

**Town of Manlius
Zoning Board of Appeals
November 16, 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	Allison Weber
Attorney	Jamie Sutphen
Code Officer	Tom Poitras

In Person Attendees that signed in: Bob & Nancy McGovern, Manlius. Jeremy Bakeman, Morton Buildings. Eric Jahnke, E. Syracuse. Karen DeOlden, Kirkville. Brian Manning, Will Rumsey, Fayetteville. Tajoura Walley, New Woodstock.

Virtual Attendees: Lauren Wisneski

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

3. Approval of Minutes – October 18, 2023

Member Linhart made a motion, seconded by Member Miller, to approve the minutes of October 18, 2023, as presented by Secretary Weber.

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

Nays: 0

All in Favor.

Motion Carries.

**4. Linda Barberi, 139 W Dauenhauer St., E. Syracuse NY (tax map # 062.-02-03.0).
Requested one 8-foot side yard variance to construct a 14' X 16' three season room.**

Eric Jahnke, the contractor, stated they would like to add a three-season room and will need a side yard setback of 8-feet.

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

Member Linhart made a motion, seconded by Member Miller, to open the public hearing at 6:38 PM and it was carried unanimously.

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

Nayes: 0

All in Favor.

Motion Carries.

Member KP Kelly asked if the underneath of the addition would be left open. Mr. Jahnke stated no because it will be close to the ground.

Member Linhart made a motion, seconded by Member Miller, to close the public hearing at 6:44 PM and it was carried unanimously.

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

Nayes: 0

All in Favor.

Motion Carries.

Board 5 Criteria 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.
- 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 as they want the three-season room addition.

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 eight feet on the 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: 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 Linda Barberi, 139 W. Dauenhauer St., E Syracuse (tax map # 062.-02-03.0) This variance of 8 feet on the side yard is being granted for the purpose of constructing a 14' X 16' three season room.

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

Nayes: 0

All in Favor.

Motion Carries.

5. David DeOlden, 7868 Peck Rd., Kirkville NY (tax map # 043.-01-08.0). Requested one 13-foot side yard variance to construct a 24' X 40' Pole Barn.

Karen DeOlden handed out an up-to-date survey to the board members. Ms. DeOlden stated they would like to construct a pole barn behind their house to replace the falling down garage that is there now. The variance they are asking for will bring the new barn into compliance and the old garage was not.

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

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

Nayes: 0

All in Favor.

Motion Carries.

The board reviewed the construction drawings.

Member Catalino made a motion, seconded by Member Linhart, to close the public hearing at 7:24 PM and it was carried unanimously.

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

Nayes: 0

All in Favor.

Motion Carries.

Board 5 Criteria 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.
- 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 similar structures in the neighborhood and is an improvement to the property.
- 3) Whether the requested Variance is substantial? The board answered yes, being 13 feet.
- 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/needed a new storage space.

Member Linhart made a motion, seconded by Member Miller, to close the public hearing at 7:39 PM and it was carried unanimously.

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

Nayes: 0

All in Favor.

Motion Carries.

Board 5 Criteria 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, as the shed has already been placed further into the property at 12.
- 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 sheds in the neighborhood.
- 3) Whether the requested Variance is substantial? The board answered no, as they placed it further into the yard than requested.
- 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 as they wanted a new 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 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 8 feet on the 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: If there is an updated survey done and it is found that the shed does not meet the variance granted by the ZBA the resident will need to return to the ZBA for a modification of variance to keep them in compliance.

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 KP Kelly to grant an area variance to Lauren Wisneski for the property located at 7721 Farley Lane, Manlius (tax map # 110.-04-21.0). This variance of 8-feet on the side yard is being granted for the purpose of the installation of a 12' X 16' Storage Shed. On the condition that if a future survey shows that this variance is violated the property owner Lauren Wisneski must return to the ZBA for modification of the variance to assure compliance. This condition is made because of the difficulty of getting an exact measurement without a survey being done.

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

Nayes: 0

All in Favor.

Motion Carries.

7. Matthew & Mallary Whipple, 8371 Glen Eagle Dr., Manlius NY (tax map # 117.-11-42.0). Requested two variances, first variance is for 15-feet on the side yard and the second variance is for 2-feet 3-inches for height to construct a 24 X 30 foot detached garage.

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

Member Linhart made a motion, seconded by Member KP Kelly, to open the public hearing at 7:53 PM and it was carried unanimously.

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

Nayes: 0

All in Favor.

Motion Carries.

Mr. Manning representing Mr. & Mrs. Whipple stated they are requesting a variance for a 24' X 30' wood frame garage to house their electric vehicles. Mr. Manning stated they would also like a loft area above for storage.

Member Catalino asked if any trees will be removed, and Mr. Manning said three trees would be removed. Mr. Manning stated there will be a one-hour fire rated wall on the north side of the garage next to the neighbor's house.

Member Linhart made a motion, seconded by Member KP Kelly, to close the public hearing at 8:10 PM and it was carried unanimously.

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

Nayes: 0

All in Favor.

Motion Carries.

Board 5 Criteria 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 for side yard variance and no for the height variance.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no for side yard variance and no for the height variance.
- 3) Whether the requested Variance is substantial? The board answered yes for both variances.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered no for both variances.
- 5) Whether the alleged difficulty was self-created? The board answered yes for both variances.

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 15 feet on the side yard and 2 feet 3 inches for the height is the minimum variance that should be granted 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

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 KP Kelly to grant two area variances to Matthew & Mallory Whipple, 8371 Glen Eagle Dr., Manlius NY (tax map # 117.-11-42.0). The first variance of 15-feet on the side yard and a second variance of 2-feet 3-inches for height is being granted for the purpose of constructing 720 Square Foot (24'X30') wood frame garage with loft with a height of 19-feet 3-inches. With conditions of no living space, no heating, and no plumbing in the garage loft. The board is attaching a condition that a proper barrier of evergreens of at least 6 feet to 10 feet and 3 feet to 4 feet on center between the garage and the neighbor's property.

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

Nays: 0

All in Favor.

Motion Carries.

8. Robert & Nancy McGovern, 8905 Peck Hill Rd., Manlius NY (tax map # 116.-01-23.1). Requested a variance of 7-feet 2-inches for height for the construction of 35-foot 9 inch by 47-foot 9 inch accessory structure.

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

Member Catalino made a motion, seconded by Member Linhart, to open the public hearing at 8:15 PM and it was carried unanimously.

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

Nays: 0 All in Favor. Motion Carries.

Robert McGovern stated they would like to build a 36' X 48' building with a height of 27 feet 6 inches including the cupola. Mr. McGovern stated they will need a height variance of 7 feet 2 inches.

Member Miller asked if the building will be used for commercial use. Mr. McGovern stated the building will be used for storage and a workshop and it will be insulated and have water. Mr. McGovern stated the building color will be evergreen wainscoting with beige on top.

Member KP Kelly made a motion, seconded by Member Linhart, to close the public hearing at 8:18 PM and it was carried unanimously.

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

Nays: 0 All in Favor. Motion Carries.

Board 5 Criteria 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, it could be smaller.
- 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, they want the storage building.

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.

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

Nayes: 0

All in Favor.

Motion Carries.

Board 5 Criteria Questions

Chairperson T. Kelly proceeded with the board through the five (5) criteria questions: These answers are for both the shed and the greenhouse.

- 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 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, they wanted 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 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 20 feet rear 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

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 KP Kelly to grant an area variance to William Rumsey, 602 Churchill Court, Fayetteville (tax map # 014.-01-09.0). This variance of 20-feet on the rear yard is being granted for the purpose of the installation of a 12-foot X 22-foot shed.

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

Nayes: 0

All in Favor.

Motion Carries.

Other Business

Chairman T. Kelly stated there will be new protocols for the Zoning Board.

1. You must have your Town issued Identification present and visible when visiting a property.
2. You must schedule with the property owner a date and time to visit the property.
3. You must knock on the door and present yourself, do not just walk on the property.
4. If there is no one home leave the property and reschedule.
5. Ask only questions that pertain to the requested variance. Do not ask anything that is outside of the requested variance. If you have concerns about something you see on the property discuss it with Code Officer Poitras after you have left the property.

Adjournment

With there being no other business, Member Miller made a motion, seconded by Member KP Kelly, and carried unanimously, to end the meeting at 8:32 PM

Respectfully submitted,
Allison Weber, Secretary
Zoning Board of Appeals