

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
July 16, 2020
6:30 PM**

The Town of Manlius, Zoning Board of Appeals assembled on ZOOM for a virtual meeting with Chairman K.P. Kelly presiding and the following Board members present:

	Member	Jim Campbell
	Member	Clare Miller
Absent	Member	Judy Salamone
	Member	Timothy Kelly
	Secretary	Debi Witzel
	Attorney	Jamie Sutphen
Absent	Codes Director	Randy Capriotti
	Town Clerk	Allison Weber

Attendees: Christopher Bollinger

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

Minutes

Member Kelly made a motion, seconded by Member Miller, to approve the minutes of June 18, 2020 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

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

TBG, LLC, 7137 E Genesee St., Fayetteville, NY (tax map # 085.-07-11.0) a Public Hearing for a front yard set back of 34', requesting a front yard variance of 6' to meet the required 40' front yard code.

Mr. Bollinger stated the existing porch is in need of repair to be safer. Mr. Bollinger stated he would prefer to take the existing porch down and replace it with a new porch with a roof that will look better. Mr. Bollinger is asking for a variance of 6'.

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. Bollinger answered yes, he could repair the porch but he would like to make it look nicer.
- 2) Whether the Variance will result in an undesirable change in the character of the neighborhood or to nearby properties? Mr. Bollinger answered no
- 3) Whether the requested Variance is substantial? Mr. Bollinger answered no
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions?
- 5) Whether the alleged difficulty was self-created? Mr. Bollinger answered no

Board Questions

Chairman 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, it will enhance the front of the house.
- 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 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 6' front 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:

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 TBG, LLC, 7137 E Genesee St., Fayetteville, NY (tax map # 085.-07-11.0) a Public Hearing for a front yard set back of 34', requesting a front yard variance of 6' to meet the required 40' front yard code.

The Board voted as follows:

Chairman KP Kelly	Aye
Member T. Kelly	Aye
Member Campbell	Aye
Member Miller	Aye

The motion was carried.

Adjournment

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

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals