

**TOWN OF MANLIUS  
ZONING BOARD OF APPEALS  
March 21, 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	Clare Miller
Member	Judy Salamone
Secretary	Allison Weber

Also, Present: Mark Dempsey, Construction. Len DiMaggio, Applicant.

The Pledge of Allegiance was recited. The meeting was called to order at 6:41 PM.

**Minutes**

The 11-15-18 minutes were tabled.

**Legal Notices**

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

**Len DiMaggio, 4900 Duguid Rd, Manlius NY 13104 – PUBLIC HEARING - for a side yard variance of 16 feet to construct a garage 4 feet from the side yard instead of the required 20 feet. (Tax Map #099-01-05.3).**

Mark Dempsey appeared on behalf of the applicant. Mr. Dempsey presented the application to construct a garage at the property located at 4900 Duguid Rd, Manlius NY.

Discussion ensued regarding whether or not the existing slab could support the weight of 2 cars. Mr. Dempsey stated that the existing slab is constructed very well, and he will provide evidence that the slab can support the weight of 2 vehicles.

Chairman Kelly asked if the neighbors had been notified. Mr. Dempsey answered yes.

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. Dempsey answered no. Mr. Dempsey stated that this is the best location for the garage.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Dempsey answered no.

- 3) Whether the requested Variance is substantial? Mr. Dempsey answered no. Mr. Dempsey stated that the applicant will not cut down any trees.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? Mr. Dempsey answered no. Mr. Dempsey stated that the area has an existing concrete slab.
- 5) Whether the alleged difficulty was self-created? Mr. Dempsey answered no.

### **Board Questions**

Chairman Kelly asked about a pile of stone and debris that is located on the property. Mr. Dempsey stated that he was not aware of any pile of debris, but he will clean up the debris.

Member Campbell asked if the garage would be placed in another location if there was not an existing slab? Mr. Dempsey stated that existing slab location is really the best location for the garage.

Chairman Kelly asked if the proposed garage would match the existing house? Mr. Dempsey stated that the garage will not be made of brick, but the color of the garage and roof will be matched.

Mr. Dempsey discussed the materials that the garage will be constructed with. Mr. Dempsey stated that the garage will be brown and tan.

Member Campbell asked who notified the neighbors? Mr. Dempsey stated that he notified the neighbors.

Member Campbell made a motion, seconded by Member Salamone, to open the public hearing at 6:57 PM. The motion was carried unanimously.

There being no comment from the public, Member Campbell made a motion, seconded by Member Salamone, to close the public hearing at 7:00 PM. The motion was carried unanimously.

Member Campbell stated that he doesn't see any issue with the proposal.

Attorney Frateschi reviewed the points that the Zoning Board of Appeals should be considering.

The board discussed the line of site from the neighboring properties.

Member Salamone stated that there is a row of trees separating the properties.

Member Kelly stated that the garage backs up to tennis courts and not to neighbor's house.

Member Miller stated that there was a nearby barbecue pit on the neighbor's property.

Mr. DiMaggio entered the meeting at 6:57 PM.

Member Kelly asked the applicant if he had spoken with his neighbor? Mr. DiMaggio stated that his neighbor is aware of his intentions and is out of town.

**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 Miller, to grant Len DiMaggio a side yard variance of 16 feet to construct a garage 4 feet from the side yard instead of the required 20 feet at the property located at 4900 Duguid Rd, Manlius NY 13104. (Tax Map #099-01-05.3)

Conditions:

- 1) The applicant provide evidence that the existing slab can support the weight of 2 vehicles
- 2) The color of the garage matches the color of the existing house.
- 3) The rainwater will be directed away from the neighboring property

The Board voted as follows:

Chairman Kelly	Aye
Member Campbell	Aye
Member Miller	Aye
Member Salamone	Aye

The motion was carried.

Clerk Weber noted for the record that Member Ruthig submitted a letter that he is favor of granting a variance.

**Adjournment**

With there being no other business, Member Salamone made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 7:11 PM

Respectfully submitted,  
Allison Weber, Secretary  
Zoning Board of Appeals