

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
July 18, 2019
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:

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

Also, Present: Garret Malone

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

Chairman Kelly requested that Member Ruthig step in to chair the meeting since he had a cough that interfered with his ability to do so.

Minutes

Chairman Campbell made a motion, seconded by Member Miller, to approve the minutes of June 20, 2019 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

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

Chairman Kelly made a motion, seconded by Member Campbell, to open the public hearing at 6:32 PM.

Garrett & Mari Malone, 6345 Fremont Rd., E. Syracuse NY (tax map # 054.-01-14.1). To construct a 24' X 40' garage. Requesting a rear yard variance setback of 15 feet to meet the required 25 feet.

Mr. Malone stated he would like to replace the existing garage with a 24'X40' garage that will be 3' longer the existing garage.

Member Ruthig 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. Malone answered no – because of the lines for the septic system and he would like to use the existing garage base/footprint.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Malone answered no

- 3) Whether the requested Variance is substantial? Mr. Malone answered no – because the land behind him is a wooded lot.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Malone answered no
- 5) Whether the alleged difficulty was self-created? Mr. Malone answered no

Board Questions

Member Miller asked about the clearing in the wooded lot behind the house and asked if anyone is planning on building back there. Mr. Malone answered no.

Chairman Kelly asked if the garage and shed are coming down would Mr. Malone be using the old concrete. Mr. Malone answered yes. Chairman Kelly asked what the outside of the new garage will look like. Mr. Malone answered it will have vinyl siding to match the house. Chairman Kelly asked what the use will be for the garage and if it would have electricity. Mr. Malone answered the garage would be used for cars and a workshop in the rear. The garage currently does have electricity. Chairman Kelly asked where the debris from the old garage will be taken. Mr. Malone answered the contractor will dispose of the debris as required. Chairman Kelly asked what the cement slab behind the garage will be used for. Mr. Malone answered to stack cords of wood. Chairman Kelly stated that if Mr. Malone decided in the future to build on the rear slab, he would need to get a variance.

Board members discussed how the 3' slab would impact the variance request of 15'. It was decided to grant a 12' variance instead of the 22' variance.

Chairman Kelly made a motion, seconded by Member Campbell to close the public hearing at 6:43 PM.

Board Discussion

Member Ruthig 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 of the lines for the septic system and he would like to use the existing garage base/footprint.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no: Same footprint as what is there and will match house.
- 3) Whether the requested Variance is substantial? The board answered no; will use the same footprint.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered no: property behind house is a wooded lot and the new garage will look better than the old garage.
- 5) Whether the alleged difficulty was self-created? The board answered yes: if garage was not extended would not need variance.

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 12 feet to the back of the proposed garage 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: no enclosures or structure will be built on the rear 3' slab; roof and siding will match existing house with architectural shingles.

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 Campbell made a motion, seconded by Member Kelly, to grant Garrett & Mari Malone, 6345 Fremont Rd., E. Syracuse a 12' variance to construct a 24' X 40' garage. With the condition that no structure be build on the rear 3' slab.

Adjournment

With there being no other business, Member Campbell made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 6:52 PM.

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals