

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

The Town of Manlius, Zoning Board of Appeals assembled on ZOOM for a virtual meeting with Chairman K.P. Kelly presiding and the following Board members present:

Member	Jim Campbell
Member	Clare Miller
Member	Judy Salamone
Member	Timothy Kelly
Secretary	Debi Witzel
Attorney	Jamie Sutphen
Codes Director	Randy Capriotti
Town Clerk	Allison Weber

Attendees: Christian Danaher, Attorney. Scott Dumas, Owner Representative. Scott Freeman, Architect.

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

Legal Notices

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

Member Salamone made a motion, seconded by Member Campbell to open the public hearing at 6:37 PM and it was carried unanimously.

5538 N. Burdick St., LLC located at 5538 N. Burdick St., Fayetteville (tax map # 086.-02-07.1) a Public Hearing for a front yard parking lot

Mr. Danaher gave a general overview of project to this point.

- Reviewed the physical location of the property on N. Burdick St. with 4.24 acres of land and it backs up to the canal.
- The Town Board approved a zone change of RA to RM.
- The Town Planning Board started the site plan process and realized a variance was needed for the front parking lot. The Planning Board did give a recommendation to the Zoning Board in favor of the front parking.

Mr. Freeman stated they were asking for about ninety-six spaces and have reduced it to eighty parking spaces as a base and might bank ten to twelve spaces which will be behind a forty-foot buffer.

The Board engaged in a discussion considering if any conditions should be put on the variance.

Member Campbell asked how many of the spaces would be used by employees. Mr. Freeman stated there will be about forty employees.

Mr. Danaher stated if they were to put the parking in the rear of the property, they would have to build the land up which would affect the naturally drainage of the land, would impact the vegetation along the Erie Canal.

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. Danaher answered yes, but the front parking the most environmentally and cost-effective design.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Danaher answered no, it is consistent with neighboring properties.
- 3) Whether the requested Variance is substantial? Mr. Danaher answered no, it the least substantial.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Danaher answered no, it will have less of an impact than if the parking were to be put in the rear.
- 5) Whether the alleged difficulty was self-created? Mr. Danaher answered yes, but it maximizes greenspace and limits parking and maintains the natural drainage of the site.

Board Questions

Member Campbell asked who is the variance for 5538 N. Burdick St., LLC or the landowner Mr. Messenger?

Attorney Sutphen stated if the variance is approved the variance will run with the land no matter who the owner is.

Member Kelly asked if this variance would impact the neighbors to the west of this property. Mr. Dumas stated this project has prompted for sale signs on properties lining N. Burdick St. at a greater asking price than they were before.

Member Kelly asked if there were any way to reallocate spaces to the side. Mr. Dumas stated they would have to add retaining walls which would push out the stormwater.

Public Comments

Town Clerk Weber read comments from concerned citizens: Why didn't the LLC select a commercial site for such a large project? What has the Onondaga County Planning Board recommended regarding parking location? Those are commercial not RM zoned properties that you are comparing them to. Where will deliveries be received? There are no sidewalks right side door or front left door.

Attorney Sutphen stated that there is concern on the various boards that anonymous comments and whether they should be considered. Attorney Sutphen suggested the board should establish a policy regarding anonymous callers/comments.

Chairman Kelly stated if comments do not come with a name and address, he cannot attach any credence to their comments. Member Salamone agreed they should state their name and address and their interest in the topic.

Member Campbell stated the concerned citizen's questions had nothing to do with the parking.

Town Clerk Weber stated the concerned citizen has stated he is Scott Dillingham and he owns a commercial property in Fayetteville.

Member Campbell asked if the parking lot must adhere to the 40-foot front yard setback as outlined in the Code. Codes Director Randy Capriotti, yes it does if it is part of the whole project.

Town Clerk Weber read comments from Mr. Dillingham:

- You are comparing to commercial properties only.
- Where will the sign be as RM zoning requires it be attached to the building only?
- Has the young couple under contract to the property next door been notified of your plans?

Attorney Sutphen stated the plans are public for anyone to see.

Chairman Kelly stated the signage would be a matter for the Planning Board.

Member Kelly made a motion, seconded by Member Campbell to close the public hearing at 7:11 PM and it was carried unanimously.

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, the plan makes sense, it is cleaning looking and other business on the street have front yard parking. Less of pollution into the canal with parking in front.
- 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 is consistent with properties around it.
- 3) Whether the requested Variance is substantial? The board answered no, property is better for this layout.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered no, it will be an improvement from what is there now. The topography lessens the impact of the building on the street.
- 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 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 Front Yard Parking 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 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 Kelly made a motion, seconded by Member Salamone, to grant a Front Yard Parking variance for the property located at 5538 N Burdick St., Fayetteville NY 13066 (tax map # 086.-02-07.1).

The Board voted as follows:

Chairman KP Kelly	Aye
Member T. Kelly	Aye
Member Campbell	Aye
Member Miller	Aye
Member Salamone	Aye

The motion was carried.

Adjournment

With there being no other business, Member Kelly made a motion, seconded by Member Salamone, and carried unanimously, to end the meeting at 7:28 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals