

**Town of Manlius
Zoning Board of Appeals
August 17, 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>

Chairman Timothy Kelly presided, and the following Board members present:

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

In Person Attendees that signed in: Greg Fishel, John Coulter.

Virtual Attendees:

The Pledge of Allegiance was recited. The meeting was called to order at 6:38 PM due to technical difficulties.

Legal Notices

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

Approval of Minutes – July 20, 2023

Member Linhart asked for two corrections to be made to the minutes.

Member Miller made a motion, seconded by Member Linhart to approve the minutes of July 20, 2023, as submitted by Secretary Witzel as corrected.

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

Nays: 0

All in Favor.

Motion Carries.

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

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

Nays: 0

All in Favor.

Motion Carries.

Allied Sign Company, 5427 N Burdick St., Fayetteville (tax map # 086.-01-04.2) Requesting two variances in install (1) DS 6-foot 11-foot 13/16-inches X 16-foot internally illuminated pylon sign with faces to be routed with push through Acrylic.

Chairman T. Kelly stated the public hearing was held open from the prior meeting.

Greg Kishel, Allied Sign Company, stated that Telsa has moved the location of the sign as shown in revision (9) of the site plan dated August 15, 2023. Explaining the sign will be 46 feet from the road and on the edge of the parking lot in front of the building and not in the parking lot as previously discussed. In this location it will be more in line with the neighboring signs.

Code Officer Poitras stated that the neighboring business was provided with the revised plan for the sign with a response of thank you.

Member Catalino made a motion, seconded by Member Linhart, to close the public hearing at 6:49 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 yes, but they have come up with a reasonable alternative.
- 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 based on the town code.
- 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, they want a sign to promote their business.

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 **94.92 square feet per face and a variance of 10 feet for the 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: **The sign be only placed in the location that is in the revised plan (9) dated August 15, 2023 that is attached to the application submitted.**

SEORA 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 two variances to KDP Manlius LLC, represented by Greg Fishel, Allied Sign Company, for the property located at 5427 North Burdick St., Fayetteville NY 13066 (tax map # 086.-01-04.2). The first varinace is being granted for the purpose of a free standing exterior monument sign that has 110.92 square feet per face and a variance of 94.92 square feet is required to provide relief from the 16 square feet that is allowed for a freestanding sign. The second varinace is being granted for the purpose of a free standing exterior monument sign is 16 feet and variance of 10 feet is required to provide relief from the 6 feet that is allowed for a freestanding sign from the existing or natural ground level directly beneath the proposed sign. With a the condition that the sign be only placed in the location that is in the revised plan (9) dated August 15, 2023 that is attached to the application.

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

Nayes: 0

All in Favor.

Motion Carries.

Kristen Coulter, 212 McClennan Dr., Fayetteville (tax map # 085.-04-19.0)

John Coulter, the contractor, stated they would like to place a 6-foot by 10-foot mudroom on the south end of the house. Mr. Coulter stated that the existing shed will be moved to the backyard and the existing gate will be replaced and moved over. Mr. Coulter stated that the side entrance is used as the main entry to the house. The addition will have no plumbing, just electricity.

Member Catalino made a motion, seconded by Member Linhart, to open the public hearing at 6:59 PM and it was carried unanimously.

Concerning the distance between the houses Code Officer Poitras stated that they are only concerned with the applicant's property line not the neighbors. Code Officer Poitras stated that the sheetrock will give the house fire protection.

Member KP Kelly asked if the addition would be insulated. Mr. Coulter stated that the addition will be insulated in the walls and floor.

Mr. Andrews the neighbor to the south spoke with Code Officer Poitras and stated that he okay with addition.

Member Linhart made a motion, seconded by Member Miller, to close the public hearing at 7:10 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 because the lot is so narrow.
- 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 yes because they wanted to add mudroom to the house.

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 3 feet** is the minimum variances 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 Miller to grant an area variance to Kristen Coulter, 212 McClennan Dr., Fayetteville (tax map # 085.-04-19.0) the variance is granted for the purpose of the construction of a 6-foot by 10-foot addition as presented.

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

Nayes: 0

All in Favor.

Motion Carries.

Other Business

None

Adjournment

With there being no other business, Member Linhart made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 8:15 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals

