

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
January 16, 2020
6:30 PM**

The Town of Manlius, Zoning Board of Appeals assembled at the Town Hall, 301 Brooklea Drive, Fayetteville, New York, with Chairman K.P. Kelly presiding and the following Board members present:

Absent	Member	Jim Campbell
	Member	Clare Miller
	Member	Judy Salamone
	Secretary	Debi Witzel
	Attorney	Jamie Sutphen
Absent	Codes Director	Randy Capriotti

Also, Present: John Fredenburg, Bob Clendennen, Will & Emily Verbeck, Bradley Hill

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

Minutes

Member Miller made a motion, seconded by Member Salamone, to approve the minutes of November 21, 2019 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

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

Chairman Kelly opened the public hearing at 6:35 PM.

John Fredenburg, 6168 Poolsbrook Rd., Kirkville NY (tax map # 072.-02-09.3) requesting 3 area variances to construct a 40' X 56' with a height of 22' storage/shed. A front yard variance requesting 7', has 33', code requires 40. A rear yard variance requesting 18', has 22', code requires 40'. A height varaince requesting 22' which will be 5' above the code required max of 17'.

Mr. Fredenburg stated he would like to build a 40'X56' storage shed to various items.

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. Fredenburg answered No
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Fredenburg answered, it will not change the character of the neighborhood.
- 3) Whether the requested Variance is substantial? Mr. Fredenburg answered yes, within reason.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Fredenburg answered no, it will not have an adverse effect.
- 5) Whether the alleged difficulty was self-created? Mr. Fredenburg answered no, the request is because of the lay of the land.

Board Questions

Member Salamone asked what the color of the storage shed would be. Mr. Fredenburg stated it will be dark gray with a tan steel roof and no windows. Member Salamone asked if the neighbors are okay with the shed. Mr. Fredenburg answered yes.

Chairman Kelly asked what the building will be made of. Mr. Fredenburg stated it will be a metal building.

Chairman Kelly closed the public hearing at 6:39 PM.

Board Discussion

Member Salamone stated he has a lot of space for the shed and his neighbors are okay with the project.

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
- 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 the applicant wants the 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 the front yard of 7' and height of 22' 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:

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 Salamone made a motion, seconded by Member Miller, to grant John Fredenburg, 6168 Poolsbrook Rd., Kirkville NY a front yard variance 7' and a height variance 22'.

The Board voted as follows:

Chairman Kelly	Aye
Member Miller	Aye
Member Salamone	Aye

The motion was carried.

William & Susan Verbeck, 4646 Enders Rd., Manlius NY (tax map # 117.1.-02-21.0) requesting an area variance to construct a 2400 square foot barn with a height of 23' 2 1/4". Requesting a height variance of 6', which is above the code height maximum of 17' that would bring the height to 23' 2 1/4".

Chairman Kelly opened the public hearing at 6:46 PM.

Mr. Verbeck stated they are requesting a height variance of 6' for the replacement barn they would like to build.

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. Verbeck answered no, they need the storage because they do not have any in the house.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Verbeck answered no they are replacing the old barn that snow took down a while back.
- 3) Whether the requested Variance is substantial? Mr. Verbeck answered no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Verbeck answered no, the new barn will look much nicer than the old one.
- 5) Whether the alleged difficulty was self-created? Mr. Verbeck answered no

Board Questions

Member asked what the barn would look like. Mr. Verbeck answered it will be a wooden barn and the old foundation will stay but be cleaned up. New barn will have a concrete floor.

Attorney Sutphen 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,
- 3) Whether the requested Variance is substantial? The board answered
- 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, to replace the old 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 a 6' 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:

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 Salamone made a motion, seconded by Member Miller, to grant William & Susan Verbeck, 4646 Enders Rd., Manlius NY an area variance to construct a 2400 square foot barn with a height of 23' 2 ¼". Requesting a height varaince of 6', which is above the code height maxium of 17' that would bring the height to 23' 2 ¼".

The Board voted as follows:

Chairman Kelly	Aye
Member Miller	Aye
Member Salamone	Aye

The motion was carried.

Other Business

Chairman Kelly wanted to mention that former Zoning Board member Al Ruthig had submitted a letter stating that he was intent to pursue a second term on the Zoning Board. Mr. Ruthig stated he had enjoyed serving for the past 5 years.

Adjournment

With there being no other business, Member Miller made a motion, seconded by Member Salamone, and carried unanimously, to end the meeting at 6:58 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals