

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
June 17, 2021
6:30 PM**

The Town of Manlius, Zoning Board of Appeals assembled for a hybrid in person and virtual Zoom meeting with Chairperson Judy Salamone presiding and the following Board members present:

Member	Jim Campbell
Member	K P Kelly
Member	Clare Miller
Member	Tim Kelly
Secretary	Debi Witzel
Attorney	Jamie Sutphen

In Person Attendees: Allen & Betsy Naples, Ralph Whedon

Virtual Attendees: Ellen O'Connor, Pete Sochocki.

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

Minutes

Member KP Kelly made a motion, seconded by Member T. Kelly, to approve the minutes of May 20, 2021 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.

Allen Naples, 11 Meadow Dr., Fayetteville NY (tax map # 094.-02-01.0) requesting one area variance for the addition of a mudroom and garage, with an existing side yard setback 13' they will need a variance of 7' to meet the required 20' side yard setback.

Chairperson Salamone presented the application for Allen Naples for a 7-foot variance on his side yard for the construction of a mudroom and garage.

Allen Naples stated when the pool in yard collapsed, they had it filled in and decided to use the space to expand the existing garage to include a mudroom and a second one car garage. Mr. Naples stated he had spoken with his neighbors and all were in support of the project.

Member T. Kelly made a motion, seconded by Member Miller to open the public hearing at 6:37 PM and it was carried unanimously.

Member KP Kelly asked if the addition would match the house. Mr. Naples answered yes.

Member T. Kelly made a motion, seconded by Member Miller to close the public hearing at 6:43 PM and it was carried unanimously.

Board Questions

Chairperson Salamone 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, the project is reasonable and will match the house.
- 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 the closest neighbor is a distance away.
- 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, but the garage will be less intrusive than the pool was.

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 variance for 7-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:

SEQRA Review

Chairperson Salamone 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 KP Kelly made a motion, seconded by Member T. Kelly, to grant Alan Naples, 11 Meadow Dr., Fayetteville NY a side yard variance of 7' for the addition of a mudroom and one car garage.

The Board voted as follows:

Chairperson Salamone	Aye
Member T. Kelly	Aye
Member Campbell	Aye

Member Miller Aye
Member KP Kelly Aye

The motion was carried.

Ralph & Donna Whedon, Poolsbrook Rd., Kirkville NY (tax map # 058.-02-06.1) requesting two area variances for the construction of a 34' X 48' Pole Barn. With an existing rear yard setback of 20' they will need a variance of 20' to meet the required 40' rear yard setback. With the maximum code height being 17' they are requesting a variance of 3' bringing the total height to 20'.

Mr. Whedon stated he would like to build the pole barn to store his motor home and lawn mower and such. Mr. Whedon stated he is planning on two 12' doors for the barn.

Member Campbell made a motion, seconded by Member T. Kelly to open the public hearing at 6:45 PM and it was carried unanimously.

Chair Salamone asked what the color will be on the pole barn. Mr. Whedon stated it will be two tone brown, with dark wainscoting on the bottom and trim, and light on the upper portion.

Member Campbell asked what the siding will be made from. Mr. Whedon stated it will be metal with a metal roof and a concrete floor, and no electricity in the barn at this time.

Member KP Kelly asked about the doors and windows. Mr. Whedon stated the two 12' doors will be facing the street and one service door, and there will be four windows. Member KP Kelly asked if the neighbors are okay with the barn. Mr. Whedon stated he had heard from the neighbors that they received the notice from the town and all are okay with the project.

Member Kelly made a motion, seconded by Member Salamone to close the public hearing at 6:43 PM and it was carried unanimously.

Board Questions

Chairperson Salamone proceeded with the board through the five (5) criteria questions: this is for the rear yard setback of 20'.

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered no, because this way the barn will be positioned to line up with the existing driveway.
- 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, not for the area.
- 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.

Chairperson Salamone proceeded with the board through the five (5) criteria questions: this is for a 3' height variance.

- 1) Whether the benefit sought by the Applicant can be achieved by some other feasible method? The board answered no because he needs it tall enough to fit his mobile home.
- 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 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 for a 20' the rear yard and 3' for the height 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

Chairperson Salamone 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 Miller made a motion, seconded by Member T. Kelly, to grant Ralph & Donna Whedon, Poolsbrook Rd. (tax map # 058.-02-06.1) Kirkville NY a rear yard variance of 20 feet and a height variance of 3 feet to construct a 34' X 48' pole barn.

The Board voted as follows:

Chairperson Salamone	Aye
Member T. Kelly	Aye
Member Campbell	Aye
Member Miller	Aye
Member KP Kelly	Aye

The motion was carried.

Syracuse Construction for (Ellen & Patrick O'Connor), 7211 Mintwood Lane, Fayetteville NY (tax map # 093.-04-21.0) requesting an area variance for the construction of 30' X 15' garage. With an existing front yard setback of 30' they will need a variance of 10' to meet the required 40' front yard setback.

Pete Sochocki from Syracuse Lightscapes and Construction gave a description of the project stating they will need a 10-foot front yard variance to meet the code.

Member T. Kelly made a motion, seconded by Member Campbell to open the public hearing at 7:00 PM and it was carried unanimously.

Member KP Kelly explained the proposed building will include a one car garage with an attached pavilion. Member KP Kelly stated that part of the existing driveway will be replaced with grass.

Mr. Sochocki stated the area behind the garage will be used to house the utilities.

Mrs. O'Connor stated the portion of the garage that faces the road will have stone to match the house and a window.

Member T. Kelly made a motion, seconded by Member KP Kelly to close the public hearing at 7:04 PM and it was carried unanimously.

Board Questions

Chairperson Salamone 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 because without the variance they would be up against the house.
- 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 it will match the house and maintain the look of the neighborhood.
- 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 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 for 10 feet in the front yard facing Mintwood Lane 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

Chairperson Salamone 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 Miller made a motion, seconded by Member T. Kelly, to grant Ellen & Patrick O'Connor, 7211 Mintwood Lane, Fayetteville NY a front yard variance of 10' on the Mintwood Lane side of the house for the construction of a 30' X 15' garage.

Chairperson Salamone	Aye
Member T. Kelly	Aye
Member Campbell	Aye
Member Miller	Aye
Member KP Kelly	Aye

The motion was carried.

Other Business

Member T. Kelly asked what the status of the code officer is at this time. Clerk Witzel stated at this time there is a part-time code officer and engineer Doug Miller are covering.

Chair Salamone stated she will not be at the July meeting and member Tim Kelly will be filling in for her.

Adjournment

With there being no other business, Member Campbell made a motion, seconded by Member T. Kelly, and carried unanimously, to end the meeting at 7:10 PM

Respectfully submitted,
Debi Witzel, Secretary
Zoning Board of Appeals