

Agenda
Zoning Board of Appeals
Special Meeting
July 30, 2020
6:30 PM

1. Zoom Zoning Board Of Appeals Meeting Instructions July 30th

Documents:

[Zoom ZBA Meeting Instructions July 30 2020.pdf](#)

2. Pledge Of Allegiance
3. 5538 North Burdick Street LLC, Variance For A Parking Lot For A Medical Building

Documents:

[5538 N. Burdick St..pdf](#)

4. Other Business
5. Adjournment



July 30, 2020

Virtual Zoning Board of Appeals Meeting

Instructions to attend the July 30th virtual Zoning Board of Appeals meeting:

The easiest way to join is to follow the below instructions attend the meeting by viewing the livestream on the Town of Manlius Facebook page.

Enter the meeting URL web address as listed below:

<https://us02web.zoom.us/j/81560765557?pwd=M1Q1S2VHVEIRMXpseDhkWkw3dDBGdz09>

Password to join when prompted:

Password: 431569

Webinar ID: 894 5096 8841

Enter your email address and name and join the meeting!

Join by telephone by dialing the number below:

(929) 436-2866

When prompted to enter the Webinar ID, use the number below followed by #

Webinar ID: 894 5096 8841

Press # again to skip the personal id and enter the password below followed by #

Password: **431569**

TOWN OF MANLIUS – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: July, 2020

1. Property Address: 5538 North Burdick Street, Manlius, NY

Property Tax Map # 086.-02-07.1

The Applicants Purpose (new construction, alteration, extension, restoration, modification or other action) with respect to the subject property; This is new construction in an R-M district. The proposed site plan, which shows parking in the front of the site, will require a variance.

2. Owner of Property: John Messenger

Owner's Address: James
c/o John Messenger

Owner's E-Mail: jim@Messengerlaw.net

Owner's Phone #: (315) 471-3030 Does Owners reside at property: No

Signature of Property Owner: John Messenger

3. Applicant / Representative / Attorney:

Name: Scott Dumas Company: 5538 N Burdick, LLC

Address: 125 Jefferson Street, Suite 1510, Syracuse, NY 13202

Phone: (315) 877-5113 E-Mail: scottdumas107@gmail.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: _____

Zoning Chapter 155-20, under F



CHRISTIAN J. DANAHER
cdanaher@hancocklaw.com

July 20, 2020

VIA EMAIL

Town of Manlius Zoning Board of Appeals
Debi Witzel, Zoning Board of Appeals Clerk
301 Brooklea Drive
Fayetteville, NY 13066

Re: 5538 N. Burdick Street, Manlius, New York – Variance Application

Dear Debi –

The purpose of this letter is to address each of the criteria questions relative to our area variance application pending before the Town of Manlius Zoning Board of Appeals. The following are the criteria questions and our responses to these questions.

1. Whether the benefit sought by the applicant can be achieved by some other feasible method?

No. The front parking facilities provides the most cost effective and environmentally conscious design for the site. Placing the parking behind the building would impose significantly more site work costs, including the construction of retaining walls, and would increase stormwater mitigation due to the fact that impervious surface areas would increase and green areas would decrease. The site already drains naturally to the rear yard and, therefore, the rear yard serves as the most feasible area for stormwater detention. If parking was accommodated in the rear, other more expensive stormwater mitigation methods would need to be evaluated and designed.

2. Whether the Variance will result in an undesirable change in the character of the neighborhood?

No. The parking in the front of the building will help to maximize the usage of the site by keeping stormwater naturally draining to the lower portion of the site and minimize the number of pedestrian facades on the building. Also, the front parking is set back away from the road and sits at a lower elevation so passing vehicles will not see much of front parking lot from the road. Further, the proposed front yard parking is consistent with front yard parking utilized by neighboring sites such as the AmeriCu property, the car dealerships and Towne Center.

3. Whether the requested Variance is substantial?

No. The parking allocated to the front yard is not substantial to the overall site and in fact reduces the impact to the site as compared to rear yard parking. Rear yard parking

{H4045743.1}

1800 AXA Tower I, 100 Madison Street, Syracuse, New York 13202 | 315.565.4500 ☎ 315.565.4600 ☎ | hancocklaw.com

will add more impervious area, notably a longer driveway and will require more earthwork to provide positive drainage away from parking facilities.

4. Whether the Variance will have an adverse effect on physical or environmental conditions?

No. The parking located in the front of the property will limit the overall project impact on the physical and environmental conditions of the site. The proposed front yard parking provides more green space at the rear of the property thereby preserving and enhancing the green scape between the proposed improvements on the site and the Erie Canal. Parking located at the rear would require more grading, asphalt, retaining walls and stormwater mitigation.

5. Whether the alleged difficulty was self-created?

Yes. The proposed lot was located at the front of the property because it maximizes proposed green space, limits additional paving and maintains the existing drainage of the property. Further, the building location behind the parking facility also decreases architectural costs by having four (4) pedestrian friendly facades instead of the proposed three (3).

We look forward to presenting this matter to the Town of Manlius Zoning Board of Appeals.

Please advise if you should need anything further with regard to our application.

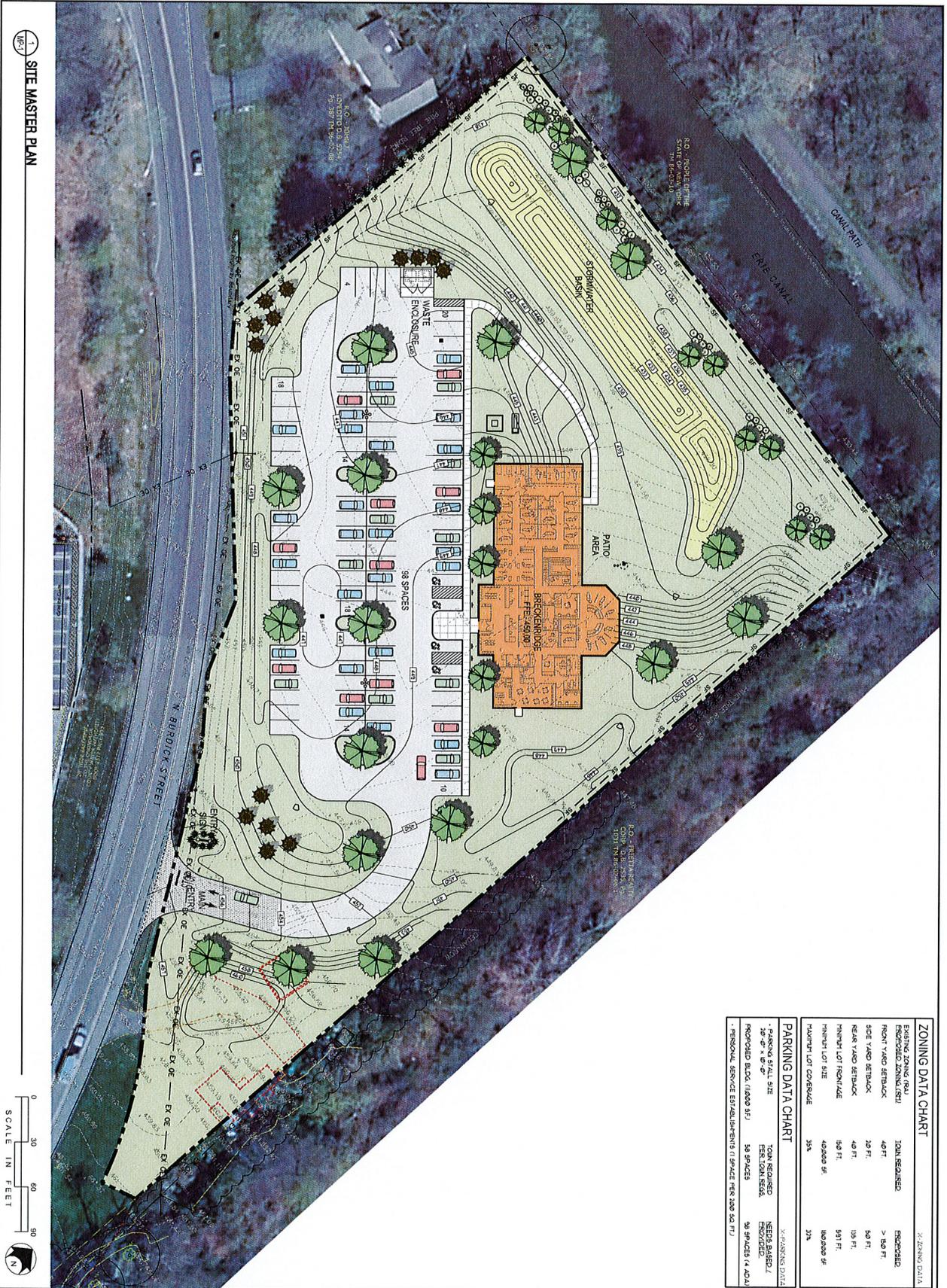
Thank you.

Very truly yours,

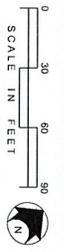
HANCOCK ESTABROOK, LLP


Christian J. Danaher

CJD/bly



SITE MASTER PLAN



EXISTING ZONING (R-1)		X- ZONING DATA	
ENCROACHED ZONING (R-1)	10M REQUIRED	ENCROACHED	
FRONT YARD SETBACK	4.0 FT	> 1.0 FT	
SIDE YARD SETBACK	1.0 FT	1.0 FT	
REAR YARD SETBACK	4.0 FT	1.0 FT	
MINIMUM LOT FRONTAGE	150 FT	150 FT	
MINIMUM LOT SIZE	40,000 SF	100,000 SF	
MINIMUM LOT COVERAGE	35%	25%	

PARKING DATA CHART		X- ZONING DATA	
PARKING # PER 1,000 SF	1.0	TOTAL REQUIRED	98 SPACES
PROPOSED BLDG. (11,000 SF)	98 SPACES	ENCROACHED	98 SPACES (1.0)
* PERSONAL SERVICE ESTABLISHMENTS (1 SPACE PER 100 SQ FT)			

VIP

STRUCTURES

ONE WESTBURY PARKING
SYRACUSE, NEW YORK 13202
315.452.5330

KEELINGER FREEMAN ASSOCIATES

100 WESTBURY PARKING
SYRACUSE, NEW YORK 13202
315.452.5330

Project
Breckenridge
New Office Building

5538 N Burdick St
Fayetteville, NY 13066

NO.	DATE	DESCRIPTION
1	5/23/20	MANUSCRIPT REVIEW
2	5/23/20	FINAL

DATE: 5/23/20
FILE NAME: 4013
DRAWN BY: [Signature]
CHECKED BY: [Signature]

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SITE MASTER PLAN

SCALE: 1/8" = 1'-0"

MP-1

TOWN OF MANLIUS

DISCLOSURE AFFIDAVIT

This affidavit is a part of and must be completed and attached to every application, petition, request submitted to a site plan, variance, amendment, change of zoning, approval of a plat exemption from a plat or official map, license or permit.

STATE OF NEW YORK)
COUNTY OF ONONDAGA)

I. **SCOTT DUMAS**, being duly sworn deposes and says that (s)he is:

An authorized signatory for the applicant 5538 NBurdick, LLC.

II. That deponent has read and is familiar with the provisions of the General Municipal Law, Section 809 which states:

I have reviewed §809 of the General Municipal Law and am familiar with the provisions contained therein.

- A. Every application, petition or request submitted for a site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provision or any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
- B. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when (s)he, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
 - 1) Is the applicant, or
 - 2) Is an officer, director, partner or employee of the applicant, or
 - 3) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - 4) Is a party to an agreement with such an applicant, express or implied, whereby (s)he may receive any payment or other benefit, whether or not for services rendered, or contingent upon the favorable approval of such application, petition or request.
- C. Ownership of less than five percent (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest

for the purposes of this section/.A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

III. That no Town of Manlius officer, employee or a relative of either, as defined in Section 809 General Municipal Law has any interest in this application.

-OR-

If a 'Town of Manlius officer, employee or relative of either as defined in Section 809 General Municipal law has any interest in this application, the full particulars are provided on the attached sheet.

Date: March 25, 2020



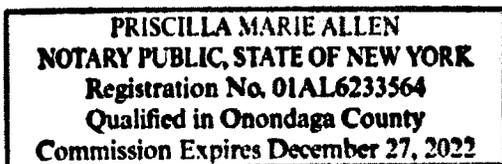
Scott Dumas, Authorized Signatory
5538 NBurdick, LLC
124 E. Jefferson Street, Suite 150, Syracuse, NY 13202
315-877-5113

State of New York)
County of Onondaga)

On the 25th day of March in the year 2020, before me the undersigned, a notary public in and for said state, personally came SCOTT DUMAS personally known to me or provided to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Petition and acknowledged to me that he executed the same in his capacity and that by his signature on the Petition, the individual or the person upon behalf of which the individual acted executed the instrument.



Notary Public



LIMITED LIABILITY COMPANY/CORPORATE ACKNOWLEDGMENT

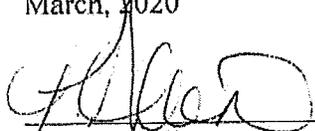
State of New York)
) ss.
County of Onondaga)

SCOTT DUMAS, being by me duly sworn, deposes and says that he is an Authorized Party for 5538 NBurdick, LLC, the limited liability company described in the within Application/Petition, that s(he) has read the foregoing affidavit and knows the contents thereof, that the same is true of s(he) own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters s(he) believes it to be true.



Applicant Signature

Sworn to me this 25 day of
March, 2020



Notary Public

PRISCILLA MARIE ALLEN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01AL6233564
Qualified in Onondaga County
Commission Expires December 27, 2022