and assessment of damage to structures in order to determine safety and stability and required repairs.

Ahern Contractors Inc.

Woodside, New York

Project Manager – Steel Division

June 2008 to December 2009

I managed projects relating to rehabilitation and repair of major infrastructure, including airports, interstate bridges, tunnels, highways, and related structures. My responsibilities included verifying contract drawings and preparing shop drawings, reviewing structural rehabilitation proposals and contracts, estimating costs and material quantities, managing supplier relations, scheduling and execution of projects, and inspection of work after completion and before final inspection by client.

Professional Engineering Licenses

State of New York: License Number 096497 - June 2016

State of Connecticut: License Number Pen.0032725 - October 2017

State of Texas: License Number 128419 - October 2017

State of Pennsylvania: License Number PE087161 - January 2018

State of New Jersey: License Number 24GE054551000 - July 2018

State of Maryland: License Number 61798 - October 2023

State of Delaware: License Number 29110 - October 2023

Education

State University of New York – Farmingdale State College

Dual Bachelor of Science – May 2008

Architectural Technology and Construction Management Engineering Technology - ETAC/ABET Accredited Programs

Cornell University

Engineering Leadership Certificate – December 2018

State University of New York – University at Buffalo

Master of Engineering – February 2023

Engineering Management

Recent Presentations and Public Events

Safeguards During Construction – NYS vs NYC Codes

Engineer's Joint Committee of Long Island (EJCLI) E-Week Seminar – Long Island, New York – February 2025

A Review of the 2022 NYC Building Codes – Chapters 14 through 17, and 33

Halfmoon Education – New York, New York (Virtual) – December 2023

Less is More: The Pleasure and Pain of Running a Solo Forensic Engineering Practice

National Academy of Forensic Engineers National Conference – Kansas City, Missouri – July 2023

Career Development in Theory, Not Practice

Joint Presentation at the NSPE National Conference – Philadelphia, Pennsylvania – August 2022

Structural Consideration When Installing Rooftop Solar Panels

Engineer's Joint Committee of Long Island (EJCLI) E-Week Seminar – Long Island, New York – February 2021

An Introduction to Forensic Engineering

A Joint Presentation by the Long Island Branches of the ASCE and NSPE – Long Island, New York – February 2021

Building Personal Resilience

New York Build Expo, Manhattan, New York – March 2020

What if Forensic Engineering?

New York State Society of Professional Engineers – Long Island Branch, Long Island, New York – January 2020

PE Day Advocacy for Professional Engineering Licensure

Office of Congressman Pete King, and Office of Senator Kristin Gillibrand, Long Island, New York – August 2019

Structural Consideration When Installing Rooftop Solar Panels

New York Build Expo, Manhattan, New York – March 2019

Recent Publications

Don't Let an 'Imposter' Derail Your Career

PE Magazine: The Magazine for Professional Engineers – Spring 2021 Issue

The Importance of Learning About History (For Engineers Who Never Liked History)

PE Magazine: The Magazine for Professional Engineers – Fall 2020 Issue

Why Should I Care About Diversity in Engineering? (Contributing Author)

PE Magazine: The Magazine for Professional Engineers – July/August 2020 Issue

Professional Memberships and Affiliations

American Society of Civil Engineers (ASCE): Member – Since 2010

Specialty Membership in Architectural Engineering Institute (AEI) and Structural Engineering Institute (SEI)

ASCE Met Section Long Island Branch, Board of Directors - Director of Communications – August 2022 to August 2023

National Society of Professional Engineers (NSPE): Member – Since 2018

NSPE Diversity, Equity, and Inclusion Committee Member – October 2019 to June 2022

NSPE Emerging Leaders Program Task Force – September 2020 to June 2022

NSPE New Professional Committee – July 2022 to August 2023

NSPE Emerging Leaders Program Mentor – Since November 2022

NSPECon Planning Committee – Since September 2023

NSPE New York Chapter – Professional Engineers in Private Practice (PEPP) Vice Chair – Since October 2022

NSPE New York Long Island Branch, Board of Directors – President – June 2024 to June 2026

Structural Engineers Association of New York (SEAoNY): Member – Since 2018

SEAoNY Small Practice Engineering Committee (SPEC) Member – Since 2018

SPEC Co-Chair – August 2023 to July 2024

International Code Council (ICC): Certified Member – Since 2018

National Academy of Forensic Engineers (NAFE): Member 1030M – Since 2018

Journal of the NAFE, Associate Editor – Since August 2022

Education Committee Chair – Since July 2023

Diplomate in Forensic Engineering (DFE) – Since January 2024

ASTM International (ASTM): Participating Member – Since 2018

Specialty Membership in E58 Committee on Forensic Engineering

American Concrete Institute (ACI): Member – Since 2019

American Institute of Steel Construction (AISC): Member – Since 2019

International Association for Bridge and Structural Engineers (IABSE): Member – Since 2019

National Academy of Building Inspection Engineers (NABIE): Member – Since 2020

Institute for Sustainable Infrastructure (ISI): Member – Since 2022

The Association for Preservation Technology International (APT): Member – Since 2022

Additional and Past Certifications

Active Record with the National Council of Examiners for Engineering and Surveying (NCEES)

FIRST Robotics Competition (FIRST): *Sachem Aftershock Team 263 Mentor – Since November 2024*

ACE Mentor Program of America (ACE): *ACE Team 33 Mentor – September 2022 – May 2023*

Institute for Sustainable Infrastructure

Envision Sustainability Professional (ENV-SP) – December 2022

ASTM International

Property Condition Assessments Certificate – June 2020

National Society of Professional Engineers (NSPE)

Emerging Leaders Certificate Program – July 2019

The Snell Group

Certificate of Achievement, Infrared for Weatherization and Energy Audits – April 2018

Excel Tribometers LLC

Certified XL Tribometrist (CXLT) – November 2017

New York City Department of Buildings

30 Hour Construction Safety – August 2015

Engineers Without Borders

Professional Mentor, Stony Brook Chapter – 2013 to 2014

International Code Council (ICC)

Certified Structural Steel Inspector, S1 and S2 – 2012

Work samples and testimony history are available upon request only.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

-----X

PAUL RYAN

Plaintiff,

- against -

Index No. SU-2024-012474
AFFIDAVIT OF
FRANK S. FERRANTELO

SUSAN CUNNINGHAM, ALAN LINCOLN, NANCY
KERRIGAN, CHARLIE BERNET, KRISTA TASKEY,
DIANE MARLEY, DAVID SMART, HUNTWOOD
HOMEOWNERS ASSOCIATION, PROPERTY
MANAGEMENT ALLIANCE LLC, TOWN OF
MANLIUS MURRAY LANDSCAPING LLC

Defendants,

-----X

State of New York }
 }ss:
County of Nassau }

Frank S. Ferrantello, being duly sworn, hereby deposes and states as follows under penalty of perjury:

1. I am the President of Ferrantello Land Surveying P.C. and I am a NY licensed Land Surveyor in the State of New York with an office located at 12 West Mall, Plainview, New York 11803.

2. I am a licensed Professional Land Surveyor in the State of New York and a graduate civil engineer with over 25 years of experience in land surveying, civil engineering, general construction. I am a member of the New York State Association of Professional Land Surveyors, National Society of Professional Surveying, American Land Title Association; American Congress of Surveying and Mapping; American Society of Civil Engineer; American Institute of Architects; New York State Society of Professional Engineers; New York Land Title

Association; and the Nassau-Suffolk Civil Engineers & Land Surveyors of which I was Past President and Vice President and I am currently on the Board of Directors of. A copy of my curriculum vitae is annexed hereto as **Exhibit "A."**

3. In addition, I have conducted all types and phases of Land & Building Surveying and Mapping, Trip and Fall, Slip and Fall, Accident & Site Mapping, Boundary Disputes, Adverse Possession, Right of Way and Easements, Zoning and Land Use Planning, Flood Plain, Elevation, Datum and Grading Drainage Issues, Land Development and Earthwork, Utility and Mark Out Issues, Professional Negligence, Standard of Care Evaluation, Topographic, Investigative, Retracement and Easement, Reconstruction surveys. I have extensive experience in property line disputes, surveys of large tracts of land, title and boundary surveys and construction layout.

4. On 12/21, an investigation was conducted of the area as shown located at 4814 Huntwood Path, Manilus, NY

5. In review of plaintiff exhibits it was determined that the location the plaintiff or defendant built a new privacy wall is over the property line for the premises known as 4814 Huntwood Path, Manilus, NY. Which is encroaching up to approximately 0.5-0.7' feet over onto the lot and unit of the Plaintiff.

6. As part of my investigation and in preparation of this Affidavit, I was provided the survey and maps for the premises certified from 2 different surveyors as being correct and matching.

7. I prepared mark up exhibits of the record survey and survey map if the entire set of buildings that are attached, a true and accurate copy of these markup exhibits is attached here with my affidavit. Based on my review of the pertinent records and exhibits provided in connection with this action, I can state with reasonable degree of certainty as a professional land surveyor defendant privacy wall is encroaching on to the plaintiff lots and unit.

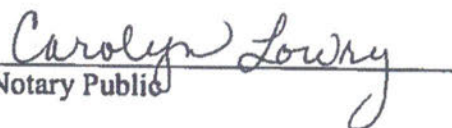
Pending receipt of additional documentation, such as responses to Freedom of Information Law (FOIL) requests or subpoenas , I reserve the right to supplement my findings with further evidence to support these conclusions.

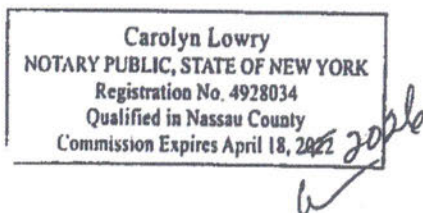
All opinions expressed herein are based on my professional expertise, and review of relevant documentation, and are stated to a reasonable degree of professional certainty.


Frank S. Ferrantello P.L.S

Sworn to before me this

24 th day of December 2025


Notary Public



MARK UP EXHIBITS BY
FRANK S. FERRANTELO PLS
LICENSE NO 50762

HUNTWOOD PATH

20' DRAINAGE EASEMENT

State of New York

David William Hannig, L.S.

TOP OF BLOCK ELEV. 503.4

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS MAP
WAS MADE FROM AN ACTUAL SURVEY, AND BOTH MAP
AND SURVEY ARE CORRECT. CERTIFICATION IS VOID
UNLESS SIGNED WITH RED INK.

David W. Hannig

DAVID WILLIAM HANNIG, P.L.S. LIC. NO. 47411

**BLOCK G,
"HUNTWOOD" 2nd AMD.**

TOWN OF MANLIUS, ONONDAGA COUNTY

SCALE: 1"=20'

DATE: 12/15/93



D. W. HANNIG L.S., P.C.

SURVEYORS - PLANNERS - CONSULTANTS

THE MARKET PLACE - BUILDING #1 - MANLIUS, NEW YORK 13104

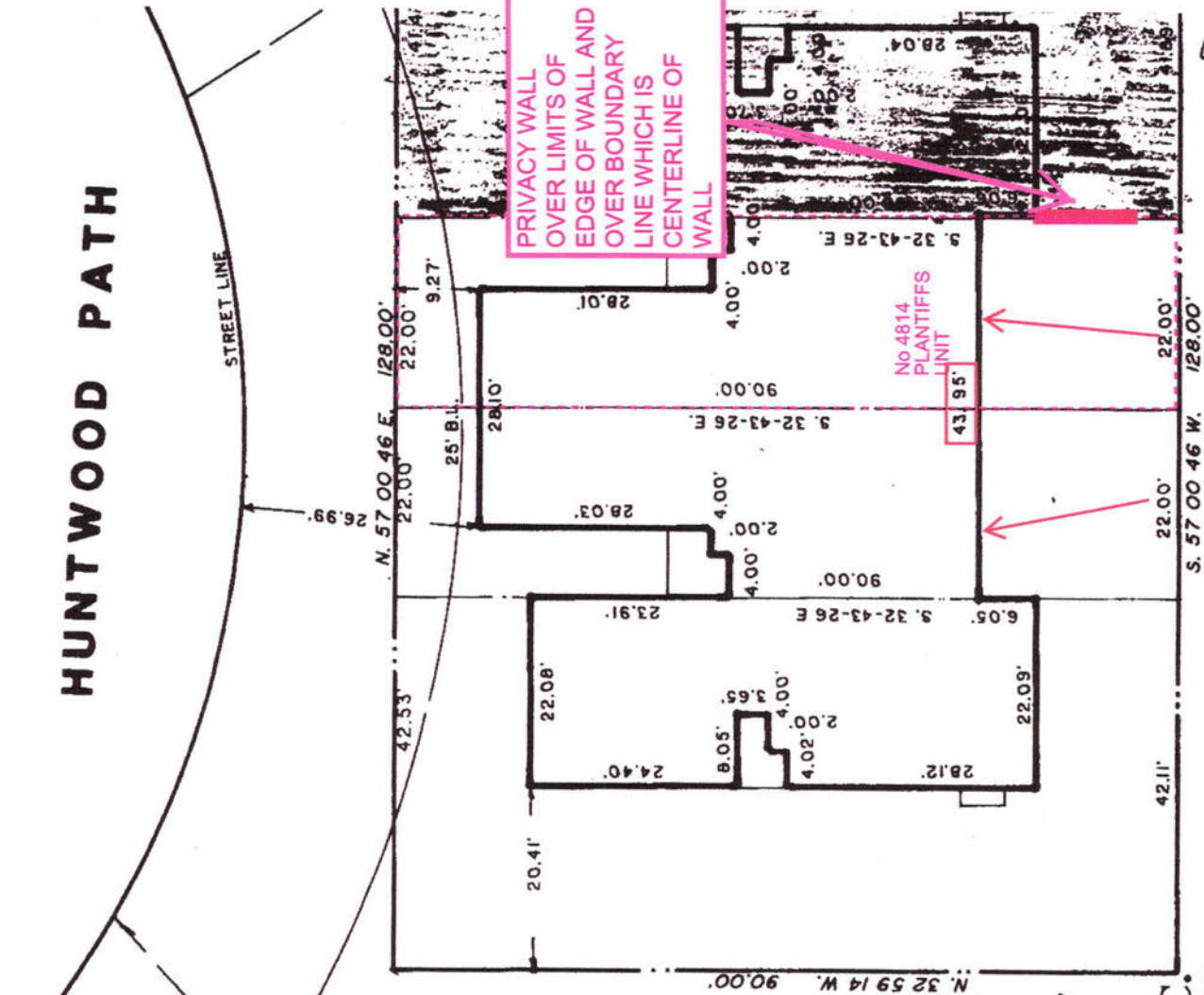
PHONE: (315) 63-5235 FAX: (315) 63-3774

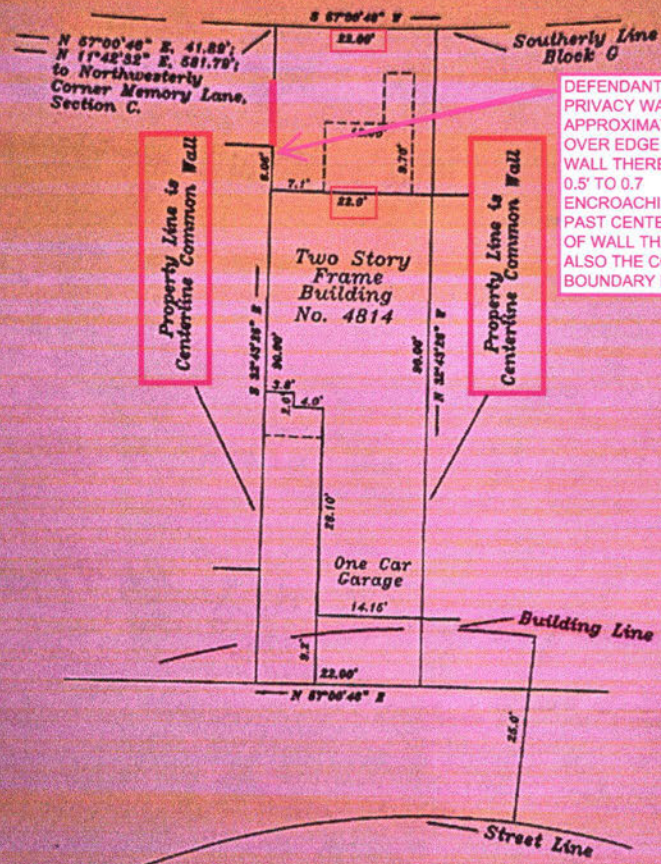
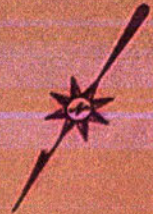
J862097-27

4812

PRIVACY WALL
OVER LIMITS OF
EDGE OF WALL AND
OVER BOUNDARY
LINE WHICH IS
CENTERLINE OF
WALL

No 4814
PLANTIFFS
LIMIT





Huntwood Path



I hereby certify that this map was made from an actual survey and same is correct.

R.J. Lighton Sr. NYSL 45373
 888 E. Brighton Ave., Syracuse N.Y. 13205

Location Survey on Part of Block G of the
 Huntwood 2nd Amended Tract.

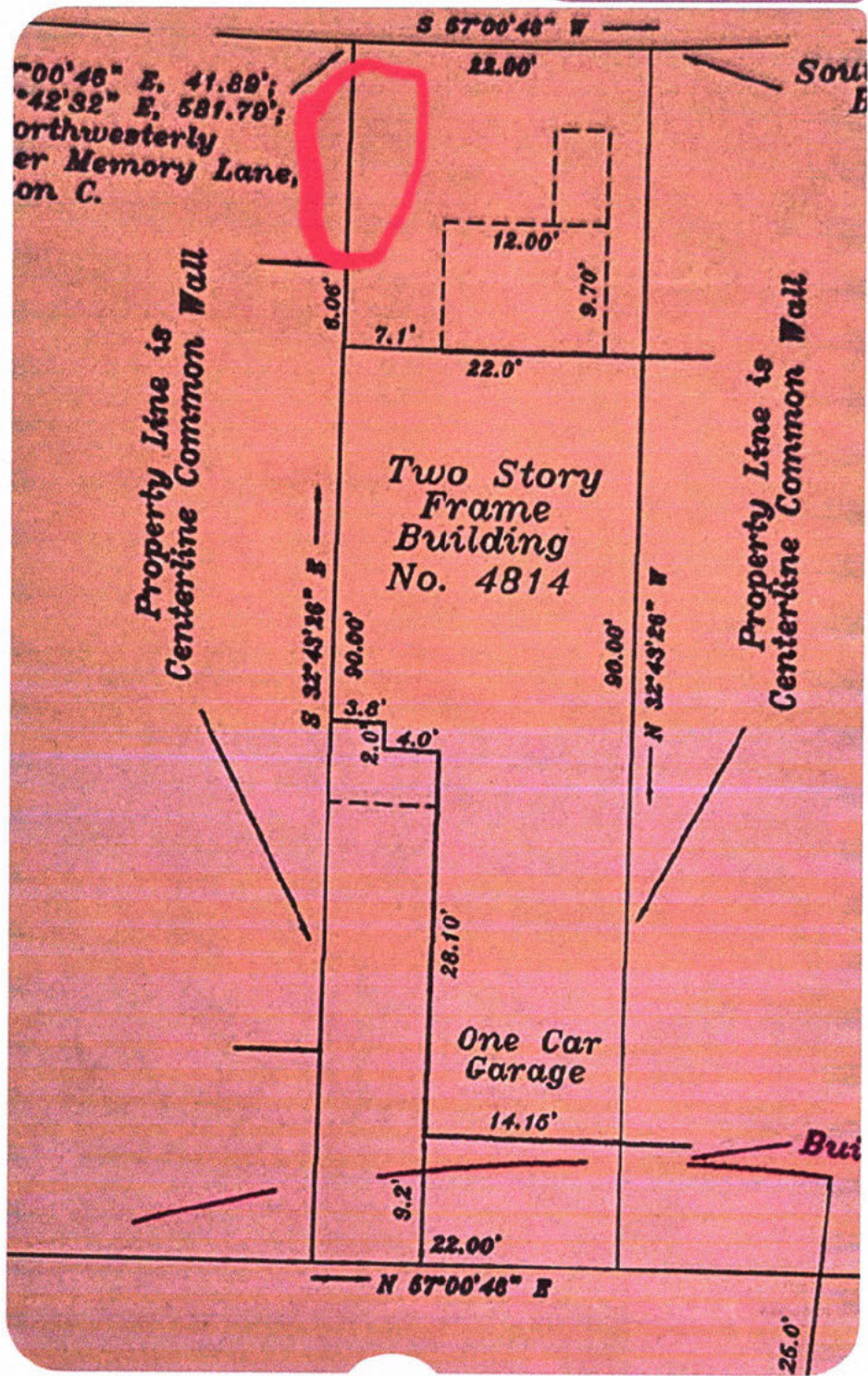
Known as No. 4814 Huntwood Path, Town of
 Manlius, County of Onondaga, State of
 New York.

Drawn by: MJM Scale: 1" = 20' Date: 8-09-02

Revisions:

NAME
NOM

NO.



Can you see the walk in this picture?





(REDACTED)



Go it

Wall in question. This is our window here



RCS message

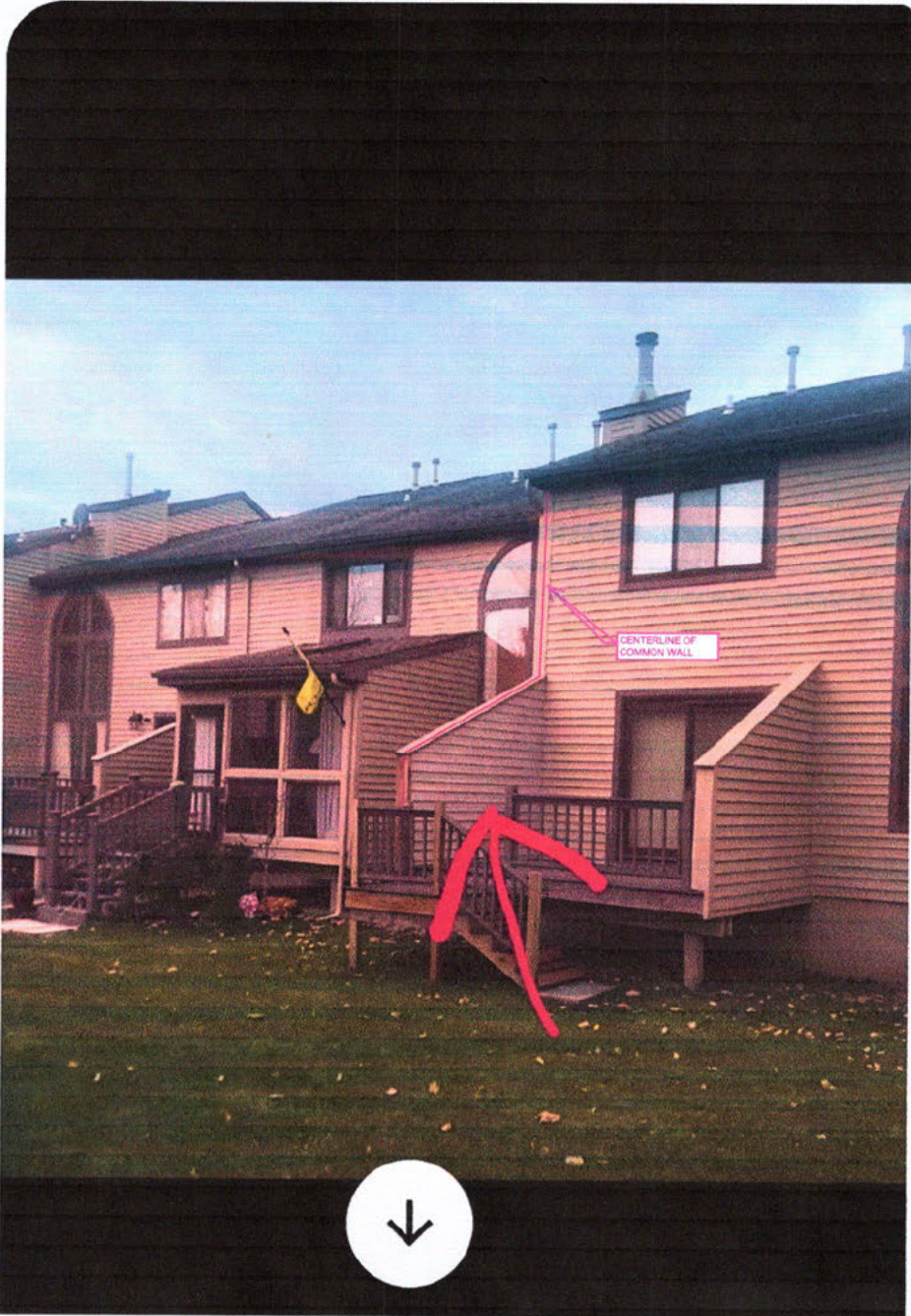




(REDACTED)



This is the wall from our neighbors property. Unit 4812. We are unit 4814 with the yellow flag. The wall in grey was built on the property line



RCS message





(REDACTED)



In this picture it appears properties have space between them. But in the other picture where i see the yellow flag, It looks like properties are fully attached. Can you explain this?



RCS message





CURRICULUM VITAE FRANK S. FERRANTELO, PLS

OFFICE PHONE: [REDACTED]

24/7 EMERGENCY CELL: [REDACTED]

DIRECT EMAIL: [REDACTED]

OFFICE EMAIL: [REDACTED]@[REDACTED].[REDACTED]

Licensure:

Frank S. Ferrantello – New York State Licensed Land Surveyor No. 050762 Year Issued 2010

Education: Civil Engineering/Land Use Planning Degree Bachelors of Science (Hofstra University) 2006

Awards and Features:

- AM BEST endorsement as a top recommended firm.
- Point of Beginning Magazine Top 100 Firms in USA, 2015
- BIANCO: Building Inspectors Association of Nassau County Voted #1 Surveyor 2014
- 305th Engineer Army Regiment: Certificate of Appreciation for training of military service members.
- XYHT Magazine Top 40 Geospatial Professionals under 40 years old IN THE WORLD, 2017.
- Recognized by Guinness Book of World Records as the Official Surveyor for all future records that require measurements to be performed by a Land Surveyor (World's Longest Feather Boa-June, 2019)

Published Articles:

Attorney at Law Magazine:

- The Old Survey
- Easements Can Make or Break a Deal
- The Professional Land Surveyor An Essential Part of the Team
- Protect Your Investment
- Condemnation & Ownership Rights

Professional Associations:

- NYAPLS (New York Association of Professional Land Surveyors). Public Relations Board, Standards Board, Strategic Planning committee;
- NSPS (National Society of Professional Surveying);
- ALTA (American Land Title Association);
- ACSM (American Congress of Surveying and Mapping);
- NSCE (Nassau Suffolk Civil Engineers & Land Surveyors Association) – (Director 2013-Present, Vice President 2015-2017, President 2017-2023);
- ASCE (American Society of Civil Engineers);

- NYLTA (New York Land Title Association);
- AIA (American Institute of Architects)

Ownership:

Ferrantello Land Surveying, P.C.
 Ferrantello Engineering and Surveying Group, P.C.
 The Expert Mapping Company, P.C.
 Liberty Land Surveying, P.C.
 The New York Land Survey Company, P.C.

Predecessor firms:

John P. Ferrantello
 Frank S. Ferrantello
 Vito A. Valenti
 Lewis Waters
 Bernard Padnick
 Walter P. Stewart
 Boswell- Fletcher Consulting Engineers & Land Surveyors
 G.S. Van Der Werken
 Charles E. Glass
 Robert Clement
 Walter W. Flechtner
 A-1 Survey Corp.
 Lester Malm
 Engineering Unlimited
 ELS Engineering and Land Surveying
 Baloghy Land Surveyors

Areas of Expertise:

- Land & Bldg. Surveying and Mapping
- Trip and Fall, Slip and Fall
- Accident & Site mapping
- Boundary Disputes
- Adverse Possession
- Right of Way and Easements
- Zoning and Land Use Planning
- Flood Plain, Elevation, Datum & Grading Drainage Issues
- Land Development and Earthwork
- Utility and Mark out Issues
- Professional Negligence
- Standard of Care Evaluation

Professional Work Experience:

Mr. Ferrantello has been retained by a vast number of law firms, insurance companies, and municipalities. Mr. Ferrantello has extensive experience with diverse projects including:

- Expert Surveys
- Maps
- Plans
- Diagrams

- Exhibits
- Testimony for damages and injuries
- Site Planning
- Subdivision Consulting
- Examining title records, deeds, and other recorded documents
- Ingress and egress
- Pedestrian easements
- Right of ways
- Air and development rights
- Vista easements
- Bridle paths
- Beach
- Bathing and mooring rights
- Covenants and Restrictions
- Real property
- Zoning and other land use principles.
- Extensive knowledge of the local Long Island zoning codes, site planning, and subdivision regulations.

Mr. Ferrantello has over 24 years of experience practicing and over 12 years of licensure. Both prior to and post college, Mr. Ferrantello worked for the firm of John P. Ferrantello P.C., from 1998 until 2010. Upon receiving his licensure in 2010, Mr. Ferrantello took over the well-established firm of John P. Ferrantello P.C. The company had over 50 years of history in the Land Surveying and Engineering Profession. Then, in 2011, Mr. Ferrantello started the practice of Ferrantello Land Surveying P.C. As the President, he managed all aspects of the Civil Engineering and Land Surveying practice.

His duties over the last 24 plus years of experience consisted of:

- Office and field surveying
- Drafting
- Research & Computations
- Boundary Analysis
- Site planning Project Management
- Design
- Layout
- Inspection of Various Sites and Projects (standard, sustainable and unconventional)
- Grading
- Drainage
- Sanitary, Septic and Sewer Utility
- Traffic, Road Plan and Profile
- Parking and Pavement
- Site Alignment
- Maintenance and Protection
- Demolition
- Site Utility
- Photometric Lighting
- Phasing and Staging
- Filed Map
- Restoration
- Routing
- Building Layout
- Building Monitoring Seismicity
- Slope Analysis
- Complete Civil Site Land Development Site Plan Packages
- SWPPP and SECMP Plans including Zoning and Site Data Analysis
- Soil Boring and Percolation
- Leaching Rates
- Approach Speeds
- Turning Radiuses
- Horizontal and Vertical,
- Manual Photometric Calculations
- Flood Mapping and Surveying and Flood Vent Engineering
- Sea Wall
- Bulk Heads
- Retaining Walls
- Realignment of creeks and canals
- Stripping and Signage

Both his Field and Office Work experience involves a wide range of projects and sites including Residential Single to Multifamily, High Rise Municipal, Utility, Private and Public, Commercial and Industrial.

He has provided submissions to local municipalities including a wide range of Villages, Towns, Cities, Counties, NY State including:

- Building Departments
- Planning
- Health
- Environmental Agencies
- NYSDOT (New York State Department of Transportation)
- NYCDOT (New York City Department of Transportation)
- DEC (Department of Environmental Conservation)
- Attorney General
- Army Corps of Engineers

Business

- Operations Drafting and Reviewing Contracts
- Evaluating Logistical Operations
- Estimations
- Risk Mitigation
- Study of Engineering and Real Property Law, Zoning, Building, ADA (Handicap), and traffic codes
- Details and Specifications – MUTCD, Traffic Counts,
- Warrant Analysis
- AASTO
- Environmental
- DEC

Municipal Engineering with Infrastructure

Mr. Ferrantello was directly involved in specifying, designing, constructing, inspecting and planning:

- Streets
- Sidewalks
- Water Supply Networks
- Sewers
- Street Lighting
- Municipal Solid Waste Collection
- Ponds Storage Depots for various bulk materials used for Maintenance and Public Works (salt, sand, etc.)
- Town Beaches,
- Public Parks and Bicycle Paths
- Surveying and Inspecting Conduits
- Access chambers of various utilities.

Design, Layout, and Inspection

- Vaults, Gravity Sewers, Force Mains, etc.
- Inspection of steel, concrete structures, etc.
- Decking engineering
- Reinforce bar columns
- Flow Rates
- Pressure
- Leaching Grates

- Design of Precast Concrete Structures for Drainage
- Sanitary and other Precast Applications.
- Classify soil types to ASTM Standards
- Review Percolation Tests
- Prepare Bids and Final Reports for Public Work Bids with Certifications.

Building Codes:

- Establish and implement New York State Building Codes and Local Municipal standards for Flood Proofing (water proofing) Basements, and Designing Flood Vents to eliminate Hydrostatic Pressure against foundations
- Design footings, drains and other systems to stop hydrostatic Pressures from building up.
- Building monitoring and observation of lateral movements and deformation of building settling and shifting plates
- Design cast in place footing
- Design Slope Stabilization and ECMP, SWPPP Plans

Study Experience:

During his study for licensure, Mr. Ferrantello has studied the following:

- Eminent Domain, Condemnation, Adverse and out of possession rules and case law
- The theory of location and simultaneously created boundaries
- Theory and practice of surveying
- Evidence and procedures for boundary location
- Interpreting land records
- Survey data adjustment and analyses
- Surveying for construction
- GPS satellite surveying
- Brown's boundary control and legal principles
- Black's law dictionary
- The consolidated laws of New York
- Laws related to reality subdivisions, conveyance of title, recording of deeds.
- Cemeteries
- Riparian boundaries and ownership.
- State boundaries, State lands and acquisition.
- Village, town, county and state highways

Mr. Ferrantello also privately studied the following topics.

- Architectural detailing
- Detailing for landscape architects
- Civil engineering standards
- Land development calculations
- Planning and urban design standards
- Introduction to law
- Construction law
- Business law

Court Testimony:

Mr. Ferrantello testified, surveyed, and investigated numerous interesting and challenging projects. Compiled below is a list of courts Mr. Ferrantello testified and provided expert affidavits, presentations and testimony in:

- Bronx County
- Kings County
- Manhattan
- Staten Island
- Queens County
- Nassau County Civil Court & Planning Commission
- New York State Supreme Court
- Town of Hempstead Civil Court & Zoning Board of Appeals
- Town of Huntington Civil Court & Zoning Board of Appeals
- Town of Oyster Bay Zoning Board of Appeals
- Town of Smithtown Planning Board
- Incorporated Village of Centre Island Planning & Zoning Boards
- Incorporated Village of Flower Hill Planning, Zoning and Architectural Boards
- Incorporated Village of Floral Park Planning, Zoning and Architectural Boards
- Incorporated Village of Laurel Hollow Planning & Zoning Boards
- Incorporated Village of Lawrence Planning & Zoning Boards
- Incorporated Village of Mill Neck Planning & Zoning Boards
- Incorporated Village of Muttontown Planning & Zoning Boards
- Incorporated Village of Oyster Bay Cove Planning & Zoning Boards
- Incorporated Village of Kings Point Planning, Zoning and Architectural Boards