

Agenda
Zoning Board of Appeals
January 21, 2021
6:30 PM

1. Virtual Meeting Instructions
2. Pledge Of Allegiance
3. Approval Of Minutes - October 15, 2020

Documents:

[10-15-20 Draft.pdf](#)

4. Gail & Steven Rich, 304 Homewood Dr., Fayetteville NY
will need 2 variances for a 10' X 12' shed.

Documents:

[304 Homewood Dr.pdf](#)

5. Jane Amico & Brian Macrae, 5506 Sandstone Way, Fayetteville NY
will need a variance for 36' X 18' pool.

Documents:

[5506 Sandstone Way.pdf](#)

6. Other Business
7. 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

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
October 15, 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:

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

Attendees: Mike McLoughlin

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 September 17, 2020 as submitted by Secretary Witzel and it was carried unanimously.

Legal Notices

Member Miller 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 Salamone to open the public hearing at 6:31 PM and it was carried unanimously.

Michael & Laura McLoughlin, 7619 Somerset Lane, Manlius NY (tax map # 103.-03-24.0) Public Hearing for an area variance for a 10' X 14' shed. Applicant will need two variances.

- **With an existing rear yard setback of 10' they will need a variance of 30' to meet the required 40'.**
- **With an existing side yard setback of 10' they will need a variance of 10'**

Mr. McLoughlin stated the reason for requesting a variance is so he can have a shed.

Chairman Kelly asked if the shed would have a 2nd floor because of the shape of the roof. Mr. McLoughlin answered no 2nd floor. Chairman Kelly asked what color the shed will be. Mr. McLoughlin answered it will be a blueish gray. Chairman Kelly asked if he had gotten any complaints from his neighbors concerning the placement of the shed. Mr. McLoughlin answered he had no comments from his neighbors.

Member T. Kelly made a motion, seconded by Member Salamone to close the public hearing at 6:36 PM and it was carried unanimously.

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, as the placement in the yard makes sense.
- 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, as there is room to move around the shed.
- 4) As to whether the Variance will have an adverse effect on physical or environmental conditions? The board answered no because the shed is like other sheds in the neighborhood.
- 5) Whether the alleged difficulty was self-created? The board answered yes because they want 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 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 the variances are for a 30' rear yard setback and a 10' side yard setback 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 Salamone made a motion, seconded by Member Miller, to grant Michael & Laura McLoughlin, 7619 Somerset Lane, Manlius NY (tax map # 103.-03-24.0) Public Hearing for an area variance for a 10' X 14' shed. Applicant will need two variances.

- With an existing rear yard setback of 10' they will need a variance of 30' to meet the required 40'.
- With an existing side yard setback of 10' they will need a variance of 10'

The Board voted as follows:

Chairman KP Kelly	Aye
Member T. Kelly	Aye

Member Miller	Aye
Member Salamone	Aye

The motion was carried.

Adjournment

With there being no other business, Member T. Kelly made a motion, seconded by Member Salamone, and carried unanimously, to end the meeting at 6:44 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals

TOWN OF MANLIUS -- ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: Dec 14, 2020

1. Property Address: 304 Homewood Dr, Fayetteville

Property Tax Map # 084-12-14.2

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

2. Owner of Property: Steven & Gail Rich

Owner's Address: 304 Homewood Dr

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

Owner's Phone #: 315 596-9033 Does Owners reside at property: Yes

Signature of Property Owner: Gail M Rich

3. Applicant / Representative / Attorney:

Name: _____ Company: _____

Address: _____

Phone: _____ E-Mail: _____

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: _____

Zoning Board Application

Gail & Steven Rich
304 Homewood Dr.
Tayetterville, NY 13066

Page 2 - Area Variances -
5 Criteria Questions

- 1) No
- 2) No
- 3) No
- 4) No
- 5) Yes

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 Nancy H Noonan, being duly sworn, deposes and says that (s) he is:
 (Notar,
Gail N. Rich
 (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: Dec 14, 2020

Date: _____, 20____

Gail N Rich
(Print Name of 1st Applicant)

(Print Name of 2nd Applicant)

Gail N Rich
(Signature of 1st Applicant)

(Signature of 2nd Applicant)

(Entity Name)

(Entity Name)

By (Officer) _____ (Title)

By (Officer) _____ (Title)

(Mailing Address of 1st Applicant)

(Mailing Address of 2nd Applicant)

(Telephone Number)

(Telephone Number)

ACKNOWLEDGEMENTS

STATE OF NEW YORK)

) SS:

COUNTY OF ONONDAGA)

On this 14 day of December in the year 2020, before me, the undersigned, a notary public in and for said state, personally appeared GAIL N RICH
(1st Applicants Name)

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

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.

Nancy H. Noonan
Notary Public

SEAL

Nancy H. Noonan
Notary Public, State of New York
Qualified in Onondaga County No. 01NO4887287
My Commission Expires May 18, 2023

304 Homewood Dr.



05/06/2020

Application for Everything except Single Family Homes and Commercial Projects - Submission #802

Date Submitted: 12/2/2020

Instructions After you submit the building permit application, you have three (3) business days to bring in the following: 1- Two (2) complete sets of plans 2- Building permit fee (which is based on the cost of the project or if it is a new single-family home, based on the square footage. Refer to the fee schedule on our webpage. 3- Survey of the property 4- Workers compensation form or BP-1 waiver form (either form can be e-mailed to lbeeman@townofmanlius.org) Failure to deliver the above paperwork to the Planning and Development Department within the three (3) business day deadline will make your application null and void. All paperwork must be submitted at one time, not separately. The application will not be reviewed until all necessary documents are received.

The shed was delivered pre-built to our house on Dec.1, 2020. We never realized we needed to apply for a building permit. Nothing was built as it was ready made so I was told by your department that a workers compensation form or BP-1 waiver form are not applicable to us.

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. I hereby agree to comply with all laws, ordinances, regulations and revisions of the municipality in which the permit is requested. **
☒ I agree

Owner/Applicant - Name *	Phone Number*
Gail/Steven Rich	315/637-5071

Address of Proposed Work*	Email Address*
304 Homewood Drive	gnoonanrich@yahoo.com

Contractor Name and Address *	Phone Number*
Backyard Outfitters/Sturdy Built Sheds, PO Box 97, East Amherst, NY 14061	615/807-1386

Proposed Work Type*
Shed

Description of Project*
Pre-built shed

Construction Costs*	Size of Project*
\$3,855.06	10 feet by 12 feet

I hereby certify that no building is to be occupied or used in whole or part for any purpose whatsoever 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 the above premises or buildings during reasonable working hours to discharge their duties.*
☒ I agree

CODE ENFORCEMENT USE ONLY

Zoning: R2 (F) 20 (R) 20 (S) 10 Flood Plain _____ Wetlands _____

Received By: JB Receipt No.: 8204 Fee: \$ ~~120~~ 75 Date: 12-2-20

Check #: — Cash: — Credit Card: X

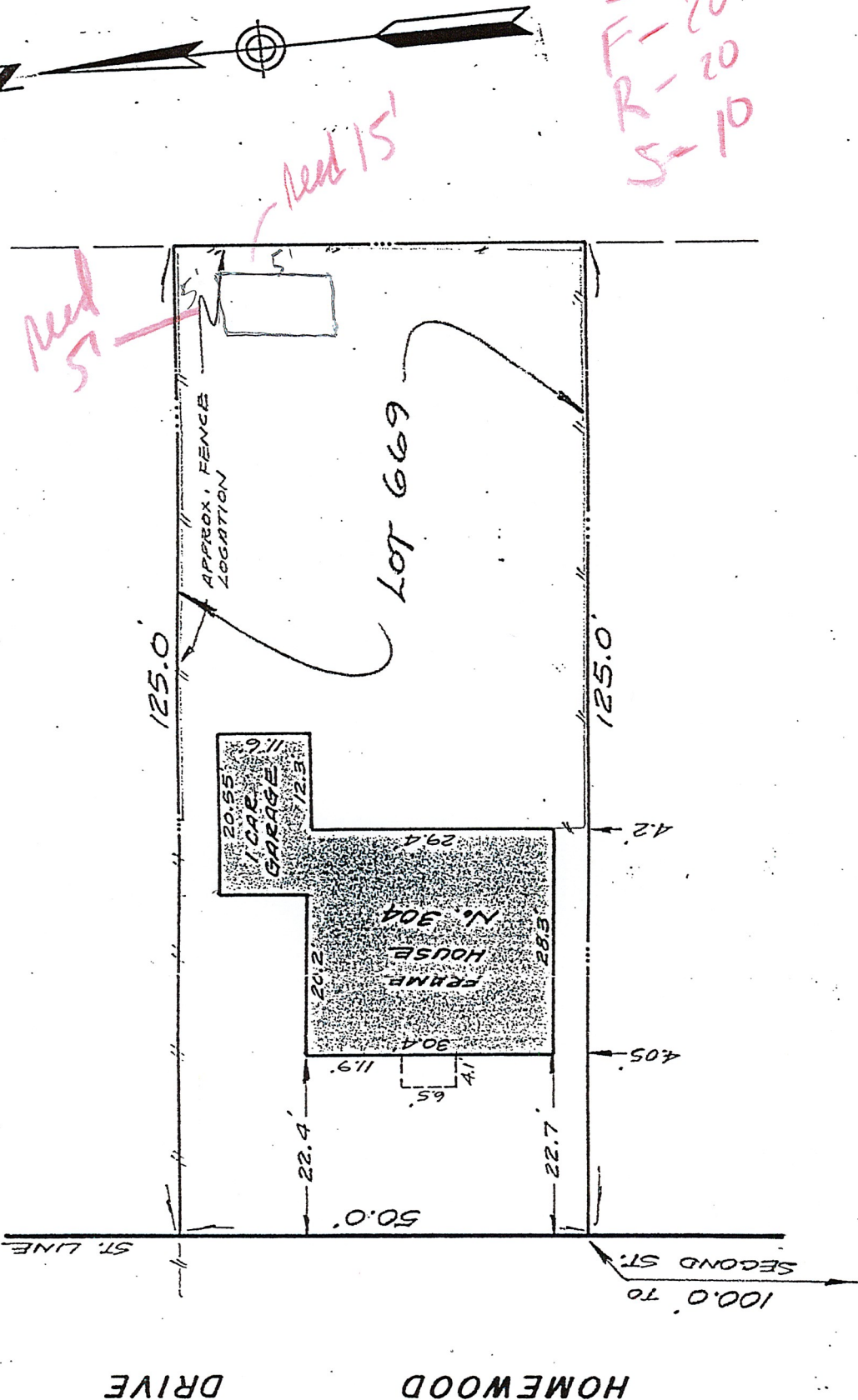
Tax Map # 084-12-14.2

Building Permit Number: _____

Approved: _____ Disapproved: X Date: 12-3-20

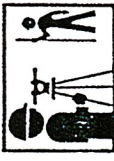
Remarks:
R-2 Zone; Need 20' in rear, they have 5', need 15' relief
Need 10' on side, have 5', need 5' on side

Randy Capiti
Signature of Code Enforcement Officer



LEHR

LAND SURVEYORS



LIVERPOOL, NEW YORK

I HEREBY CERTIFY THAT THIS IS AN
ACCURATE MAP MADE FROM AN ACTUAL SURVEY.

LICENSED LAND SURVEYOR

DOUGLAS R. LEHR

NYSLS 49223

Location survey on Lot #669 of the
Homewood Tract.

Known as No. 304 Homewood Drive,
Town of Manlius, County of Onondaga, N.Y.

DRAWN BY:	TWW	SCALE:	1"=20'	DATE:	24 Nov 1986
REVISIONS:					
DRAWING NO.					

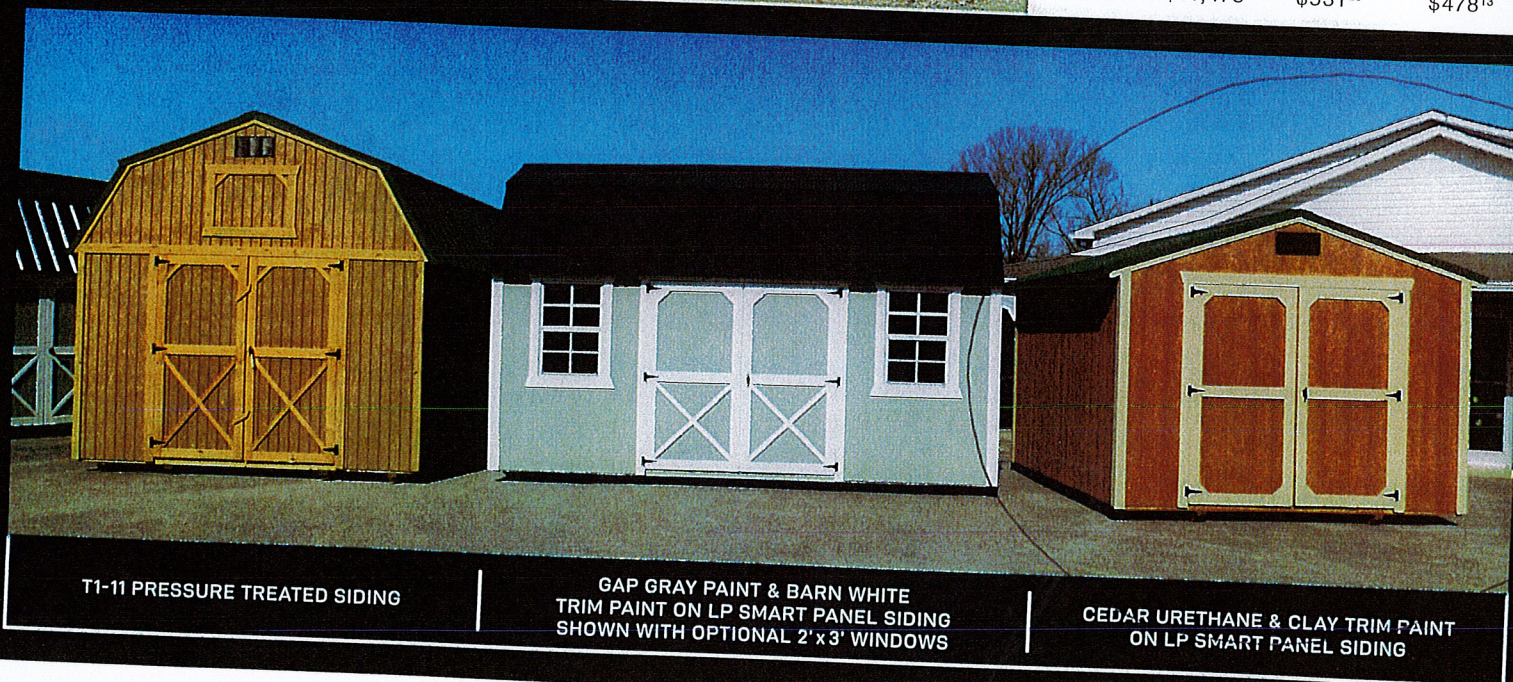
CEDAR URETHANE &
CLAY TRIM PAINT ON
LP SMART PANEL SIDING

BARN WHITE PAINT &
GAP GRAY TRIM PAINT ON
LP SMART PANEL SIDING

ENGINEER
CERTIFIED

10x10	\$2,695	\$124 ⁷⁷	\$112 ²⁹
10x12	\$2,825	\$130 ⁷⁹	\$117 ⁷¹
10x14	\$3,195	\$147 ⁹²	\$133 ¹³
10x16	\$3,375	\$156 ²⁵	\$140 ⁶³
10x20	\$4,195	\$194 ²¹	\$174 ⁷⁹
12x16	\$4,195	\$194 ²¹	\$174 ⁷⁹
12x20	\$4,775	\$221 ⁰⁶	\$198 ⁹⁶
12x24	\$5,475	\$253 ⁴⁷	\$228 ¹³
12x28	\$6,345	\$293 ⁷⁵	\$264 ³⁸
12x30	\$6,745	\$312 ²⁷	\$281 ⁰⁴
12x32	\$7,075	\$327 ⁵⁵	\$294 ⁷⁹
12x36	\$7,645	\$353 ⁹⁴	\$318 ⁵⁴
12x40	\$8,125	\$376 ¹⁶	\$338 ⁵⁴
14x24	\$7,475	\$346 ⁰⁶	\$311 ⁴⁶
14x28	\$8,345	\$386 ³⁴	\$347 ⁷¹
14x32	\$9,525	\$440 ⁹⁷	\$396 ⁸⁸
14x36	\$10,625	\$491 ⁹⁰	\$442 ⁷¹
14x40	\$11,475	\$531 ²⁵	\$478 ¹³

SHOWN WITH
8' TALL WALLS
& OPTIONAL
2'x3' WINDOWS



T1-11 PRESSURE TREATED SIDING

GAP GRAY PAINT & BARN WHITE
TRIM PAINT ON LP SMART PANEL SIDING
SHOWN WITH OPTIONAL 2'x3' WINDOWS

CEDAR URETHANE & CLAY TRIM PAINT
ON LP SMART PANEL SIDING

All prices are subject to change. Please visit one of our dealers for pricing in your area. | All 12' wide and over buildings are measured across the eaves due to DOT regulations (all others are measured from outside corners).
*Credit card price is 3% more.

TOWN OF MANLIUS - ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: 12-23-20

1. Property Address: 5506 Sandstone Way, Fayetteville, NY 13066

Property Tax Map # 089.-02-02.0

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

Construction of new residential pool 22'-9" from property line which encroaches 17'-3" into the 40' rear yard setback.

2. Owner of Property: Brian Macrae and Jane Amico

Owner's Address: 5506 Sandstone Way, Fayetteville, NY 13066

Owner's E-Mail: jamico@vipstructures.com

Owner's Phone #: 315.663.8821

Does Owners reside at property: Yes

Signature of Property Owner: Jane Amico

3. Applicant / Representative / Attorney:

Name: Jane Amico (owner)

Company: _____

Address: 5506 Sandstone Way, Fayetteville, NY 13066

Phone: 315.663.8821

E-Mail: jamico@vipstructures.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, Brian Macrae & Jane Amico, being duly sworn, deposes and says that (s) he is:
(Notary)

applicant & And Property owner
(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: Dec 28, 2020

BRIAN MACRAE
(Print Name of 1st Applicant)

[Signature]
(Signature of 1st Applicant)

(Entity Name)

By (Officer)

(Title)

5500 Sandstone Way
(Mailing Address of 1st Applicant)

Fayetteville, NY 13066

315-254-8138
(Telephone Number)

Date: Dec 28, 2020

JANE AMICO
(Print Name of 2nd Applicant)

[Signature]
(Signature of 2nd Applicant)

(Entity Name)

By (Officer)

(Title)

5500 Sandstone Way
(Mailing Address of 2nd Applicant)

Fayetteville, NY 13066

315-254-8138
(Telephone Number)

ACKNOWLEDGEMENTS

STATE OF NEW YORK)

) SS:

COUNTY OF ONONDAGA)

On this 29th day of December in the year 2020, before me, the undersigned, a notary public in and for said state, personally appeared Jane Amico

(1st Applicant's Name)

, and Brian Macrae personally known to me or proved to me on the basis

(2nd Applicant's Name)

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.

[Signature]
Notary Public

MERRITT S. LOCKE
Notary Public in the State of New York
No. 01LO5019553
Appointed in Oneida County
My Commission Expires October 25, 2021

SEAL

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:

Jane Amico, Brian Macrae 315.663.8821

Address of Proposed Work: 5506 Sandstone Way, Fayetteville, NY 13066

Contractor Name & Address & Phone Number: Cannon Pools and Spas
5210 W. Taft Road, North Syracuse, NY 13212 (315) 458-3150

Proposed Work: pool installation

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

Construction Cost: \$ \$18,000

Size of Project: 36' x 18' rectangular pool

Description of Project:

Project includes the installation of a 36' x 18' pool.

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

of Bedrooms _____ # of Bathrooms _____ # of Fireplaces _____

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

Other _____

Description _____

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: [Signature] Date: 12/7/2020

CODE ENFORCEMENT USE ONLY

Zoning: R1 (F) 40 (R) 40 (S) 20 Flood Plain _____ Wetlands _____

Received By: B Receipt No.: 8278 Fee: \$ 100 Date: 12/14/20

Check #: 4828 Cash: _____ Credit Card: _____

Tax Map # 089-02-02.0

Building Permit Number: _____

Approved: _____ Disapproved: X Date: 12/15/20

Remarks: Per Set back is 40' Applicant has 22' leads

18' to lot

[Signature]
Signature of Code Enforcement Officer

Amico Residence - ZBA

1. *Whether the benefit sought by the Applicant can be achieved by some other feasible method?*

No. The pool cannot be constructed outside of the 40' setback due to the existing house and deck location.

2. *Whether the Variance will result in an undesirable change in the character of the neighborhood?*

No. Proposed construction is in character with the surrounding neighborhood.

3. *Whether the requested variance is substantial?*

No. Requested variance is in character with the surrounding neighborhood.

4. *Whether the Variance will have an adverse effect on physical or environmental conditions?*

No. Green space is being maintained/ protected between the proposed pool and rear property line.

5. *Whether the alleged difficulty was self-created?*

No. The pool cannot be constructed outside of the 40' setback due to the existing house and deck location in relation to the property line.



Client: JANE AMICO
Contact: 5506 SANDSTONE WAY
PAYETTEVILLE, NY 13066

AMICO RESIDENCE
5506 SANDSTONE WAY, FAYETTEVILLE NY

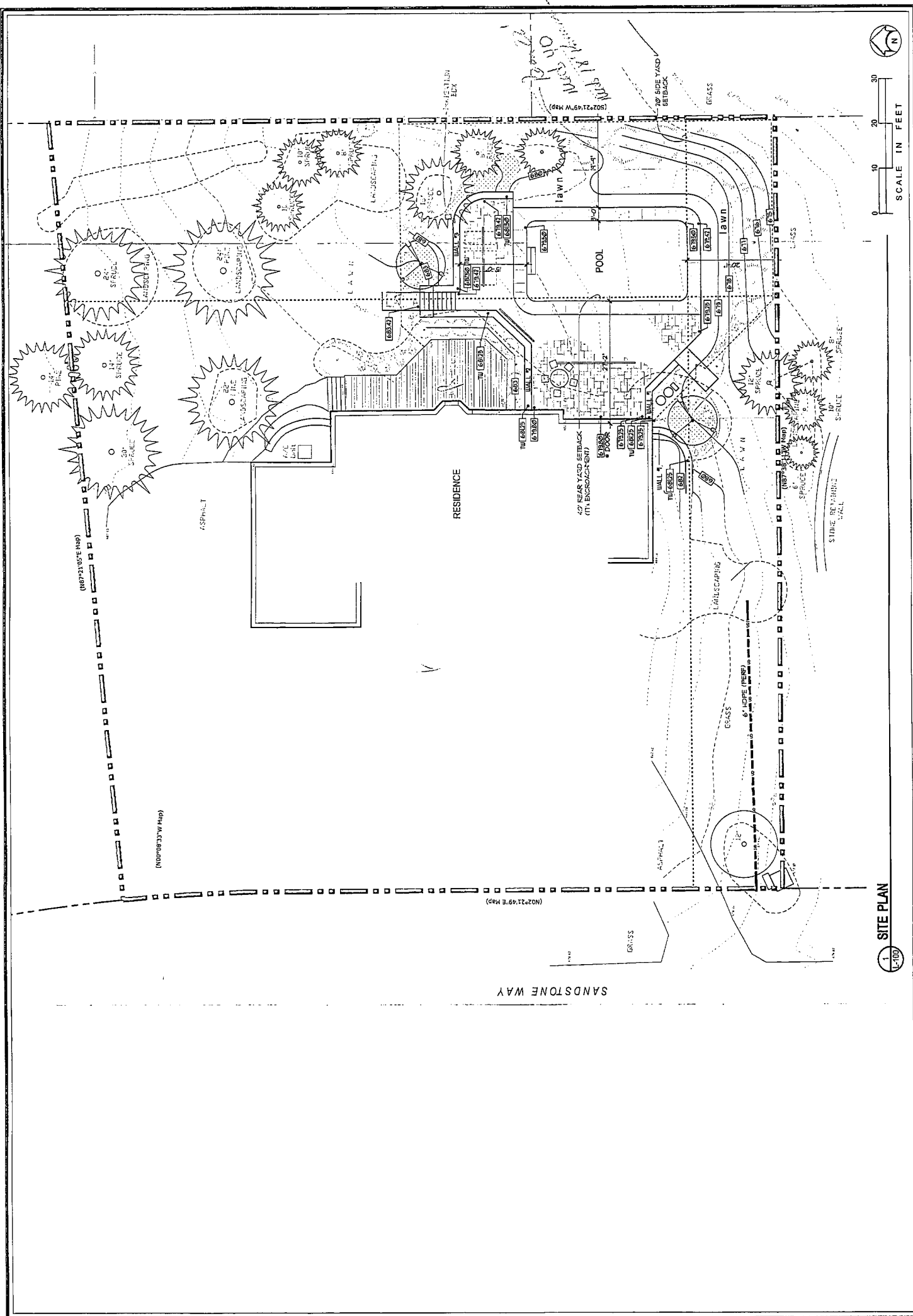
REVISIONS

P-1	40	20
F-1	40	1
S-2	40	1

Drawn By:	N.P.L.
Checked By:	S.L.F.
FA Proj. No.:	40088
Date:	DECEMBER 7, 2020
State:	AS NOTED

SITE PLAN

L-100



5506 Sandstone Way

