

**Town of Manlius
Zoning Board of Appeals
October 17, 2024
6:30 PM**

The Town of Manlius Zoning Board held a hybrid meeting with in-person attendees and virtual attendees. Due to technical difficulties this meeting was not live streamed. Chairperson Karrie Catalino presided, and the following Board members present:

Member	Tim Kelly
Member	Clare Miller
Member	Warren Linhart
Member	Eric Christensen
Secretary	Carrie Grevelding
Attorney	Jamie Sutphen
Code Officer	Tom Poitras

In Person Attendees: Brandon Forehand, Fayetteville. Barry Nelipowitz, Fayetteville.

Virtual Attendees: None

The Pledge of Allegiance was recited. The meeting was called to order at 6:40 PM.

Approval of Minutes – September 19, 2024

Member Kelly made a motion, seconded by Member Christensen, to approve the minutes of September 19, 2024, as submitted by Secretary Grevelding.

Ayes: Chairperson Catalino, Member Kelly, Member Miller, Member Christensen, Member Linhart

Naves: 0 All in Favor. Motion Carries

Chairperson Catalino recused herself from the application for 5858 Pierson Rd, Fayetteville, NY. Member Kelly stepped in as acting Chairperson for this application.

Legal Notice

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

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Naves: 0 All in Favor. Motion Carries

Member Linhart made a motion, seconded by Member Miller, to open the public hearing at 6:42 PM and it was carried unanimously.

Ayes: Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Naves: 0 All in Favor. Motion Carries

Brandon Forehand – 5858 Pierson Rd, Fayetteville, NY (Tax Map #082.-01-39.0

Brandon Forehand was present and advised the board that he needed the height variance due to the storage of camper. Color of the structure will be blue as per Mr. Forehand.

Member Linhart made a motion, seconded by Member Christensen, to close the public hearing at 6:46 PM and it was carried unanimously.

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Nays: 0

All in Favor.

Motion Carries

Board Questions

Acting Chairperson 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.

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 height variance of **5-feet 8-inches for the construction of a 40-foot by 60-foot accessory structure** 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

Acting Chairperson 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 Christensen a motion seconded by Member Linhart that the Zoning Board of Appeals to grant a height variance of 5-feet 8-inches to Brandon Forehand for the property at 5858 Pierson Rd, Fayetteville, NY (Tax Map #082.-01-39.0). This variance is being granted for the construction of a 40-foot by 60-foot accessory structure.

Ayes: Acting Chairperson Kelly, Member Miller, Member Christensen, Member Linhart

Nays: 0 Motion Carries.

Chairperson Catalino returned to the meeting at 6:50 PM

Chairperson Catalino reviewed the application for 8575 Green Lakes Rd, Fayetteville, NY and advised that this application was only up for discussion and that it was not a public hearing.

Barry Nelipowitz – 8575 Green Lakes Rd, Fayetteville, NY (Tax Map #082.1-02-14.1)

Barry Nelipowitz was present. Mr. Nelipowitz gave the board a summary as to why he was looking to put the garage in the location he was requesting and a description of what the garage will look like. There was a lengthy discussion regarding the right of way as well as concern if there was ever a plan to widen Green Lakes Rd. There was also discussions on other potential locations on the property where the garage could be placed. Mr. Nelipowitz advised the board that the other locations were not feasible due to other updates being made to the residence and the terrain of the property. It has been requested by the board that Mr. Nelipowitz obtain an updated survey with the location of the proposed deck as well as the proposed garage. Once the updated survey is received it will be sent to the County for their approval.

Other Business

None.

Adjournment

With there being no other business, Member Kelly made a motion, seconded by Member Christensen, and carried unanimously, to end the meeting at 7:23 PM.

Respectfully submitted,
Carrie Grevelding
Zoning Board of Appeals