

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
March 17, 2022
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 Facebook page and the Town YouTube Channel. The recording of the meeting can be viewed here: <https://youtu.be/Ih9BYpklLFE>

Chairman Timothy Kelly presided, and the following Board members present:

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|-----------|-----------------|
| Member | K P Kelly |
| Member | Clare Miller |
| Member | Karrie Catalino |
| Member | Warren Linhart |
| Secretary | Debi Witzel |
| Attorney | Jamie Sutphen |

In Person Attendees: Ryan Smith

Virtual Attendees: None

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 KP Kelly, to approve the minutes of January 16, 2021 as submitted by Secretary Witzel.

The Board voted as follows:

Ayes: Chairperson T. Kelly, Member Miller, Member KP Kelly

Nyes: 0

Abstain: Karrie Catalino, Warren Linhart

Motion Carries.

Legal Notices

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

Ryan Smith, 5546 N. Burdick St., Fayetteville NY (tax map # 086.-02-08.0) requesting five area variances for the subdivision of N. Burdick St. property.

Lot A - Area Variance: 1. Required – 100,000 Square Feet, 2. Has - 17,946 Square Feet, 3. Needs a Variance of – 82,054 Square Feet.

Front Yard: 1. Required – 40 Feet, 2. Has – 20.8 Feet, 3. Needs a Variance of – 19.2 Feet.

Rear Yard: 1. Required – 40 Feet, 2. Has – 0 Feet, 3. Need a Variance of – 40 Feet.

Lot B - Area Variance: 1. Required – 100,000 Square Feet, 2. Has – 28,749 Square Feet, 3. Needs a Variance of – 71,251 Square Feet.

Road Frontage: 1. Required – 200 Feet, 2. Has – 199.63 Feet, 3. Needs a Variance of - .37 Feet.

Mr. Smith stated he is looking to subdivide the lot to accommodate having one house on each separate lot. Mr. Smith is here to also make sure the lots will meet the current zoning requirements. Mr. Smith stated that he is aware that he cannot meet the variances that have been requested and that is what he wishes to discuss tonight.

Chairman T. Kelly read aloud the five requested variances for this property.

Mr. Smith and the Board discussed many different scenarios for the two lots and how to fit the houses. Items that were discussed were:

1. To rebuild the house on Lot A which would allow them to move it back from the rear lot line.
2. To build a new house on Lot A in a different location further away from the rear lot line. This options would still need variances but they would be better.
3. The septic system for Lot B is approved by the county and will stay. Lot A would need a new septic system installed. The option of tying into the public sewer would be quite complex and very expensive with a pump station.

Member KP Kelly made a motion, seconded by Member Linhart to open the public hearing at 6:50 PM and it was carried unanimously.

The board continues the discussion concerning rebuilding on the existing foundation or building a new house on the other side of the existing garage. The board continued its discussion about where and how the septic system for the new house would fit. Attorney Sutphen stated the septic system will be decided by Onondaga County.

Member Miller made a motion, seconded by Member KP Kelly to close the public hearing at 7:03 PM and it was carried unanimously.

Board Questions

Chairperson T. Kelly proceeded with the board through the five (5) criteria questions: **For Plan A on Lot A**

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered No, Mr. Smith will need variances to reach his goal of the two-lot subdivision.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered No, it would be improving the neighborhood.
- 3) Whether the requested Variance is substantial? The board answered Yes, because of the nature of the existing lot.
- 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

The board reviewed what the variances would be for both plans:

Lot A Plan A – Area variance of 82,054 minimum for both plans A & B.

Front yard variance of 19.2 feet.

Rear yard variance of 40 feet.

Lot A Plan B – Area variance of 82,054 minimum for both plans A & B.

Front yard variance of 17.7 feet.

Rear yard variance of 27 feet.

The board discusses the difference between plan A and plan B and which plan the board would support. Chairman Kelly stated he has spoken to the Canal Corporation and to clarify that this piece of property is part of the old Erie Canal and is now part of the State Parks Department. Chairman T. Kelly stated the current house is technically seven feet on New York State Park Land which from an environmental standpoint will make building here much more complicated. After reviewing the information, the board decided to go with Plan B on Lot A to build a new house to the east of the garage.

Board Questions

Chairperson T. Kelly proceeded with the board through the five (5) criteria questions: **For Plan B on Lot A**

- 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 it would be improving the look of neighborhood.
- 3) Whether the requested Variance is substantial? Yes because of the size and shape of the lot there is nothing else you can do.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered No as it will be an improvement.
- 5) Whether the alleged difficulty was self-created? The board answered Yes because he bought the lot.

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 variance for Lot A Plan B as follows: Area variance of 82,054 minimum for both plans A & B, Front yard variance of 17.7 feet, Rear yard variance of 27 feet

is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The ZBA further **GRANTS** the variance as requested with the following conditions: None

SEQRA Review

Chairperson T. 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 Miller made a motion, seconded by Member Catalino to approve the three variances for the property located at 5546 N. Burdick St., Fayetteville NY (tax map # 086.-02-08.0) for Lot A Plan B as follows: Area variance of 82,054 minimum for both plans A & B, Front yard variance of 17.7 feet, Rear yard variance of 27 feet.

The Board voted as follows:

Ayes: Chairperson T. Kelly, Member Miller, Member KP Kelly, Karrie Catalino, Warren Linhart
Motion Carries.

Chairman T. Kelly states the board will now discuss the requested two variances for 5590 N. Burdick St., Fayetteville which are an Area Variance of 71,251 Sq. Ft. and Road Frontage of .37 ft. for Lot B.

Board Questions

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered No because the house already exists.
- 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? Yes, but the road frontage request is not.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? No
- 5) Whether the alleged difficulty was self-created? The board answered Yes

Determination of ZBA Based on the Above Factors:

The ZBA, after taking into consideration the above five factors, finds that:

 X The benefit to the applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

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

The ZBA further finds that a variance for Lot B as follows: Area Variance of 71,251 Sq. Ft. and Road Frontage of .37 ft. is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The ZBA further **GRANTS** the variance as requested with the following conditions: None

SEQRA Review

Chairperson T. 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 Miller made a motion, seconded by Member Linhart to approve the two variances for the property located at 5590 N. Burdick St., Fayetteville NY (tax map # 086.-02-08.0) for Lot B as follows: Area Variance of 71,251 Sq. Ft. and Road Frontage of .37 ft.

The Board voted as follows:

Ayes: Chairperson T. Kelly, Member Miller, Member KP Kelly, Karrie Catalino, Warren Linhart

Motion Carries.

Adjournment

With there being no other business, Member Campbell made a motion, seconded by Member Kelly, and carried unanimously, to end the meeting at 6:52 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals