

**Town of Manlius
Zoning Board of Appeals
September 17, 2020
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	Timothy Kelly
Member	Clare Miller
Member	Judy Salamone

The following Town Officers were present:

Randy Capriotti	Codes Director
Jamie Sutphen	Attorney
Debi Witzel	Secretary

Also, Present: James Byrnes, Scott VanValkenburg, Bill Reed, Jeremy Eastman

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

Minutes

Member Salamone made a motion, seconded by Member T. Kelly, to approve the minutes of August 20, 2020 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

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

Member T. Kelly made a motion, seconded by Member Campbell to open the public hearing at 6:34 PM.

James Byrnes, 8269 Barksdale Lane, Manlius NY 13104 (tax map # 115.-10-13.0) a public hearing for a variance for a 12' X 20' shed with a concrete pad needing two variances:

- **First - with an existing side yard setback of 3' they will need a variance of 17' to meet the required 20'.**
- **Second - variance, with an existing rear yard setback of 3' they will need a variance of 37' to meet the required 40'.**

Mr. Byrnes showed a picture of the shed and stated that in the next year or two the house will be painted to match the shed.

Board Questions

Chairman Kelly asked why the concrete pad was already poured. Mr. Byrnes answered the shed will take 15 months to be delivered and some trees needed to be removed. Chairman Kelly stated he would have asked that the pad be placed farther from the property line.

Member T. Kelly asked what the shed will be used for. Mr. Byrnes answered that it would be used for riding lawn mower, snow blower and yard equipment.

Member T. Kelly made a motion, seconded by Member Salamone to close the public hearing at 6:40 PM.

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 yes, but no matter where the shed is located it will need a variance.
- 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 there are other sheds in the neighborhood. The shed looks like a little house will be nice addition.
- 3) Whether the requested Variance is substantial? The board answered, no, considering the neighborhood.
- 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 a 17 feet side yard and 37 feet rear 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: None

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 T. Kelly made a motion, seconded by Member Campbell, to grant to James Byrnes a 17' side yard variance and 37' rear yard variance for the purpose of constructing a 12' X 20' shed with a concrete pad.

The Board voted as follows:

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

The motion was carried.

Scott VanValkenburg, 5115 Reis Circle, Fayetteville NY 13066 (tax map # 093.-04-25.0) a public hearing for a variance for a 16' X 36' inground pool needing two variances:

- **First - with an existing side yard setback of 15' they will need 5' to meet the required 20'.**
- **Second - with an existing rear yard setback of 15' they will need 25' to meet the required 40'.**

Mr. VanValkenburg stated the family wants a pool but because of the shape of the yard there is not much room.

Member T. Kelly made a motion, seconded by Member Campbell to open the public hearing at 6:50 PM.

Board Questions

Member Salamone asked when construction would start on the pool. Mr. VanValkenburg answered hopefully in May.

Chairman Kelly asked if there would be a patio added that would not encroach on any easements. Mr. VanValkenburg answered no there will not be a patio added to the pool.

Member Campbell asked if the fence surrounding the yard belonged to him. Mr. VanValkenburg answered yes, it is his fence all the way around.

Member T. Miller made a motion, seconded by Member Salamone to close the public hearing at 6:50 PM.

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 because there are other pools in the neighborhood. The homeowner is planning to add drainage to move the excess water toward the drainage ditch.
- 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 a 25' rear yard variance and a 5' 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:

- Make sure the pool does not encroach on any easements.

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 Salamone, to grant to Scott VanValkenburg a 25' rear yard variance and a 5' side yard Variance for the purpose of constructing a 16' X 36' inground pool.

The Board voted as follows:

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

The motion was carried.

Jen & Bill Reed, 7372 Spring Mountain Dr., E Syracuse 13057 (tax map # 077.-09-03.0) a public hearing for a variance for a 15' X 26' inground pool needing two variances:

- **First - with an existing side yard setback of 10' they will need 5' to meet the required 15'.**
- **Second – With an existing rear yard setback of 15' they will need 10' to meet the required 25'.**

Member T. Kelly made a motion, seconded by Member Campbell to open the public hearing at 7:05 PM.

Mr. Reed stated that they want to put in a 15'X26' inground pool.

Board Questions

Chairman Kelly asked if the pool could be moved to fit the setbacks. Mr. Reed answered no, if they stay within the standard setbacks the pool would be on their patio.

Chairman Kelly asked how they will handle the uneven grade of the yard. Mr. Reed answered that the front of the pool will be even with the patio, then the yard will be graded off into the fence. Chairman Kelly asked if there is concern about runoff going into the neighbor's yard. Mr. Reed answered he did not believe it will be a problem. Chairman Kelly asked if there is a water issue if Mr. Reed is prepared to take care of it. Mr. Reed answered yes if drainage were needed that could be done.

Member T. Kelly made a motion, seconded by Member Campbell to close the public hearing at 7:08 PM.

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
- 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 as there are quite a few pools in the neighborhood.
- 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 a 10' rear yard variance and a 5' 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

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 T. Kelly made a motion, seconded by Member Campbell, to grant to Jen & Bill Reed a 10' rear yard variance and a 5' side yard variance for the purpose of constructing a 16' X 36' inground pool.

The Board voted as follows:

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

The motion was carried.

Jeremy Eastman, 310 Salt Springs St., Fayetteville NY 13066 (tax map # 016.-04-03.2) a public hearing for a variance for a 20' X 40' inground pool with an existing side yard setback of 14' they will need 6' to meet the required 20'.

Member T. Campbell made a motion, seconded by Member Salamone to open the public hearing at 7:15 PM.

Mr. Eastman stated that he will be moving his garden to put pool in. The placement of the pool is to accommodate the neighbors request and to line the pool up with the placement of the house.

Mr. Eastman stated that the variance would not go the length of the pool it would only be for one corner of the pool.

Chairman Kelly asked what the elevation of the pool will be where the property slopes. Mr. Eastman answered the pool will be at grade with the retainer wall.

Member Salamone made a motion, seconded by Member Campbell to close the public hearing at 7:25 PM.

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, not to meet the neighbors requests and the limitations of the property.
- 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 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 a 6' 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:

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 T. Kelly, to grant Jeremy Eastman a 6' side yard variance for the purpose of constructing a 20' X 40' inground pool.

The Board voted as follows:

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

The motion was carried.

Adjournment

With there being no other business, Member Miller made a motion, seconded by Member Campbell, and carried unanimously, to end the meeting at 7:03 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals