

Agenda  
Zoning Board of Appeals  
July 20, 2023  
6:30 PM

1. Virtual Meeting Instructions - July 20, 2023

Documents:

[7-20-23 Zoning Board Meeting Instructions.pdf](#)

2. Approval Of Minutes - May 18, 2023, June 1, 2023 And June 15, 2023

Documents:

[5-18-23 Draft.pdf](#)

[6-1-23 Draft.pdf](#)

[6-15-23 Draft.pdf](#)

3. Pledge Of Allegiance

4. Nasrat Hafeez, 4648 Ring Necked Path, Manlius NY

Will need one rear yard variance to construct a 12' X 16' Deck.

[Application Packet](#)

5. Diane Shields, 216 Schepps Lane, Kirkville NY

Will need one rear yard variance for a 12' X 24' shed.

[Application Packet](#)

6. Joshua Solomon, 4714 Anglia St., Manlius NY

Will need one side yard variance of 4' to construct a 16' X 36' Inground Pool.

[Application Packet](#)

7. Kyle Elliott, 106 N Davis St., E. Syracuse NY

Will need one front yard variance and one rear yard variance for the construction of a 16' X 36' Inground Pool.

[Application Packet](#)

8. Tesla, 5427 N Burdick St., Fayetteville NY - Contractor Allied Sign Company

Requesting two variances for two different commercial signs.

[Application packet](#)

[Tesla - Wall Mounted Sign](#)

[Tesla - Free-Standing Sign](#)

9. Danielle & Ryan Ewert, 8291 E Seneca Turnpike, Manlius (Tax Map # 099.-01-27.4)  
Continuation of Public Hearing for 13.76' of road frontage.

[Application Packet](#)

10. Other Business

11. Adjournment

This meeting is being recorded and live streamed. The recording will be broadcast live and will be posted to the town website at [www.townofmanlius.org](http://www.townofmanlius.org)



July 20, 2023 – 6:30PM

## Zoning Board Meeting Instructions

The easiest way to participate in the meeting is to use the link provided below. The meeting will be conducted on the ZOOM platform as a webinar. Please make sure that when you complete your attendee registration you enter your full name.

Click on the link or enter the meeting URL web address as listed below.

<https://us02web.zoom.us/j/89945296748?pwd=eTlzazZwZVJXRGs3SHZmUmhUTUs1Zz09>

Password to join when prompted:

Password: **142108**

Enter your email address and name and join the meeting.

Join by telephone by dialing the number below:

(929) 436-2866

When prompted to enter the Webinar ID, use the number below followed by #

Webinar ID: 899 4529 6748

Press # again to skip the personal id and enter the password below followed by #

Password: **142108**

If this is your first time joining a ZOOM meeting, you may practice using ZOOM meeting platform at <https://zoom.us/test>.

**Town of Manlius  
Zoning Board of Appeals  
May 18, 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/Ih9BYpklLFE>

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	Jamie Sutphen
Code Officer	Tom Poitras

In Person Attendees: Danielle & Ryan Ewert, Manlius. Dirk Oudemool, Attorney. Paula Ellenberg, Manlius. Barbara Emmons, Manlius. Joe Mastroianni, Liverpool. Tracy Crowe, Manlius. Matthew Ventura, Manlius. Joseph & Jen Roberts, E Syracuse.

Virtual Attendees: John & Connie Enders, Cheri Katzstein, Frank & Lynne Michalski.

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

**Approval of Minutes – March 16, 2023 & April 20, 2023**

Member Linhart made a motion, seconded by Member Catalino, to approve the minutes of March 16, 2023 as presented by Zoning Board secretary Witzel.

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

Nays: 0 All in Favor. Motion Carries.

Member Linhart made a motion, seconded by Member Miller, to approve the minutes of April 20, 2023 as presented by Zoning Board secretary Witzel.

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

Nays: 0 All in Favor. Motion Carries.

Member Linhart made a motion, seconded by Member Catalino, to waive the reading of the legal notices for tonight's applications.

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

Nayes: 0

All in Favor.

Motion Carries.

**Frank & Lynne Michalski, 8005 Peck Rd., E. Syracuse NY (tax map # 042.-02-03.6).  
Requesting two variances to construct a 30'X40'X12' Pole Barn. With an existing rear yard setback of 20' they will need a variance of 20' to meet the required 40' With an existing side yard setback of 15' they will need a variance of 5' to meet the required 20'.**

Member Linhart made a motion, seconded by Member KP Kelly, to open the public hearing at 6:34 PM and it was carried unanimously.

Mr. Michalski stated he would like to build a pole barn and is asking for the setbacks as the required setbacks would put the barn in the middle of the yard. Mr. Michalski stated after the new pole barn is built the existing shed will be removed.

Answers given to Board Members questions:

- The barn will have wainscoting, cupola, and a red roof.
- The barn will have a concrete floor.
- They will store two classic cars in the barn.
- The septic system is in the front yard of the property.
- They will not install a driveway to the barn.
- The building will have electricity but no heat.

Ken & Cheryl Katzenstein submitted a letter in opposition to the variances requested. Mr. Katzenstein stated he does not see a hardship concerning this project that would require two variances to build the barn, they have plenty of room in their yard.

Discussion ensued about the requested variances and the distances requested.

Member Linhart made a motion, seconded by Member KP Kelly to close the public hearing at 7:42 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, to eliminate the side yard requested variance.
- 2) Whether the Variances will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no, the barn will fit the character of the neighborhood.
- 3) Whether the requested Variances is substantial? The board answered no.
- 4) As to whether the Variances 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 a barn.

**Determination of ZBA Based on the Above Factors:**

The ZBA, after taking into consideration the above five factors, finds that: **For the rear yard variance.**

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 off the rear property line** 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, after taking into consideration the above five factors, finds that: **For the Side yard variance.**

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 **5-foot variance for the side yard is denied.**

The ZBA further **GRANTS** the variance as requested with the following conditions: ***to remove the old shed within a year.***

**SEORA 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**

Based on the findings of the Board, Member Catalino made a motion, seconded by Member Miller grant a rear yard variance of 20' to meet the required 40' and the board will deny the side yard variance of 5 feet. The board will set the condition that the old shed be torn down within a year.

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

Nays: 0

All in Favor.

Motion Carries.

**Matthew Ventura, 8190 Salt Springs Rd., Manlius NY (tax map # 098.-01-13.0) A Public Hearing requesting one height variance for a garage height of 19'11&9/16" they will need a variance 2'11&9/16" to go above the code height of 17'.**

Member Linhart made a motion, seconded by Member KP Kelly, to open the public hearing at 7:09 PM and it was carried unanimously.

Mr. Ventura stated he is requesting the height variance to allow for a loft area for storage the pitch is for snow load. Mr. Ventrua stated he has already removed the old shed and cut trees to make space for the new garage. Mr. Ventura stated there will be a man door and garage door but no windows and will have a concrete floor in the future.

Member Linhart made a motion, seconded by Member KP Kelly to close the public hearing at 7:17 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, he could lower the roof pitch.
- 2) Whether the Variances will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no, as there are other large barns in the neighborhood.
- 3) Whether the requested Variances is substantial? The board answered no.
- 4) As to whether the Variances 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, he wanted a garage.

**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 **three-foot height variance** 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.**

**SEORA 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**

Based on the findings of the Board, Member Linhart made a motion, seconded by Member Catalino, to grant Matthew Ventura, 8190 Salt Springs Rd., Manlius NY (tax map # 098.-01-13.0) one height variance for a garage height of 3' bringing the height to 20' which is 3' above the required 17'.

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

Nays: 0

All in Favor.

Motion Carries.

**Joseph Roberts, 5821 Acton St., E Syracuse NY (tax map # 075.-05-09.0). A Public Hearing requesting two variances to install a 15' X 30' X 54' above ground pool. With an existing side yard setback of 10' they will need a variance of 5' to meet the required 15' side yard setback. With an existing rear yard setback of 15' they will need a variance of 10' to meet the required 25' rear yard setback.**

Member Catalino made a motion, seconded by Member Linhart, to open the public hearing at 7:21 PM and it was carried unanimously.

Mr. Roberts stated they would like to put a pool in the backyard and will need two variances because of the size of the lot and where the fences are located. Mr. Roberts stated the pool will be as far from the rear property line as possible and right off the existing deck.

The Board discussed adding some sort of privacy fencing across the back line since the large tree was removed.

Mr. Roberts stated he has some arborvitae there now and will be adding more and until that fills in he will attach a black mesh privacy fence that will be attached to the chain link fence.

Member Linhart made a motion, seconded by Member Catalino to close the public hearing at 7:29 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 no, this location will keep the pool in line with the existing deck.
- 2) Whether the Variances will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no.
- 3) Whether the requested Variances is substantial? The board answered no.
- 4) As to whether the Variances 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, he wanted a garage.

**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 **five-foot side yard variance and ten-foot rear yard variance** is the minimum variances 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:  
**Arborvitae at a minimum height of 2' be placed along the rear property line sufficient to shield, at a spacing recommended by the nursey and placed within one year.**

**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**

Based on the findings of the Board, Member Linhart made a motion, seconded by Member Catalino, to grant Joseph Roberts, 5821 Acton St., E Syracuse NY (tax map # 075.-05-09.0). Requesting two variances to install a 15' X 30' X 54' above ground pool. With an existing side yard setback of 10' they will need a variance of 5' to meet the required 15' side yard setback. With an existing rear yard setback of 15' they will need a variance of 10' to meet the required 25' rear yard setback. The Board added a condition that Arborvitae at a minimum height of 2' be placed along the rear property line sufficient to shield, at a spacing recommended by the nursey and placed within one year.

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

Nayes: 0

All in Favor.

Motion Carries.

**Danielle & Ryan Ewert, 8291 E. Seneca Turnpike, Manlius NY, (tax map # 099.-01-27.4)  
Public Hearing for a variance of 13.76 feet to provide relief from the required 200 feet of frontage.**

Attorney Sutphen stated this is a continuation of the public hearing opened at the last meeting held on April 20, 2023.

Chairman T. Kelly reviewed the recommendation resolution Z-23-119 from the Onondaga County Planning Board that stated they wanted to see the installation of the public sewer to this property.

Joe Mastroianni, Engineer for Mr. & Mrs. Ewert reviewed two options for sewer systems. Mr. Mastroianni first option would be a raised bed septic system which is estimated to be about twenty thousand dollars. The second option is to connect to the public sewer at an estimated cost of forty thousand dollars.

A discussion ensued concerning the two different sewer options, the cost and the work involved with each option.

Mr. Mastroianni asked if the board would hold off on a decision it would allow time to get something from the County Health Department stating their view on putting in the septic system.

Attorney Sutphen stated that based on what information comes back to this board it may need to be referred to the OCPB.

Mr. & Mrs. Enders, 8275 E. Seneca Turnpike, Manlius stated they own Compassionate Care Veterinary Hospital and when getting their building permit, they were required to connect to the public sewer system. Mr. Enders stated the requirements for drainage and water are a lot higher for a dog kennel or veterinary hospital as it takes a lot of water to do routine cleanup.

Chairman T. Kelly stated the Board will be keeping the public hearing open to allow time for the applicant to get more detailed information concerning sewer system options.

- Will the Onondaga County Health Department allow a raised bed septic system?
- To see (quotes) from contractors for the installation of both septic systems.

### **Adjournment**

With there being no other business, Member Linhart made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 7:59 PM

Respectfully submitted,  
Debi Witzel, Secretary  
Zoning Board of Appeals

**Town of Manlius  
Zoning Board of Appeals  
June 1, 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/Ih9BYpklLFE>

Chairman Timothy Kelly presided, and the following Board members present:

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

In Person Attendees that signed in: Andy Cummings, Fayetteville. Bruce & Nina Ruppert, Manlius, John Perry, E. Syracuse.

Virtual Attendees: None

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

**Legal Notices**

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

**Andrew Cummings, 7 Edgewood Parkway, Fayetteville NY (tax map # 096.-03-18.0) A Public Hearing requesting two variances to construct a 16' X 16' shed on the back (northwest corner) of the yard. With an existing side yard setback of 1 foot, they will need a variance of 19-feet to meet the required 20-foot side yard setback. With an existing rear yard setback of 15-feet they will need a variance of 25-feet to meet the required 40-foot rear yard setback.**

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

Mr. Cummings stated he would like to build a 16 X 16 shed in the back left corner of his property as this is the most conducive space given the topography. Mr. Cummings stated the shed will be set on crushed stone and that the old shed will be removed after the new shed is built.

Chairman T. Kelly asked if he is still planning to build the garage, that they received a side yard variance for on May 20, 2021. Mr. Cummings answered he is no longer planning to build the garage.

Member Linhart made a motion, seconded by Member KP Kelly to close the public hearing at 6:44 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, they could put the shed in a different location.
- 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 yes if the prior variance is not rescinded.
- 5) Whether the alleged difficulty was self-created? The board answered yes, they would like 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 **19-foot side yard variance and a 25-foot rear yard variance** are the minimum variances 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: **The prior variance approved on May 20, 2021, for the construction of a garage must be rescinded. The old shed must be removed within one year of the new shed being constructed.**

### **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 Andrew & Gloria Cummings, 7 Edgewood Parkway, Fayetteville NY (tax map # 096.-03-18.0). for the purpose of a new construction of a 16X16 shed. With an existing side yard setback of 1 foot, they will need a variance of 19 feet to meet the required 20-foot side yard setback. With an existing rear yard setback of 15-feet they will need a variance of 25 feet to meet the required 40-foot rear yard setback. The board set two conditions 1. The prior variance approved on May 20, 2021, for the construction of a garage must be rescinded. 2. The old shed must be removed within one year of the new shed being constructed.

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

Nays: 0

All in Favor.

Motion Carries.

**Bruce & Antonina Ruppert, 8218 Verbeck Dr., Manlius NY (tax map # 114.- 04-09.0) a Public Hearing requesting one variance to construct a 16' X 14' three season room addition. With an existing side yard setback of 16' they will need a variance of 14' to meet the required 30' side yard setback.**

Member Linhart made a motion, seconded by Member KP Kelly to open the public hearing at 6:50 PM and it was carried unanimously.

Mr. Ruppert stated their forty-year-old deck was taken down and they would like to replace it with a three-season room. The three-season room will be 12X17, a bit smaller than the deck was and will match the house and have a gabled roof. Mr. Cummings stated that neighbors on either side of them have submitted letters of support.

Member KP Kelly asked if they would have air conditioning and heat in the room. Mr. Cummings stated they will not, but they will have electricity for lights and a fan.

Member Linhart made a motion, seconded by Member KP Kelly to close the public hearing at 6:56 PM and it was carried unanimously.

**Board 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 because the deck was there before.
- 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 would like an addition on the house.

**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 **fourteen-foot side yard variance** 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 Linhart made a motion, seconded by Member Catalino to grant an area variance to Bruce & Antonina Ruppert, 8218 Verbeck Dr., Manlius NY (tax map # 114.- 04-09.0) to construct a 16' X 14' three season room addition. Grant a variance of 14-feet to meet the required 30-foot side yard setback.

Member Miller made a motion, seconded by Member Linhart, to amend the original motion to remove the words "three season room" and change it to "addition."

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

Nayes: 0

All in Favor.

Motion Carries.

**John Perry, 7286 West Meyers Rd., E Syracuse NY (tax map # 046.-02-02.0) a Public Hearing requesting two variances to bring two buildings into compliance. With an existing rear yard setback of 16 feet 2 inches, they will need a variance of 23 feet 10 inches to meet the required 40-foot rear yard setback. With an existing side yard setback of 22 feet 7 inches, they will need a variance of 17 feet 5 inches to meet the required 40-foot rear yard setback.**

Member Catalino made a motion, seconded by Member Miller, to open the public hearing at 7:02 PM and it was carried unanimously.

Mr. Perry stated that he has a two-car garage with an office at the end and would like to add an addition for an 8X16 aqua therapy pool for himself and his wife for health reasons. Mr. Perry stated his neighbors have no problem with the addition as many of them have outbuildings also. Mr. Cummings stated the addition will match the existing building that is there.

Member Linhart made a motion, seconded by Member Miller, to close the public hearing at 7:07 PM and it was carried unanimously.

**Board Questions**

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered no, not if he is going to build it off the existing garage.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? The board answered no neighbors have out buildings.
- 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 would like the addition to house a therapy pool.

**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 **twenty-three feet ten-inch rear yard variance and seventeen feet five-inch side yard variance** are the minimum variances 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**.

**SEORA 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 Linhart, to grant two rear yard variances to bring two buildings into compliance. With an existing rear yard setback of 16 feet 2 inches, they will need a variance of 23 feet 10 inches to meet the required 40-foot rear yard setback. With an existing side yard setback of 22 feet 7 inches, they will need a variance of 17 feet 5 inches to meet the required 40-foot rear yard setback.

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

Nays: 0    All in Favor.    Motion Carries.

**Other Business**

Chairman T. Kelly informed the board that the application that is being held open from the last meeting will not be on the June 15, 2023, meeting as the board is still waiting for answered from them.

**Adjournment**

With there being no other business, Member Linhart made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 7:14 PM

Respectfully submitted,  
Debi Witzel, Secretary  
Zoning Board of Appeals

**Town of Manlius  
Zoning Board of Appeals  
June 15, 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/Ih9BYpklLFE>

Chairman Timothy Kelly presided, and the following Board members present:

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

In Person Attendees that signed in: James Hence, Syracuse.

Virtual Attendees:

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

**Legal Notices**

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

**Eric Hrbac, 4649 Whetstone Rd., Manlius NY (tax map # 112.-01-18.1.) A Public Hearing requesting two variances to construct a 28 X 30 garage on the north side of the yard. With an existing side yard setback of 7 feet, they will need a variance of 13 feet to meet the required 20-foot side yard setback. With a proposed height of 24 feet, they will need a variance of 7 feet above the required 17 feet height.**

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

Jamie Hence representing the owners, stated they would like to demolish and remove the existing 28X43 foot garage combination carport and replace it with a new 28X30 foot garage with a bonus room above. The garage will have bonus room trusses, unfinished second floor and unfinished interior on the first and second floor. Mr. Hence is requesting the variances because the current garage sits seven feet back from the current property line and they would like the new garage in the same area with the same setback.

Chairman T. Kelly asked about the existing retaining wall. Mr. Hence stated they will be building a new retaining wall and removing one tree.

Chairman T. Kelly stated they have also moved the water line that was under the existing garage to the middle of the yard towards the house.



Town Attorney Sutphen asked where the height requirement is in the code. Code Officer Poitras stated the height requirement is not in the code, it is part of the definitions.

Member KP Kelly asked if the garage will be on a floating slab or a foundation. Mr. Hence answered it will be a foundation.

Member Catalino asked if the garage will be the same aesthetically as the house. Mr. Hence stated it will be exactly like the house and the upstairs will have a window at each end and no power to the upstairs.

Member Linhart made a motion, seconded by Member KP Kelly to close the public hearing at 6:44 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 no it is reasonable to use the existing footprint (it will be a bit smaller than the existing footprint). The new garage will be a useful structure where the old garage was not.
- 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 it will provide a space to store their cars.
- 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, because the new structure will cover the same footprint, there is no concern that the runoff will be any different and there are other similar structures along that road.
- 5) Whether the alleged difficulty was self-created? The board answered yes, they wish to have a new and usable garage.

### **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 **side yard variance of 13 feet and a height variance of 7 feet** are the minimum variances 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**.

**SEORA 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 Eric Hrbac, 4649 Whetstone Rd., Manlius NY (tax map # 112.-01-18.1) for the purpose of constructing a new 28 X 30 detached garage. With an existing side yard setback of 7 feet, they will need a variance of 13 feet to meet the required 20-foot side yard setback. With a proposed height of 24 feet, they will need a variance of 7 feet above the required 17 feet height.

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

Nays: 0

All in Favor.

Motion Carries.

**Other Business**

None

**Adjournment**

With there being no other business, Member Linhart made a motion, seconded by Member Miller, and carried unanimously, to end the meeting at 7:14 PM

Respectfully submitted,  
Debi Witzel, Secretary  
Zoning Board of Appeals