

Agenda  
Zoning Board of Appeals  
Town of Manlius  
March 19, 2020  
6:30 PM

1. Pledge Of Allegiance
2. Approval Of Minutes - January 16, 2020

Documents:

[1-16-20 Draft.pdf](#)

3. 7873 Meyers Rd., Kirkville NY

Documents:

[7873 Myers Rd., Kirkville.pdf](#)

4. 201 Cannonball Way, E. Syracuse

Documents:

[201 Cannonball Way, E. Syracuse.pdf](#)

5. Other Business
6. Adjournment

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**TOWN OF MANLIUS  
ZONING BOARD OF APPEALS  
January 16, 2020  
6:30 PM**

The Town of Manlius, Zoning Board of Appeals assembled at the Town Hall, 301 Brooklea Drive, Fayetteville, New York, with Chairman K.P. Kelly presiding and the following Board members present:

Absent	Member	Jim Campbell
	Member	Clare Miller
	Member	Judy Salamone
	Secretary	Debi Witzel
	Attorney	Jamie Sutphen
Absent	Codes Director	Randy Capriotti

Also, Present: John Fredenburg, Bob Clendennen, Will & Emily Verbeck, Bradley Hill

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

**Minutes**

Member Miller made a motion, seconded by Member Salamone, to approve the minutes of November 21, 2019 as submitted by Secretary Witzel and it was carried unanimously.

**Legal Notices**

Member Salamone made a motion, seconded by Member Miller to waive the reading of the public notices and it was carried unanimously.

Chairman Kelly opened the public hearing at 6:35 PM.

**John Fredenburg, 6168 Poolsbrook Rd., Kirkville NY (tax map # 072.-02-09.3) requesting 3 area variances to construct a 40' X 56' with a height of 22' storage/shed. A front yard variance requesting 7', has 33', code requires 40. A rear yard variance requesting 18', has 22', code requires 40'. A height varaince requesting 22' which will be 5' above the code required max of 17'.**

Mr. Fredenburg stated he would like to build a 40'X56' storage shed to various items.

Chairman Kelly proceeded with the applicant through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? Mr. Fredenburg answered No
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Fredenburg answered, it will not change the character of the neighborhood.
- 3) Whether the requested Variance is substantial? Mr. Fredenburg answered yes, within reason.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Fredenburg answered no, it will not have an adverse effect.
- 5) Whether the alleged difficulty was self-created? Mr. Fredenburg answered no, the request is because of the lay of the land.

**Board Questions**

Member Salamone asked what the color of the storage shed would be. Mr. Fredenburg stated it will be dark gray with a tan steel roof and no windows. Member Salamone asked if the neighbors are okay with the shed. Mr. Fredenburg answered yes.

Chairman Kelly asked what the building will be made of. Mr. Fredenburg stated it will be a metal building.

Chairman Kelly closed the public hearing at 6:39 PM.

### **Board Discussion**

Member Salamone stated he has a lot of space for the shed and his neighbors are okay with the project.

Chairman Kelly proceeded with the board through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered No
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered No
- 3) Whether the requested Variance is substantial? The board answered No
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered No
- 5) Whether the alleged difficulty was self-created? The board answered Yes because the applicant wants the shed.

### **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 application **DOES** outweigh the Detriment to the Neighborhood or Community.

       The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is denied.

The ZBA further finds that a variance for the front yard of 7' and height of 22' 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:

### **SEQRA Review**

Chairman Kelly 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**

Based on the answers provided in the application and before the board, the ZBA determined that the benefit to the applicant outweighed any detriment to the neighborhood.

Member Salamone made a motion, seconded by Member Miller, to grant John Fredenburg, 6168 Poolsbrook Rd., Kirkville NY a front yard variance 7' and a height variance 22'.

The Board voted as follows:

Chairman Kelly	Aye
Member Miller	Aye
Member Salamone	Aye

The motion was carried.

**William & Susan Verbeck, 4646 Enders Rd., Manlius NY (tax map # 117.1.-02-21.0) requesting an area variance to construct a 2400 square foot barn with a height of 23' 2 1/4". Requesting a height variance of 6', which is above the code height maximum of 17' that would bring the height to 23' 2 1/4".**

Chairman Kelly opened the public hearing at 6:46 PM.

Mr. Verbeck stated they are requesting a height variance of 6' for the replacement barn they would like to build.

Chairman Kelly proceeded with the applicant through the five (5) criteria questions:

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? Mr. Verbeck answered no, they need the storage because they do not have any in the house.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Verbeck answered no they are replacing the old barn that snow took down a while back.
- 3) Whether the requested Variance is substantial? Mr. Verbeck answered no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Verbeck answered no, the new barn will look much nicer than the old one.
- 5) Whether the alleged difficulty was self-created? Mr. Verbeck answered no

### **Board Questions**

Member asked what the barn would look like. Mr. Verbeck answered it will be a wooden barn and the old foundation will stay but be cleaned up. New barn will have a concrete floor.

Attorney Sutphen 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
- 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, to replace the old barn.

### **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 application **DOES** outweigh the Detriment to the Neighborhood or Community.

\_\_\_\_\_ The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is denied.

The ZBA further finds that a variance for a \_\_\_\_\_ 6' height \_\_\_\_\_ 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:

**SEQRA Review**

Chairman Kelly 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**

Based on the answers provided in the application and before the board, the ZBA determined that the benefit to the applicant outweighed any detriment to the neighborhood.

Member Salamone made a motion, seconded by Member Miller, to grant William & Susan Verbeck, 4646 Enders Rd., Manlius NY an area variance to construct a 2400 square foot barn with a height of 23' 2 ¼". Requesting a height variance of 6', which is above the code height maximum of 17' that would bring the height to 23' 2 ¼".

The Board voted as follows:

Chairman Kelly	Aye
Member Miller	Aye
Member Salamone	Aye

The motion was carried.

**Other Business**

Chairman Kelly wanted to mention that former Zoning Board member Al Ruthig had submitted a letter stating that he was intent to pursue a second term on the Zoning Board. Mr. Ruthig stated he had enjoyed serving for the past 5 years.

**Adjournment**

With there being no other business, Member Miller made a motion, seconded by Member Salamone, and carried unanimously, to end the meeting at 6:58 PM

Respectfully submitted,  
Debi Witzel, Secretary  
Zoning Board of Appeals

TOWN OF MANLIUS - ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: Feb 19, 2020

1. Property Address: 7873 Myers Rd Kirkville Ny

Property Tax Map # 49-1-11.1 13082

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

New Construction

2. Owner of Property: Terri Yackel

Owner's Address: 100 Phelps Place E. Syr NY 13057

Owner's E-Mail: terriyackel@hotmail.com

Owner's Phone #: 315-420-7700 Does Owners reside at property: No

Signature of Property Owner: TYackel

3. Applicant / Representative / Attorney:

Name: Terri Yackel Company: \_\_\_\_\_

Address: 100 Phelps Place E. Syr NY 13057

Phone: 315-420-7700 E-Mail: terriyackel@hotmail.com

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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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? *NO*
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*
5. Whether the alleged difficulty was self-created? *yes*

### 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.

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## ZONING BOARD

Terri Yackel subdivision located at 7873 Myers Road. She is looking for an area variance regarding the road frontage for the current zoning. The land is currently zoned RA-restricted agricultural. The frontage under current zoning is 200'. Prior to the zoning frontages changing back in 2001, the frontage was 100' which is consistent with a good portion of lots on that street.

Ms. Yackel has 163' of frontage on the property. The current code is 200'. She is looking for 37' relief from the current standard to build a house on the subdivision.

# Application for Building Permit

Town of Manlius  
Department of Planning and Development  
301 Brooklea Drive, Fayetteville, NY 13066  
(315)637-8619 Fax: (315) 637-0713

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.

**Owner/Applicant - Name and Phone Number:**

Kyle Christensen (315) 256-7613

**Address of Proposed Work:** 201 Cannonball Way, East Syracuse 13057

**Contractor Name & Address & Phone Number:** Peckham General Contractors Inc.  
11070 Duger Road, Cato NY 13033

**Proposed Work:** Pole Structure Building

- |                           |                               |                     |   |
|---------------------------|-------------------------------|---------------------|---|
| 1. Addition _____         | 2. Alteration _____           | 3. Demolition _____ | 4. Garage <input checked="" type="checkbox"/> |
| 5. Shed _____             | 6. Deck _____                 | 7. Pool _____       | 8. Sign _____                                 |
| 9. New Construction _____ | 10. Fireplace/Woodstove _____ | 11. Solar _____     |   |
| 12. Renewal _____         | 13. Other _____               |                     |   |

**Construction Cost:** \$ 24,900

**Size of Project:** 28 x 32 x 12

**Description of Project:**

Pole barn/garage storage in back yard.

**Residential - New Structure** \_\_\_\_\_ **Existing Structure** \_\_\_\_\_

**# of Bedrooms** \_\_\_\_\_ **# of Bathrooms** \_\_\_\_\_ **# of Fireplaces** \_\_\_\_\_

**Total Square Feet w/o Garage** \_\_\_\_\_ **Garage Square Foot** \_\_\_\_\_

**Other** \_\_\_\_\_

**Description** \_\_\_\_\_

Commercial – New Structure \_\_\_\_\_ Existing Structure \_\_\_\_\_

Name of Business: \_\_\_\_\_ Total Square Feet: \_\_\_\_\_

Description of Property: \_\_\_\_\_

All Plumbing and Sanitary systems to be inspected by Onondaga County Department of Health. All Electrical systems will be inspected by a Third Party Electrical Inspector approved by the Town of Manlius.

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 that above premises or buildings during reasonable working hours to discharge their duties.

Signature: [Signature] Date: 2/5/2020

**CODE ENFORCEMENT USE ONLY**

Zoning: R3 (F) 30 (R) 25 (S) 15 Flood Plain \_\_\_\_\_ Wetlands \_\_\_\_\_

Received By: [Signature] Receipt No.: 5686 Fee: \$ 161 Date: 2-5-2020

Check #: ✓ Cash: ✓ Credit Card: X

Tax Map # 0610-01-35.0

Building Permit Number: \_\_\_\_\_

Approved: \_\_\_\_\_ Disapproved: X Date: 2-12-20

Remarks:  
Needs Rear Set back relief of 13' from the mandatory 25'. He has 12'.  
Needs Side Yard Set back relief of 9' from the mandatory 15'. He has 6'.

[Signature]  
Signature of Code Enforcement Officer

TOWN OF MANLIUS - ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: 2/26/2020

1. Property Address: 201 Cannonball Way East Syracuse, NY 13057

Property Tax Map # 061-01-35

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

2. Owner of Property: Kyle S Christensen

Owner's Address: 201 Cannonball Way East Syracuse, NY 13057

Owner's E-Mail: Kchristensen7613@gmail.com

Owner's Phone #: (315) 256-7613

Does Owners reside at property: Yes

Signature of Property Owner: 

3. Applicant / Representative / Attorney:

Name: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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.

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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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_