

Agenda
Zoning Board of Appeals
October 15, 2020
6:30 PM

1. Pledge Of Allegiance
2. Approval Of Minutes - September 17, 2020

Documents:

[9-17-20 Draft.pdf](#)

3. Laura & Michael McLoughlin, 7619 Somerset Lane, Manlius NY - Requesting 2 Variances For A 10' X 14' Shed

Documents:

[7619 Somerset Lane, Manlius NY.pdf](#)

4. Other Business
5. Adjournment

**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

DRAFT

TOWN OF MANLIUS -- ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: 9/7/2020

1. Property Address: 7619 Somerset Lane, Manlius, NY 13104

Property Tax Map # _____

The Applicants Purpose (new construction, alteration, extension, restoration, modification or other action) with respect to the subject property; _____

Add shed to property _____

2. Owner of Property: Michael and Laura McLoughlin

Owner's Address: 7619 Somerset Lane, Manlius, NY 13104

Owner's E-Mail: lb782@yahoo.com

Owner's Phone #: 315-439-0540

Does Owners reside at property: yes

Signature of Property Owner: Laura McLoughlin

3. Applicant / Representative / Attorney:

Name: Michael and Laura McLoughlin Company: _____

Address: 7619 Somerset Lane, Manlius, NY 13104

Phone: 315-439-0540 E-Mail: lb782@yahoo.com

4. The Town of Manlius ZBA Board requires that owners of neighboring properties be contacted by the applicant with respect to the proposed variance application. Please see attached instructions and form.

Below this line - For Office Use Only

Application Received by: _____ Date: _____

Payment Receipt #: _____

Date of Denial of Building Permit Application: _____ Current Property Zoning: _____

The subject property will be in conformity with all zoning use as outlined in Chapter 155 of the Town of Manlius Municipal Code, except as stated here by the Code Officer: _____

**TOWN OF MANLIUS
DISCLOSURE AFFIDAVIT**

This affidavit is a part of and must be completed and attached to every application, petition, request submitted for a *site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit.*

STATE OF NEW YORK)

) SS:

COUNTY OF ONONDAGA)

I, Catherine M. Mason, being duly sworn, deposes and says that (s) he is:

(Notary)

Laura & Michael McLoughlin
(applicant, petitioner, corporation officer, property owner, etc.)

II. That deponent has read and is familiar with the provisions of the General Municipal Law, Section 809 which states:

- A. Every application, petition or request submitted for a site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions or any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
- B. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when (s)he, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
- 1) is the applicant, or
 - 2) is an officer, director, partner or employee of the applicant, or
 - 3) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - 4) is a party to an agreement with such an applicant, express or implied, whereby (s) he may receive any payment or other benefit, whether or not for services rendered, or contingent upon the favorable approval of such application, petition or request.
- C. Ownership of less than five percent (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
- D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

III. That no Town of Manlius officer, employee or a relative of either, as defined in Section 809 General Municipal Law has any interest in this application.

-OR-

If a Town of Manlius officer, employee or relative of either as defined in Section 809 General Municipal law has any interest in this application, the full particulars are provided on an attached sheet.

Date: Septemeber 7, 20 20

Laura McLoughlin
(Print Name of 1st Applicant)

Laura McLoughlin
(Signature of 1st Applicant)

(Entity Name)

By (Officer) _____ (Title) _____
7619 Somerset Lane, Manlius, NY 13104
(Mailing Address of 1st Applicant)

315-439-0540
(Telephone Number)

Date: September 7, 20 20

Michael McLoughlin
(Print Name of 2nd Applicant)

Michael McLoughlin
(Signature of 2nd Applicant)

(Entity Name)

By (Officer) _____ (Title) _____
7619 Somerset Lane, Manlius, NY 13104
(Mailing Address of 2nd Applicant)

315-224-3811
(Telephone Number)

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
) SS:
COUNTY OF ONONDAGA)

On this 12th day of Sept. in the year 20 20, before me, the undersigned, a notary public in and for said state, personally appeared Laura McLoughlin
(1st Applicants Name)

, and Michael McLoughlin
(2nd Applicants Name) personally known to me or proved to me on the basis

of satisfactory evidence to be the individual whose name is subscribed to the within Petition and acknowledged to me the he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the Petition, the individual or the persons upon behalf of which the individual acted executed the instrument.

Catherine M Mason
Notary Public

CATHERINE M MASON
Notary Public, State of New York
No. 01MA6096029
Qualified in Onondaga County
Commission Expires July 21, 2023

SEAL

5 Criteria Questions: 7619 Somerset Lane shed variance

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method? No.
2. Whether the Variance will result in an undesirable change in the character of the neighborhood? No.
3. Whether the requested variance is substantial? No.
4. Whether the Variance will have an adverse effect on physical or environmental conditions? No.
5. Whether the alleged difficulty was self-created? No.

Application for Building Permit

Town of Manlius
Department of Planning and Development
301 Brooklea Drive, Fayetteville, NY 13066
(315)637-8619 Fax: (315) 637-0713

Application is hereby made for the issuance of a Building Permit pursuant to the New York State Uniform Fire Prevention and Building Code for work herein described. The applicant agrees to comply with all laws, ordinances, regulations and revisions of the municipality in which the Permit is requested.

Owner/Applicant – Name and Phone Number:

Michael and Laura McLoughlin

315-439-0540

Address of Proposed Work: 7619 Somerset Lane, Manlius, NY 13104

Contractor Name & Address & Phone Number: Amish Structures (315) 552-8583
8343 US-20, Manlius, NY 13104

Proposed Work: Shed

- | | | | |
|---------------------------|-------------------------------|---------------------|-----------------|
| 1. Addition _____ | 2. Alteration _____ | 3. Demolition _____ | 4. Garage _____ |
| 5. Shed <u>X</u> | 6. Deck _____ | 7. Pool _____ | 8. Sign _____ |
| 9. New Construction _____ | 10. Fireplace/Woodstove _____ | 11. Solar _____ | |
| 12. Renewal _____ | 13. Other _____ | | |

Construction Cost: \$ 3,500

Size of Project: 10 x 14 feet

Description of Project:

Blue shed in back corner of yard.

Residential - New Structure _____ **Existing Structure** _____

of Bedrooms _____ # of Bathrooms _____ # of Fireplaces _____

Total Square Feet w/o Garage _____ Garage Square Foot _____

Other _____

Description _____

16782@yahoo.com

Commercial – New Structure _____ Existing Structure _____

Name of Business: _____ Total Square Feet: _____

Description of Property: _____

All Plumbing and Sanitary systems to be inspected by Onondaga County Department of Health.
All Electrical systems will be inspected by a Third Party Electrical Inspector approved by the Town of Manlius.

I hereby agree that no building is to be occupied or used in whole or in part for any purpose what so ever until a Certificate of Occupancy or Compliance has been issued by the Code Enforcement Officer.

I hereby certify that the above information is true to the best of my knowledge. Permission is hereby granted to the Code Enforcement Officer or Authorized representative upon showing proper credentials to enter that above premises or buildings during reasonable working hours to discharge their duties.

Signature: Laura McLoughlin Date: 8/28/20

CODE ENFORCEMENT USE ONLY

Zoning: RA (F) 40 (R) 40 (S) 20 Flood Plain _____ Wetlands _____

Received By: \$ Receipt No.: 7181 Fee: \$ 75 Date: 8-31-20

Check #: 1311 Cash: _____ Credit Card: _____

Tax Map # 103.-03-24.0

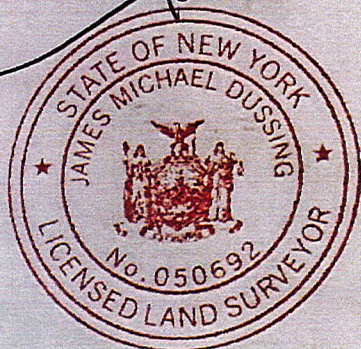
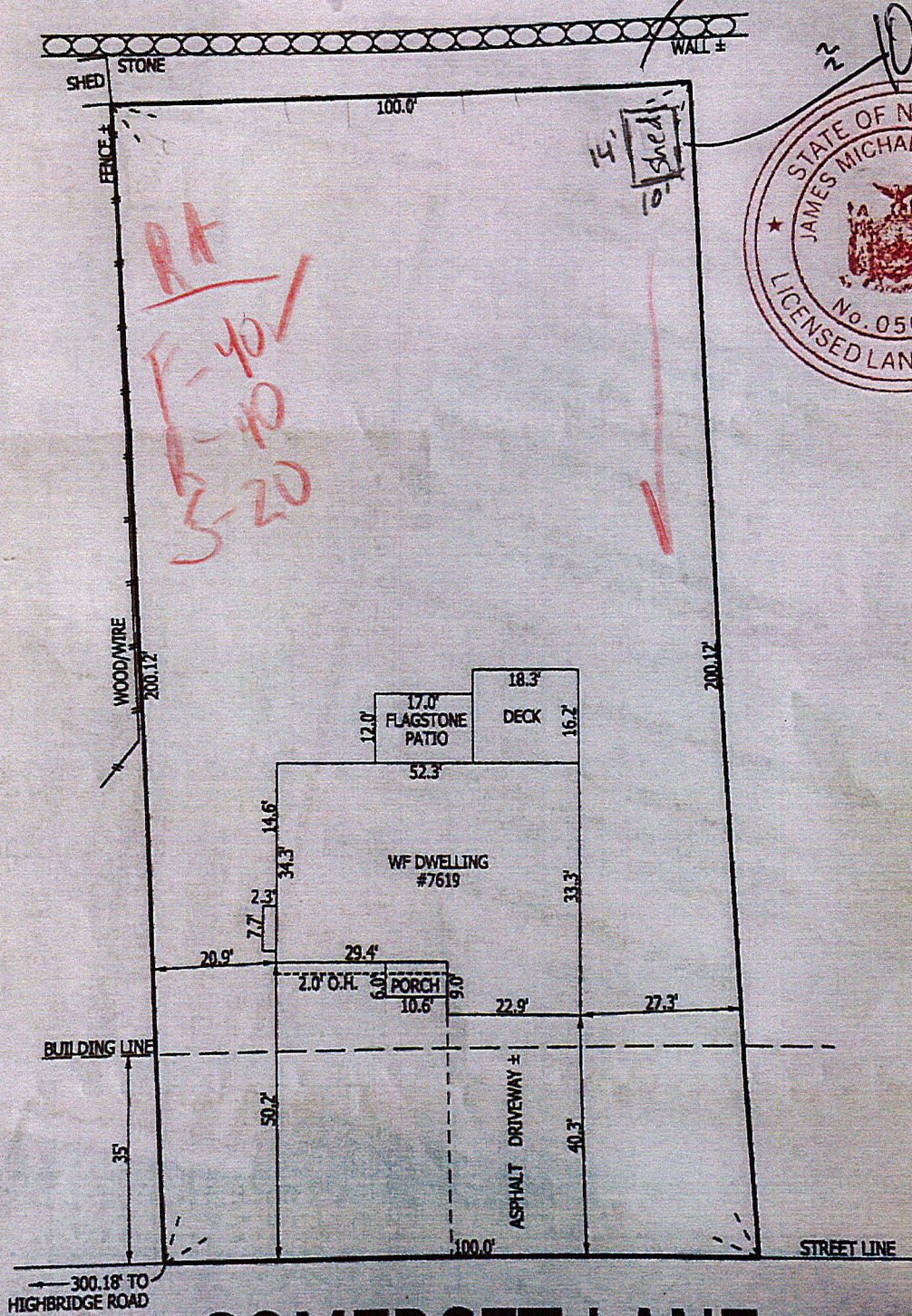
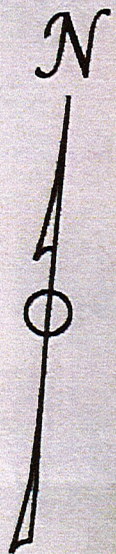
Building Permit Number: _____

Approved: _____ Disapproved: X Date: 8-31-20

Remarks:
RA-lean Zone Setback is 40'. Applicant has 10'. Needs 30' relief
-Side Zone Setback is 20'. Applicant has 10'. Needs 10' relief

Brendy Caprio
Signature of Code Enforcement Officer

NO ABSTRACT PROVIDED AT TIME OF SURVEY.
SUBJECT TO EASEMENTS, ROWS, RESTRICTIONS
& EXCEPTIONS OF RECORD WHICH AN UPDATED
ABSTRACT WOULD SHOW.



SOMERSET LANE

CERTIFIED TO	LOCATION SURVEY FOR: 7619 SOMERSET LANE		
	LOT: 32	TRACT: BERKSHIRE MANOR, SECTION NO. 2, AMENDED	
PROPERTY CORNERS NOT SET IN THIS SURVEY UNLESS SHOWN. OFFSETS FROM PROPERTY LINES MEASURED TO FOUNDATION WALLS UNLESS OTHERWISE INDICATED. THE UNDERSIGNED HEREBY CERTIFIES THAT THIS IS A CORRECT MAP MADE FROM AN ACTUAL SURVEY.	TOWN OF MANLIUS	COUNTY OF ONONDAGA	STATE OF NEW YORK
	DUSSING LAND SURVEYING, LLC		
	JAMES M. DUSSING SR. L.L.C. NO. 050692		DATE: 7/2/19
	SYRACUSE, NEW YORK		SCALE: 1" = 30'

7619 Somerset Lane



05/13/2020