

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
October 20, 2022
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>

Chairperson Timothy Kelly presided, and the following Board members were present:

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

In Person Attendees: Jeremy Arts, Architect

Virtual Attendees: None

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

Minutes

Member Linhart made a motion, seconded by Member KP Kelly, to approve the minutes of September 15, 2022, as submitted by Secretary Witzel.

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

Nays: 0 All in Favor. Motion Carries.

Daniel Vault, 4 Meadow Drive, Fayetteville NY (tax map # 094.-03-10.0) Public Hearing for one side yard variance to install a 3-bay garage of 1,185 square foot garage, with an existing side yard setback of 7'2" they will need a variance of 12'10" to meet the required 20' setback.

Chairman T. Kelly reviewed the application of a three-bay garage, 1,185 square feet and requesting variance of 12 feet, 10 inches.

Member Catalino made a motion, seconded by Member KP Kelly to open the public hearing at 6:33 PM and it was carried unanimously.

Jeremy Arts, Architect for the project stated the homeowner would like to add a three-bay garage to the right side of his home. Mr. Arts explained that the building will impede on the 20-foot setback with the narrowest point being 7-foot 2-inches and the widest point being about 12-foot 9-inches.

The Board discussed having a double garage door instead of single doors and the applicant wanted single doors. The roof line was also discussed that there would be no overhang to add to the variance.

Mr. Arts stated the front of the house will be changing with windows added and a new entrance also the house will be painted black with white stones and light-colored wood on the under side of the eaves. Mr. Arts stated that they will be talking to the neighbor about trimming back the trees that are near the property line.

Chairman T. Kelly stated the Board received a letter from the neighbor located at 17-Wheeler Ave. who would be most impacted by the project. This neighbor is okay with the addition. Chairman T. Kelly stated they did talk to the Fire Chief about the trees, and he said it is not a problem.

Member Linhart made a motion, seconded by Member Catalino to close the public hearing at 6:47 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.
- 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 is no detrimental aesthetic determined for the addition as it will be screened by the trees on the property line and the closest neighbor has no objection.
- 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 because the applicant is requesting the addition to his home.

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 12 feet 10 inches on the right-side yard (east side)** 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: **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 Catalino made a motion, seconded by Member Miller to grant an area variance to Daniel Vault, 4 Meadow Dr., Fayetteville NY 13066 (tax map # 094.-03-10.0) for the installation of 3-car garage and new entry addition. With an existing side yard setback of 7-foot 2-inches and is requesting a variance of 12-foot 10-inches to meet the required 20-feet.

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

Nays: 0

All in Favor.

Motion Carries.

Adjournment

With there being no other business, Member Linhart made a motion, seconded by Member KP Kelly, and carried unanimously, to end the meeting at 6:55 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals