Town of Manlius
Zoning Board of Appeals
July 16, 2020
6:30 PM

1. Pledge Of Allegiance

2. Approval Of Minutes - June 18, 2020

   Documents:

   6-18-20 Draft.pdf

3. TBG, LLC, 7137 E Genesee St., Fayetteville

   TBG, LLC, 7137 E Genesee St., Fayetteville, NY)tax map # 085.-07-11.0) to remove existing deck and replace it with roofed porch. Applicant has a front yard set back of 34', requesting a front yard variance of 6' to meet the required 40'front yard code.

   Documents:

   7137 E. Genesee St..pdf

4. Other Business

5. Adjournment

6. Pledge Of Allegiance

TOWN OF MANLIUS
ZONING BOARD OF APPEALS
June 18, 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: Brandon Thibado

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

Minutes
Member Salamone made a motion, seconded by Member Campbell, to approve the minutes of May 21, 2020 as submitted by Secretary Witzel and it was carried unanimously.

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

Brandon Thibado, 8205 Kirkville Rd. Kirkville NY 13082 (tax map # 052.-01-09.7) a public hearing to construct a pole barn building, with an existing side yard setback of 11' they will need a variance of 9' to meet the required 20' side yard setback. A second variance of 1' height to bring the height to 18'.
Member Kelly made a motion, seconded by Member Salamone to open the public hearing at 6:37 PM and it was carried unanimously.

Mr. Thibado stated he would like to build a pole barn and the variance request is so he will not have to reposition the driveway.

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. Thibado answered no and stated there is no other way if it is to fit the driveway.
2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Thibado answered no, the barn will be sided to match the house and will have windows. Mr. Thibado did state that none of the neighbors he spoke with had any opposition.

3) Whether the requested Variance is substantial? Mr. Thibado answered no and stated he does not feel the request is to large and the barn will fit the yard.
4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Thibado answered no
5) Whether the alleged difficulty was self-created? Mr. Thibado answered no

Board Questions

Member Campbell asked if the barn would match the house. Mr. Thibado answered that the barn will have the same color siding as the house and windows will match the house with a tin coal colored roof. Member Campbell asked if the barn will be just for personal use. Mr. Thibado answered it will just be for personal use.

Chairman Kelly stated the pole barn door will face the driveway not the road. The portion of the barn facing the road will have windows and look like the house.

Chairman Kelly stated the applicant also has requested a 1' height variance bring the height to 18'.

Member Kelly made a motion, seconded by Member Salamone to close the public hearing at 6:43 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.
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 other similar buildings on road.
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 Mr. Thibado wants a 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 __9' side yard and 1' 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: no
Member Campbell asked what the completion date will be. Mr. Thibado stated by the end of the month.

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 Campbell made a motion, seconded by Member Kelly, to grant an area variance to Brandon Thibado, 8205 Kirkville Rd. Kirkville NY for the purpose of constructing a pole barn. First variance will be for the side yard for 9' to meet the required 20' and a height variance of 1' height to bring the height to 18'.

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.

Ed & Annette Diegert, 122 Turning Leaf Dr., Manlius NY 13104 (tax map # 117.2-03-29.0) a public hearing for a rear yard variance of 20' to construct a 10' X 12' shed
Applicant was not present.

Member Campbell made a motion, seconded by Member Kelly to open the public hearing at 6:52 PM and it was carried unanimously.

Chairman Kelly gave a review of the application.

Member Kelly made a motion, seconded by Member Salamone to close the public hearing at 7:00 PM and it was carried unanimously.

Chairman Kelly proceeded with the applicant through the five (5) criteria questions: *Ed Diegert answered the questions with a letter sent by mail.*

1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? Mr. Diegert answered no, storage space cannot be achieved any other way.
2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Diegert answered no, his property is in a cul-de-sac and the back of the property is conservational land. Both next door neighbors Pallavie and Vikas Goel and Ashley and Jordan Lothes have no objections.

3) Whether the requested Variance is substantial? Mr. Diegert answered no, requested variance is for a storage shed that is not a permanent structure.
4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Diegert answered no, stating the variance will have no adverse effect on physical or environmental conditions of property.
5) Whether the alleged difficulty was self-created? Mr. Diegert answered no, the alleged difficulty was not self-created.

Board Questions

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 yes, but the shed will be placed in the center of the yard away from both neighbors. And the shed will be placed in trees and will match the house.
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 stating the placement will allow for more useable yard space.
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 he wants a 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 _____20' rear yard_____ 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

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 Campbell, to grant area variance to Ed & Annette Diegert, 122 Turning Leaf Dr., Manlius for the purpose of constructing a 10' X 12' storage shed a rear yard variance of 20' to meet the required 25'.

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 7:00 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals

TOWN OF MANLIUS – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

RECEIVED
JUN 26 2020
By

Date: 6.17.20

1. Property Address: 7137 E Genesee St

Property Tax Map # 085.-07-11.0

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

2. Owner of Property: TBG, LLC

Owner's Address: 7137 E Genesee St

Owner's E-Mail: chris@thebollingergroup.net

Owner's Phone #: 315.436.0888 Does Owners reside at property: No

Signature of Property Owner:

3. Applicant / Representative / Attorney:

Name: Chris Bollinger Company: The Bollinger Group

Address: 7137 E Genesee St

Phone: 315.436.0888 E-Mail: chris@thebollingergroup.net

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:

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:
Chris Bollinger 315. 436. 0888

Address of Proposed Work: 7137 East Genesee St.

Contractor Name & Address & Phone Number: Jesse Allen
25116 Good Lake Rd. Cazy. 315.430.2071

Proposed Work: new porch

1. Addition _____ 2. Alteration _____ 3. Demolition _____ 4. Garage _____
5. Shed _____ 6. Deck _____ 7. Pool _____ 8. Sign _____
9. New Construction _____ 10. Fireplace/Woodstove _____ 11. Solar _____
12. Renewal _____ 13. Other _____

Construction Cost: $ 4500.00

Size of Project: 5 x 23

Description of Project:
remove existing deck; replace with roofed porch

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** X

Name of Business: Weichert Total Square Feet: 900

Description of Property: real estate office

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: _____ Date: 6.9.20

CODE ENFORCEMENT USE ONLY

Zoning: C (F) ____ (R) ____ (S) ____ Flood Plain ____ Wetlands ____

Received By: B Receipt No.: 6437 Fee: $ 81 Date: 6-9-20

Check #: — Cash: — Credit Card: X

Tax Map # 085.-07-11.0

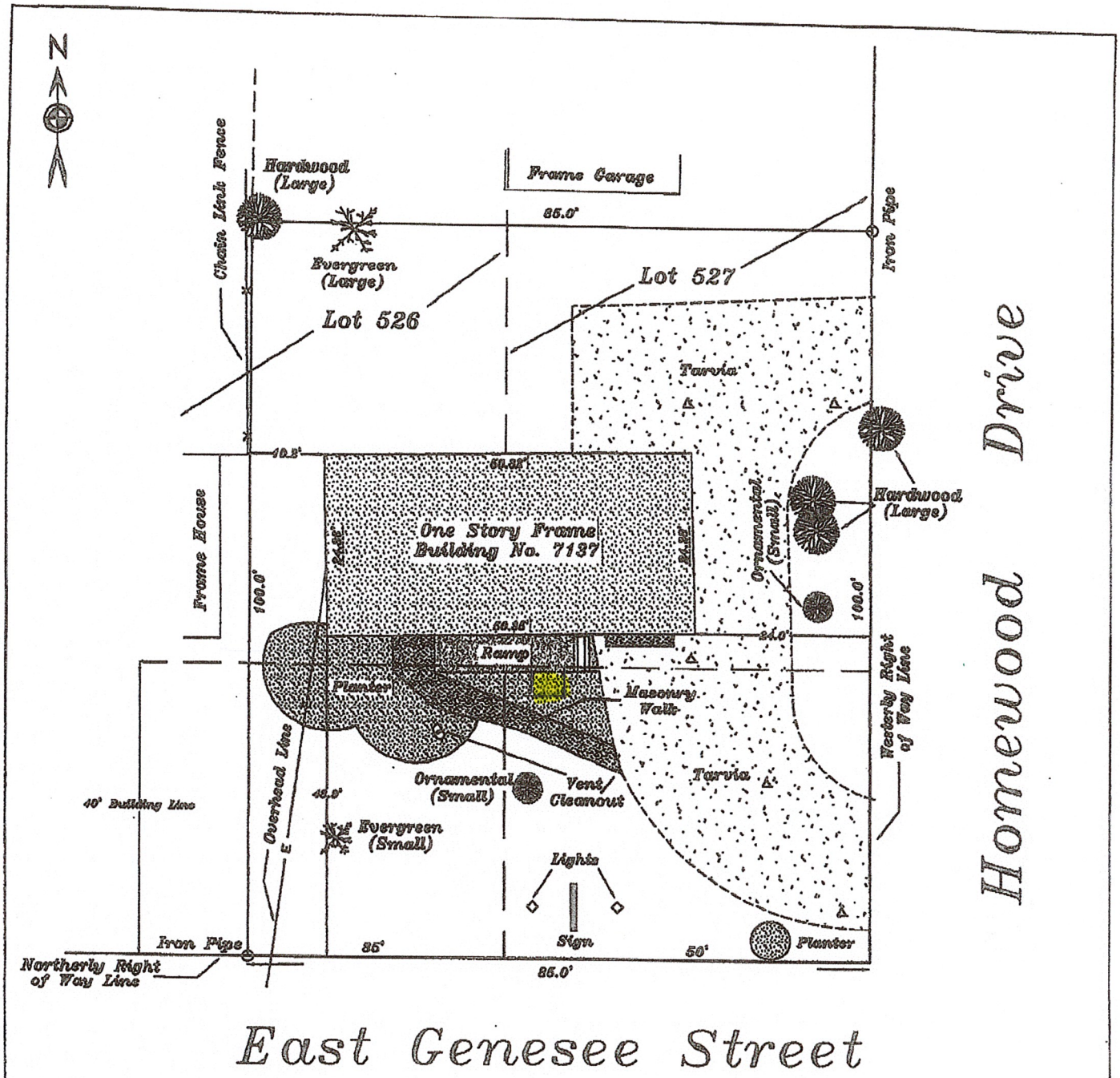
Building Permit Number: _____

Approved: _____ Disapproved: X Date: 6.10.20

Remarks:
1- Needs Planning Board for Site Plan Amendment
2- Encroaches in the 40' front setback per RM Zone by 6'. Will Need 6' relief from the Zoning Board

Randy Capriotti

Signature of Code Enforcement Officer



Michael J. McCully
Land Surveying PLLC
5875 Fieldstone Drive
Cazenovia New York 13035
Phone : (315) 440-5096

I hereby certify that this map was made from an actual survey and same is correct.

M.J. McCully NYSLLS 50696

STATE OF NEW YORK
MICHAEL J. McCULLY
No. 050696
LICENSED LAND SURVEYOR

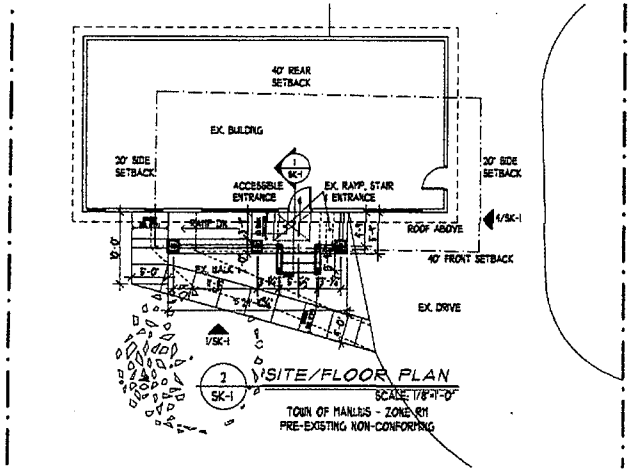
Location Survey on Part of Lots 526 and 527 of Homewood. Map# 2019.

Known as No. 7137 East Genesee Street, Town of Manlius, County of Onondaga, State of New York.

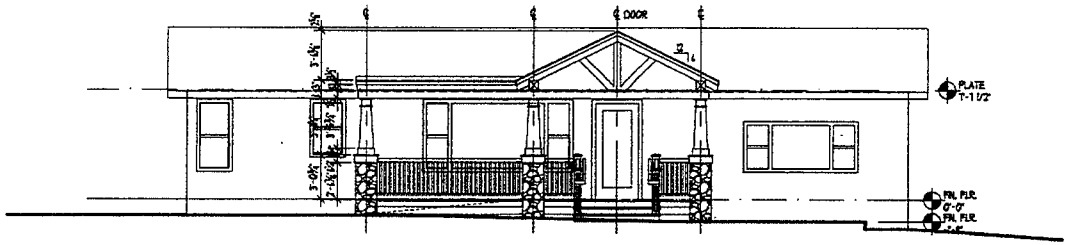
Drawn by: MJM | Scale: 1"= 20'

Date(s): 04-17-16

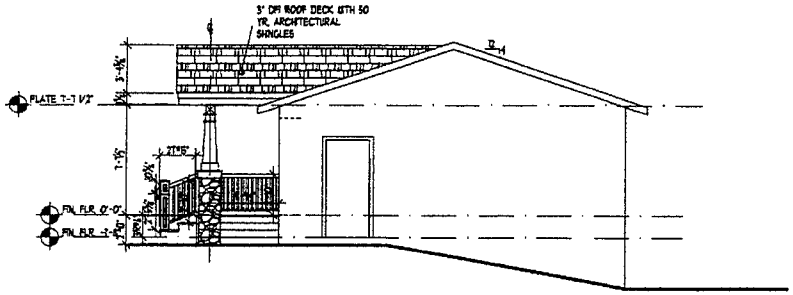
Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209,Subdivision 2 of the New York State Education Law. Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies. Certifications shall run only to the person or entities for whom the survey is prepared and are not transferable to subsequent persons or entities. Copyright 2016, Michael J. McCully Land Surveying, all rights reserved.



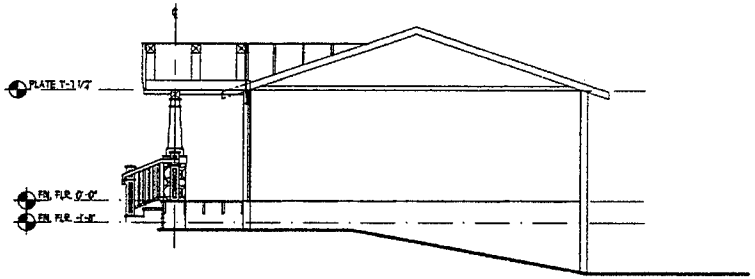
2 SK-1 SITE/FLOOR PLAN
SCALE: 1/8"=1'-0"
TOWN OF MANLIUS - ZONE: R1
PRE-EXISTING NON-CONFORMING



1 SK-1 SOUTH ELEVATION
SCALE: 1/4"=1'-0"



4 SK-1 EAST ELEVATION
SCALE: 1/4"=1'-0"



3 SK-1 CANOPY SECTION
SCALE: 1/4"=1'-0"

TOWN OF MANLIUS

DISCLOSURE AFFIDAVIT

This affidavit is a part of and must be completed and attached to every application, petition, 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.*

STATE OF NEW YORK)
) SS:
COUNTY OF ONONDAGA)

I _____ (Notary) Gregory W. K, being duly sworn, deposes and says that (s) he is:

Christopher N Bollinger
(*applicant, petitioner, corporation officer, property owner, etc.*)

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

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 provisions 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.

D. 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 an attached sheet.

Date: June 22, 2020

Christopher Ballinger
(*Print Name of 1st Applicant*)

(*Signature of 1st Applicant*)

TBG Fayetteville LLC
(*Entity Name*)

By (*Officer*) Member (*Title*)

[illegible] E Genesee
(*Mailing Address of 1st Applicant*)

Fayetteville NY 13066

(*Telephone Number*)

Date: _____, 20____

(*Print Name of 2nd Applicant*)

(*Signature of 2nd Applicant*)

(*Entity Name*)

By (*Officer*) (*Title*)

(*Mailing Address of 2nd Applicant*)

(*Telephone Number*)

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
) SS:
COUNTY OF ONONDAGA)

On this 23 day of June in the year 20 20, before me, the undersigned, a notary public in and for said state, personally appeared Christopher Ballinger (*1st Applicants Name*), and N/A (*2nd Applicants Name*) personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within Petition and acknowledged to me the he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the Petition, the individual or the persons upon behalf of which the individual acted executed the instrument.

Notary Public

SEAL

GREGORY WILT
Notary Public in the State of New York
Qualified in Madison County No. 01WI6069255
My Commission Expires January 28, 2022