

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
May 21, 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
Secretary	Debi Witzel
Attorney	Jamie Sutphen
Codes Director	Randy Capriotti
Town Clerk	Allison Weber

Also, Present: Terri Yackel, Kyle Christensen, Nathaniel Johnson, Frank Vito

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

Minutes

Member Campbell made a motion, seconded by Member Kelly, to approve the minutes of January 16, 2019 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

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

Terri Yackel, 7873 Myers Rd., E. Syracuse NY (tax map # 049.-01-11.1) a Public Hearing for an area variance for a plan to build a new house, with existing road frontage of 163' they will need a variance of 37' to meet the required 200' frontage.

Member Kelly made a motion, seconded by Member Campbell to open the public hearing at 6:48 PM and it was carried unanimously.

Ms. Yackel stated the reason for the requested 37' road frontage variance is so she can build a house on the property.

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? Ms. Yackel answered No
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Ms. Yackel answered No
- 3) Whether the requested Variance is substantial? Ms. Yackel answered Yes
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Ms. Yackel answered No
- 5) Whether the alleged difficulty was self-created? Ms. Yackel answered Yes

Board Questions

Member Campbell asked if the house would be located near the road or further back? Ms. Yackel answered further back at about 300' off the road. Member Campbell asked if the house will be back further than other houses on the road. Ms. Yackel answered yes, it would be father back. Member Campbell asked if any of her neighbors objected to the house being built. Ms. Yackel answered no.

Attorney Sutphen asked how many acres is the lot? Ms. Yackel answered 32 acres.

Member Kelly made a motion, seconded by Member Campbell to close the public hearing at 6:57 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, because the other lots on the road do not have the 200' frontage.
- 3) Whether the requested Variance is substantial? The board answered no because is it in keeping with the other houses.
- 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 no there is not much else that can be done with frontage there now.

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 37' Road frontage 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 Campbell made a motion, seconded by Member Miller, to grant Terri Yackel, 7873 Meyers Rd., E. Syracuse NY an area variance of 37' road frontage to meet the required 200' for the purpose to build a new house on the property.

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.

Kyle Christensen, 201 Cannonball Way, E. Syracuse NY (tax map # 061.-01-35.0) a Public Hearing to construct a 28X32X12 pole structure building, with an existing rear yard setback of 12' they will need a variance of 13' to meet the required 25' rear yard setback. With an existing side yard setback of 6' they will need a variance of 9' to meet the required 15' side yard setback.

Member Salamone made a motion, seconded by Member Kelly to open the public hearing at 7:06 PM and it was carried unanimously.

Mr. Christensen stated he would like to build a pole building in his backyard in one of the corners so as to allow for as much yard space as possible.

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. Christensen Answered no
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Christensen Answered no
- 3) Whether the requested Variance is substantial? Mr. Christensen Answered no
- 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? Mr. Christensen Answered yes.

Board Questions

Member Campbell asked what the barn would be used for. Mr. Christensen answered for storage of personal items and so he will not have to pay for storage space anymore. Member Campbell asked if the building would be used for commercial purposes. Mr. Christensen answered no. Member Campbell asked if any neighbors raised any questions. Mr. Christensen answered no.

Chairman Kelly asked if he had considered putting the building in the center of the yard. Mr. Christensen answered he had thought about it but there is a slope in the yard and he wanted to be able to use the yard space. Chairman Kelly asked if the building would match the house. Mr. Christensen answered yes.

Board members discussed the height of the building.

Member Kelly asked if there would be any lighting or noise issues that would concern the neighbors. Mr. Christensen answered no noise or lighting that would be a problem for the neighbors.

Attorney Sutphen asked who owns the fencing around the yard. Mr. Christensen answered different neighbors own different portions.

Chairman Kelly proceeded with the board through the five (5) criteria questions:

Member Campbell made a motion, seconded by Member Salamone to close the public hearing at 7:44 PM and it was carried unanimously.

- 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 there are other structures in the neighbor of size.
- 3) Whether the requested Variance is substantial? The board answered yes.
- 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

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 2 variances for 13' rear yard and 9' side 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 Campbell made a motion, seconded by Member Kelly, to grant Kyle Christensen, 201 Cannonball Way, E. Syracuse a rear yard variance of 13' and a side yard variance of 9' for the construction of a 28X32X12 pole structure building.

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

Nathaniel & Tammy Johnson, 4565 S. Eagle Village Rd., Manlius NY (tax map # 117.-25-08.0) a Public Hearing to construct a detached garage for vehicle storage. Applicant is requesting a height variance of 5' to bring the height to 22' instead of the required 17'.

Mr. Johnson stated he would like to build a detached garage with a roof pitch from 17' of 22' so the garage roof pitch will match the house pitch. To keep the architectural style of the garage the same as the house.

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. Johnson answered no not if he wants to keep the architectural style the same as the house.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Johnson answered no it would make it more cohesive.
- 3) Whether the requested Variance is substantial? Mr. Johnson answered no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Johnson answered no
- 5) Whether the alleged difficulty was self-created? Mr. Johnson answered no

Board Questions

Chairman Kelly asked if he could run the truss's at 24' and then the gable would not need to be so high. Mr. Johnson stated that they want the gable end of the garage to match the gable end of the house. Chairman Kelly asked if the garage would match the house. Mr. Johnson answered yes. Chairman Kelly asked if the garage would be used for commercial use. Mr. Johnson answered no.

Member Kelly asked if any of the neighbors had any problems with the project. Mr. Johnson answered no.

Member Salamone made a motion, seconded by Member Kelly to open the public hearing at 7:42 PM and it was carried unanimously.

Member Salamone made a motion, seconded by Member Campbell to close the public hearing at 7:44 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 because it will allow the garage to 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
- 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 no

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 _____ 5' 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

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 Miller, to grant Nathaniel & Tammy Johnson, 4565 S. Eagle Village Rd. Manlius a height variance of 5' on the new garage to bring the height to 22' instead of the required 17'.

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.

Frank Vito, 5120 Muirfield Dr., Fayetteville NY (tax map #096.-04-39.0) a public hearing to construct a 24' X 28' freestanding workshop. Applicant has an side yard setback of existing 11', requesting a 9' variance to meet the required 20' side yard setback

Member Campbell made a motion, seconded by Member Miller to open the public hearing at 7:50 PM and it was carried unanimously.

Mr. Vito stated he is asking for a 9' variance 24' X 28' pre-fab garage in the back yard.

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. Vito answered no Given the existing layout of the property.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Vito answered no it should improve the character of the neighborhood.
- 3) Whether the requested Variance is substantial? Mr. Vito answered no, only asking for 9'.

- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Vito answered no it will be a positive addition and painted and trimmed to match the house and very little visual impact.
- 5) Whether the alleged difficulty was self-created? Mr. Vito answered no

Board Questions

Member Miller asked if there would be a paved driveway back to the structure. Mr. Vito answered no because it will be more of a workshop than a garage with a narrow gravel drive to the structure. Member Miller asked if there would be any large lighting on the structure. Mr. Vito answered no, maybe some sidewalk lights on the ground.

Attorney Sutphen asked how close a driveway could be to the property line if he wanted to install one. Code Office Capriotti answered codes does not regulate the driveway. Attorney Sutphen suggested the board discuss if the driveway should be a condition of the variance.

Chairman Kelly had Town Clerk Weber read a letter from Mr. Vito's Neighbor Mr. Dickey asked that a 6' fence be installed between the properties and to make sure the building would not be used from commercial use. Discussion continued concerning a fence.

Member Campbell made a motion, seconded by Member Miller to close the public hearing at 8:02 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 yes, the garage could be moved into the center of the yard but it would ruin the rest of the yard.
- 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 yes.
- 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

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 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: Must add a 6' high fence starting at the rear corner of the house to the rear corner of the garage/workshop. If Mr. Vito and his neighbor Mr. Dickey decide to put in trees or something else to block the garage, they will need to let the town know so the variance can be modified.

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 Miller, to grant Frank Vito, 5120 Muirfield Dr., Fayetteville NY a side yard variance of 9' to meet the required 20'. With a condition that Mr. Vito place a 6' fence between 5124 & 5120 Muirfield Dr. properties with the fence to cover the garage (workshop) from the rear of the house to the rear of the garage.

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 Campbell made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 8:22PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals