

**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.

SEORA 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