

**TOWN OF MANLIUS  
ZONING BOARD OF APPEALS  
January 19, 2023  
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/Ih9BYpkhLFE>

Chairperson Timothy Kelly presided, and the following Board members were present:

	Member	K P Kelly
Absent	Member	Clare Miller
	Member	Karrie Catalino
	Member	Warren Linhart
	Secretary	Debi Witzel
	Attorney	Jamie Sutphen
	Code Officer	Tom Poitras

In Person Attendees: John & Kathryn Fredenburg, Kirkville.

Virtual Attendees: Monira Alozaime.

Chairman T. Kelly stated that Member Linhart has been re-appointed to the Zoning Board for a term of 5 years.

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

**Minutes**

Member Linhart made a motion, seconded by Member KP Kelly, to approve the minutes of November 17, 2022, as submitted by Secretary Witzel.

Ayes: Chairperson T. Kelly, Member KP Kelly, Member Linhart, Member Catalino.

Nays: 0 All in Favor. Motion Carries.

Member KP Kelly made a motion, seconded by Member Catalino, to approve the minutes of December 15, 2022, as submitted by Secretary Witzel.

Ayes: Chairperson T. Kelly, Member KP Kelly, Member Linhart, Member Catalino.

Nays: 0 All in Favor. Motion Carries.

Member Linhart made a motion, seconded by Member KP Kelly, to waive the reading of the public notices.

Ayes: Chairperson T. Kelly, Member KP Kelly, Member Linhart, Member Catalino.

Nays: 0 All in Favor. Motion Carries.

**Monira Alozaime, 7153 Coventry Rd. S., E. Syracuse NY (tax map # 075.-04-20.0) for one area variance for the installation of a 16' X 32' inground pool, with an existing rear yard setback of 20' they will need a variance of 5' to meet the required 25' setback.**

Member Catalino made a motion, seconded by Member KP Kelly to open the public hearing at 6:36 PM and it was carried unanimously.

Ms. Alozaime is requesting the 5-foot variance to give room between the deck and the pool.

Member Linhart asked if the neighbors had any issues with the variance request. Ms. Alozaime stated she had spoken to her neighbors on either side, and they were fine with the project.

Chairman T. Kelly stated that on January 6, 2023, the board received an email from neighbor Russell Brandon stating he has no problem with the variance for the pool.

Member Linhart made a motion, seconded by Member KP Kelly to close the public hearing at 6:40 PM and it was carried unanimously.

**Board Questions**

Chairperson T. 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, as Cannon Pool does a good job advising residents where to place their pools.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no, as there are many pools in the neighborhood.
- 3) Whether the requested Variance is substantial? The board answered no, the requested 5 feet makes sense.
- 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 they want a pool.

**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 *of five 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**

Member Catalino made a motion, seconded by Member Linhart to grant an area variance to Monira Alozaime, 7153 Coventry Rd. S., E. Syracuse NY. This variance is being granted for the purpose of the installation of a 16' X 32' inground pool. With an existing rear yard setback of 20' they will need a variance of 5' to meet the required 25' setback.

Ayes: Chairperson T. Kelly, Member KP Kelly, Member Linhart, Member Catalino.

Nayes: 0

All in Favor.

Motion Carries.

**John Fredenburg, 6168 Poolsbrook Rd., Kirkville NY (tax map # 072.-02-09.3) Public Hearing for one side yard (on the southwest side of the property) variance to construct a 430 square foot Pavilion with an with existing side yard setback of 12' they will need a variance of 8' to meet the required 20' side yard setback.**

Member Linhart made a motion, seconded by Member KP Kelly to open the public hearing at 6:45 PM and it was carried unanimously.

Mr. Fredenburg stated the 430 square foot pavilion will be an outdoor sitting area with a hot tub. The location for the pavilion was chosen because of the different levels of the property.

Member Linhart asked Mr. Fredenburg why he built the pavilion without a building permit. Mr. Fredenburg stated he did not realize this type of structure would require a permit. Mr. Fredenburg stated when he learned he did need a permit he came in that day and applied.

The board discussed structures being built without obtaining a building permit. Chairman T. Kelly stated that if anyone is preparing to build anything they should check with the Planning & Development Department first.

Member KP Kelly made a motion, seconded by Member Linhart to close the public hearing at 6:55 PM and it was carried unanimously.

**Board Questions**

Chairperson T. 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, as they take great care of their property.
- 3) Whether the requested Variance is substantial? The board answered no, it is not substantial in relation to the surroundings and the improvements to the 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 as they wanted the pavilion.

**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 of eight 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**

Member Linhart made a motion, seconded by Member KP Kelly to grant an area variance to John Fredenburg, 6168 Poolsbrook Rd., Kirkville NY. This variance is being granted for the sole purpose of the installation of a 430 square foot Pavilion with an existing side yard setback of 12' they will need a variance of 8' to meet the required 20' side yard setback.

Ayes: Chairperson T. Kelly, Member KP Kelly, Member Linhart, Member Catalino.

Nays: 0

All in Favor.

Motion Carries.

**Adjournment**

With there being no other business, Member Linhart made a motion, seconded by Member KP Kelly, and carried unanimously, to end the meeting at 6:55 PM

Respectfully submitted,  
Debi Witzel, Secretary  
Zoning Board of Appeals

DRAFT